

### PLANNING COMMISSION AGENDA MEETING OF FEBRUARY 15, 2024 Council Chamber, City Hall South, 1501 Truxtun Avenue Regular Meeting 05:30 P.M.

#### www.bakersfieldcity.us

#### 1. ROLL CALL

Zachary Bashirtash, Chair Daniel Cater, Vice-Chair Cassie Bittle Gurtarpreet Kaur Larry Koman Candace Neal Adam Strickland

#### 2. PLEDGE OF ALLEGIANCE

#### 3. PUBLIC STATEMENTS

- **a.** Agenda Item Public Statements
- **b.** Non-Agenda Item Public Statements

#### 4. CONSENT CALENDAR ITEMS

**a.** Approval of Planning Commission minutes of February 1, 2024. Staff recommends approval.

#### 5. CONSENT PUBLIC HEARINGS

- Ward 5

a. Extension of Time for Vesting Tentative Parcel Map 12251 (Phased): McIntosh & Associates requests an extension of time for Vesting Tentative Parcel Map 12251 consisting of 9 commercial parcels and one designated remainder on 32.01 acres generally located at the northeast corner of Old River Road and Panama Lane. Notice of Exemption on file.

Staff recommends approval.

Ward 7
 b. Planned Development Review No. 23-0251: DeWalt Corporation is requesting a Planned Development Review to allow the development of a car wash, convenience store with eight fuel pumps, and a fast-food restaurant on 6.51 acres in the C-2/PCD (General Commercial/Planned Commercial Development) zone district, located at the southeast corner of South 'H' Street and Hosking Avenue. Notice of Exemption on file.

Staff recommends approval.

#### 6. NON-CONSENT PUBLIC HEARINGS

a. Text Amendments to Bakersfield Municipal Code Title 17: The City of Bakersfield is proposing to add, delete, and amend various Chapters of the zoning ordinance primarily related to residential zoning and mixed-use zoning to address evolving community needs, enhancing housing options, and providing compatibility with the City's long-term development goals in support of the Bakersfield General Plan comprehensive update; specifically, the Housing Element.

Adopt Resolution and suggested findings approving text amendments to Bakersfield Municipal Code Title 17 and recommend the same to City Council.

- 7. REPORTS
  - a. League of California Cities: Report by Commissioner Larry Koman Receive and file.
  - **b.** TCC Grant: Report by Jason Cater, Economic and Community Development Manager Receive and file.

#### 8. COMMUNICATIONS

#### 9. COMMISSION COMMENTS

#### 10. ADJOURNMENT

Paul for

Paul Johnson Planning Director



**MEETING DATE:** February 15, 2024 **ITEM NUMBER:** Roll Call1.()

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Zachary Bashirtash, Chair Daniel Cater, Vice-Chair Cassie Bittle Gurtarpreet Kaur Larry Koman Candace Neal Adam Strickland

**APPLICANT:** 

OWNER:

LOCATION:

STAFF RECOMMENDATION:



**MEETING DATE:** February 15, 2024 **ITEM NUMBER:** Public Statements3.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

**SUBJECT:** Agenda Item Public Statements

**APPLICANT:** 

**OWNER:** 

LOCATION:

**STAFF RECOMMENDATION:** 



**MEETING DATE:** February 15, 2024 **ITEM NUMBER:** Public Statements3.(b.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Non-Agenda Item Public Statements

**APPLICANT:** 

**OWNER:** 

LOCATION:

**STAFF RECOMMENDATION:** 



#### MEETING DATE: February 15, 2024

**ITEM NUMBER:** Consent Calendar Items4.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:

Approval of Planning Commission minutes of February 1, 2024.

APPLICANT:

OWNER:

LOCATION:

#### STAFF RECOMMENDATION:

Staff recommends approval.

#### ATTACHMENTS:

Description PC 02/01/2024 Minutes Type Cover Memo



1.

2.

3.

4.

5.

## PLANNING COMMISSION MINUTES

Regular Meeting of February 1, 2024 – 5:30 p.m. Council Chambers, City Hall, 1501 Truxtun Avenue

	ACTION TAKEN
ROLL CALL	
Present: Chair Bashirtash, Vice-Chair Cater, Commissioners Bittle, Kaur, Koman, Neal, Strickland	
Absent: None	
Staff Present: Paul Johnson, DS Planning Director; Viridiana Gallardo- King, Deputy City Attorney II; Manpreet Behl, PW Civil Engineer IV; Martin Ledezma, DS Civil Engineer III; Susanna Kormendi, Civil Engineer II; Tony Jaquez, DS Principal Planner; Ashley Knight, DS Assistant Planner; Yazid Alawgarey, DS Assistant Planner; Ernie Medina, Fire Plans Examiner; Macy Iacopetti, DS Secretary I; Ana Solis, DS Secretary I	
PLEDGE OF ALLEGIANCE	
PUBLIC STATEMENTS	
a. Agenda Item Public Statements	
None.	
<b>b.</b> Non-Agenda Item Public Statements	
None.	
<u>CONSENT ITEMS</u>	
a. Approval of Minutes: Regular schedule Planning Commission meeting of January 18, 2024.	APPROVED
CONSENT PUBLIC HEARINGS	
a. Conditional Use Permit No. 23-581: Randy Hoffman, property owner, is requesting a conditional use permit to allow on-site alcohol sales at a new restaurant (BMC 17.24.040.a.16.) in a C-1 (Neighborhood Commercial) zone located at 9620 Hageman Road.	RES 02-24
	£

		ACTION TAKEN
	Public hearing opened and closed.	
	Motion by Vice-Chair Cater, seconded by Commissioner Bittle, to approve Consent Public Hearing Item 5.a. Motion approved.	APPROVED
6.	NON-CONSENT PUBLIC HEARINGS	
	a. Conditional Use Permit 23-0278: Swanson Engineering, applicant, is requesting a conditional use permit to allow the development of multi-family housing with 8 two-bedroom units and 8 one-bedroom units as part of a County approved apartment complex (BMC 17.22.040.2) on 0.46 acres zoned C-1 (Neighborhood Commercial) zone located at the southwest corner of Alta Vista Drive and Goodman Street.	RES 03-24
	Assistant Planner Ashley Knight provided the staff report. Public hearing was opened. One person spoke in favor. No speakers in opposition. No one spoke in rebuttal. Public hearing closed. Planning Commission deliberated. Motion by Commissioner Strickland, seconded by Commissioner Neal, to approve Non-Consent Public Hearing Item 6.a. incorporating conditions 3.b.2 related to wrought iron fencing and 3.b.3. requiring landscaping for screening. Motion approved.	APPROVED
7.	<u>REPORTS</u>	
	<b>a.</b> Presentation by David Lyman, Manager of Visit Bakersfield.	<b>RECEIVE &amp; FILE</b>
8.	COMMUNICATIONS	
	a. Planning Director Johnson announced the next regularly scheduled Planning Commission meeting will be on February 15, 2024 and a special meeting on February 29, 2024 remains tentative.	
9.	COMMISSION COMMENTS	
	a. Commissioner Strickland asked if there would be any additional stakeholder meetings on the proposed Title 17 updates between now and the February 15, 2024 Planning Commission meeting. Planning Director Johnson stated that two stakeholder meetings were conducted in the past two weeks and another stakeholder meeting was being contemplated but the date was uncertain.	

### ACTION TAKEN

#### 10. ADJOURNMENT

There being no further business, Chair Bashirtash adjourned the meeting at 7:23 p.m.

Ana Solis Recording Secretary

Paul Johnson Planning Director

S:\01\_Planning Commission\PC\Minutes\2024\02.01 draft.docx



MEETING DATE: February 15, 2024

**ITEM NUMBER:** Consent Public Hearings5.(a.)

TO: Chair and Members of the Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Noeli Topete, Assistant Planner

DATE:

WARD: Ward 5

#### SUBJECT:

**Extension of Time for Vesting Tentative Parcel Map 12251 (Phased):** McIntosh & Associates requests an extension of time for Vesting Tentative Parcel Map 12251 consisting of 9 commercial parcels and one designated remainder on 32.01 acres generally located at the northeast corner of Old River Road and Panama Lane. Notice of Exemption on file.

APPLICANT: McIntosh & Associates

**OWNER:** Daryl C. Nicholson

**LOCATION:** Generally located at the northeast corner of Old River Road and Panama Lane in southwest Bakersfield.

#### **STAFF RECOMMENDATION:**

Staff recommends approval.

#### ATTACHMENTS:

Description
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- Staff Report
- Map Set
- Notice of Exemption
- Resolution

Туре

Staff Report Backup Material Backup Material Cover Memo



## CITY OF BAKERSFIELD PLANNING COMMISSION

MEETING DATE: February 15, 2024 AGENDA: 5.a.

**TO:** Chair Bashirtash and Members of the Planning Commission

FROM: Paul Johnson, Planning Director J.Eng for PJ

**DATE:** February 9, 2024

FILE: Extension of Time Vesting Tentative Parcel Map 12251 (Phased)

**WARD:** 5

**STAFF PLANNER:** Noeli Topete, Assistant Planner

**REQUEST:** Three-year extension of time for Vesting Tentative Parcel Map 12251 that allowed 9 commercial parcels and a designated remainder on 32.01 acres.

APPLICANT:

McIntosh & Associates P.O. Box 21687 Bakersfield, CA 93390 **OWNER:** 

Daryl C. Nicholson 2101 San Gabriel Ave Clovis, CA 93611

LOCATION: Northeast corner of Old River Road and Panama Lane in southwest Bakersfield.

**APN:** 545-020-13

**PROJECT SIZE:** 32.01 acres

CEQA: Section 15060(c)(3) (Review for Exemption)

**EXISTING GENERAL PLAN DESIGNATION:** LMR (Low Medium Density Residential) and GC (General Commercial)

**EXISTING ZONE CLASSIFICATION:** R-2 (Limited Multiple Family Dwelling Zone) and C-2/PCD (Regional Commercial/Planned Commercial Development)

**STAFF RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** extension of time for Vesting Tentative Parcel Map 12251 to expire on January 4, 2027.

**SITE CHARACTERISTICS:** The project site is largely vacant except for a gas station and convenience store occupying the southwest corner of the site. Surrounding properties are developed as: *north* – single-family homes; *east* – single-family homes and a self-storage business; *south* – undeveloped single-family residential land; and *west* – undeveloped single-family residential land and a pharmacy.

#### BACKGROUND AND TIMELINE:

- July 31, 1991 City Council approved a change in the zone district to A-20A (Agriculture 20-acre minimum) upon annexation from the County of Kern to the City (Ordinance No. 3384)
- August 11, 1992 Buena Vista No. 5 was annexed to the City Of Bakersfield. This project site was included as a portion of this annexation area (Annexation 355).
- May 26, 1993 City Council approved a change in the zone district from A-20A (Agriculture 20-acre minimum) to R-1 (One Family Dwelling) for the northern half of VTPM 12251 (Ordinance No. 3534).
- July 28, 1993 City Council approved a change in the zone district from A-20A (Agriculture 20-acre minimum) to R-1 (One Family Dwelling) for the southern half of VTPM 12251 (Ordinance No. 3549).
- March 7, 2012 City Council approved a change in the zone district from R-1 (One Family Dwelling) to C-2/PCD (Regional Commercial/Planned Commercial Development) on 20.47 acres along Panama Lane (Ordinance No. 4661).
- January 4, 2018 The Bakersfield Planning Commission approved Vesting Tentative Parcel Map (VTPM) 12251 which was scheduled to expire on January 3, 2021. At that time, the Planning Commission also adopted a negative declaration (PC Resolution No. 05-18).
- September 9, 2020 City Council approved GPA/ZC 19-0184 and the mitigated negative declaration which changed the land use entitlements to a low medium density residential designation with corresponding R-2 (Limited Multiple Family Dwelling) zoning on the northern portion of VTTM 12251 (Ordinance No. 5019).
- February 4, 2021 Planning Commission approved PCD No. 20-0281 which proposed the development of a 118,755-square-foot regional commercial center on approximately 12.56 acres in the C-2/PCD (Regional Commercial/Planned Commercial Development Zone) district. The regional commercial center consists of multi-tenant retail space, grocery store, gym, and restaurant space. These uses are permitted "by-right" in the C-2 zone; however, when combined with the PCD zone, an additional level of review was provided to your Commission (PC Resolution No. 08-21).
- March 4, 2021 The Bakersfield Planning Commission approved a three-year extension of time for VTPM 12551 to expire on January 3, 2024 (Resolution No. 13-21).
- June 17, 2021 Vesting Tentative Tract Map 7381 overlays the designated remainder of VTPM 12251. The Bakersfield Planning Commission approved Vesting Tentative Tract Map (VTTM) 7381 for multiple family residences. VTTM 7381 is scheduled to expire on June 16, 2024. The Planning Commission also adopted a negative declaration (PC Resolution No. 31-21).
- January 3, 2024- The applicant submitted a completed application requesting an extension of time for VTPM 12251.

#### **PROJECT ANALYSIS:**

The proposed Vesting Tentative Parcel Map 12251 consists of 9 commercial parcels and a designated remainder on 32.01 acres. The commercial parcels range in size from 0.79 acres to 3.04 acres. The proposed map consists of 9 phases for financing reasons as well as meeting the current market demands. In June 2021, VTTM 7381, which overlays the designated remainder of VTPM 12251, was approved by the Bakersfield Planning Commission. VTTM 7381 proposes 58 duplexes on 58 lots, totaling 116 dwelling units.

**Extension of Time.** The applicant is requesting a three-year extension to allow additional time to record final maps. One phase of this map has recorded consisting of one commercial parcel on 2.32 acres. The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Historically, City policy has been to approve

extensions of time in two (2), three-year intervals. The applicant requested the extension of time in writing prior to the January 3, 2024, expiration date. This request represents the last request for an extension of time for VTPM No.12251.

**Circulation.** Access to this subdivision would be from Old River Road (arterial) on the subdivision's west boundary and from Panama Lane (arterial) on the south.

**Compliance with Standards.** The proposed project, subject to the original conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

#### ENVIRONMENTAL REVIEW AND DETERMINATION:

The extension of time request is not subject to the provisions of the California Environmental Quality Act ("CEQA") in accordance with Section 15060(c)(3) because the activity [extension of time] is not a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.

#### PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law.

**Comments Received.** As of this writing, no written public comments have been received.

#### **CONCLUSIONS:**

**Recommendation.** The applicant provided the application for the Extension of Time in a timely manner and the request adheres to the extensions permitted by Bakersfield Municipal Code 16.16.080. The requested three-year extension will allow the developer additional time to record the final map. Based on information in the record, Staff recommends your Commission adopt the Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Parcel Map 12251 to expire on January 3, 2027, with no changes to previously approved conditions of approval.

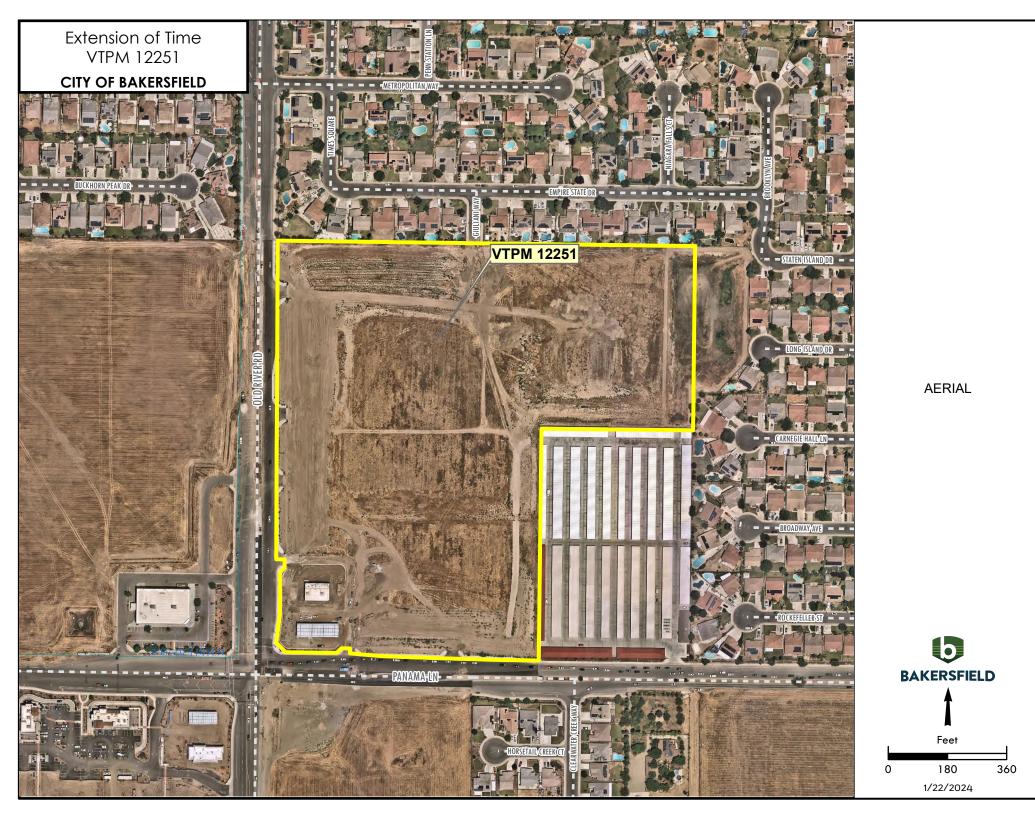
#### **ATTACHMENTS:**

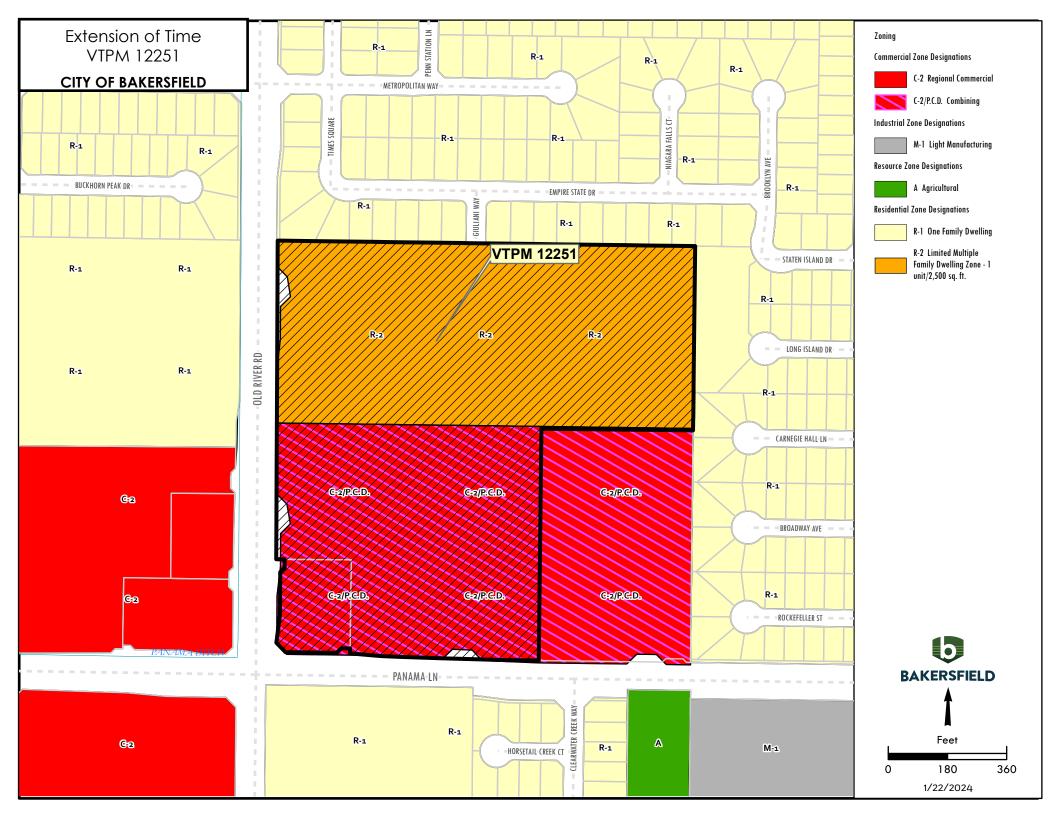
Map Set

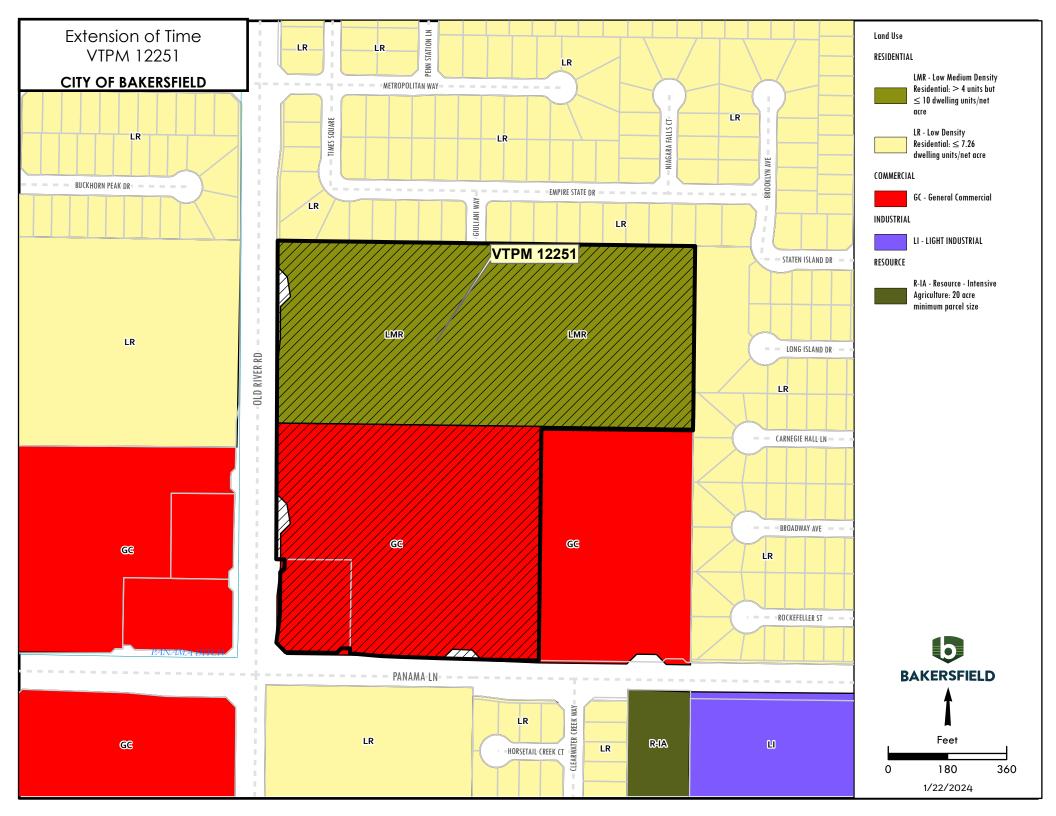
- Aerial
- Zone Classification
- General Plan Designation
- VTPM 12251 (plat)

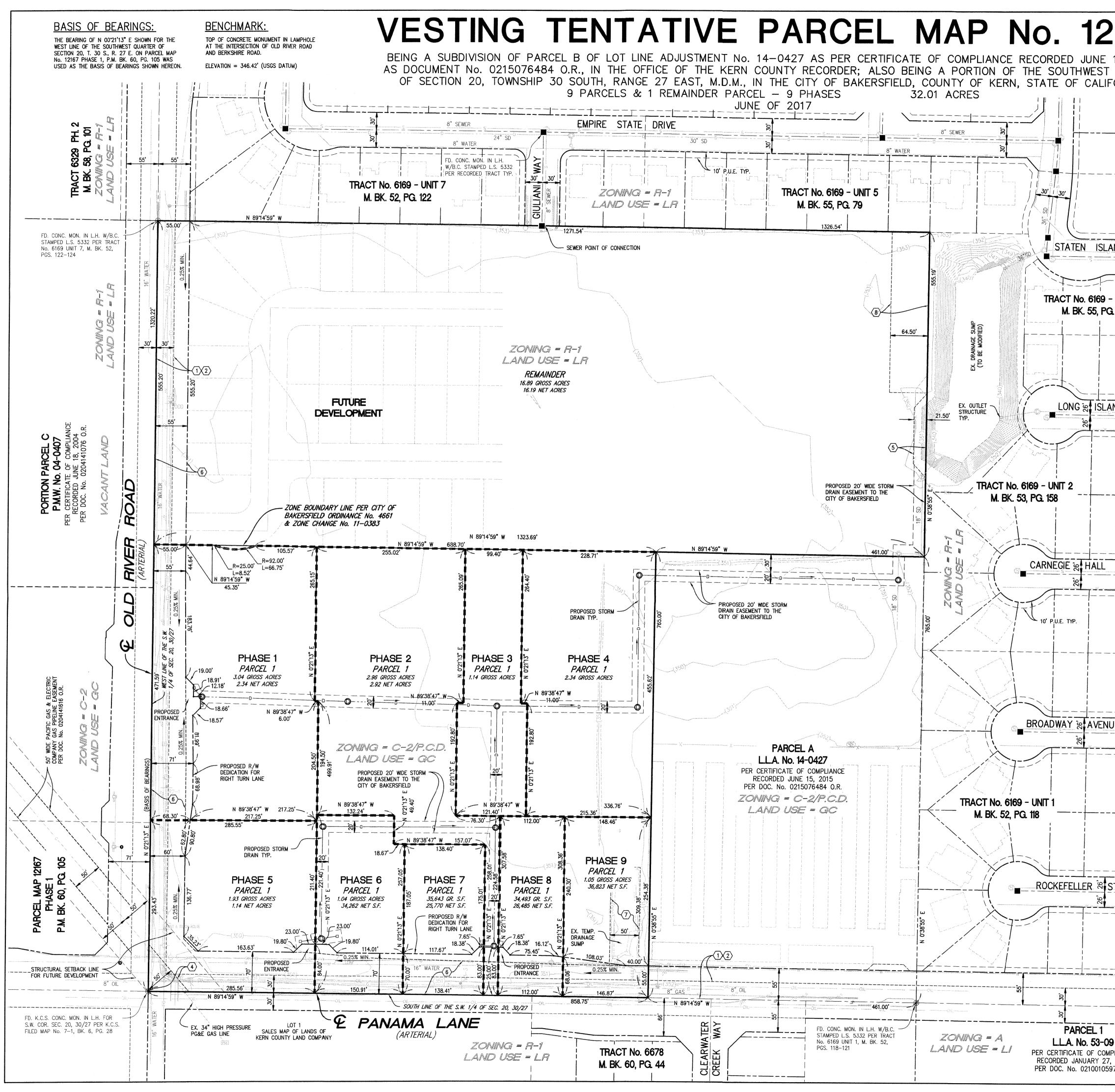
Notice of Exemption Planning Commission Draft Resolution

# MAP SET









251	ZONING LEGEND:	
15, 2015	C-2 = REGIONAL COMMERCIAL ZONE P.C.D. = PLANNED COMMERCIAL DEVELOPMENT ZONE R-1 = ONE FAMILY DWELLING ZONE T. 30 S., R. T. 10 S. T. 10 S.	
QUARTER FORNIA.	$A = AGRICULTURAL \qquad \qquad$	
	LAND USE LEGEND:	
	GC     = GENERAL COMMERCIAL       LR     = LOW DENSITY RESIDENTIAL       LI     = LIGHT INDUSTRIAL	
	OWNER(S)/SUBDIVIDER: PROJECT	
	DARYL C. NICHOLSON, TRUSTEE OF THE DARYL C. NICHOLSON AND VICTORIA M. NICHOLSON TRUST AGREEMENT DATED OCTOBER 1, 1990	SS
	THE NICHOLSON GROUP 26914 AVENUE 140 PORTERVILLE, CA 93257	
	PHONE: 559-333-0611 CONTACT: DARYL NICHOLSON	<b>7</b> 8
	ENGINEER	
	24' MCINTOSH & ASSOCIATES 2001 WHEELAN COURT	₹Т 93309 -020 37/17
8" SEWER	BAKERSFIELD, CA 93309 PHONE: $661-834-4814$ CONTACT: ROGER A. MCINTOSH * $*$ $*$	
- UNIT 3	ROGER A. MCINTOSH VDATE CIVIL OF CALIFORNIA	HEELAN COUR CALIFORNIA 834 - 4814 Job No: 17-
<b></b>	EXP. 06-30-18	2001 WHI RSFIELD, (661) 8 MEN
	TOPOGRAPHY LEGEND:         ◎       FOUND MONUMENT AS DESCRIBED         ○       FOUND MONUMENT AS DESCRIBED	AKE awn By
	-O-       EXISTING POWER POLE	
	E EXISTING ELECTRICAL METER EXISTING FIBER OPTIC LINE	
AND DRIVE	EXISTING TRAFFIC SIGN EXISTING GAS LINE EXISTING STREET LIGHT EXISTING O.H. ELECTRICAL LINE(S)	
	EXISTING WATER VALVE EXISTING OIL LINE EXISTING FIRE HYDRANT EXISTING UTILITY TRENCH	
	EXISTING WHARF HYDRANT EXISTING EDGE OF PAVEMENT	
	EXISTING STORM DRAIN MANHOLE EXISTING WOOD FENCE	
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	EASEMENT LEGEND: TYP. TYPICAL I.P. IRON PIPE FD. FOUND P.M. PARCEL MAP	
	ROAD AND HIGHWAY PURPOSES PER SALES MAP OF LANDS OF       P.U.E. PUBLIC UTILITY EASEMENT       PG.       PAGE         KERN COUNTY LAND COMPANY FILED MAY 28, 1982.       MON. MONUMENT       O.R. OFFICIAL RECORDS         No.       NUMBER       GR.       GROSS	ONS S . REQUEST
(2	AN EASEMENT IN FAVOR OF THE COUNTY OF KERN FOR PUBLIC PH. PHASE PH. PHASE ROAD PURPOSES BY ORDER OF THE BOARD OF SUPERVISORS OF L.H. LAMPHOLE S.F. SQUARE FEET KERN COUNTY MADE ON DECEMBER 10, 1892 AND ENTERED IN L.H. LAMPHOLE S.F. SQUARE FEET BOOK 5, PAGE 579 OF THE MINUTE BOOKS.	REVISIC 1 PER C.O.B.
	AN EASEMENT IN FAVOR OF KERN COUNTY LAND COMPANY FOR INCIDENTAL PURPOSES RECORDED JANUARY 19, 1912 IN BOOK 225, PAGE 99 OF DEEDS. (THE EXACT LOCATION IS NOT ASCERTAINABLE FROM RECORD) STATISTICAL INFORMATION: APN: 497-010-94	VS PER C.( PH1, PAR
(4)	AN EASEMENT IN FAVOR OF PACIFIC GAS & ELECTRIC COMPANY FOR       PROPOSED USE: VACANT         PIPELINE PURPOSES RECORDED MAY 12, 1953 IN BOOK 2079, PAGE       PROPOSED USE: COMMERCIAL AND FUTURE RESIDENTIAL	- KEVISIO
5	547 OF OFFICIAL RECORDS. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED SEPTEMBER 16, 2015 AS DOC. No. 0215129232 OF OFFICIAL RECORDS. GENERAL PLAN DESIGNATION: LR & GC ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY GAS: PACIFIC GAS & ELECTRIC COMPANY PHONE: A.T.&T.	DATE 11/02/17 11/22/17
(6	AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR STREET RIGHT-OF-WAY PURPOSES RECORDED MAY 26, 2015 AS DOC. No. 0215065495 OF OFFICIAL RECORDS.	
UE (7)	AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR TEMPORARY FLOWAGE AND DRAINAGE PURPOSES RECORDED JUNE 10, 2015 AS DOC. No. 0215074112 OF OFFICIAL RECORDS.	
(8)	(TO BE VACATED WITH THE RECORDATION OF THE FINAL MAP) AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND A CALL AND A RUENA VISTA SCHOOL DISTRICT	
	AND DRAINAGE PURPOSES RECORDED JUNE 10, 2015 AS DOC. No. 0215074113 OF OFFICIAL RECORDS. HIGH SCHOOL: KERN HIGH SCHOOL DISTRICT - INDEPENDENCE HIGH SCHOOL DISTRICT	ER ROAD
	<u>GENERAL NOTES:</u> all road improvements and drainage in this subdivision shall be in accordance with the requirements established by the city of bakersfield, terminal sump	122 IV
	LOCATED EAST OF THE EASTERLY OF THE BOUNDARY OF THIS SUBDIVISION. EXISTING SUMP SHALL BE MODIFIED TO CONTAIN THIS SUBDIVISIONS STORM WATER. (LEGAL DESCRIPTION: LOT 67 OF TRACT No. 6169 – UNIT 2)	GROU GROU VTA NO.
	IT IS ANTICIPATED THAT THE GRADING OF THIS SUBDIVISION WILL BE WITHIN THE AMOUNTS OUTLINED WITH SECTION 16.16030(0) OF THE MUNICIPAL CODE.	
STREET	ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.	THE NICHC TO PANAM STING CEL M
	THERE ARE NO EXISTING STRUCTURES WITHIN THE BOUNDARIES OF THIS MAP. THIS MAP IS BASED UPON RECORD INFORMATION.	VES PARC
	THIS MAP WILL BE RECORDED IN PHASES. THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES AND DOES NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.	NE
	ON SITE ACCESS, CROSS PARKING, UTILITIES, & DRAINAGE WITHIN COMMERCIAL AREA SHALL BE PROVIDED THROUGH C.C.&R's. THIS PARCEL MAP SHALL FOLLOW THE "COMPLETE STREETS" POLICY PER RESOLUTION 035–13.	17020TP01
	ALL OBSTRUCTIONS SHALL BE REMOVED AND/OR RELOCATED WITHIN EXISTING OR PROPOSED RIGHT-OF-WAYS.	AutoCAD FILE:
	SEWER CONNECTION POINT SHOWN ON MAP AT GIULIANI WAY IS PRELIMINARY AND PENDING FINAL DESIGN OF SITE; OPTIONAL SEWER CONNECTION POINT IN PANAMA LANE, 400' WEST OF OLD RIVER ROAD.	
	FLOOD ZONE: THIS SITE IS IN A FEMA FLOOD ZONE "X" AS	SHEETS
9	SHOWN ON FIRM MAP No. 06029C2300E, DATED SEPTEMBER 26, 2008. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.	
IPLIANCE 7, 2010 97 O.R.	PROPOSED ACCESS TO PARCELS: ACCESS TO FACH PARCEL WILL BE PROVIDED BY PUBLIC POADS AS SHOWN	
	ACCESS TO EACH PARCEL WILL BE PROVIDED BY PUBLIC ROADS AS SHOWN ON THIS MAP, PANAMA LANE, OLD RIVER ROAD AND GIULIANI WAY.	ů.

## NOTICE OF EXEMPTION

TO: \_ Office of Planning and Research PO Box 3044, 1400 Tenth Street, Room 222 Sacramento, CA 95812-3044 FROM: City of Bakersfield Planning Division 1715 Chester Avenue Bakersfield, CA 93301

X County Clerk County of Kern 1115 Truxtun Avenue Bakersfield, CA 93301

Project Title: Extension of Time for Vesting Tentative Parcel Map 12251 (Phased)

Project Location-Specific: Northeast corner of Panama Land and Old River Road

Project Location-City: Bakersfield Project Location-County: Kern

**Description of Project:** An extension of time for Vesting Tentative Parcel Map 12251 consisting of 9 commercial parcels in a C-2/PCD (Regional Commercial/Planned Commercial Development) zone and one designated remainder in an R-2 (Limited Multiple Family Dwelling) zone on 32.01 acres.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: McIntosh & Associates

#### Exempt Status:

- \_\_\_\_ Ministerial (Sec.21080(b)(1); 15268));
- \_\_\_ Declared Emergency (Sec.21080(b)(3); 15269(a));
- \_\_\_ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- \_ Categorical Exemption. State type and section number.
- \_\_\_\_ Statutory Exemptions. State section number. \_
- **X** Project is exempt from CEQA pursuant to Section15060(c)(3), <u>Review for</u> <u>Exemption</u>

Reason why project is exempt: <u>Project will not affect the environment.</u>

Lead Agency: Contact Person: <u>Noeli Topete</u> Telephone/Ext.: <u>661-326-3165</u>

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project? Yes\_ No\_

Signature:	Title:	Assistant Planner	Date:	January 23, 2024
Х	Signed by Lead Agency	Date receive	d for filing	at OPR:
			Ũ	

#### RESOLUTION NO.

DRAFT

#### RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE AN EXTENSION OF TIME FOR VESTING TENTATIVE PARCEL MAP 12251 LOCATED IN THE NORTHEAST CORNER OF OLD RIVER ROAD AND PANAMA LANE

**WHEREAS**, McIntosh & Associates representing Daryl C. Nicholson, filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Parcel Map 12251 (the "Project") located in the City of Bakersfield as shown on attached (Exhibit "A"); and

**WHEREAS**, the application was submitted on January 3, 2024, which is prior to the expiration date of Vesting Tentative Parcel Map 12251, and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

**WHEREAS**, the original application of the tentative map was deemed complete on December 17, 2017, conditionally approved by the Planning Commission on January 4, 2018; and

**WHEREAS**, a mitigated negative declaration was previously approved by the Planning Commission on March 7, 2012, for General Plan Amendment/Zone Change (GPA/ZC) No. 11-0383; and

**WHEREAS**, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

**WHEREAS**, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section15061(c)(3), Review for Exemption; and

**WHEREAS**, the Secretary of the Planning Commission set, Thursday, February 15, 2024, at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

**WHEREAS**, the facts presented in the staff report, environmental review evidence received both in writing, and the verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

- 2. The provisions of the CEQA have been followed.
- 3. Pursuant to State CEQA Guidelines Section 15061 (c)(3), the activity (extension of time) is not considered a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.
- 4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

**NOW, THEREFORE**, **BE IT RESOLVED** by the Planning Commission of the City of Bakersfield as follows:

- 1. The above recitals, incorporated herein, are true and correct.
- 2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section15061(c)(3), Review for Exemption.
- 3. The expiration date of Vesting Tentative Parcel Map 12251 is hereby extended until January 3, 2027.

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**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on February 15, 2024, on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, by the following vote.

AYES:

NOES:

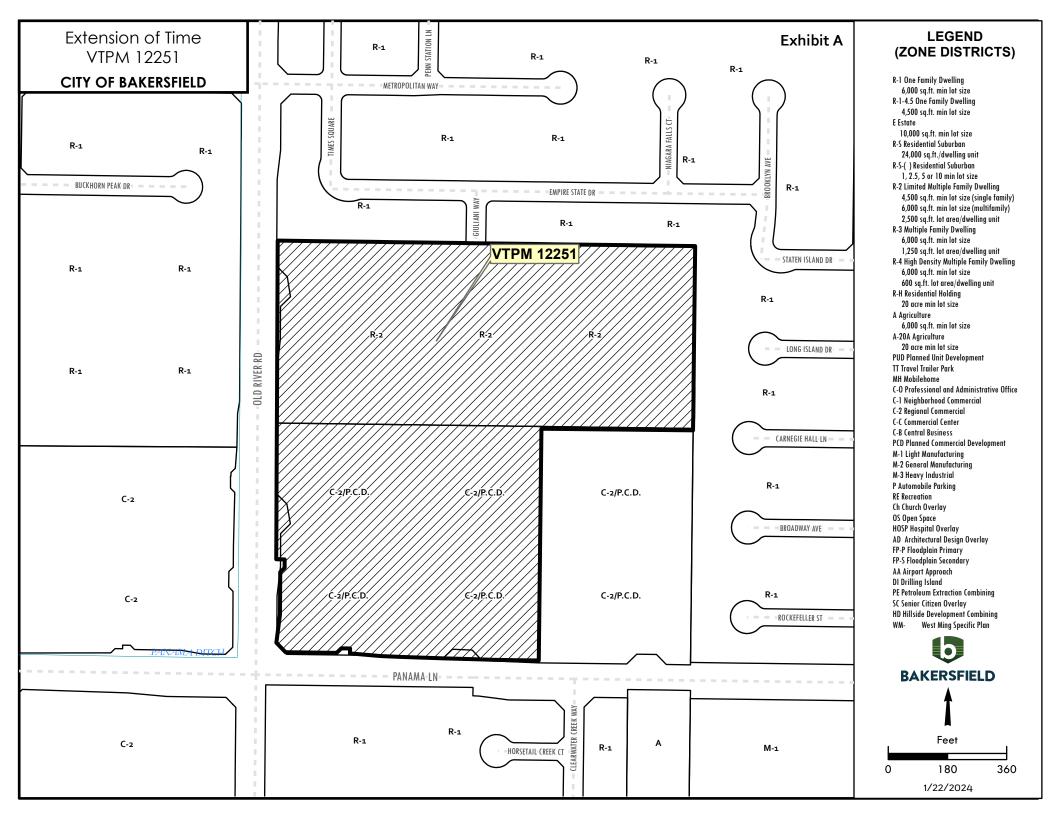
ABSENT:

APPROVED

ZACHARY BASHIRTASH, CHAIR City of Bakersfield Planning Commission

Exhibits:

- A. Location Map with Zoning
- B. Vesting Tentative Tract Map



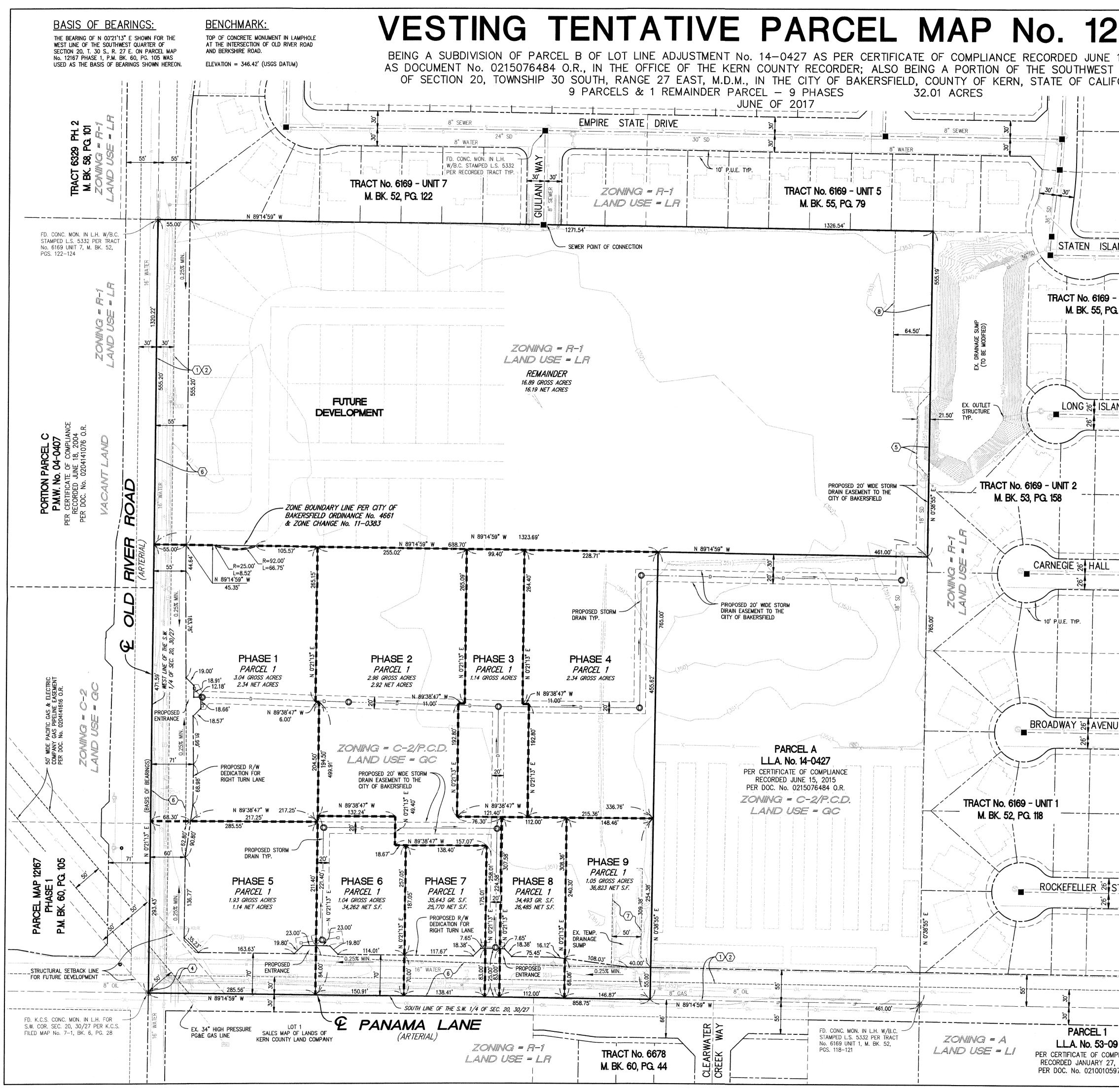


Exhibit B

251	ZONING LEGEND:	
15, 2015	C-2 = REGIONAL COMMERCIAL ZONE P.C.D. = PLANNED COMMERCIAL DEVELOPMENT ZONE R-1 = ONE FAMILY DWELLING ZONE T. 30 S., R. T. 10 S. T. 10 S.	
QUARTER FORNIA.	$A = AGRICULTURAL \qquad \qquad$	
	LAND USE LEGEND:	
	GC     = GENERAL COMMERCIAL       LR     = LOW DENSITY RESIDENTIAL       LI     = LIGHT INDUSTRIAL	
	OWNER(S)/SUBDIVIDER: PROJECT	
	DARYL C. NICHOLSON, TRUSTEE OF THE DARYL C. NICHOLSON AND VICTORIA M. NICHOLSON TRUST AGREEMENT DATED OCTOBER 1, 1990	SS
	THE NICHOLSON GROUP 26914 AVENUE 140 PORTERVILLE, CA 93257	
	PHONE: 559-333-0611 CONTACT: DARYL NICHOLSON	<b>7</b> 8
	ENGINEER	
	24' MCINTOSH & ASSOCIATES 2001 WHEELAN COURT	₹Т 93309 -020 37/17
8" SEWER	BAKERSFIELD, CA 93309 PHONE: $661-834-4814$ CONTACT: ROGER A. MCINTOSH * $*$ $*$	
- UNIT 3	ROGER A. MCINTOSH VDATE CIVIL OF CALIFORNIA	HEELAN COUR CALIFORNIA 834 - 4814 Job No: 17-
<b></b>	EXP. 06-30-18	2001 WHI RSFIELD, (661) 8 MEN
	TOPOGRAPHY LEGEND:         ◎       FOUND MONUMENT AS DESCRIBED         ○       FOUND MONUMENT AS DESCRIBED	AKE awn By
	-O-       EXISTING POWER POLE	
	E EXISTING ELECTRICAL METER EXISTING FIBER OPTIC LINE	
AND DRIVE	EXISTING TRAFFIC SIGN EXISTING GAS LINE EXISTING STREET LIGHT EXISTING O.H. ELECTRICAL LINE(S)	
	EXISTING WATER VALVE EXISTING OIL LINE EXISTING FIRE HYDRANT EXISTING UTILITY TRENCH	
	EXISTING WHARF HYDRANT EXISTING EDGE OF PAVEMENT	
	EXISTING STORM DRAIN MANHOLE EXISTING WOOD FENCE	
	Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints     Image: Second constraints       Image: Second constraints     Image: Second constraints     Image: Second constraints	
	EXISTING FIBER OPTIC MARKER       PARCEL MAP BOUNDARY         EXISTING TRAFFIC SIGNAL PULL BOX       PARCEL PLASE LINE	CER BY
	EASEMENT LEGEND: TYP. TYPICAL I.P. IRON PIPE FD. FOUND P.M. PARCEL MAP	
	ROAD AND HIGHWAY PURPOSES PER SALES MAP OF LANDS OF       P.U.E. PUBLIC UTILITY EASEMENT       PG.       PAGE         KERN COUNTY LAND COMPANY FILED MAY 28, 1982.       MON. MONUMENT       O.R. OFFICIAL RECORDS         No.       NUMBER       GR.       GROSS	ONS S . REQUEST
(2	AN EASEMENT IN FAVOR OF THE COUNTY OF KERN FOR PUBLIC PH. PHASE PH. PHASE ROAD PURPOSES BY ORDER OF THE BOARD OF SUPERVISORS OF L.H. LAMPHOLE S.F. SQUARE FEET KERN COUNTY MADE ON DECEMBER 10, 1892 AND ENTERED IN L.H. LAMPHOLE S.F. SQUARE FEET BOOK 5, PAGE 579 OF THE MINUTE BOOKS.	REVISIC 1 PER C.O.B.
	AN EASEMENT IN FAVOR OF KERN COUNTY LAND COMPANY FOR INCIDENTAL PURPOSES RECORDED JANUARY 19, 1912 IN BOOK 225, PAGE 99 OF DEEDS. (THE EXACT LOCATION IS NOT ASCERTAINABLE FROM RECORD) STATISTICAL INFORMATION: APN: 497-010-94	VS PER C.( PH1, PAR
(4)	AN EASEMENT IN FAVOR OF PACIFIC GAS & ELECTRIC COMPANY FOR       PROPOSED USE: VACANT         PIPELINE PURPOSES RECORDED MAY 12, 1953 IN BOOK 2079, PAGE       PROPOSED USE: COMMERCIAL AND FUTURE RESIDENTIAL	- KEVISIO
5	547 OF OFFICIAL RECORDS. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED SEPTEMBER 16, 2015 AS DOC. No. 0215129232 OF OFFICIAL RECORDS. GENERAL PLAN DESIGNATION: LR & GC ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY GAS: PACIFIC GAS & ELECTRIC COMPANY PHONE: A.T.&T.	DATE 11/02/17 11/22/17
(6	AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR STREET RIGHT-OF-WAY PURPOSES RECORDED MAY 26, 2015 AS DOC. No. 0215065495 OF OFFICIAL RECORDS.	
UE (7)	AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR TEMPORARY FLOWAGE AND DRAINAGE PURPOSES RECORDED JUNE 10, 2015 AS DOC. No. 0215074112 OF OFFICIAL RECORDS.	
(8)	(TO BE VACATED WITH THE RECORDATION OF THE FINAL MAP) AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND A CALL AND A RUENA VISTA SCHOOL DISTRICT	
	AND DRAINAGE PURPOSES RECORDED JUNE 10, 2015 AS DOC. No. 0215074113 OF OFFICIAL RECORDS. HIGH SCHOOL: KERN HIGH SCHOOL DISTRICT - INDEPENDENCE HIGH SCHOOL DISTRICT	ER ROAD
	<u>GENERAL NOTES:</u> all road improvements and drainage in this subdivision shall be in accordance with the requirements established by the city of bakersfield, terminal sump	122 IV
	LOCATED EAST OF THE EASTERLY OF THE BOUNDARY OF THIS SUBDIVISION. EXISTING SUMP SHALL BE MODIFIED TO CONTAIN THIS SUBDIVISIONS STORM WATER. (LEGAL DESCRIPTION: LOT 67 OF TRACT No. 6169 – UNIT 2)	GROU GROU VTA NO.
	IT IS ANTICIPATED THAT THE GRADING OF THIS SUBDIVISION WILL BE WITHIN THE AMOUNTS OUTLINED WITH SECTION 16.16030(0) OF THE MUNICIPAL CODE.	
STREET	ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.	THE NICHC TO PANAM STING CEL M
	THERE ARE NO EXISTING STRUCTURES WITHIN THE BOUNDARIES OF THIS MAP. THIS MAP IS BASED UPON RECORD INFORMATION.	VES PARC
	THIS MAP WILL BE RECORDED IN PHASES. THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES AND DOES NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.	NE
	ON SITE ACCESS, CROSS PARKING, UTILITIES, & DRAINAGE WITHIN COMMERCIAL AREA SHALL BE PROVIDED THROUGH C.C.&R's. THIS PARCEL MAP SHALL FOLLOW THE "COMPLETE STREETS" POLICY PER RESOLUTION 035–13.	17020TP01
	ALL OBSTRUCTIONS SHALL BE REMOVED AND/OR RELOCATED WITHIN EXISTING OR PROPOSED RIGHT-OF-WAYS.	AutoCAD FILE:
	SEWER CONNECTION POINT SHOWN ON MAP AT GIULIANI WAY IS PRELIMINARY AND PENDING FINAL DESIGN OF SITE; OPTIONAL SEWER CONNECTION POINT IN PANAMA LANE, 400' WEST OF OLD RIVER ROAD.	
	FLOOD ZONE: THIS SITE IS IN A FEMA FLOOD ZONE "X" AS	SHEETS
9	SHOWN ON FIRM MAP No. 06029C2300E, DATED SEPTEMBER 26, 2008. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.	
IPLIANCE 7, 2010 97 O.R.	PROPOSED ACCESS TO PARCELS: ACCESS TO FACH PARCEL WILL BE PROVIDED BY PUBLIC POADS AS SHOWN	
	ACCESS TO EACH PARCEL WILL BE PROVIDED BY PUBLIC ROADS AS SHOWN ON THIS MAP, PANAMA LANE, OLD RIVER ROAD AND GIULIANI WAY.	ů.



MEETING DATE: February 15, 2024

**ITEM NUMBER:** Consent Public Hearings5.(b.)

**TO:** Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Veronica Martinez, Assistant Planner

DATE:

WARD: Ward 7

#### SUBJECT:

**Planned Development Review No. 23-0251**: DeWalt Corporation is requesting a Planned Development Review to allow the development of a car wash, convenience store with eight fuel pumps, and a fast-food restaurant on 6.51 acres in the C-2/PCD (General Commercial/Planned Commercial Development) zone district, located at the southeast corner of South 'H' Street and Hosking Avenue. Notice of Exemption on file.

**APPLICANT:** DeWalt Corporation

OWNER: MPS Construction Management Consulting, LLC

LOCATION: 1631 Hosking Avenue

#### **STAFF RECOMMENDATION:**

Staff recommends approval.

#### ATTACHMENTS:

	Description	Туре
۵	Staff Report	Staff Report
D	Map Set	Backup Material
D	Development Plans	Backup Material
D	PCD Chapter	Backup Material
D	All Exhibits	Exhibit
D	Resolution	Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION STAFF REPORT

MEETING DATE:	February 15, 2024	AGENDA: 5.b
то:	Chair Bashirtash and Members of the	Planning Commission
FROM:	Paul Johnson, Planning Director 796	lor
DATE:	February 9, 2024	
FILE:	Planned Development Review 23-025	51
WARD:	7	
STAFF PLANNER:	: Veronica Martinez, Assistant Planner	

**REQUEST:** A Planned Development Review to allow the development of a car wash, convenience store with eight fuel pumps, and a fast-food restaurant on 6.51 acres.

APPLICANT:	DeWalt Corporation Todd Wood 1930 22 <sup>nd</sup> Street Bakersfield, CA 93301	OWNER:	MPS Construction Management Consulting, LLC Jesse Brar 1105 Marlborough Way Bakersfield, CA 93312
PROJECT LOCATIO	<b>DN:</b> 1631 Hosking Avenue		
APN:	517-010-01		
PROJECT SIZE:	6.51 acres	CEQA:	Section 15183

EXISTING GENERAL PLAN DESIGNATION: GC (General Commercial)

EXISTING ZONE CLASSIFICATION: C-2/P.C.D. (Regional Commercial/Planned Commercial Development)

**STAFF RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Planned Development Review No. 23-0251 as depicted in the project description and subject to the listed conditions of approval.

**SITE CHARACTERISTICS:** The site is currently undeveloped commercial land. Surrounding properties are developed as: *north* – single-family residences; *east* – single-family residences; *south* – undeveloped commercial land; and *west* – undeveloped commercial land.

TJ:vm / S:\04\_Current Planning\05\_PUD & PCD\01\_Active\23-0251\_1631 Hosking Ave\_Shopping Center\01\_PC\Final Prep\01\_PCD 23-0251\_Staff Report.docx

#### BACKGROUND AND TIMELINE:

- **December 19, 1990** City Council approved pre-zoning from County A (Exclusive Agriculture) and County E 1/4 RS (Estate 1/4 acre Residential Suburban) to City R-1 (One-Family Dwelling) on 149.95 acres, which included the subject 12.97 acres. This pre-zoning was consistent with the existing LR (Low-Density Residential) land use designation (Ordinance No. 3331).
- July 3, 1991 The site was annexed into the City as part of a larger annexation which consisted of 160± acres and included surrounding properties along the east side of State Route 99, generally between Hosking Avenue and McKee Road (Annexation No. 340, Hosking No. 1).
- June 6, 2019 General Plan Amendment/Zone Change No. 18-0457 was approved by the City Council to change the land use designation from LR (Low-Density Residential) to GC (General Commercial), and Zone Change from R-1 (One Family Dwelling) to C-2/P.C.D. (Regional Commercial/Planned Commercial Development) (Ordinance No. 4983).
- June 20, 2019 A Planned Development Review (PCD 18-0456) was submitted and approved by the Planning Commission for a fast food restaurant with a drive-thru, convenience store with eight fuel pumps, carwash tunnel with office, and mini-storage facility on 12.97 acres. However, the entitlement has since expired since the approval date (Resolution No. 78-19).

#### **PROJECT ANALYSIS:**

**Proposed Development**: This Planned Development Review (PDR) project proposes the construction of a commercial center in the C-2/P.C.D. (Regional Commercial/Planned Commercial Development) zone district located at the southeast corner of Hosking Road and South 'H' Street. This proposal is similar to the project, PCD 18-0456, the Planning Commission approved on June 20, 2019. However, this proposal excludes the 6.05-acre mini-storage development on the south half portion of the parcel.

This development would include a convenience store with eight fuel pumps (5,257 square feet), a fastfood restaurant (2,724 square feet), and a carwash (3,733 square feet). An eight-foot-high solid masonry wall will separate the project site from the residential land uses located immediately to the east. Access to the project would be provided on Hosking Avenue. Additional access at South 'H' Street is subject to approval by Kern Delta Water District.

**Parking.** The purpose of the City's parking and loading standards is to provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities, reduce parking lot size within the urban setting to mitigate the heat island effect, ensure that parking demands associated with new development are met without adversely affecting nearby land uses, and provide easy access and maneuverability for emergency vehicles.

Per the City's parking standards for a development of this nature, the minimum required parking to be provided is forty-eight (48) parking spaces. As proposed, this commercial center would contain a total of fifty-nine (59) parking spaces. It should be noted that the number of off-street parking spaces shall not exceed one hundred and fifty (150) percent of the minimum requirement for commercial uses. The development will provide a surplus of parking consistent with the municipal code and would be subject to a shared parking agreement.

#### Planned Commercial Development (P.C.D.) Development Standards:

The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development, which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods.

As such, your Commission has the authority to require design standards, regulations, limitations, and restrictions that are designed to protect and maintain property values and provide or protect community amenities that would foster and maintain the health, safety, and general welfare of the community, including and relating to but not limited to the categories specified in Section 17.54.060 (PCD Latitude of Regulations). Generally, those standards are related to topics such as the construction of fences and walls, structure height, the distance between buildings, parking ratios, open space, architectural design of buildings and structures, and any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety, and welfare of the neighborhood and the City.

**Consistency with General Plan.** The project is consistent with land use goals and policies as contained in the *Metropolitan Bakersfield General Plan* which include but are not limited to:

**Goal 1:** Accommodate new development which captures the economic demands generated by the marketplace;

**Goal 2:** Accommodate new development which provides a full mix of uses to support its population;

**Goal 3:** Accommodate new development which is compatible with and complements existing land uses;

**Goal 4:** Accommodate new development which channels land uses in a phased, orderly manner and is coordinated with the provision of infrastructure and public improvements;

**Goal 7:** Establish a built environment that achieves a compatible functional and visual relationship among individual buildings and sites;

**Policy 15:** Allow for the development of a variety of commercial centers/corridors which are differentiated by their function, intended users, and level of intensity, including convenience centers serving local residential neighborhoods, sub-regional centers that serve groupings of neighborhoods, and major regional centers which serve the planning area and surrounding areas;

**Policy 16:** Allow for the development of a variety of commercial uses, including those that serve residents (groceries, clothing, etc.), highway users, and tourists-visitors;

**Policy 22:** Locate major (regional) commercial uses in proximity to existing regional centers (such as Valley Plaza and East Hills Mall), and proximity to future regional serving commercial centers in the downtown, southwest, northwest, and northeast; and

**Policy 23:** Promote the recycling of block-long corridors of commercial uses to consolidate new commercial uses.

**Consistency with the Zoning Ordinance.** This project has been reviewed by the Site Plan Review Committee which has determined that, considering the exceptions listed in this report, this proposed development is designed in compliance with City standards and policies.

**Consistency with Surrounding Development.** The project site is zoned appropriately for commercial development and was previously constructed as such. Therefore, the proposed development will complement the character of the surrounding community.

#### ENVIRONMENTAL REVIEW AND DETERMINATION:

This site plan review has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15183. This project is exempt because it is consistent with the densities established by the City's existing zoning ordinance and General Plan and has had a Mitigated Negative Declaration certified for the proposed use (Ordinance No. 4983).

#### PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law.

**Comments Received.** As of this writing, no written public comments have been received.

#### **CONCLUSIONS:**

**Overall Recommendation.** Staff finds that the applicable provisions of CEQA have been complied with, and the proposal sufficiently demonstrates compliance with the necessary findings. Therefore, staff recommends your Commission adopt Resolution and suggested findings APPROVING Planned Development Review No. 23-0251 with conditions of approval.

#### ATTACHMENTS:

Map Set

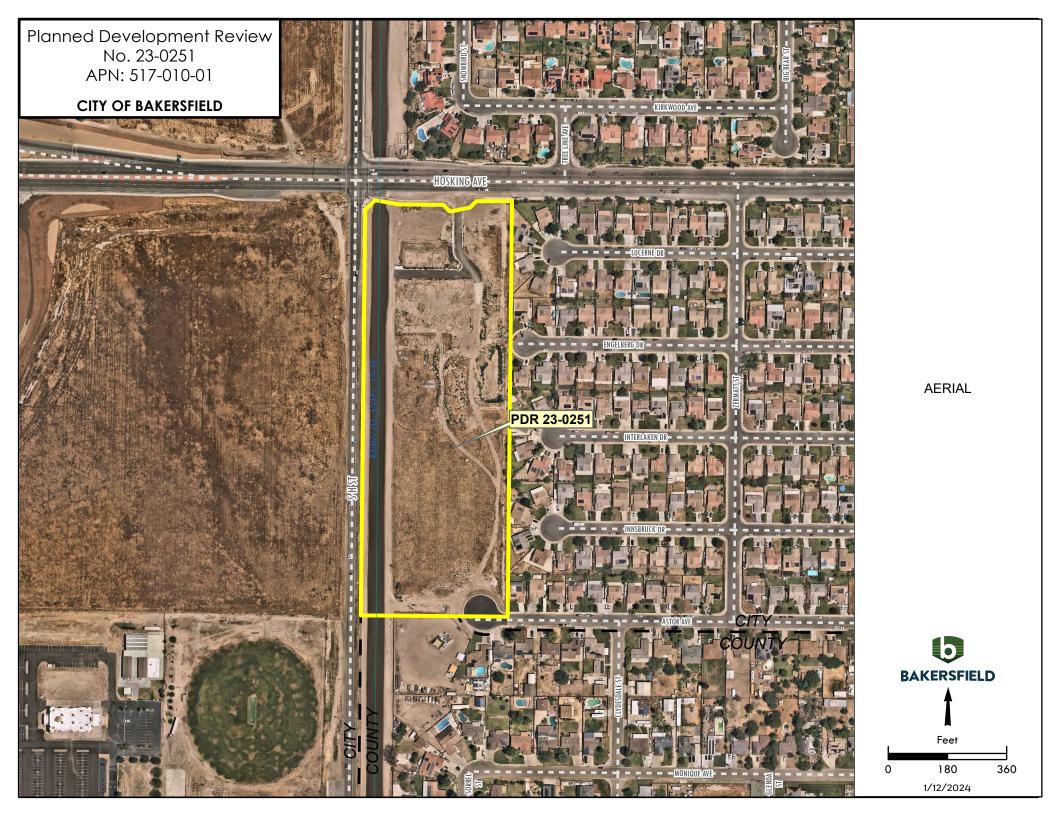
- Aerial
- Zone Classification
- General Plan Designation

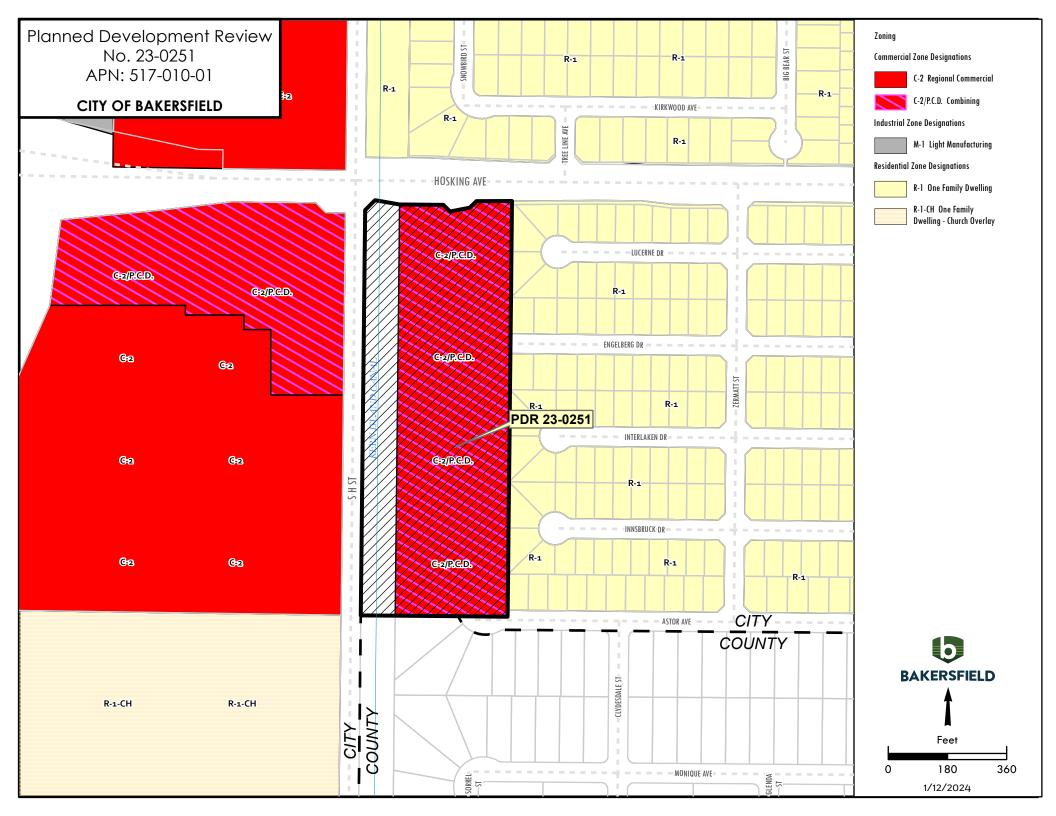
Development Plans

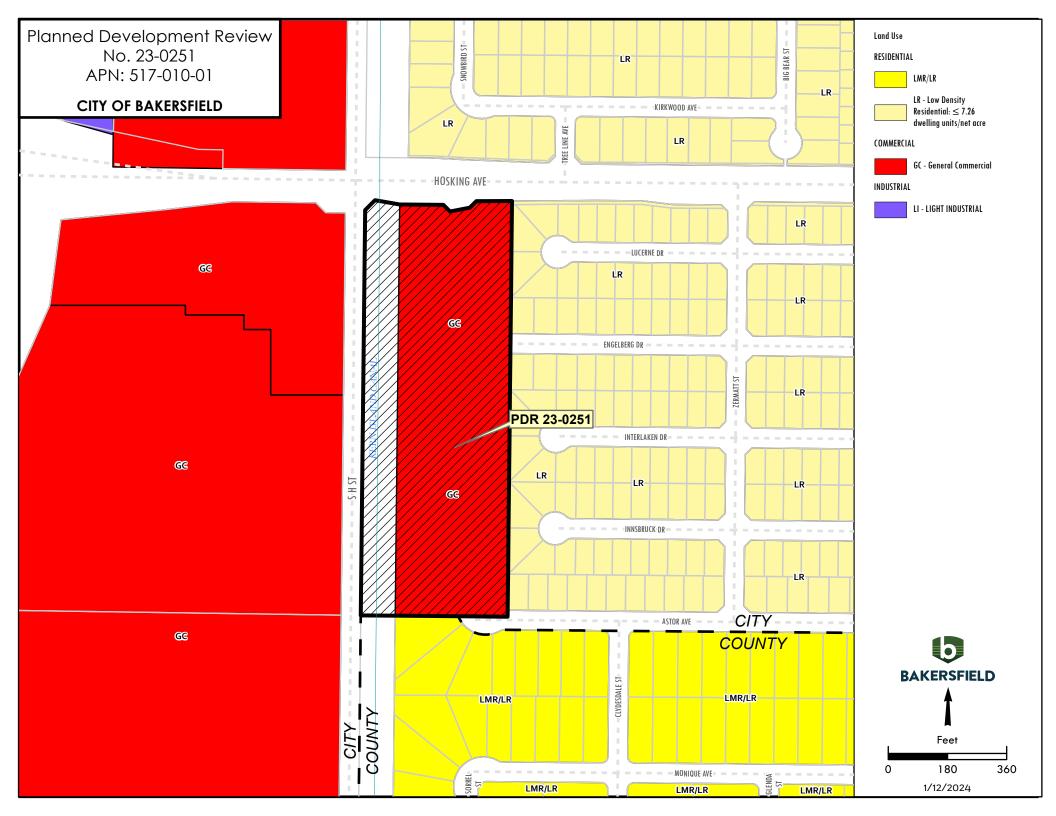
- Site Plan
- Landscape Plan
- Floor Plan
- Elevations

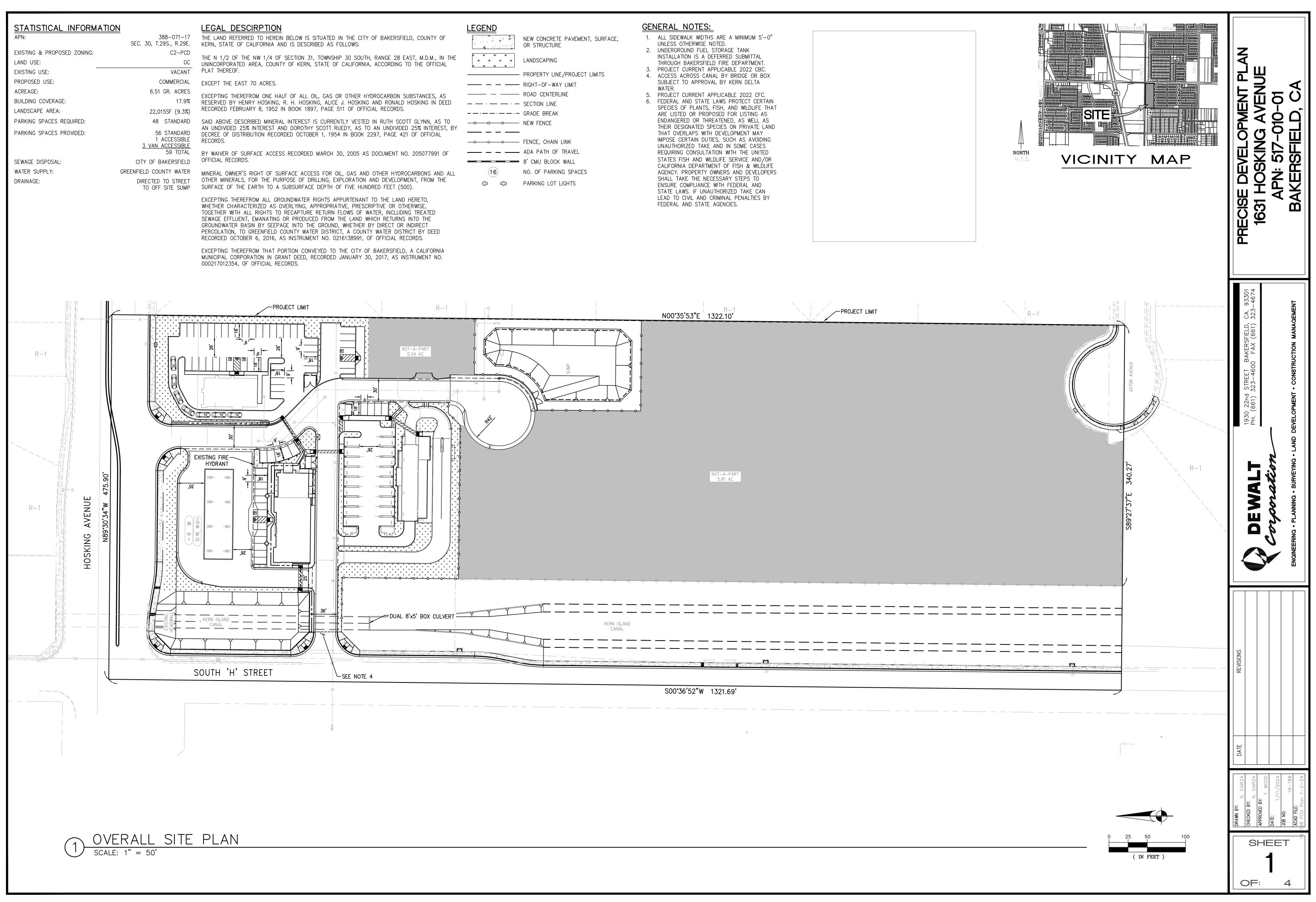
Chapter 17.54 (Planned Commercial Development Zone) Resolution with Exhibits

# MAP SET

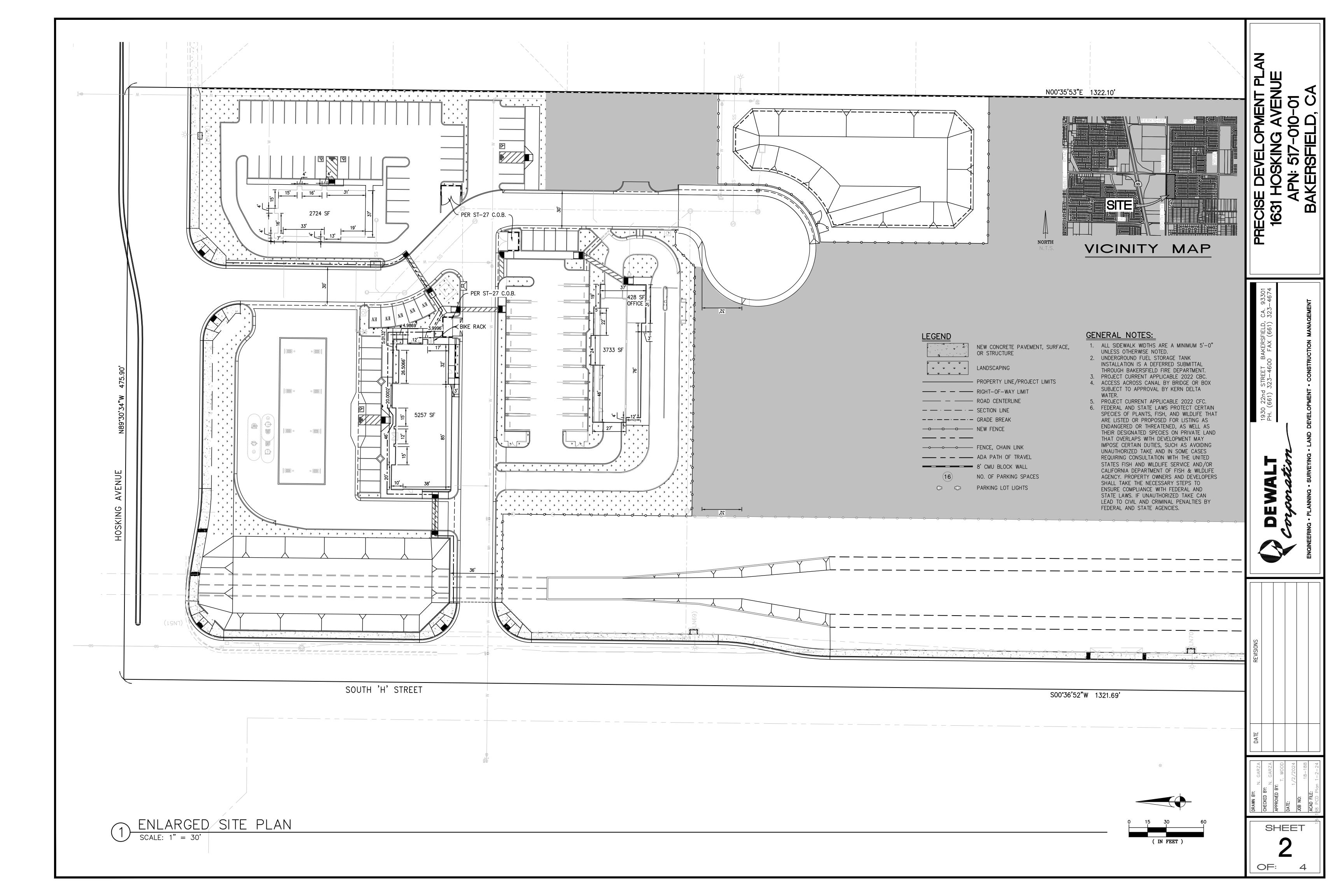


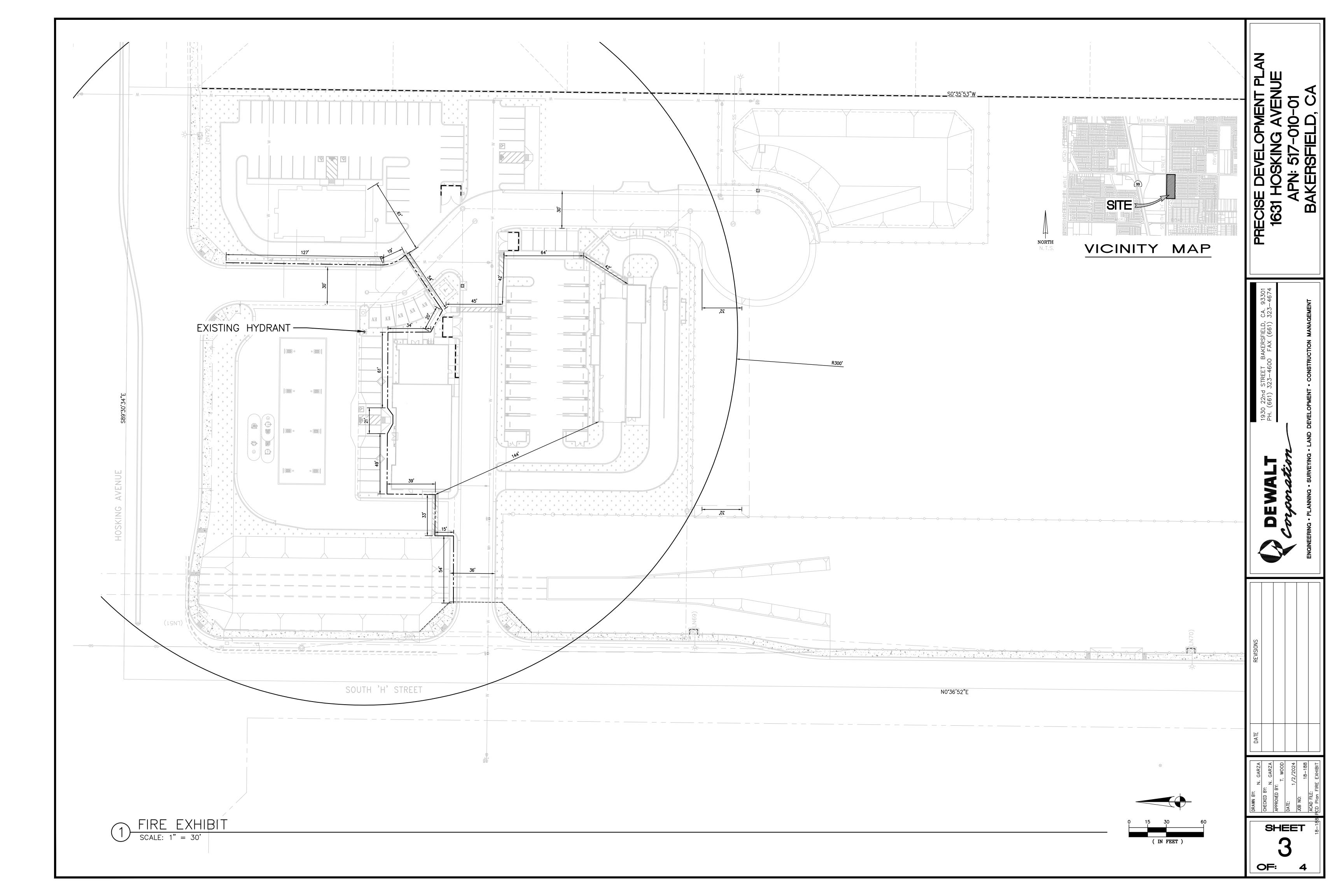


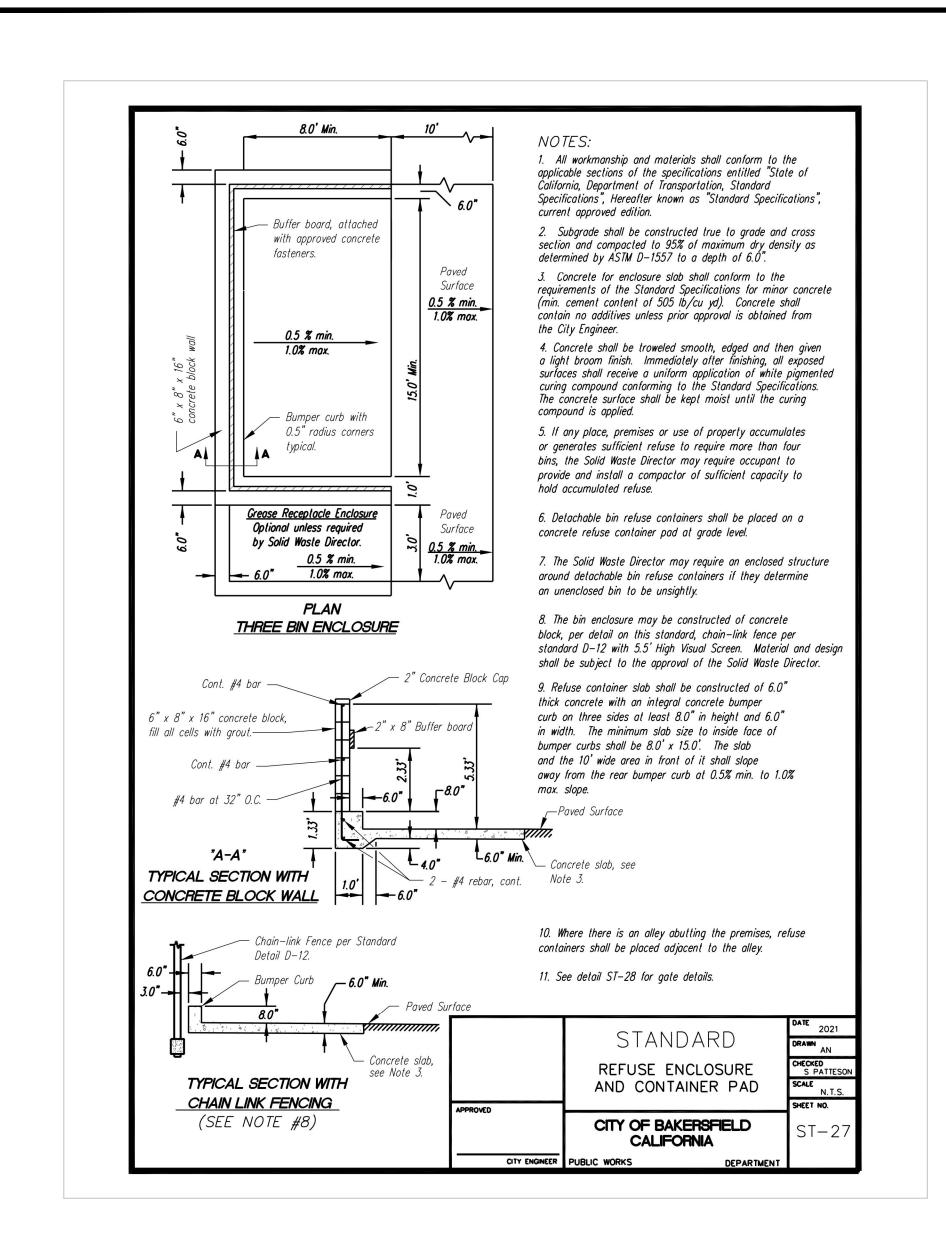




	LEGEND		GEI	NERAL NOTES:	
LD, COUNTY OF		NEW CONCRETE PAVEMENT, SURFACE, OR STRUCTURE	1.	ALL SIDEWALK WIDTHS ARE A MINIMUM 5'-0" UNLESS OTHERWISE NOTED. UNDERGROUND FUEL STORAGE TANK	
AST, M.D.M., IN THE TO THE OFFICIAL	* * * * * * * * * * * *	LANDSCAPING		INSTALLATION IS A DEFERRED SUBMITTAL THROUGH BAKERSFIELD FIRE DEPARTMENT.	
		- PROPERTY LINE/PROJECT LIMITS		PROJECT CURRENT APPLICABLE 2022 CBC. ACCESS ACROSS CANAL BY BRIDGE OR BOX	
		- RIGHT-OF-WAY LIMIT		SUBJECT TO APPROVAL BY KERN DELTA WATER.	
UBSTANCES, AS		- ROAD CENTERLINE	5.	PROJECT CURRENT APPLICABLE 2022 CFC.	
HOSKING IN DEED	· · · _	- SECTION LINE	6.	FEDERAL AND STATE LAWS PROTECT CERTAIN	
		- GRADE BREAK		SPECIES OF PLANTS, FISH, AND WILDLIFE THAT ARE LISTED OR PROPOSED FOR LISTING AS	
TT GLYNN, AS TO D 25% INTEREST, BY				ENDANGERED OR THREATENED, AS WELL AS THEIR DESIGNATED SPECIES ON PRIVATE LAND THAT OVERLAPS WITH DEVELOPMENT MAY	
1 OF OFFICIAL	ooo	- FENCE, CHAIN LINK		IMPOSE CERTAIN DUTIES, SUCH AS AVOIDING UNAUTHORIZED TAKE AND IN SOME CASES	
). 205077991 OF		- ADA PATH OF TRAVEL		REQUIRING CONSULTATION WITH THE UNITED	
2000//001 01		8' CMU BLOCK WALL		STATES FISH AND WILDLIFE SERVICE AND/OR CALIFORNIA DEPARTMENT OF FISH & WILDLIFE	
CARBONS AND ALL	(16)	NO. OF PARKING SPACES		AGENCY. PROPERTY OWNERS AND DEVELOPERS	
IENT, FROM THE	¢ ¢	PARKING LOT LIGHTS		SHALL TAKE THE NECESSARY STEPS TO ENSURE COMPLIANCE WITH FEDERAL AND STATE LAWS. IF UNAUTHORIZED TAKE CAN	
HERETO,				LEAD TO CIVIL AND CRIMINAL PENALTIES BY	
				FEDERAL AND STATE AGENCIES.	







PRECISE DEVELOPMENT PLAN 1631 HOSKING AVENUE APN: 517-010-01 BAKERSFIELD, CA
DEWALT       1930 22nd Street Bakersfield, CA. 93301         PH. (661) 323-4600 FAX (661) 323-4674         Devolution         Corporation         BNDERING • PLANNING • SURVEYING • LAND DEVELOPMENT • CONSTRUCTION MANAGEMENT
Prawn BY: A       Draw BY: A       Draw BY: A       Draw BY: A       Draw BY: A       Draw BY: B         A

4. PRIOR TO CONSTRUCTION, VERIFY THE LOCATION OF UTILITIES AND, AS REQUIRED BY GOVERNING AGENCIES, ASSUME RESPONSIBILITY FOR ANY DAMAGES INCURRED TO EXISTING UTILITIES DURING INSTALLATION.	5. NOTE THAT REBAR AND FOOTING SIZES, IF INDICATED, ARE FOR BIDDING PURPOSES ONLY. CONFIRM THE NEED FOR REINFORCING, BASE MATERIALS, PRE-SATURATION, AND OTHER STRUCTURAL REQUIREMENTS WITH THE OWNER'S STRUCTURAL OR SOILS ENGINEER.
5. REPAIR OR REPLACE ANY EXISTING IMPROVEMENTS THAT MAY BE DAMAGED DURING CONSTRUCTION.	6. PAVING AND CONCRETE CONTRACTORS MUST COORDINATE AND COLLABORATE WITH THE INSTALLATION OF ELECTRICAL, DRAINAGE, AND IRRIGATION SYSTEMS TO PROVIDE REQUIRED SLEEVES,
6. BEFORE COMMENCING WORK, CAREFULLY REVIEW DIMENSIONS, FRAMING CONDITIONS, AND SITE CONDITIONS. PROMPTLY REPORT ANY DISCREPANCIES OR POTENTIAL DEFICIENCIES BETWEEN THE DRAWINGS AND SPECIFICATIONS AND ON-SITE CONDITIONS TO THE LANDSCAPE DESIGNER AND OWNER.	PIPES, AND CONDUITS UNDER PAVING. 7. WHEN DEALING WITH UNDERGROUND IMPROVEMENTS, REFER TO PLANTING PLANS FOR TREE
7. CONFIRM PROPERTY LINES BEFORE STARTING ANY CONSTRUCTION WORK. ENSURE THAT NO CONSTRUCTION ELEMENT, INCLUDING FOOTINGS, EXTENDS BEYOND THE PROPERTY LINE.	LOCATIONS BEFORE LAYOUT. STAKE TREES AND OUTLINE SPECIFIED BOX SIZES. ROUTE UNDERGROUND DRAINAGE, ELECTRICAL, POOL, AND IRRIGATION PIPING OUTSIDE EXCAVATION AREAS REQUIRED FOR TREES.
8. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH SUB-CONTRACTORS AS REQUIRED TO COMPLETE THE WORK. INSTALL PIPING, CONDUIT, AND SLEEVES BEFORE INSTALLING CONSTRUCTION	8. ALLOW A MINIMUM OF 6-8 WEEKS FOR ORDER PLACEMENT UNTIL DELIVERY OF ANY MANUFACTURED ITEMS, UNLESS OTHERWISE SPECIFIED.
	9. CONSULT THE FINISH GRADING/DRAINAGE PLANS FOR INFORMATION REGARDING VERTICAL DIFFERENCES, GRADES, AND DRAINAGE SYSTEMS.
9. THE DRAWINGS AND SPECIFICATIONS ENCOMPASS THE FINAL STRUCTURE, CONSTRUCTION METHODS, SAFETY PROCEDURES, BRACING, TEMPORARY SUPPORTS, AND SHORING, AND THESE ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. LANDSCAPE DESIGNER VISITS TO THE JOB SITE DO NOT INCLUDE THE	10. WRITTEN DIMENSIONS AND DETAILS TAKE PRIORITY OVER SCALED DIMENSIONS.
INSPECTION OF CONSTRUCTION METHODS AND SAFETY CONDITIONS. THESE VISITS ARE NOT CONSIDERED CONTINUOUS AND DETAILED INSPECTIONS.	11. VERIFY DIMENSIONS AND CONDITIONS AT THE JOB SITE AND ASSUME RESPONSIBILITY FOR THEM. PROMPTLY REPORT ANY DISCREPANCIES TO THE OWNER AND LANDSCAPE DESIGNER.
10. NOTIFY THE LANDSCAPE DESIGNER AT LEAST 48 HOURS IN ADVANCE FOR ANY REQUIRED OR REQUESTED JOB SITE VISITS.	12. ADHERE TO THE LATEST UNIFORM BUILDING CODE AND RELEVANT CODES AND ORDINANCES FROM
11. REVIEW AND OBTAIN APPROVAL FROM THE LANDSCAPE DESIGNER FOR ALL FORMS AND ALIGNMENTS OF PAVING BEFORE POURING CONCRETE.	GOVERNING AGENCIES. THE CONTRACT DOCUMENTS MUST NOT VIOLATE ANY CODES. NOTIFY THE LANDSCAPE DESIGNER AND OWNER IF DISCREPANCIES ARE IDENTIFIED.
12. WHEN REQUESTED, SUBMIT SUBMITTALS, SAMPLES, AND SHOP DRAWINGS IN TRIPLICATE TO THE LANDSCAPE DESIGNER, WITH ONE COPY TO THE OWNER, UNLESS OTHERWISE SPECIFIED.	13. COOPERATE AND COORDINATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND INTERFACING WORK OF OTHER TRADES.
13. PROPOSED SURFACES SHOULD SEAMLESSLY MEET EXISTING SURFACES, MAINTAINING A SMOOTH AND	MASONRY NOTES:
CONTINUOUS TRANSITION AND ALIGNING FLUSH ALONG THE ENTIRE EDGE.	1. ENSURE CONCRETE ATTAINS A MINIMUM COMPRESSIVE STRENGTH OF 2500 P.S.I. AFTER TWENTY-EIGHT (28) DAYS.
BUILDING, PAVING, AND WALLS. ANGLES SHOULD BE 90 DEGREES OR 45 DEGREES, UNLESS OTHERWISE SPECIFIED.	2. GROUT CELLS USING STEEL SOLID.
15. COOPERATE AND COLLABORATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND	3. FOR RETAINING WALLS OR THEIR RETAINING SECTIONS, FILL SOLID CELLS WITH GROUT.
INTERFACING WORK OF OTHER TRADES.	4. CONSTRUCT WALLS LEVEL, PLUMB, AND TRUE TO LINE AND GRADE UNLESS OTHERWISE SPECIFIED.
16. ENSURE THAT MATERIALS AND WORKMANSHIP COMPLY WITH THE LATEST UNIFORM BUILDING CODES AND RELEVANT CODES AND ORDINANCES FROM GOVERNING AGENCIES. NO PORTION OF THE CONTRACT DOCUMENTS SHOULD VIOLATE THESE CODES. PROMPTLY NOTIFY THE LANDSCAPE DESIGNER AND OWNER IF	5. COORDINATE AND COLLABORATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND/OR INTERFACING WORK OF OTHER TRADES.
ANY DISCREPANCIES ARE IDENTIFIED.	6. ENSURE MATERIALS AND WORKMANSHIP COMPLY WITH THE LATEST UNIFORM BUILDING CODE AND
GRADING NOTES:	RELEVANT CODES AND ORDINANCES OF GOVERNING AGENCIES. NO PART OF THE CONTRACT DOCUMENTS SHOULD VIOLATE ANY CODES. NOTIFY THE LANDSCAPE DESIGNER AND OWNER IF DISCREPANCIES ARE FOUND.
<ol> <li>BEFORE CONSTRUCTION BEGINS, ENSURE THAT EXISTING AND PROPOSED GRADES, UTILITY LOCATIONS, EXISTING DRAINAGE STRUCTURES, STREET IMPROVEMENTS, AND FINISH FLOOR ELEVATIONS ALIGN WITH THE CONTRACT DOCUMENTS. PROMPTLY NOTIFY THE LANDSCAPE DESIGNER OF ANY DISCREPANCIES.</li> </ol>	7. POUR FOOTINGS ON UNDISTURBED NATURAL SOIL OR FILL COMPACTED TO 90% RELATIVE DENSITY.
2. GRADING PLANTING AREAS TOWARD CATCH BASINS AT A MINIMUM SLOPE OF 2%.	8. FOOTINGS SHOULD BE CONTINUOUS WHEREVER PRACTICABLE. STEP FOOTINGS IN EVEN BLOCK INCREMENTS, ADHERING TO CODES.
3. PROPOSED PAVING SURFACES SHOULD SEAMLESSLY INTEGRATE WITH EXISTING PAVING SURFACES, MAINTAINING A SMOOTH AND CONTINUOUS TRANSITION WITH A FLUSH EDGE.	9. REBAR SPLICES SHOULD BE A MINIMUM OF FORTY (40) BAR DIAMETERS, WITH RETAINING WALL SPLICES BEING FORTY-EIGHT (48) BAR DIAMETERS, UNLESS SPECIFIED OTHERWISE IN DETAILS.
4. CONCRETE WALKWAYS MUST HAVE A MAXIMUM CROSS SLOPE OF 2% AND COMPLY WITH REQUIREMENTS SET BY GOVERNING AGENCIES.	10. DOWELS MUST BE OF EQUAL SIZE AND SPACING TO VERTICAL BARS.
5. INSTALL DRAIN LINES WITH A SMOOTH, CONTINUOUS SLOPE AT A $_2\%$ GRADE (3" DROP OVER 50'). UNLESS OTHERWISE SPECIFIED, POSITION INLETS IN THE PAVING TO ALIGN WITH ADJACENT MATERIALS.	11. MASONRY UNITS SHOULD BE GRADE "N," MEETING LATEST A.S.T.M. C90 STANDARDS AND MANUFACTURED ACCORDING TO "CONCRETE MASONRY ASSOCIATION" STANDARDS. COMPRESSIVE STRENGTH MUST BE A MINIMUM OF fm= 1550 P.S.I. FOR GROUTED REINFORCING AND fm=1500 P.S.I. FOR SOLID GROUT.
6. SUPPLY PVC PIPE AS INDICATED OR AS REQUIRED TO CONNECT DRAIN INLETS, ENSURING THE CREATION OF A COMPREHENSIVE DRAINAGE SYSTEM.	12. GROUT MUST BE FRESHLY PREPARED AND UNIFORMLY MIXED, COMPRISING ONE (1) PART CEMENT,
7. CORE DRILL AND EXPOSE THE DRAIN LINE THROUGH THE FACE OF THE EXISTING CURB ABOVE THE FLOW LINE. CONFIRM THE LOCATION AND ELEVATION IN THE FIELD.	THREE (3) PARTS SAND, AND TWO (2) PARTS PEA GRAVEL. IT SHOULD HAVE A MINIMUM COMPRESSIVE STRENGTH OF 200 P.S.I. AFTER TWENTY-EIGHT (28) DAYS. GROUT COLOR IS TO BE SELECTED BY THE LANDSCAPE DESIGNER.
8. ESTABLISH FINAL GRADES IN SHRUB AREAS TWO INCHES BELOW THE ADJACENT PAVING SURFACE AND ONE INCH BELOW THE ADJACENT PAVING SURFACE IN LAWN AREAS.	13. MORTAR COLOR SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION. IF NOT SPECIFIED, NATURAL GREY COLOR SHOULD BE USED UNLESS COVERED BY SUBSEQUENT FINISH. COLOR MORTAR SHOULD TYPICALLY MATCH ADJACENT MATERIAL UNLESS OTHERWISE NOTED OR SPECIFIED BY THE LANDSCAPE
9. FOR ADDITIONAL DRAINAGE SYSTEMS NOT FULLY DEPICTED HERE, REFER TO THE CIVIL ENGINEERING DRAWINGS. COORDINATE THE INSTALLATION OF THE ENTIRE DRAINAGE SYSTEM AS INDICATED ON LANDSCAPE AND CIVIL DRAWINGS.	DESIGNER. 14. USE PORTLAND CEMENT, TYPE I, AND COMPLY WITH A.S.T.M. C150 STANDARDS.
10. COORDINATE THE ROUTING OF DRAINAGE PIPES AROUND TREE PIT LOCATIONS INDICATED ON THE PLANTING PLANS.	15. REINFORCING STEEL SHOULD BE DEFORMED BARS CONFORMING TO A.S.T.M. A615, GRADE 40 FOR #5 AND SMALLER AND GRADE 60 FOR #6 AND LARGER.
11. MAINTAIN "AS-BUILT" DRAWINGS FOR THE DRAINAGE PIPE ROUTING. SUBMIT A MYLAR REPRODUCIBLE	16. WIRE REINFORCING MUST COMPLY WITH A.S.T.M. A182 STANDARDS.
"AS-BUILT" DRAWING TO THE OWNER UPON COMPLETION OF THE WORK.	17. REINFORCING SHOULD HAVE THE FOLLOWING MINIMUM COVERS UNLESS OTHERWISE SPECIFIED:

12. DO NOT PROCEED WITH CONSTRUCTION AS ORIGINALLY DESIGNED IF OBVIOUS UNKNOWN OBSTRUCTIONS, AREA DISCREPANCIES, AND/OR GRADE DESIGN ISSUES ARISE. IMMEDIATELY NOTIFY THE LANDSCAPE DESIGNER AND/OR OWNER OF SUCH EXISTING CONDITIONS. ASSUME FULL RESPONSIBILITY FOR REQUIRED REVISIONS DUE TO FAILURE TO PROVIDE TIMELY NOTIFICATION.

**GENERAL NOTES** 

GRADING DRAWINGS.

SCHEDULES TO ACHIEVE SUBSTANTIAL COMPLETION.

THESE PLANS.

1. REFERENCE THE CIVIL ENGINEER'S DRAWINGS FOR GRADING AND DRAINAGE DETAILS NOT INCLUDED IN

COMPREHENSIVE SCHEDULE THAT DETAILS EACH TASK, LEAD TIMES, ORDER DATES, AND INSTALLATION

3. ENSURE PROPER DRAINAGE, AND PROMPTLY ALERT THE LANDSCAPE DESIGNER IF SITE CONDITIONS DIFFER

FROM THE PLANS. MAINTAIN THE FLOWLINES AND DRAINAGE PATTERNS AS INDICATED IN THE ENGINEER'S

2. ONCE THE CONTRACT IS INITIATED, PROVIDE THE LANDSCAPE DESIGNER AND OWNER WITH A

18. CONCRETE AGAINST EARTH NOT FORMED: 3" CONCRETE AGAINST EARTH NOT FORMED OR TROWELED: 2"

WALLS AND CURBS: 11/2" 21. SLAB ON GRADE: 1 1/2"

CONSTRUCTION NOTES

TO A.S.T.M. C<sub>33</sub> SPECIFICATIONS.

SLUMP OF 5 INCHES IS ALLOWED.

3. CONCRETE SLUMP SHOULD NOT EXCEED 4 INCHES, EXCEPT FOR FOUNDATIONS WHERE A MAXIMUM

4. ENSURE THAT CONSTRUCTION IS PLUMB AND TRUE UNLESS OTHERWISE SPECIFIED.

(28) DAYS

CAR 1. CONCRETE MUST ACHIEVE A MINIMUM COMPRESSIVE STRENGTH OF 2500 P.S.I. AFTER TWENTY-EIGHT 2. CEMENT USED SHOULD COMPLY WITH A.S.T.M. C150 STANDARDS, AND AGGREGATE MUST CONFORM RPOSES ONLY. CONFIRM /IDE REQUIRED SLEEVES, 5. ROUTE UNDERGROUND SPECIFIED ESPONSIBILITY FOR THEM. ACHED, ADJOINING, AND P.S.I. AFTER TWENTY-EIGHT 1. NOTE THAT MEMBER SIZES INDICATED ARE FOR DESIGN INTENT ONLY. THE CONTRACTOR IS CHED, ADJOINING, AND/OR SPECIFIED IN THE DRAWINGS. AND fm=1500 P.S.I. FOR NOT SPECIFIED, NATURAL IFIED BY THE LANDSCAPE

# **SOUTH H AND HOSKING AVENUE RETAIL DEVELOPMENT**

# MPS CONSTRUCTION CONSULTING MANAGEMENT LLC. LANDSCAPE IMPROVEMENT PLANS SOUTH H STREET X HOSKING AVENUE BAKERSFIELD, CA

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## 1. UNLESS OTHERWISE SPECIFIED, USE WOOD THAT IS SAW SIZED (SSD), WHICH MAY INCLUDE ROUGH SAWN (ROS), RESAWN (RSN), AND/OR SMOOTH FOUR SIDES (S4S).

### 2. UTILIZE WOOD THAT IS RATED AS #1 CONSTRUCTION GRADE OR HIGHER. ALL WOOD IN CONTACT WITH THE GROUND OR IMBEDDED IN CONCRETE SHOULD BE PRESSURE TREATED.

### 3. SELECT HOT DIPPED GALVANIZED IRON NAILS 4. FOLLOW THE PREVAILING U.B.C. NAILING SCHEDULE FOR NAILING.

j. FOR POST BASES, CAPS, HANGERS, STRAPS, AND ANGLES, USE GALVANIZED STEEL MATERIALS PAINTED WITH TWO (2) COATS OF RUST-INHIBITING ENAMEL. ENSURE THAT THE COLOR MATCHES THE WOOD FINISH

6. USE CADMIUM PLATED BOLTS OR STAINLESS STEEL BOLTS.

7. APPLY TWO (2) COATS OF PAINT OR STAIN AND CONFIRM THE COLOR BEFORE APPLICATION UTILIZE A PRIMER COAT OR TREAT THE WOOD AS REQUIRED BASED ON THE SELECTED WOOD SPECIES TO PREVENT BLEED-THROUGH STAINING OR FINISH PAINT

8. CONSTRUCTION SHOULD BE PLUMB, LEVEL, AND TRUE TO LINE AND GRADE, UNLESS OTHERWISE

9. WHEN USING LUMBER, ENSURE THAT THE CROWN SIDE OF THE LUMBER IS SET UPWARD. 10. UTILIZE FINISH NAILS FOR DECKING, BENCHES, RAILINGS, OR AREAS POTENTIALLY IN

CONTACT WITH PEOPLE.

11. MAINTAIN A MINIMUM CLEARANCE OF 7 FEET-0 INCHES ABOVE FINISHED WALKING SURFACES 9. BEFORE FINAL ACCEPTANCE, ADJUST AND AIM LANDSCAPE LIGHTING FIXTURES UNDER THE FOR OVERHEAD STRUCTURES.

12. SPACE DECKING WITH 16D NAILS.

MITER CUT EXPOSED WOOD AT CORNERS UNLESS SPECIFICALLY NOTED ON DRAWINGS. ES AND ORDINANCES FROM 14. NOTE THAT MEMBER SIZES INDICATED ARE FOR AESTHETIC DESIGN PURPOSES ONLY. CONTRACTORS AND OWNERS ARE RESPONSIBLE FOR STRUCTURAL ENGINEERING, INCLUDING FOOTINGS AND CONNECTIONS, SUBMIT SHOP DRAWINGS TO THE LANDSCAPE DESIGNER INDICATING DESIGN BASED ON STRUCTURAL ENGINEER CALCULATIONS THAT DIFFER FROM THE DESIGN DRAWINGS

> 15. ATTACH LEDGERS USING 3/8" DIAMETER BY 5-1/2" LONG LAG BOLTS SPACED AT 16" ON CENTER INTO HEADERS/STUDS OR AS REQUIRED FOR STRUCTURAL INTEGRITY.

16. COORDINATE AND COOPERATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND/OR INTERFACING WORK OF OTHER TRADES.

MATERIALS AND WORKMANSHIP MUST COMPLY WITH THE LATEST UNIFORM BUILDING CODES AND RELEVANT GOVERNING CODES AND ORDINANCES. NO PART OF THE CONTRACT OCUMENTS SHOULD VIOLATE THESE CODES. NOTIFY THE LANDSCAPE DESIGNER AND OWNER IF DISCREPANCIES ARE IDENTIFIED.

### METAL NOTES:

RESPONSIBLE FOR ENGINEERING STRUCTURAL INTEGRITY

2. CONDUCT ON-SITE VERIFICATION OF DIMENSIONS FOR ADJACENT AND ADJOINING WORK. PROMPTLY REPORT ANY DISCREPANCIES TO THE OWNER AND LANDSCAPE DESIGNER.

3. SUBMIT SHOP DRAWINGS BASED ON FIELD DIMENSIONS TO THE OWNER AND LANDSCAPE DESIGNER FOR APPROVAL PRIOR TO FABRICATION.

4. PROVIDE REPRESENTATIVE SIZE SAMPLE WORK MOCK-UP FOR EACH DESIGN ITEM OR AS

5. ENSURE THAT WELD CONNECTIONS ARE CONTINUOUS AND SOLID. REMOVE SPLATTER AND SLAG,

TH RETAINING WALL SPLICES AND SMOOTHLY GRIND THE WELD. 6. PREPARE SURFACES FOR PAINTING BY ENSURING THEY ARE CLEAN, SMOOTH, AND FREE OF ANY

OBJECTIONABLE MATERIAL. WASH, STEAM, CLEAN, SANDBLAST, OR WIRE BRUSH TO EXPOSE THE BASE METAL.

7. ELECTROSTATICALLY APPLY TWO (2) COATS OF ZINC OXIDE PRIMER (UP TO 6 mm THICK) AND TWO (2) COATS OF A RUST-INHIBITING ENAMEL (UP TO 8 mm THICK). THE COLOR SHOULD BE SELECTED BY THE LANDSCAPE DESIGNER.

SING ONE (1) PART CEMENT, 8. UTILIZE BOLTS THAT ARE CADMIUM PLATED OR STAINLESS STEEL.

9. CAP EXPOSED ENDS OF TUBING.

DISCREPANCIES ARE IDENTIFIED

THE DRAWINGS.

11. COORDINATE AND COOPERATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND/OR INTERFACING WORK OF OTHER TRADES. 12. MATERIALS AND WORKMANSHIP MUST COMPLY WITH THE LATEST UNIFORM BUILDING CODE AND RELEVANT CODES AND ORDINANCES OF GOVERNING AGENCIES. NO PART OF THE CONTRACT DOCUMENTS SHOULD VIOLATE THESE CODES. NOTIFY THE LANDSCAPE DESIGNER AND OWNER IF

LANDSCAPE LIGHTING NOTES

EXIST.

1. ENSURE THE INSTALLATION OF LANDSCAPE LIGHTING FEATURES AND ASSOCIATED COMPONENTS AS SPECIFIED OR REQUIRED FOR A COMPREHENSIVE SETUP.

2. REMEMBER THAT LANDSCAPE LIGHTING IS EXCLUSIVELY FOR AESTHETIC PURPOSES AND SHOULD NOT BE INTERPRETED AS PROVIDING SAFETY OR LIGHTING REQUIRED BY CODES, WHICH REMAINS THE RESPONSIBILITY OF THE OWNER. CONFIRM ANY ADDITIONAL REQUIRED LIGHTING WITH THE OWNER. 3. ALL MATERIALS AND WORKMANSHIP MUST CONFORM TO THE LATEST UNIFORM BUILDING AND ELECTRICAL CODES AND APPLICABLE ORDINANCES OF GOVERNING AGENCIES. HOWEVER, ADHERE TO THE MORE STRINGENT REQUIREMENTS OF THE CONTRACT DOCUMENTS WHEN SUCH REQUIREMENTS

4. NO PART OF THE CONTRACT DOCUMENTS SHOULD CONTRAVENE LOCAL CODES. IF ANY DISCREPANCIES ARE IDENTIFIED, NOTIFY THE LANDSCAPE DESIGNER AND OWNER.

CONFIRM FINAL SPACE REQUIREMENTS AND LOCATIONS PRIOR TO INSTALLATION.

5. SECURE THE NECESSARY PERMITS, LICENSES, AND ARRANGE FOR INSPECTIONS AS REQUIRED 6. THE DRAWINGS PROVIDE A DIAGRAMMATIC REPRESENTATION OF THE PREFERRED LOCATIONS.

7. VERIFY POWER SUPPLY, CIRCUITRY, SWITCHES, PANEL LOCATIONS, TRANSFORMERS, WEATHERPROOF UPLEX OUTLETS, AND OTHER ELECTRICAL COMPONENTS REQUIRED OR DESIRED WITH THE OWNER AND LANDSCAPE DESIGNER. PROVIDE SHOP DRAWINGS TO INDICATE THE LOCATION OF FIXTURES, CIRCUITRY, SWITCHES, WIRING ROUTES, TRANSFORMERS, PHOTOCELLS, AND TIMERS.

8. ENSURE THAT EACH LIGHTING CIRCUIT HAS PHOTOCELL CONTROL AND TIMERS. SUBMIT SHOP DRAWINGS THAT DEPICT THE CIRCUITRY.

DIRECTION OF THE OWNER AND LANDSCAPE DESIGNER AFTER DARK. FOR TREE-MOUNTED DOWNLIGHTS, PROVIDE FLEXIBILITY OF LOCATION BEFORE FINAL MOUNTING.

10. PROVIDE "AS-BUILT" DRAWINGS THAT INDICATE THE INSTALLED LOCATION OF EACH ITEM, CIRCUITRY, AND WIRE ROUTING.

COORDINATE AND COOPERATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND/ OR INTERFACING WORK OF OTHER TRADES. REPLACE ANY ITEMS DAMAGED DURING THE INSTALLATION OF LANDSCAPE LIGHTING.

POOL, SPA AND FOUNTAIN CONSTRUCTION NOTES

1. THE OWNER IS RESPONSIBLE FOR SOLICITING BIDS FOR THE POOL, SPA, AND FOUNTAIN. UPON CONTRACT AWARD, THE POOL CONTRACTOR MUST SUBMIT SHOP DRAWINGS THAT DETAIL STRUCTURAL SECTIONS, HEATER, FILTER, PUMPS, PLUMBING, ELECTRICAL ROUTING DIAGRAMS, AND ANY OTHER NECESSARY INFORMATION TO ENSURE COMPLIANCE WITH RELEVANT CODES AND ORDINANCES.

2. OBTAIN, PAY FOR, AND SECURE THE REQUIRED PERMITS FOR CONSTRUCTION WORK.

3. THE CONTRACTOR MUST VERIFY THAT POOL CONTROL FENCES AND ACCESS MEET THE REQUIREMENTS OF LOCAL CODES AND ORDINANCES. ANY NECESSARY CHANGES TO THE PLANS MUST BE COMMUNICATED TO THE LANDSCAPE DESIGNER.

4. USE "COLD JOINTS" AND/OR 1" DEEP TROWELED SCORE LINES AS EXPANSION JOINTS. SEAL THESE JOINTS WITH CLEAR SEALANT OR A COLOR THAT MATCHES THE DECK.

5. REFER TO THE FINISH GRADING PLANS FOR INFORMATION REGARDING VERTICAL DIFFERENCES, GRADES, AND DRAINAGE SYSTEMS. PROVIDE RAIN DRAIN SYSTEMS WHERE REQUIRED, EVEN IF NOT SPECIFICALLY SHOWN.

6. WRITTEN DIMENSIONS AND DETAILS TAKE PRIORITY OVER SCALED DIMENSIONS.

7. VERIFY SITE CONDITIONS AND DIMENSIONS ON THE SITE.

8. STAKE THE LOCATIONS OF TREES AND ROUTE PIPING OUTSIDE OF REQUIRED EXCAVATION FOR TREE INSTALLATION.

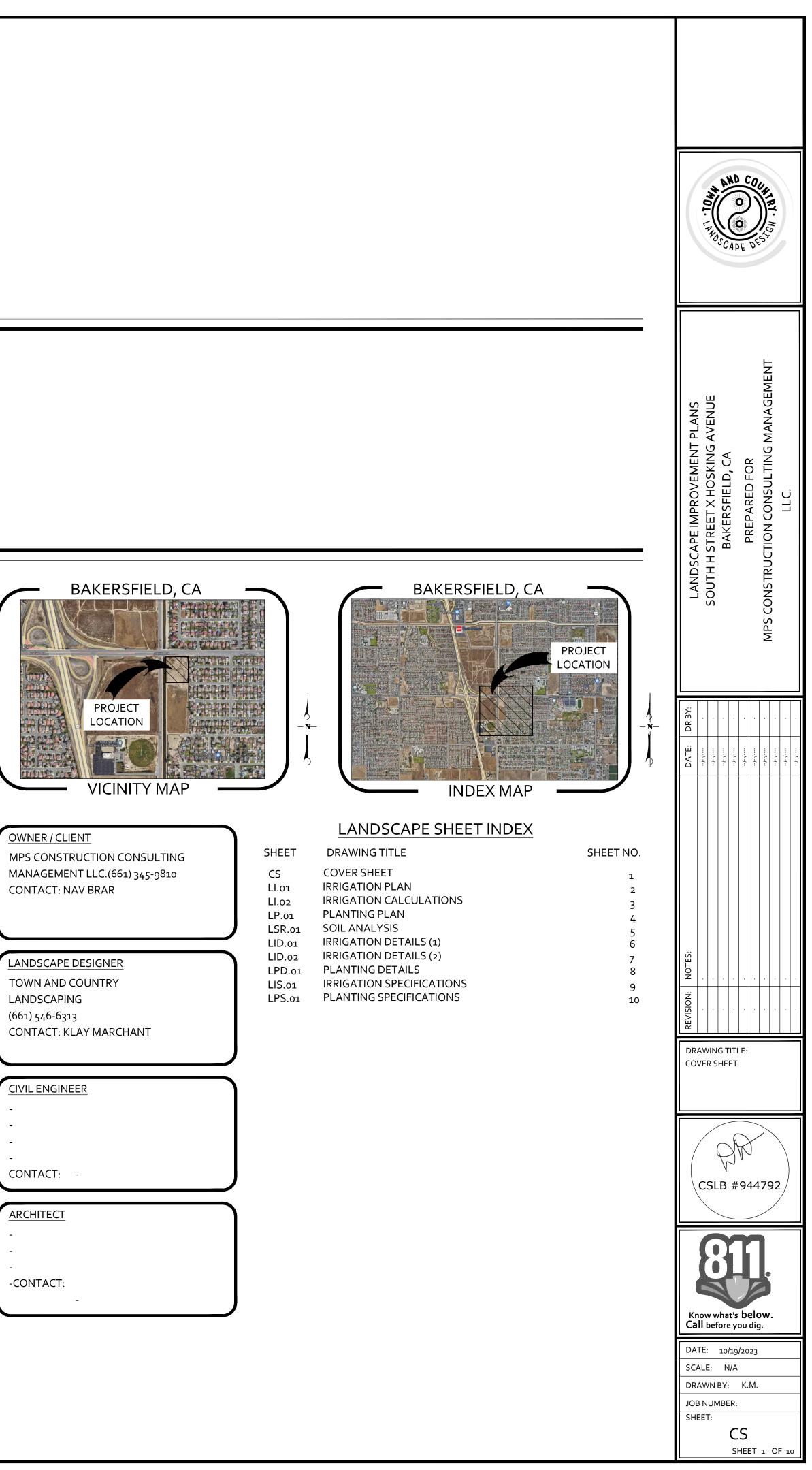
9. PROMPTLY REPORT ANY DISCREPANCIES TO THE OWNER AND LANDSCAPE DESIGNER.

10. USE POOL AND SPA TILE AS SPECIFIED OR CHOSEN BY THE OWNER.

1. SUPPLY THE OWNER WITH TWO (2) BOUND SETS OF MANUFACTURER'S SPECIFICATIONS, DATA, AND OPERATING INSTRUCTIONS FOR INSTALLED EQUIPMENT.

12. COORDINATE AND COLLABORATE WITH CONTRACTORS INVOLVED IN ATTACHED, ADJOINING, AND/OR INTERFACING WORK OF OTHER TRADES.

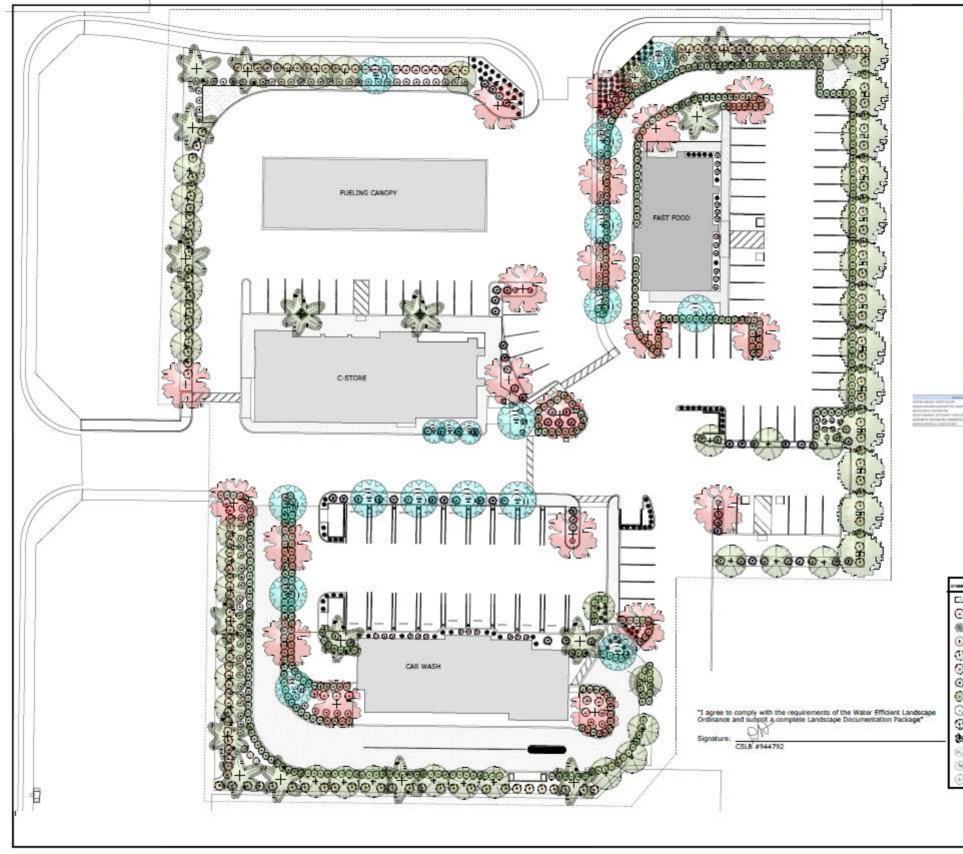
13. ALL MATERIALS AND WORKMANSHIP MUST CONFORM TO THE LATEST UNIFORM BUILDING CODE 10. ENSURE THAT CONSTRUCTION IS PLUMB, LEVEL, AND TRUE UNLESS OTHERWISE SPECIFIED ON AND RELEVANT CODES AND ORDINANCES OF GOVERNING AGENCIES. IF DISCREPANCIES ARE IDENTIFIED, NOTIFY THE LANDSCAPE DESIGNER AND OWNER.



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#### PLANTING NOTES

A READ ADDITIONAL REARTING DETAILS, CONSIGN THE PLANTING REAVE, REAM NOTES, REAM LEADING, AND REARTING DETAILS, FOR LANDIDOMY WORK RELATED TO REMARKING, REPRESSION REAVES, NOTES, AND DETAILS.

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LOCATE AND MARK ALL EXEMPTION INTUINES, WHETHER INDICATED ON THE PLANE OF NOT PROTECT UTUINES, MERAS, AND ETRUCTURES IN MICLING LANDSCHIPT WORK AREAS FROM CAMAGE AND AN INTRODUCED. TV AND COST FOR REPAIRING AND REPLACED DAMAGES CAUGED BY THE CONTINUETOR.

в тей, соотсом откл. С соотствиствой в ликоте вости соотсе бласк чести изселист, тилированые, как отклютие технитика властит на инструмати соотствиствой как от евет не соотсойски, чести воссисто от инструмати от исто технитика на отклютика то мы, с осноствой, вност техническо соотсойски, чести воссисто от инструмати от отклютие технитика на остатовати на чести.

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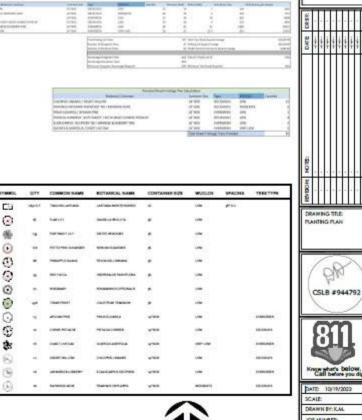
у цине или так и техно конструкти в режи во тря лия и во класти на конструкти и конструкти. На техно конструкти и полните на конструкти и конст На полно и конструкти и ко

A BRIANT RANTHE ARRAN TO BREAT THE TOP OF OF SOLL TO RELD CARACITY, ALL OW YOU TO DEALE, AND DEVIDED GOL, UNTU, IT WITCHE TO A MORT, PEAKING CONDITION, ADDITIONAL INSCATCH WAY BE REQUIRE FOR THE SUCKEYSTICHE, RUCCE THE HITS AT HERDED TO HOLITE VER DIRECTOR

NOTIO. E. P.C. INSERLIDCATION WITHIN STRETCH PARAMETER AND SLAN POLINGATIONS, DISTALL BOOT MUBBLE AMARCHITH ROOT MHINTING PELLETS TRATERTING AF DEEP MOLING THE PERT, ONE AMARCHITY A MEMBRANA OF & AT THE RIGHT. F. RALET THER, DEMING VIEW, AND ROOMD OVERS A DEMONSION THE DEPART. 2. MITHUE DEVIDED

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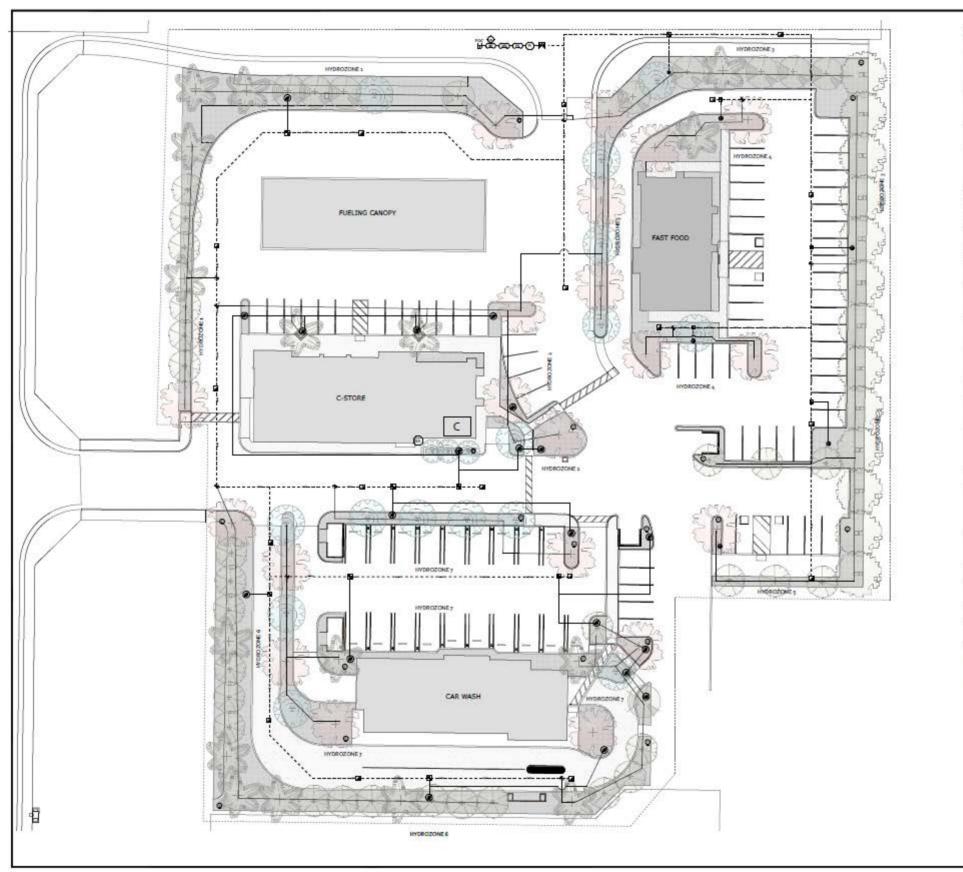
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RRIGATION SCHED											
STMBOL	MANUFACTURERMODEL/DESCRIPTION	OTY	PSI								
22.2.2	EAN BED RIVE-B-C BOOT WATERING SYSTEM WITH 4.0" DWMETER X 36.0" LONG WITH LOCKING GRATE, SDM-RESD MEEH TUBE, AND CHECK VALVE, RAIN BROBUBBLER OFTION AS INDEXTED LUDIO 32 GPM, 140303 GPM, 1444 C GPM, 144303 GPM.	108	30								
SYMBOL.	MANUFACTURER/HODEL/DESCRIPTION	OTY									
5	EANINGED XC2-442-984-COM WEDE FLOW DRP CONTROL KIT FOR COMMERCIAL APPLICATIONS. 1° AALL WALTE WITH 1° PESSI VALVE AND 1° PRESSURE RESULATING 40PB OULCE-CHECK BASKET FLITER, 0.369M TO 2069M.	÷0		F	7		*2	C.			
۲	PIPE TRANSITION POINT ABOVE GRADE PIPE TRANSITION POINT FROM PVC LATERAL TO DRIP TUSING WITH RESER TO ABOVE GRADE INSTALLATION.	2			104.	ĺ	000	0	Ĵ		
÷	NETARM TISOV NETARM TISOV NETARM TISOV NETARM TISOV NETARM TISOV NETARM TISOV NETARM SECTOR SECTOR NETARM SECTOR SECTOR NETARM SECTOR SECTOR NETARM SECTOR NETARM NETARM SECTOR NETARM SECTOR NETARM NETARM SECTOR NETARM NETARM S	10	336		Par 1	100	A CONTRACT		ale.	1	
	AREA TO RECEIVE DRIP EMITTERS RANG BOXE-TO: SINGLE OUT.ET, PRESSURE COMPONENTING DRIP EMITTERS. RIOW RATES OF A SEMI-BUILUE, LOOPINEURCE, AND LOOFINHEED. COMES WITH A SELF-PERCING BARBINLETX BARB OUTLET.	36,660 S.F.	38-36	Γ						-	
	Emitter Notes: 2.0 GPH emitters (2 assigned to each 2 gal plant)		12-0						TAN T	5	
10.000	1.0 GPH emitters (1 assigned to each 5 gal plant)		12 - 2			4			10	5	
SYMBOL	MANUFACTURERMODEL/DESCRIPTION	OTY		ž	1				140	3	
4	RANGED FEB	10	1	2					144	1	
	1", 1-10", 2" PLASTIC INDUSTRIAL VALVES, LOW R.D.W OPERATING CAPABILITY, GLOBE CONRELIZATION. RAN BED 32-DURC UN PRESS DIVERSION IN CONTRACTOR OF DEPENDENT	73	-	MENT	Contraction of the local distance	-	5	8	TIME &	2	
	34" BRASS GUCK-COUPLING VALVE, WITH CORROSON- RESISTANT STANLESS STEEL SPRING, LOCKING THERMORPARTS RUBBLER COVER, DOUBLE TRACK KEY LUG, AND 3-PROS BODY.	al.		P DOVE	CHANNEL OF	a summer	SAKENSFIELD, C	PREPARED FOR	HIDOU.	-	SH S
M	NBCO T-10 CLASS 125 BRONZE GATE SHUT OFF WALVE WITH WHEEL HANDLE, SAME SIZE AS MAINLINE PIPE CLAMETER AT VALVE LOCATION. SIZE RANGE - 1/2* - 2*	90) -		AND/SCAPE MAP BOW EMENT PLANS	CUTM N STREET X NO SCHOL MUTHO	and the second	BAKE	PRE	CTTONIA	-	
-	RAN INCO PERSIA 19, JULY, 1974, ANTE: INDUSTRIAL VALVES, LOW PLOW OPERATING CAPABILITY, GLOBE CONTRUBATION, WITH SCRUBER TECHNOLOGY FOR PELVALE PERFORMANCE N DRTY WITH REGELICION APPLICATIONS.	4		LANDA	CATTA	-			UPS CONSTRUCTION CONSILITING MANAGEMENT	WIGHNO .	
۲	FEBCO R5511-454 REDUCED PRESSURE BACKFLOW PREVENTER WJ GUARD SHACK FROSTGUARD FG-3 POLAR BLANKET.	•							1 COL		
C	HUNTER C-1200-PL MODULAR CONTROLLER, 12 STATIONS, OUTDOOR MODEL, PLASTIC CARINET. COMMERCIAL USE, WITH ONE KOM-600 MODULE INCLUDED.	•)::		L	-	-		-			T
6	NUMER WIS WIRELESS SOLAR, BAIN REFERE SENSOR WITH OUTDOOR WITERACE, CONNECTS TO HUNTER PCC, RRO-C, AND HORE CONTROLLERS, INSTALLAS NOTED. INCLUSES A YEAR UTHEM ANTERNAND RUBBER MODULE COVER, AND SUTTER MOUNT BRACIET.	<u>ن</u>		DATE: DEBY			+ + + +		++	+	-
B	HUNTER HPS-120 PLOW SENSOR FOR USE WITH ACC CONTROLLER, 1* SCHEDULE 40 SENSOR BODY, 14 VAC, 1 AMP.	• C									Ī
( <u>R</u> )	12-R.O. FERTLENIS SYSTEMS EDucy-CC ONE SYSTEM FIELDS ALL 20MES, DEPORE SPENNLER, USED FOR SMALLER COMMERCIAL LANGCAPES, RESIDENTIAL, HOANS, MODE, HOMES, AND GENERA APPLICATIONS. INSTALL DESCL'14 YM THE BREAKTON SYSTEM MANLENE AFTER THE BACK FLOW FREVENTER. TANK CAPACITY 13-56.	<b>4</b> 79									
-¢-	STRONG BOX SBBC 2005 LOW PROFER, TUBELAD WRE CONSTRUCTION SMOOTH TOUCH SUBPLIC STUMESS STEEL BACHELOW BACLISEUE, 34-51, 2014, 107:25 W BALEVOLL, 71-12 CM H, 45:06 SCM W).	<b>i</b> :									
POC	POINT OF CONNECTION 1-42*	a :		NOTES							
	IRRIGATION LATERAL LINE PVC CLASS 300 SDR 31	4.18LS.		ILVERON P		1			ľ		1
	BRIGATION MAINLINE: PVC SCHEDULE 44	A JAKE		HI.V.							
======	PIPE SLEEVE PVC SCHEDULE 40	SEO L.F.		DR/ IRRI							
"I agree to com Ordinance and s	oly with the requirements of the Water Efficient Lar ubmit a complete Landscape Documentation Packa	idscape ige"			_	_	_	_			_

Contract ballow. Call balance you dig. DATE: surjectures BCORE: MyA DOGANYENY K.M. JCONTANGER: SHEET: LI.O.1 SHEET 2 CF NO

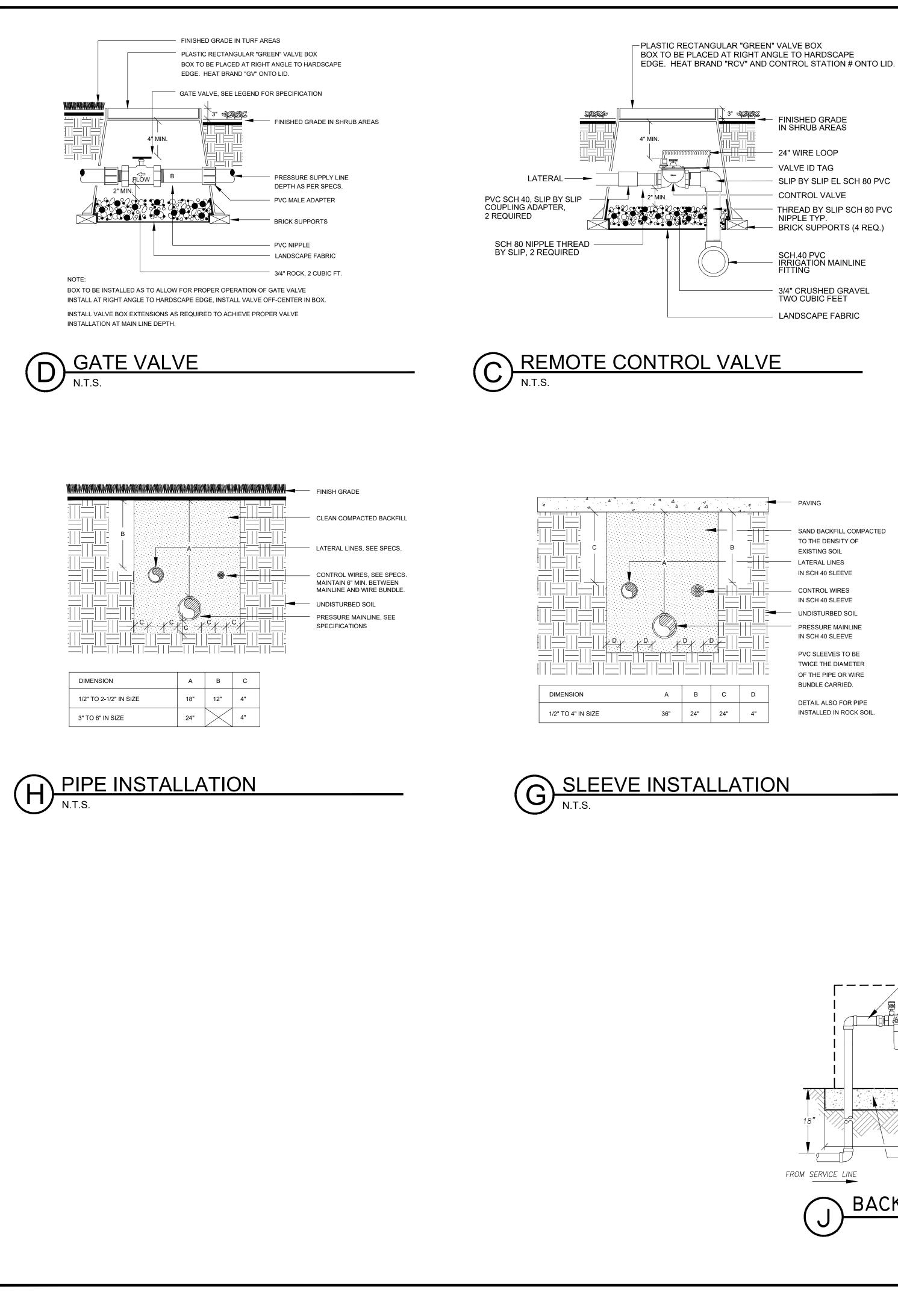
INFER TO SHEET US AN FOR IRREATION CALCULATIONS REFER TO SHEET US AN FOR SOL ANALYSIS REFER TO SHEET US AN ADD AD AN OR REGATION OF ANS REFER TO SHEET US AN FOR IRREATION SPECIFICATIONS CSLB #944792

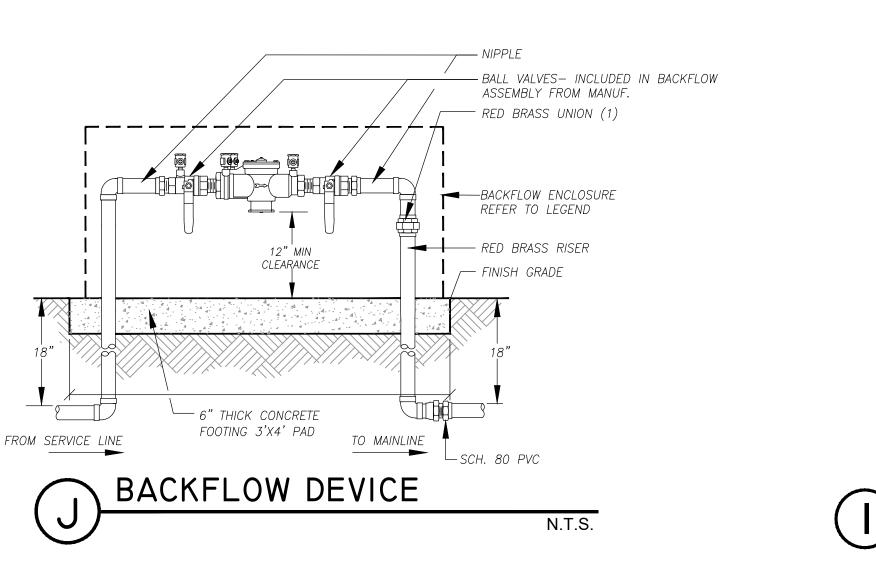
81

Ente	r value in Pale Blue Cells		SENT OF W
	Tan Cells Show Results		GEP WI
Me	essages and Warnings		STATE OF C
Click on the blue cell on right to Pick City Name	Bakersfield	Name of City	-
ETo of City from Appendix A	52.40	ETo (inches/year)	
	0	Overhead Landscape Area (ft2)	
	33329	Drip Landscape Area (ft2)	
	0	SLA (ft2)	
Total Landscape Area	33,329		
Results: ETo) x (0.62) x [(0.45 x LA) + (1.0 - 0.45) X SLA)]	487.287	Gallons	
		Cubic Feet	
	651	HCF	
	1	Acre-feet	
	0	Millions of Gallons	
IAWA calculation incorporating Effective Precipitation (Optional) recipitation (Optional)			
To of City from Appendix A	52	ETo (inches/year)	
otal Landscape Area	33,329	LA (ft2)	
pecial Landscape Area	0	SLA (ft2)	
		Total annual precipitiation (inches/year	r)
Inter Effective Precipitation	0.00	Eppt (in/yr)(25% of total annual precip	itation)
esults:			
AWA = [(ETo - Eppt) x (0.62)] x [(0.45 x LA) + ((1.0 - 0.45) x SLA)]		Gallons	
	-	Cubic Feet	
	-	HCF	
	- c	Acre-feet	
	-	Millions of Gallons	

Equation: ETWU	= ETo x 0.62 x [((PF x	HA)/IE) + SLA]; Con Enter val	sidering precipita ues in Pale Blue C	tion ETWA = (ETo-Eppt) x 0 Cells	).62 x [((PF x H
		Messa	iges and warning	• 	
Irrigation Efficience	ciency Default Value fo	r overhead 0.75 and	drlp 0.81.		
Plant Water U	se Type		Plant Factor		
Very Low					
		-	CONTRACTOR CONTRACTOR		
			and the second sec		
SLA			1.0		
Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft2) Without SLA	Irrigation Efficiency (IE)
					0.81
					0.81
					0.81
					0.81
					0.81
Zone 7	Drip	Low	0.20	4,346	0.81
		SIA		0	
			Sum		
			-		
Results MAWA = 487,287		ETWU =		Cubic Feet	E
	Irrigation Efficience Plant Water U Very Low Low Medium High SLA	Irrigation Efficiency Default Value for         Plant Water Use Type         Very Low         Low         Medium         High         SLA         Hydrozone       Select System From         Zone 1       Drip         Zone 2       Drip         Zone 3       Drip         Zone 4       Drip         Zone 5       Drip         Zone 7       Drip	Equation: ETWU = ETo x 0.62 x [((PF x HA)/E) + SLA]; Con Enter val         Inter val         Int Control         Wesse         Infigation Efficiency Default Value for overhead 0.75 and         Pant Water Use Type         Very Low         Low         Medium         High         SLA         Hydrozone         Science 1         Drip         Zone 2         Drip         Zone 3         Zone 4         Drip         Zone 6         Drip         Zone 7         Drip         Low         Zone 6         Drip         Low         Zone 7         Drip         Low         Zone 7         Drip         Low         Zone 7         Drip         Low         Zone 7         Brip         Low         Zone 8         Drip         Low         Zone 8         Drip         Low         Zone 7         Drip         Low <td>Equation: ETWU = ETo x 0.62 x [((PF x HA)/E) + SLA]; Considering precipital Enter values in Pale Blue Constrained to the second second</td> <td>Plant Water Use Type     Plant Factor       Very Low     0 - 0.1       Low     0.2 - 0.3       Medium     0.4 - 0.6       High     0.7 - 1.0       SLA     1.0         Hydrozone     Select System From the Dropdown List click on cell below     Plant Water Use Type (s) (low, medium, high)     Plant Factor (PF)     Hydrozone Area (HA) (ft2) Without SLA       Zone 1     Drip     Low     0.20     5,160       Zone 2     Drip     Low     0.20     5,160       Zone 3     Drip     Low     0.20     5,970       Zone 4     Drip     Low     0.20     6,260       Zone 7     Drip     Low     0.20     6,260       Zone 7     Drip     Low     0.20     4,346       Units     Sum     33.329</td>	Equation: ETWU = ETo x 0.62 x [((PF x HA)/E) + SLA]; Considering precipital Enter values in Pale Blue Constrained to the second	Plant Water Use Type     Plant Factor       Very Low     0 - 0.1       Low     0.2 - 0.3       Medium     0.4 - 0.6       High     0.7 - 1.0       SLA     1.0         Hydrozone     Select System From the Dropdown List click on cell below     Plant Water Use Type (s) (low, medium, high)     Plant Factor (PF)     Hydrozone Area (HA) (ft2) Without SLA       Zone 1     Drip     Low     0.20     5,160       Zone 2     Drip     Low     0.20     5,160       Zone 3     Drip     Low     0.20     5,970       Zone 4     Drip     Low     0.20     6,260       Zone 7     Drip     Low     0.20     6,260       Zone 7     Drip     Low     0.20     4,346       Units     Sum     33.329

F x HA)/IE) +SLA]	Image:	AND COULIER THUS CAPE DEST
on hcy (PF x HA (ft2))/IE 1,274 349 1,784 729 1,474 1,546 1,073 8,229 0 0 ETWU complies with MAWA		LANDSCAPE IMPROVEMENT PLANS SOUTH H STREET X HOSKING AVENUE BAKERSFIELD, CA PREPARED FOR MPS CONSTRUCTION CONSULTING MANAGEMENT LLC.
		DATE:     DR BY:       -/-/     -/-/       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -       -/-/     -
		::       ::       : <td::< td=""> <td::< td=""> <td::< td=""></td::<></td::<></td::<>
		CSLB #944792
		Know what's below. Call before you dig.







SAND BACKFILL COMPACTED TO THE DENSITY OF EXISTING SOIL LATERAL LINES IN SCH 40 SLEEVE CONTROL WIRES

PAVING

IN SCH 40 SLEEVE

UNDISTURBED SOIL

IN SCH 40 SLEEVE

PVC SLEEVES TO BE

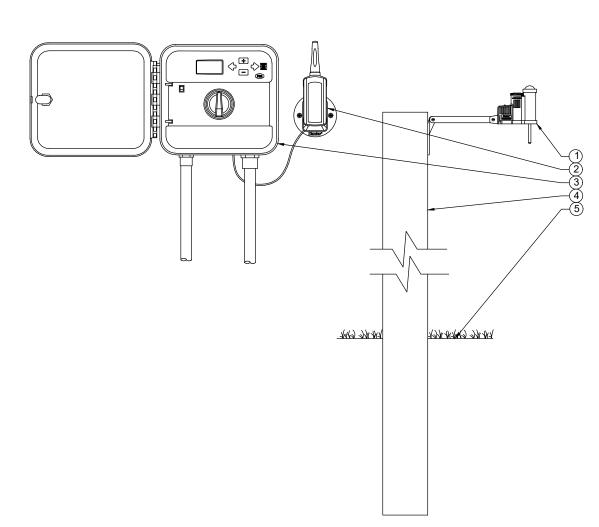
TWICE THE DIAMETER

OF THE PIPE OR WIRE

DETAIL ALSO FOR PIPE INSTALLED IN ROCK SOIL.

BUNDLE CARRIED.

PRESSURE MAINLINE



IRRIGATION CONTROLLER.

B FLOW SENSOR

(1)SOLAR SYNC WIRELESS SENSOR

(2)SOLAR SYNC WIRELESS RECEIVER

(3)SOLAR SYNC COMPATIBLE CONTROLLER

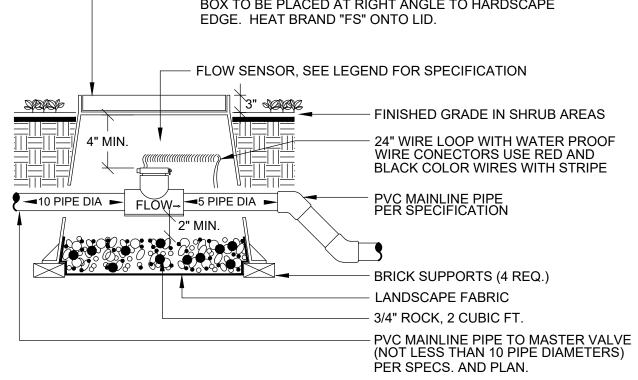
N.T.S.

(4) POST OR SUITABLE MOUNTING SURFACE

(4)FINISHED GRADE

VALVE ID TAG SLIP BY SLIP EL SCH 80 PVC CONTROL VALVE

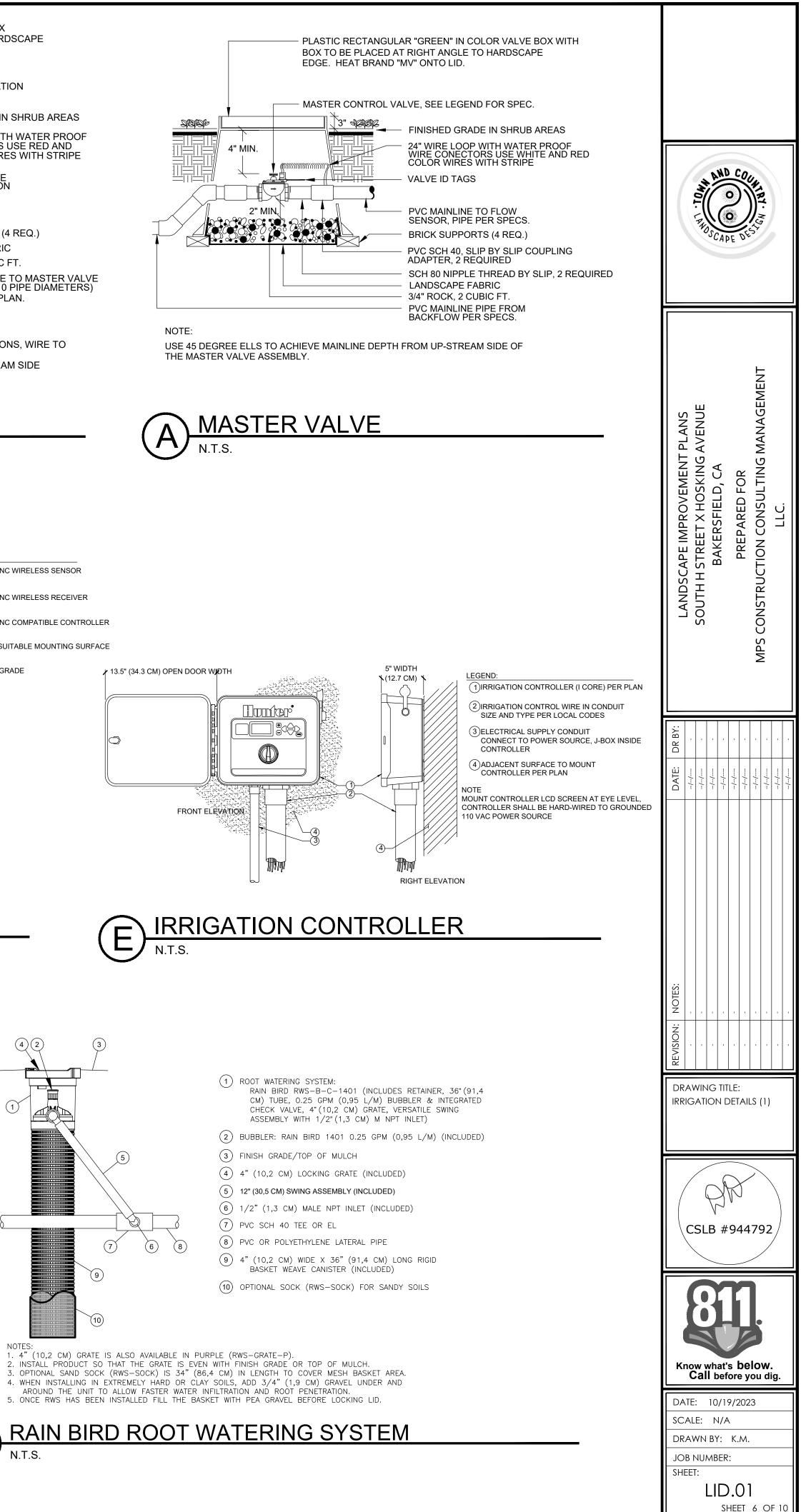
 FINISHED GRADE IN SHRUB AREAS

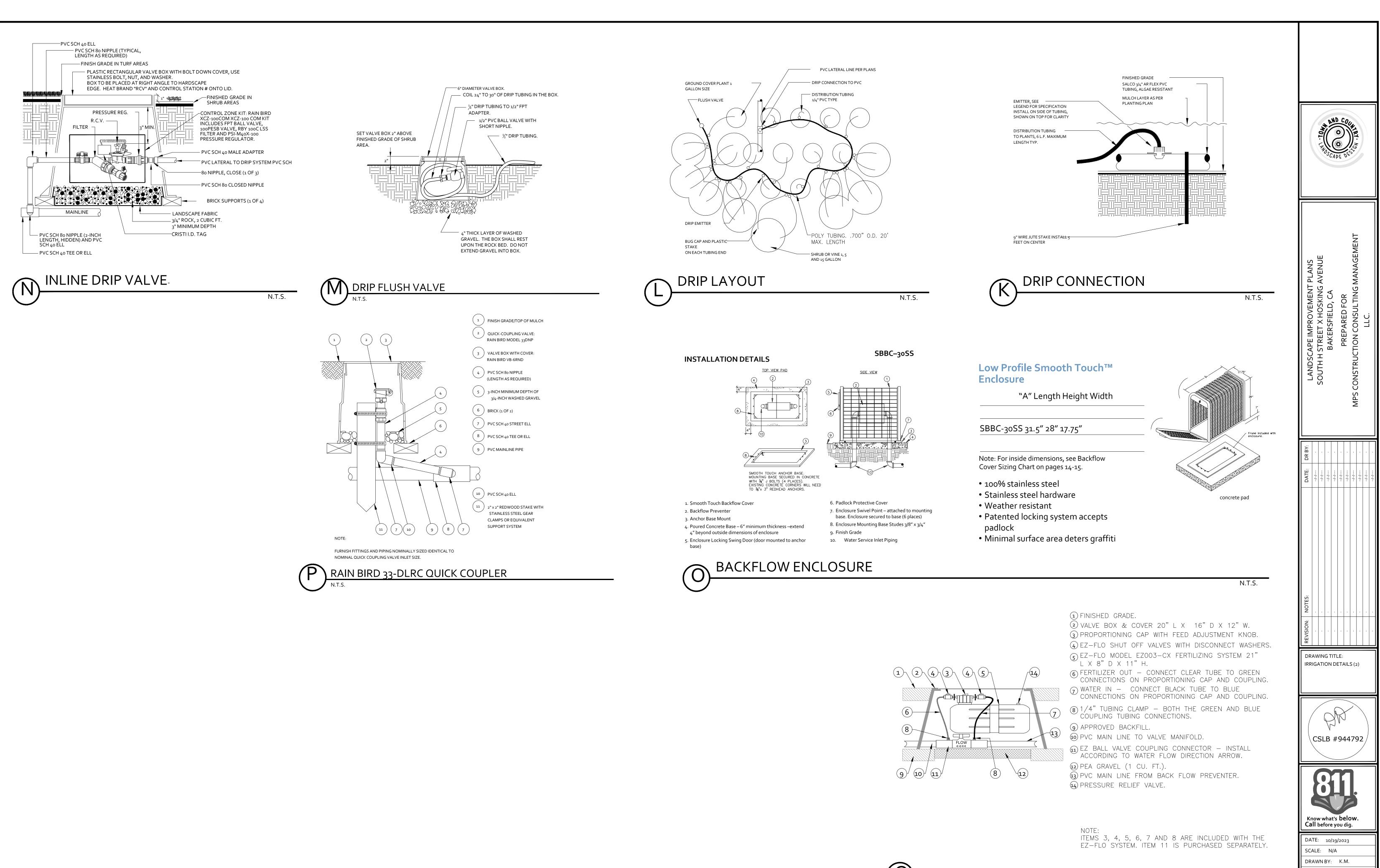


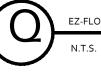
INSTALL FLOW SENSOR AS PER THE MANUFACTURER'S RECOMMENDATIONS, WIRE TO

USE 45 DEGREE ELLS TO ACHIEVE MAINLINE DEPTH ON THE DOWN-STREAM SIDE OF THE FLOW SENSOR.

PLASTIC RECTANGULAR "GREEN" VALVE BOX BOX TO BE PLACED AT RIGHT ANGLE TO HARDSCAPE





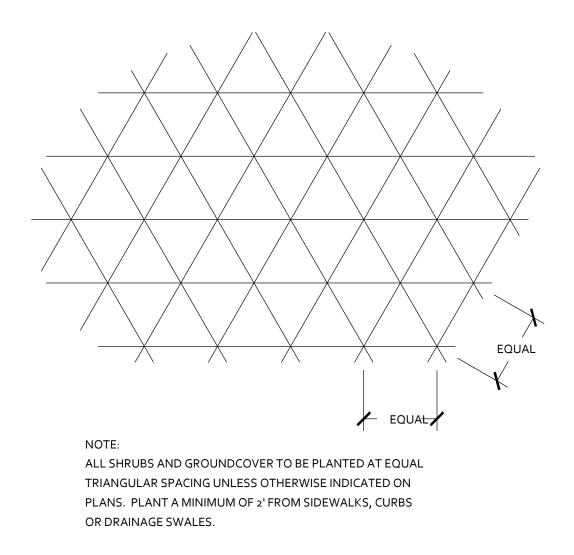


EZ-FLO FERTILIZING SYSTEM - EZ003-CX 2.5 GALLON

LID.02 SHEET 7 OF 10

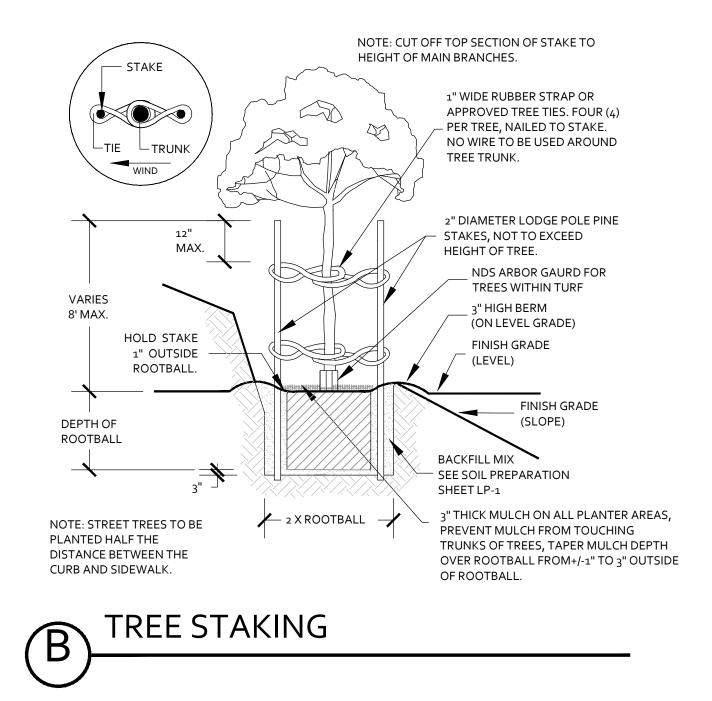
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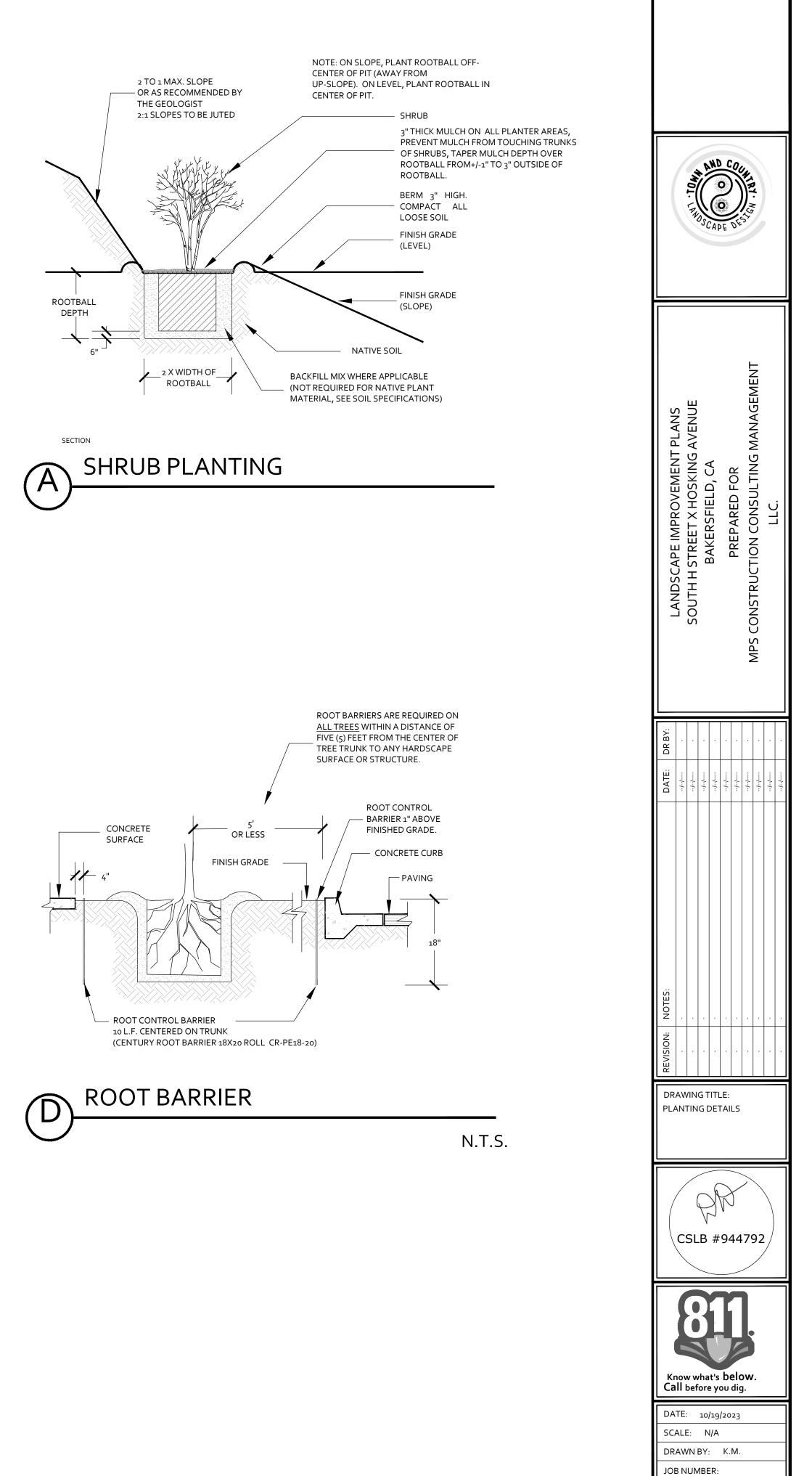
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SHEET 8 OF 10

## IRRIGATION SPECIFICATIONS

PART 1 - GENERAL CONDITIONS

## .1 DESCRIPTION:

A. WORK INCLUDED: PROVIDE ALL LABOR, MATERIALS, TRANSPORTATION, AND SERVICES NECESSARY TO FURNISH AND INSTALL IRRIGATION SYSTEMS AS SHOWN ON THE DRAWINGS AND DESCRIBED HEREIN.

### 1.2 QUALITY ASSURANCE:

A. MANUFACTURER'S DIRECTIONS: MANUFACTURER'S DIRECTIONS AND DETAILED DRAWINGS SHALL BE FOLLOWED IN ALL CASES WHERE THE MANUFACTURERS OF ARTICLES USED IN THIS CONTRACT FURNISH DIRECTIONS COVERING POINTS NOT SHOWN IN THE DRAWINGS AND SPECIFICATIONS.

B. ORDINANCES AND REGULATIONS: ALL LOCAL, MUNICIPAL AND STATE LAWS, AND RULES AND REGULATIONS GOVERNING OR RELATING TO ANY PORTION OF HIS WORK ARE HEREBY INCORPORATED INTO AND MADE A PART OF THESE SPECIFICATIONS, AND THEIR PROVISIONS SHALL BE CARRIED OUT BY THE CONTRACTOR. ANYTHING CONTAINED IN THESE SPECIFICATIONS SHALL NOT BE CONSTRUED TO CONFLICT WITH ANY OF THE ABOVE RULES AND REGULATIONS OR REQUIREMENTS OF THE SAME HOWEVER, WHEN THESE SPECIFICATIONS AND DRAWINGS CALLEOR OR DESCRIBE MATERIALS, WORKMANSHIP, OR CONSTRUCTION OF A BETTER QUALITY, HIGHER STANDARD, OR LARGER SIZE THAN IS REQUIRED BY THE ABOVE RULES AND REGULATIONS, THE PROVISIONS OF THESE SPECIFICATIONS AND DRAWINGS SHALL TAKE PRECEDENCE.

### C. EXPLANATION OF DRAWINGS:

1. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, ETC., WHICH MAY BE REQUIRED. THE CONTRACTOR SHALL CAREFULLY INVESTIGATE THE STRUCTURAL AND FINISHED CONDITIONS AFFECTING ALL OF HIS WORK AND PLAN HIS WORK ACCORDINGLY, FURNISHING SUCH FITTINGS, ETC. AS MAY BE REQUIRED TO MEET SUCH CONDITIONS. DRAWINGS ARE GENERALLY DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. THE WORK SHALL BE INSTALLED IN SUCH A MANNER AS TO AVOID CONFLICTS BETWEEN IRRIGATION SYSTEMS, PLANTING, AND ARCHITECTURAL

FEATURES. 2. THE WORD "LANDSCAPE DESIGNER" AS USED HEREIN SHALL REFER TO THE OWNER'S AUTHORIZED REPRESENTATIVE.

### 3. ALL WORK CALLED FOR ON THE DRAWINGS BY NOTES OR DETAILS SHALL BE FURNISHED AND INSTALLED WHETHER OR NOT SPECIFICALLY MENTIONED IN

THE SPECIFICATIONS. 4. THE CONTRACTOR SHALL NOT WILLFULLY INSTALL THE IRRIGATION SYSTEM AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT OBSTRUCTIONS, GRADE DIFFERENCES, OR DISCREPANCIES IN AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE IRRIGATION DESIGN. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. IN THE EVENT THIS

1. THE CONTRACTOR SHALL FURNISH THE ARTICLES, EQUIPMENT, MATERIALS, OR PROCESSES SPECIFIED BY NAME IN THE DRAWINGS AND SPECIFICATIONS. NO

2. COMPLETE MATERIAL LIST SHALL BE SUBMITTED PRIOR TO PERFORMING ANY WORK. MATERIAL LIST SHALL INCLUDE THE MANUFACTURER, MODEL NUMBER,

AND DESCRIPTION OF ALL MATERIALS AND EQUIPMENT TO BE USED. COPIES OF CATALOG INFORMATION SHALL NOT BE SUBSTITUTED FOR THE MATERIALS LIST,

3. EQUIPMENT OR MATERIALS INSTALLED OR FURNISHED WITHOUT PRIOR APPROVAL OF THE LANDSCAPE DESIGNER MAY BE REJECTED AND THE CONTRACTOR

4. APPROVAL OF ANY ITEM, ALTERNATE, OR SUBSTITUTE INDICATED ONLY THAT THE PRODUCT APPARENTLY MEETS THE REQUIREMENTS OF THE DRAWINGS

5. MANUFACTURER'S WARRANTIES SHALL NOT RELIEVE THE CONTRACTOR OF HIS LIABILITY UNDER THE GUARANTEE. SUCH WARRANTIES SHALL ONLY

1. THE CONTRACTOR SHALL PROVIDE AND KEEP UP TO DATE A COMPLETE "RECORD" SET OF BLUE LINE OZALID PRINTS WHICH SHALL BE CORRECTED DAILY

DRAWINGS SHALL ALSO SERVE AS WORK PROGRESS SHEETS AND SHALL BE THE BASIS FOR MEASUREMENT AND PAYMENT FOR WORK COMPLETED. THIS SET OF

AND SHOW EVERY CHANGE FROM THE ORIGINAL DRAWINGS AND SPECIFICATIONS AND THE EXACT LOCATIONS, SIZES, AND KINDS OF EQUIPMENT. THESE

2. THE CONTRACTOR SHALL MAKE NEAT AND LEGIBLE ANNOTATIONS THEREON DAILY AS THE WORK PROCEEDS, SHOWING THE WORK AS ACTUALLY

MYLAR PROCURED FROM THE LANDSCAPE DESIGNER. ALL WORK SHALL BE NEAT, DRAWN IN WATERPROOF INK BY A TECHNICAL INK PEN DESIGNED SPECIFICALLY FOR USE ON MYLAR MATERIAL. WORK COMPLETED IN FELT TIP PEN OR BALL POINT PEN WILL BE REJECTED BECAUSE OF THE NON-PERMANENT

4. THE CONTRACTOR SHALL DIMENSION FROM TWO PERMANENT POINTS OF REFERENCE THE LOCATION OF THE FOLLOWING ITEMS:

NSTALLED. THESE DRAWINGS SHALL BE AVAILABLE AT ALL TIMES FOR INSPECTION AND SHALL BE KEPT IN A LOCATION DESIGNATED BY THE LANDSCAPE

3. BEFORE THE DATE OF THE FINAL INSPECTION, THE CONTRACTOR SHALL TRANSFER ALL INFORMATION FROM THE RECORD PRINTS TO A SEPIA MYLAR OR

C. ON OR BEFORE THE DATE OF THE FINAL INSPECTION, THE CONTRACTOR SHALL DELIVER THE CORRECTED AND COMPLETED MYLARS TO THE LANDSCAPE

3. THE CHART SHALL SHOW THE AREA CONTROLLED BY EACH AUTOMATIC CONTROLLER AND SHALL BE SIZED AS DESIGNATED BY EACH AUTOMATIC

4. THE CHART IS TO BE A REDUCED DRAWING OF THE ACTUAL RECORD DRAWINGS. HOWEVER, IN THE EVENT THE CONTROLLER SEQUENCE IS NOT LEGIBLE

6. WHEN COMPLETED AND APPROVED, THE CHART SHALL BE SEALED BY A PLASTIC LAMINATING PROCESS. THE PLASTIC LAMINATING SHEETS SHALL BE A

2. IN ADDITION TO THE ABOVE MENTIONED MAINTENANCE MANUAL, PROVIDE THE OWNER'S MAINTENANCE PERSONNEL WITH INSTRUCTIONS FOR MAJOR

3. THE ABOVE MENTIONED EQUIPMENT SHALL BE TURNED OVER TO THE OWNER AT THE CONCLUSION OF THE PROJECT. BEFORE FINAL INSPECTION CAN

A. HANDLING OF PVC PIPE AND FITTINGS: THE CONTRACTOR IS CAUTIONED TO EXERCISE CARE IN HANDLING, LOADING, UNLOADING, AND STORING OF PVC PIPE

AND FITTINGS. ALL PVC PIPE SHALL BE TRANSPORTED IN A VEHICLE WHICH ALLOWS THE LENGTH OF PIPE TO LIE FLAT SO AS NOT TO SUBJECT IT TO UNDUE

BENDING OR CONCENTRATED EXTERNAL LOAD AT ANY POINT. ANY SECTION OF PIPE THAT HAS BEEN DENTED OR DAMAGED WILL BE DISCARDED, AND IF

EQUIPMENT AND SHOW EVIDENCE IN WRITING TO THE LANDSCAPE DESIGNER AT THE CONCLUSION OF THE PROJECT THAT THIS SERVICE HAS BEEN RENDERED.

- INDEX SHEETS STATING CONTRACTOR'S ADDRESS AND TELEPHONE NUMBER, LIST OF EQUIPMENT WITH NAMES AND ADDRESSES OF LOCAL

5. THE CHART SHALL BE A BLOACLINE OR BLUELINE OZALID PRINT AND A DIFFERENT COLOR SHALL BE USED TO INDICATE THE AREA OF COVERAGE FOR EACH

1. PREPARE AND DELIVER TO THE LANDSCAPE DESIGNER WITHIN TEN CALENDAR DAYS PRIOR TO COMPLETION OF CONSTRUCTION, TWO HARD COVER BINDERS

DESIGNER. DELIVERY OF THE MYLARS WILL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF FURNISHING REQUIRED INFORMATION THAT MAY BE

## A. MATERIAL LIST

NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.

### 1.3 SUBMITTALS:

REQUIRED TO REMOVE SUCH MATERIALS FROM THE SITE AT HIS OWN EXPENSE.

AND SPECIFICATIONS ON THE BASIS OF THE INFORMATION OR SAMPLES SUBMITTED.

DRAWINGS SHALL BE KEPT ON THE SITE AND SHALL BE USED ONLY AS A RECORD SET

.2. OTHER RELATED EQUIPMENT AS DIRECTED BY THE LANDSCAPE DESIGNER

1. RECORD DRAWINGS SHALL BE APPROVED BY THE LANDSCAPE ARCHIT

2. PROVIDE ONE CONTROLLER CHART FOR EACH CONTROLLER SUPPLIED.

WITH THREE RINGS EACH CONTAINING THE FOLLOWING INFORMATION:

- SUPPLY AS PART OF THIS CONTRACT THE FOLLOWING TOOLS:

- TWO KEYS FOR EACH AUTOMATIC CONTROLLER OR ENCLOSURE.

1.4 PRODUCT PROTECTION, STORAGE, AND HANDLING:

NSTALLED, SHALL BE REPLACED WITH NEW PIPING.

1.5 ANALYSIS OF SAMPLES AND TESTS: NONE.

ADDITION TO THE DATE OF ACCEPTANCE).

- TWO FIVE-FOOT VALVE KEYS FOR OPERATION OF GATE VALVES (AS REQUIRED).

CONTROLLER OR AS DESIGNATED BY THE OWNER'S ALITHORIZED REPRESENTATIVE

WHEN THE DRAWING IS REDUCED. IT SHALL BE READABLE WHEN THE CONTROLLER CHART IS COMPLETED.

- CATALOG AND PARTS SHEETS ON EVERY MATERIAL AND EQUIPMENT INSTALLED UNDER THIS CONTRACT.

OCCUR, EVIDENCE THAT THE OWNER HAS RECEIVED MATERIAL MUST BE SHOWN TO THE LANDSCAPE DESIGNER.

- COMPLETE OPERATING AND MAINTENANCE INSTRUCTIONS ON ALL MAJOR PIECES OF EQUIPMENT.

IATURE OF BOTH DEVICES. ALL WORK SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE DESIGNER.

SUBSTITUTION WILL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL BY THE LANDSCAPE DESIGNER.

AND WILL BE REJECTED AS UNACCEPTABLE.

5. CONNECTION TO EXISTING WATER LINES

8. ROUTING OF PRESSURE MAIN LINE PIPE

10. ROUTING OF CONTROL AND COMMON WIRE

MITTED FROM THE PRINTS HE COMPILED AT THE SITE.

ECT BEFORE CONTROLLER CHARTS ARE PREPARED.

9. SPRINKLER CONTROL VALVES

11. QUICK COUPLING VALVES

D. CONTROLLER CHARTS:

CONTROL VALVE STATION.

MINIMUM OF 10 MIL. THICKNESS EACH.

MANUFACTURER'S REPRESENTATIVES

A. EQUIPMENT TO BE FURNISHED:

CONTRACT

1.6 GUARANTEE

**RRIGATION SYSTEM** 

- GUARANTEE STATEMENT (SECTION 1.05).

D. OPERATION AND MAINTENANCE

6. CONNECTIONS TO EXISTING ELECTRICAL POWER

SUPPLEMENT THE GUARANTEE.

B. RECORD DRAWINGS

DESIGNER.

7. GATE VALVES

- NOMINAL PIPE SIZE

- SCHEDULE OR CLASS

- DATE OF EXTRUSION

APPROVAL

- PRESSURE RATING IN PSI

B. BRASS PIPE AND FITTINGS:

C. GALVANIZED PIPE FITTINGS:

E BACKELOW PREVENTER UNIT-

BAILEY 100A OR APPROVED EQUAL

G. CHECK VALVES:

H. CONTROL WIRING:

WIRE SIZE BE LESS THAN #14

CONNECTOR PER WIRE SPLICE.

I. AUTOMATIC CONTROLLER:

LANDSCAPE DESIGNER

A, TYPE IV.

POSSIBLE.

CONDUCTORS.

D. GATE VALVE:

7. ALL PVC PIPE MUST BEAR THE FOLLOWING MARKINGS: - MANUFACTURER'S NAME

- NSF (NATIONAL SANITATION FOUNDATION) APPROVAL

A. PVC NON-PRESSURE LATERAL LINE PIPING:

MANUFACTURER.

1. PRESSURE MAIN LINE PIPING FOR SIZES 2 AND 1/2 INCH AND LARGER SHALL BE PVC CLASS 315. 2. PIPE SHALL BE MADE FROM AN NSF APPROVED TYPE 1, GRADE 1, PVC COMPOUND CONFORMING TO ASTM RESIN SPECIFICATION D1784. ALL PIPE MUST MEET REQUIREMENTS AS SET FORTH IN FEDERAL SPECIFICATION PS-22-70 (SOLVENT WELD PIPE) WITH AN APPROPRIATE STANDARD DIMENSION (S.D.R.). 3. PRESSURE MAIN LINE PIPING FOR SIZES 2 INCH AND SMALLER SHALL BE PVC SCHEDULE 40 WITH SOLVENT WELDED JOINTS. 4. PIPE SHALL BE MADE FROM NSF APPROVED TYPE 1, GRADE 1, PVC COMPOUND CONFORMING TO ASTM RESIN SPECIFICATION D1785. ALL PIPE MUST MEET REQUIREMENTS AS SET FORTH IN FEDERAL SPECIFICATION PS-21-70 (SOLVENT-WELD PIPE). 5. PVC SOLVENT-WELD FITTINGS SHALL BE SCHEDULE 40, 1-2, 11-1 NSF APPROVED CONFORMING TO ASTM TEST PROCEDURE D2466. 6. SOLVENT CEMENT AND PRIMER FOR PVC SOLVENT-WELD PIPE AND FITTINGS SHALL BE OF THE TYPE AND INSTALLATION METHODS PRESCRIBED BY THE

A. PVC PRESSURE MAIN LINE PIPE AND FITTINGS:

2.1 GENERAL: USE ONLY NEW MATERIALS OF BRANDS AND TYPES NOTED ON THE DRAWINGS, SPECIFIED HEREIN, OR APPROVED EQUALS.

PART 2 - MATERIALS

CONTRACTOR. - TWO SETS OF SPECIAL TOOLS REQUIRED FOR REMOVING, DISASSEMBLING, AND ADJUSTING EACH TYPE OF SPRINKLER AND VALVE INSTALLED UNDER THIS J. ELECTRIC CONTROL VALVES: - SIX QUICK COUPLER KEYS AND MATCHING HOSE SWIVELS FOR EACH TYPE OF QUICK COUPLING VALVE INSTALLED.

1. ELECTRIC CONTROL VALVES SHALL BE OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS. 2. UNLESS OTHERWISE NOTED ON PLAN OR CONSTRUCTION DETAILS, ALL ELECTRIC CONTROL VALVES SHALL HAVE A MANUAL FLOW ADJUSTMENT. 3. PROVIDE AND INSTALL ONE CONTROL VALVE BOX FOR EACH ELECTRIC CONTROL VALVE.

K. CONTROL VALVE BOXES:

1. USE 10" X 10 1/4" ROUND BOX FOR ALL GATE VALVES, CARSON INDUSTRIES 910-12B WITH GREEN BOLT DOWN COVER OR APPROVED EQUAL. EXTENSION SLEEVE SHALL BE PVC-6-INCH MINIMUM SIZE

2. USE 9-1/2" X 16" X 11" RECTANGULAR BOX FOR ALL ELECTRIC CONTROL VALVES, CARSON INDUSTRIES 1419-12B WITH GREEN BOLT DOWN COVER OR APPROVED EQUAL. L. SPRINKLER HEADS

1. ALL SPRINKLER HEADS SHALL BE OF THE SIZE, TYPE, AND DELIVER THE SAME RATE OF PRECIPITATION WITH THE DIAMETER (OR RADIUS) OF SPRAY, PRESSURE, AND DISCHARGE IN G.P.M. AS SHOWN ON THE DRAWINGS AND/OR SPECIFIED IN THESE SPECIAL PROVISIONS. 2. ALL SPRAY TYPE SPRINKLERS SHALL HAVE A SCREW ADJUSTMENT.

3. RISER/SWING JOINT ASSEMBLIES SHALL BE FABRICATED IN ACCORDANCE WITH THE IRRIGATION CONSTRUCTION DETAILS SHOWN ON THE DRAWINGS.

4. RISER NIPPLES FOR ALL SPRINKLER HEADS SHALL BE THE SAME SIZE AS THE RISER OPENING IN THE SPRINKLER BODY.

C. THE GUARANTEE FORM SHALL BE RE-TYPED ONTO THE CONTRACTOR'S LETTERHEAD AND CONTAIN THE FOLLOWING INFORMATION: GUARANTEE FOR SPRINKLER IRRIGATION SYSTEM WE HEREBY GUARANTEE THAT THE SPRINKLER SYSTEM WE HAVE FURNISHED AND INSTALLED IS FREE FROM DEFECTS IN IATERIALS AND WORKMANSHIP, AND THE WORK HAS BEEN COMPLETED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS. WE AGREE TO REPAIR OR REPLACE ANY DEFECTS IN MATERIAL OR WORKMANSHIP WHICH MAY DEVELOP DURING THE PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE AND ALSO TO REPAIR OR REPLACE ANY DAMAGE RESULTING FROM THE REPAIRING OR REPLACING OF SUCH DEFECTS AT NO ADDITIONAL COST TO THE OWNER. WE SHALL MAKE REPAIRS OR REPLACEMENTS WITHIN A REASONABLE TIME AFTER RECEIPT OF WRITTEN NOTICE FROM THE OWNER. IN THE EVENT OF OUR FAILURE TO MAKE SUCH REPAIRS OR REPLACEMENTS WITHIN A REASONABLE TIME AFTER RECEIPT OF WRITTEN NOTICE FROM THE OWNER, WE AUTHORIZE THE OWNER TO PROCEED TO HAVE SAID REPAIRS OR REPLACEMENTS MADE AT OUR EXPENSE AND WE WILL PAY THE COSTS AND CHARGES THEREFORE UPON DEMAND. (THE ABOVE STATEMENT IS TO BE FOLLOWED BY THE PROJECT NAME, LOCATION, SIGNATURE, ADDRESS, AND TELEPHONE NUMBER OF IRRIGATION CONTRACTOR, IN

A. THE GUARANTEE FOR THE SPRINKLER IRRIGATION SYSTEM SHALL BE MADE IN ACCORDANCE WITH THE ATTACHED FORM. THE GENERAL CONDITIONS AND SUPPLEMENTARY CONDITIONS OF THESE SPECIFICATIONS SHALL BE FILED WITH THE OWNER OR HIS REPRESENTATIVE PRIOR TO ACCEPTANCE OF THE

B. A COPY OF THE GUARANTEE FORM SHALL BE INCLUDED IN THE OPERATIONS AND MAINTENANCE MANUAL (SECTION 1.03, D).

1. AUTOMATIC CONTROLLER SHALL BE OF SIZE AND TYPE SHOWN ON THE DRAWINGS. 2. FINAL LOCATION OF AUTOMATIC CONTROLLER SHALL BE APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO INSTALLATION. OTHERS. THE FINAL HOOK-UP OF THE AUTOMATIC CONTROLLER TO THE 120-VOLT POWER SOURCE SHALL BE THE RESPONSIBILITY OF THE IRRIGATION

3. UNLESS OTHERWISE NOTED ON THE PLANS, THE 120-VOLT ELECTRICAL POWER TO THE AUTOMATIC CONTROLLER LOCATION SHALL BE FURNISHED BY

6. FIELD SPLICES BETWEEN THE AUTOMATIC CONTROLLER AND ELECTRIC CONTROL VALVES WILL NOT BE PERMITTED WITHOUT PRIOR APPROVAL OF THE

5. ALL SPLICES SHALL BE MADE WITH RAINBIRD ST-03UL SNAP-TITE WIRE CONNECTOR WITH PT/S5 SEALER OR APPROVED EQUAL. USE ONE WIRE

DISCONNECTION OF THE CONTROL WIRES. CONTROL WIRES SHALL BE LAID LOOSELY IN TRENCH WITHOUT STRESS OR STRETCHING OF CONTROL WIRE

CONNECTION AT EACH ELECTRIC CONTROL VALVE SO THAT IN CASE OF REPAIR, THE VALVE BONNET MAY BE BROUGHT TO THE SURFACE WITHOUT

3. WHERE MORE THAN ONE WIRE IS PLACED IN A TRENCH, THE WIRING SHALL BE TAPED TOGETHER AT INTERVALS OF TEN FEET. 4. AN EXPANSION CURL SHALL BE PROVIDED AT EACH WIRE CONNECTION. EXPANSION CURL SHALL BE OF SUFFICIENT LENGTH AT EACH SPLICE

2. WIRING SHALL OCCUPY THE SAME TRENCH AND SHALL BE INSTALLED ALONG THE SAME ROUTE AS PRESSURE SUPPLY OR LATERAL LINES WHEREVER

1. CONNECTIONS BETWEEN THE AUTOMATIC CONTROLLERS AND THE ELECTRIC CONTROL VALVES SHALL BE MADE WITH DIRECT BURIAL COPPER WIRE AWG-U.F. 600 VOLT. PILOT WIRES SHARING THE SAME AUTOMATIC CONTROLLER SHALL BE THE SAME COLOR. COMMON WIRE SHALL BE WHITE IN COLOR WITH A STRIPE TO MATCH THE PILOT WIRES WITH WHICH IT IS CIRCUITED ON THE SAME CONTROLLER. PROVIDE DIFFERENT COLORS FOR EACH CONTROLLER INSTALLED ON THE SAME PROJECT. INSTALL WIRE IN ACCORDANCE WITH VALVE MANUFACTURER'S SPECIFICATIONS AND WIRE CHART. IN NO CASE SHALL

2. ANTI-DRAIN VALVES SHALL BE OF HEAVY-DUTY VIRGIN PVC CONSTRUCTION WITH F.I.P. THREAD INLET AND OUTLET. INTERNAL PARTS SHALL BE STAINLESS STEEL WITH BUNA-N SEALS. VALVE SHALL BE FIELD ADJUSTABLE AGAINST DRAWOUT FROM 3 TO 40 FEET OF HEAD. ANTI-DRAIN VALVE SHALL BE SIMILAR TO THE KING BROS. "CV" SERIES OR APPROVED EQUAL

1. SWING CHECK VALVES 2-INCHES AND SMALLER SHALL BE 200 LBS. WOG BRONZE BRONZE CONSTRUCTION AND REPLACEABLE COMPOSITION, NEOPRENE OR RUBBER DISC, AND SHALL MEET OR EXCEED FEDERAL SPECIFICATION WW-V-51D, CLASS

1 BACKELOW PREVENTION UNITS SHALL BE OF SIZE AND TYPE INDICATED ON THE IRRIGATION DRAWINGS. INSTALL THE BACKELOW PREVENTION UNITS IN ACCORDANCE WITH THE IRRIGATION CONSTRUCTION DETAILS. 2. WYE STRAINERS AT BACKFLOW PREVENTION UNITS SHALL HAVE A BRONZED SCREWED BODY WITH 100 MESH MONEL SCREEN AND SHALL BE SIMILAR TO

WITH QUICK COUPLER KEY. KEY SIZE AND TYPE SHALL BE AS SHOWN ON PLANS.

3. ALL GATE VALVES SHALL BE INSTALLED PER INSTALLATION DETAIL. E. QUICK COUPLING VALVES: QUICK COUPLING VALVES SHALL HAVE A BRASS TWO-PIECE BODY DESIGNED FOR WORKING PRESSURE OF 150 PSI OPERABLE

HAVE THREADED ENDS, AND BE EQUIPPED WITH BRONZE WHEEL HANDLE. 2. GATE VALVES 3-INCHES AND SMALLER SHALL BE SIMILAR TO THOSE MANUFACTURED BY NIBCO OR APPROVED EQUAL.

1. GATE VALVES 3-INCHES AND SMALLER SHALL BE 125-LB. SWP BRONZE GATE VALVE WITH SCREW-IN BONNET, NON-RISING STEM AND SOLID WEDGE DISC,

1. WHERE INDICATED ON THE DRAWINGS, USE GALVANIZED STEEL PIPE ASA SCHEDULE 40 MILD STEEL SCREWED PIPE. 2. FITTINGS SHALL BE MEDIUM GALVANIZED SCREWED BEADED MALLEABLE IRON. GALVANIZED COUPLINGS MAY BE MERCHANT COUPLING. 3. ALL GALVANIZED PIPE AND FITTINGS INSTALLED BELOW GRADE SHALL BE PAINTED WITH TWO COATS OF KOPPERS 50 BITUMASTIC.

1. WHERE INDICATED ON THE DRAWINGS, USE RED BRASS SCREWED PIPE CONFORMING TO FEDERAL SPECIFICATION WW-P-351. 2. FITTINGS SHALL BE RED BRASS CONFORMING TO FEDERAL SPECIFICATION WW-P-460.

1 NON-PRESSURE BURIED LATERAL LINE PIPING SHALL BE PVC CLASS 200 WITH SOLVENT-WELD JOINTS 2. PIPE SHALL BE MADE FROM NSF APPROVED, TYPE 1, GRADE II, PVC COMPOUND CONFORMING TO ASTM RESIN SPECIFICATION D1784. ALL PIPE MUST MEET REQUIREMENTS SET FORTH IN FEDERAL SPECIFICATIONS PS-22-70 WITH AN APPROPRIATE STANDARD DIMENSION RATIO. 3. EXCEPT AS NOTED IN PARAGRAPHS 1 OF 2 OF SECTION 2.01C, ALL REQUIREMENTS FOR NON-PRESSURE LATERAL LINE PIPE AND FITTINGS SHALL BE THE SAME AS FOR SOLVENT-WELD PRESSURE MAIN LINE PIPE AND FITTINGS AS SET FORTH IN SECTION 2.01B OF THESE SPECIFICATIONS.

8. ALL FITTINGS SHALL BEAR THE MANUFACTURER'S NAME OR TRADEMARK, MATERIAL DESIGNATION, SIZE, APPLICABLE I.P.S. SCHEDULE AND NSF SEAL OF

3.6 FIELD QUALITY CONTROL:

COVERAGE (SLOPES, ETC.).

DESIGNER

A. ADJUSTMENT OF THE SYSTEM:

ROADWAYS, AND BUILDINGS AS MUCH AS POSSIBLE.

ALSO INCLUDE CHANGES IN NOZZLE SIZES AND DEGREES OF ARC AS REQUIRED.

1. THE CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS FOR OPTIMUM PERFORMANCE AND TO PREVENT OVERSPRAY ONTO WALKS,

2. IF IT IS DETERMINED THAT ADJUSTMENTS IN THE IRRIGATION EQUIPMENT WILL PROVIDE PROPER AND MORE ADEQUATE COVERAGE, THE CONTRACTOR MAY

3. LOWERING RAISED SPRINKLER HEADS BY THE CONTRACT SHALL BE ACCOMPLISHED WITHIN TEN DAYS AFTER NOTIFICATION BY OWNER OR LANDSCAPE

4. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISHED GRADE UNLESS OTHERWISE DESIGNATED ON THE PLAN OR AS REQUIRED FOR PROPER

PART 3 - EXECUTION	B. TESTING OF IRRIGATION SYSTEM	
3.1 INSPECTION:	1. THE CONTRACTOR SHALL REQUEST THE PRESENCE OF THE LANDSCAPE DESIGNER IN WRITING AT LEAST 48 HOURS IN ADVANCE OF ANY TESTING.	
A. SITE CONDITIONS: 1. ALL SCALED DIMENSIONS ARE APPROXIMATE. THE CONTRACTOR SHALL CHECK AND VERIFY ALL SITE DIMENSIONS AND RECEIVE LANDSCAPE ARCHITECT'S	2. TEST ALL PRESSURE LINES UNDER HYDROSTATIC PRESSURE OF 150 PSI AND PROVE WATERTIGHT. NOTE: TESTING OF PRESSURE MAIN LINE	
APPROVAL PRIOR TO PROCEEDING WITH WORK UNDER THIS SECTION.	PIPING SHALL OCCUR PRIOR TO INSTALLATION OF ELECTRIC CONTROL VALVES OR QUICK COUPLING VALVES.	
2. EXERCISE EXTREME CARE IN EXCAVATING AND WORKING NEAR EXISTING UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGES TO UTILITIES WHICH ARE CAUSED BY HIS OPERATIONS OR NEGLECT. CHECK EXISTING UTILITIES DRAWINGS OR CALL UTILITIES COMPANIES FOR EXISTING UTILITY LOCATIONS.	3. ALL PIPING UNDER PAVED AREAS SHALL BE TESTED UNDER HYDROSTATIC PRESSURE OF 150 PSI AND PROVED WATERTIGHT, PRIOR TO PAVING. 4. SUSTAIN PRESSURE IN TESTED LINES FOR NOT LESS THAN TWO HOURS. IF LEAKS DEVELOP, REPLACE JOINTS AND REPEAT TEST UNTIL ENTIRE	
3. COORDINATE INSTALLATION OF SPRINKLER IRRIGATION MATERIALS, INCLUDING PIPE SO THERE SHALL BE NO INTERFERENCE WITH UTILITIES OR OTHER CONSTRUCTION OR DIFFICULTY IN PLANTING TREES, SHRUBS, AND GROUNDCOVERS.	SYSTEM IS PROVEN WATERTIGHT. 5. ALL HYDROSTATIC TESTS SHALL BE MADE ONLY IN THE PRESENCE OF THE LANDSCAPE DESIGNER. NO PIPE SHALL BE BACKFILLED UNTIL IT HAS	
4. THE CONTRACTOR SHALL CAREFULLY CHECK ALL GRADES TO SATISFY HIMSELF THAT HE MAY SAFELY PROCEED BEFORE STARTING WORK ON THE SPRINKLER IRRIGATION SYSTEM.	BEEN OBSERVED, TESTED, AND APPROVED IN WRITING.	
IRRIGATION SYSTEM.	6. CONTRACTOR SHALL FURNISH FORCE PUMP & ALL OTHER TEST EQUIPMENT NECESSARY. WHEN THE SPRINKLER IRRIGATION SYSTEM IS COMPLETED, PERFORM A COVERAGE TEST IN THE PRESENCE OF THE LANDSCAPE DESIGNER TO DETERMINE IF THE WATER COVERAGE FOR	
3.2 PREPARATION:	PLANTING AREAS IS COMPLETE AND ADEQUATE. FURNISH ALL MATERIALS AND PERFORM ALL WORK REQUIRED TO CORRECT ANY INADEQUACIES OF COVERAGE DUE TO THE DEVIATION FROM PLANS, OR WHERE THE SYSTEM HAS BEEN WILLFULLY INSTALLED AS INDICATED ON THE DRAWING	
B. PHYSICAL LAYOUT: 1. PRIOR TO INSTALLATION, THE CONTRACTOR SHALL STAKE OUT ALL PRESSURE SUPPLY LINES, ROUTING, AND LOCATION OF SPRINKLER	WHEN IT IS OBVIOUSLY INADEQUATE, WITHOUT BRINGING THIS TO THE ATTENTION OF THE LANDSCAPE DESIGNER. THIS TEST SHALL BE ACCOMPLISHED BEFORE ANY GROUNDCOVER IS PLANTED.	ŗ
HEADS.	7. UPON COMPLETION OF EACH PHASE OF WORK, THE ENTIRE SYSTEM SHALL BE TESTED AND ADJUSTED TO MEET SITE REQUIREMENTS.	
2. ALL LAYOUT SHALL BE APPROVED BY LANDSCAPE DESIGNERPRIOR TO INSTALLATION.	3.7 MAINTENANCE: A. THE ENTIRE SPRINKLER IRRIGATION SYSTEM SHALL BE UNDER FULL AUTOMATIC OPERATION FOR A PERIOD OF SEVEN DAYS PRIOR TO	
C. WATER SUPPLY: 1. SPRINKLER IRRIGATION SYSTEM SHALL BE CONNECTED TO WATER SUPPLY POINTS OF CONNECTION AS SHOWN ON DRAWINGS.	ANY PLANTING AND FOR 90 DAYS AFTER INSPECTION TO BEGIN MAINTENANCE PERIOD. B. THE LANDSCAPE DESIGNER RESERVES THE RIGHT TO WAIVE OR SHORTEN THE OPERATION PERIOD.	
2. CONNECTIONS SHALL BE MADE AT APPROXIMATE LOCATIONS AS SHOWN ON THE DRAWINGS. CONTRACTOR IS RESPONSIBLE FOR MINOR CHANGES CAUSED BY	3.8 CLEAN-UP: CLEAN-UP SHALL BE MADE AS EACH PORTION OF WORK PROGRESSES. REFUSE AND EXCESS DIRT SHALL BE REMOVED FROM THE	
ACTUAL SITE CONDITIONS.	SITE. ALL WALKS AND PAVING SHALL BE BROOMED OR WASHED DOWN, AND ANY DAMAGE SUSTAINED ON THE WORK OF OTHERS SHALL BE REPAIRED TO ORIGINAL CONDITIONS.	
D. ELECTRICAL SUPPLY:	3.9 FINAL OBSERVATION PRIOR TO ACCEPTANCE:	
1. ELECTRICAL CONNECTIONS FOR AUTOMATIC CONTROLLER SHALL BE MADE TO ELECTRICAL POINTS OF CONNECTION AS SHOWN ON THE DRAWINGS.	A. THE CONTRACTOR SHALL OPERATE EACH SYSTEM IN ITS ENTIRETY FOR THE LANDSCAPE DESIGNER AT THE TIME OF FINAL INSPECTION. ANY ITEMS DEEMED NOT ACCEPTABLE BY THE QUALIFIED OBSERVER SHALL BE REWORKED TO THE COMPLETE SATISFACTION OF THE LANDSCAPE	
2. CONNECTIONS SHALL BE MADE AT APPROXIMATE LOCATIONS AS SHOWN ON THE DRAWINGS. CONTRACTOR IS RESPONSIBLE FOR MINOR CHANGES CAUSED BY ACTUAL SITE CONDITIONS.	DESIGNER. B. THE CONTRACTOR SHALL SHOW EVIDENCE TO THE LANDSCAPE DESIGNER THAT THE OWNER HAS RECEIVED ALL ACCESSORIES, CHARTS,	
	RECORD DRAWINGS AND EQUIPMENT AS REQUIRED BEFORE FINAL OBSERVATION CAN OCCUR.	
3.3 INSTALLATION: A. TRENCHING:	3.10 OBSERVATION SCHEDULE: A. CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE LANDSCAPE DESIGNER IN ADVANCE FOR THE FOLLOWING OBSERVATIONS	
1. DIG TRENCHES STRAIGHT AND SUPPORT PIPE CONTINUOUSLY ON BOTTOM OF TRENCH. LAY PIPE TO EVEN GRADE. TRENCHING EXCAVATION SHALL FOLLOW	ACCORDING TO THE TIME INDICATED: 1. PRE-JOB CONFERENCE - 7 DAYS. 2. PRESSURE SUPPLY LINE INSTALLATION AND TESTING - 48 HOURS. 3. AUTOMATIC CONTROLLER INSTALLATION - 48 HOURS. 4. CONTROL WIRE INSTALLATION - 48 HOURS. 5. LATERAL LINE AND SPRINKLER	
LAYOUT INDICATED ON THE DRAWINGS AND AS NOTED. 2. PROVIDE FOR A MINIMUM COVER OF 18-INCHES FOR ALL PRESSURE SUPPLY LINES.	INSTALLATION - 48 HOURS. 6. COVERAGE TEST - 48 HOURS. 7. OBSERVATION TO BEGIN MAINTENANCE PERIOD - 7 DAYS. 8. FINAL OBSERVATION - 7 DAYS.	
3. PROVIDE FOR A MINIMUM COVER OF 12-INCHES FOR ALL NON-PRESSURE LINES.	B. WHEN OBSERVATIONS HAVE BEEN CONDUCTED BY OTHER THAN THE LANDSCAPE DESIGNER, SHOW EVIDENCE OF WHEN & BY WHOM THESE	ENT
4. PROVIDE FOR A MINIMUM COVER OF 18-INCHES FOR ALL CONTROL WIRING.	OBSERVATIONS WERE MADE. C. NO OBSERVATION WILL COMMENCE WITHOUT RECORD DRAWINGS. IN THE EVENT THE CONTRACTOR CALLS FOR AN OBSERVATION WITHOUT	$   \geq \frac{1}{2}$
B. BACKFILLING:	RECORD DRAWINGS, WITHOUT COMPLETING PREVIOUSLY NOTED CORRECTIONS, OR WITHOUT PREPARING THE SYSTEM FOR OBSERVATION, HE SHALL BE RESPONSIBLE FOR REIMBURSING THE LANDSCAPE DESIGNER AT THE RATE PER HOUR (PORTAL TO PORTAL) PLUS TRANSPORTATION	
1. THE TRENCHES SHALL NOT BE BACKFILLED UNTIL ALL REQUIRED TESTS ARE PERFORMED. TRENCHES SHALL BE CAREFULLY BACKFILLED WITH THE EXCAVATED MATERIALS APPROVED FOR BACKFILLING, CONSISTING OF EARTH, LOAM, SANDY CLAY, SAND OR OTHER APPROVED MATERIALS, FREE FROM LARGE	COSTS, FOR THE INCONVENIENCE. NO FURTHER OBSERVATIONS WILL BE SCHEDULED UNTIL THIS CHARGE HAS BEEN PAID.	
CLODS OF EARTH OR STONES. BACKFILL SHALL BE MECHANICALLY COMPACTED IN LANDSCAPED AREAS TO A DRY DENSITY EQUAL TO ADJACENT UNDISTURBED SOIL IN PLANTING AREAS. BACKFILL WILL CONFORM TO ADJACENT GRADES WITHOUT DIPS, SUNKEN AREAS, HUMPS, OR OTHER SURFACE IRREGULARITIES.		IMPI
2. A FINE GRANULAR MATERIAL BACKFILL WILL BE INITIALLY PLACED ON ALL LINES. NO FOREIGN MATTER LARGER THAN 1/2-INCH IN SIZE WILL BE PERMITTED IN		ΡΕ
THE INITIAL BACKFILL. 3. FLOODING OF TRENCHES WILL BE PERMITTED ONLY WITH APPROVAL OF THE LANDSCAPE DESIGNER.		
4. IF SETTLEMENT OCCURS AND SUBSEQUENT ADJUSTMENTS IN PIPE, VALVES, SPRINKLER HEADS, LAWN, OR PLANTING, OR OTHER CONSTRUCTION AS		
NECESSARY, THE CONTRACTOR SHALL MAKE ALL REQUIRED ADJUSTMENTS WITHOUT COST TO THE OWNER.		
C. TRENCHING AND BACKFILL UNDER PAVING:		
1. TRENCHES LOCATED UNDER AREAS WHERE PAVING, ASPHALTIC CONCRETE OR CONCRETE WILL BE INSTALLED SHALL BE BACKFILLED WITH SAND (A LAYER SIX- INCHES BELOW THE PIPE AND 3-INCHES ABOVE THE PIPE), AND COMPACTED IN LAYERS TO 95% COMPACTION, USING MANUAL OR MECHANICAL TAMPING		
DEVICES. TRENCHES FOR PIPING SHALL BE COMPACTED TO EQUAL THE COMPACTION OF THE EXISTING ADJACENT UNDISTURBED SOIL AND SHALL BE LEFT IN A FIRM UNYIELDING CONDITION. THE SPRINKLER IRRIGATION CONTRACTOR SHALL SET IN PLACE, CAP, AND PRESSURE TEST ALL PIPING UNDER PAVING PRIOR TO		
THE PAVING WORK. WHERE ANY CUTTING OR BREAKING OF SIDEWALKS AND/OR CONCRETE IS NECESSARY IT SHALL BE DONE AND REPLACED BY THE CONTRACT COST. PERMISSION TO CUT OR BREAK SIDEWALKS AND/OR CONCRETE SHALL BE OBTAINED FROM THE LANDSCAPE		
DESIGNER. NO HYDRAULIC DRIVING WILL BE PERMITTED UNDER NEW CONCRETE PAVING.		
D. ASSEMBLIES:		3۲:
1. ROUTING OF SPRINKLER IRRIGATION LINES AS INDICATED ON THE DRAWINGS IS DIAGRAMMATIC. INSTALL LINES (AND VARIOUS ASSEMBLIES) IN SUCH A MANNER AS TO CONFORM WITH THE DETAILS PER PLANS.		DR BY:
2. INSTALL NO MULTIPLE ASSEMBLIES ON PLASTIC LINES. PROVIDE EACH ASSEMBLY WITH ITS OWN OUTLET.		؛ نن
3. INSTALL ALL ASSEMBLIES SPECIFIED HEREIN IN ACCORDANCE WITH RESPECTIVE DETAIL. IN ABSENCE OF DETAIL DRAWINGS OR SPECIFICATIONS PERTAINING TO SPECIFIC ITEMS REQUIRED TO COMPLETE WORK, PERFORM SUCH WORK IN ACCORDANCE WITH THE BEST STANDARD PRACTICE WITH PRIOR APPROVAL OF		DATE: /
4. PVC PIPE AND FITTINGS SHALL BE THOROUGHLY CLEANED OF DIRT, DUST, AND MOISTURE BEFORE INSTALLATION. INSTALLATION AND SOLVENT-WELD METHODS SHALL BE AS RECOMMENDED BY THE PIPE AND FITTING MANUFACTURER.		
5. ON PVC TO METAL CONNECTIONS, THE CONTRACTOR SHALL WORK THE METAL CONNECTIONS FIRST. TEFLON TAPE, OR APPROVED EQUAL, SHALL BE USED ON ALL THREADED PVC TO PVC, AND ON ALL THREADED PVC TO METAL JOINTS. LIGHT WRENCH PRESSURE IS ALL THAT IS REQUIRED. WHERE THREADED PVC		
CONNECTIONS ARE REQUIRED, USE THREADED PVC ADAPTERS INTO WHICH THE PIPE MAY BE WELDED.		
E. LINE CLEARANCE: ALL LINES SHALL HAVE A MINIMUM CLEARANCE OF 6 INCHES FROM EACH OTHER AND FROM LINES OF OTHER TRADES. PARALLEL L		
INES SHALL NOT BE INSTALLED DIRECTLY OVER ONE ANOTHER.		
F. AUTOMATIC CONTROLLER: INSTALL PER MANUFACTURER'S INSTRUCTIONS. REMOTE CONTROL VALVES SHALL BE CONNECTED TO CONTROLLER IN NUMERICAL		
SEQUENCE AS SHOWN ON THE DRAWINGS.		
G. HIGH VOLTAGE WIRING FOR AUTOMATIC CONTROLLER:		
1. 120-VOLT POWER CONNECTION TO THE AUTOMATIC CONTROLLER SHALL BE PROVIDED BY THE IRRIGATION CONTRACTOR.		NOTES:
2. ALL ELECTRICAL WORK SHALL CONFORM TO LOCAL CODES, ORDINANCES, AND UNION AUTHORITIES HAVING JURISDICTION.		N ,
H. REMOTE CONTROL VALVES: INSTALL WHERE SHOWN ON THE DRAWINGS AND PER DETAIL. WHEN GROUPED TOGETHER, ALLOW AT LEAST 12 INCHES BETWEEN VALVE BOXES. INSTALL EACH REMOTE CONTROL VALVE IN A SEPARATE VALVE BOX.		ż
VALVE BOXES. INSTALL EACH REMOTE CONTROL VALVE IN A SEPARATE VALVE BOX.		REVISION:
I. FLUSHING OF SYSTEM:		RE
1. AFTER ALL NEW SPRINKLER PIPE LINES AND RISERS ARE IN PLACE AND CONNECTED, ALL NECESSARY DIVERSION WORK HAS BEEN COMPLETED, AND PRIOR TO INSTALLATION OF SPRINKLER HEADS, THE CONTROL VALVES SHALL BE OPENED AND A FULL HEAD OF WATER USED TO FLUSH OUT THE SYSTEM.		DRAW
2. SPRINKLER HEADS SHALL BE INSTALLED ONLY AFTER FLUSHING OF THE SYSTEM HAS BEEN ACCOMPLISHED TO THE COMPLETE SATISFACTION OF THE LANDSCAPE DESIGNER.		IRRIGA SPECIF
1. INSTALL THE SPRINKLER HEADS AS DESIGNATED ON THE DRAWINGS. SPRINKLER HEADS TO BE INSTALLED IN THIS WORK SHALL BE EQUIVALENT IN ALL RESPECTS TO THOSE ITEMIZED IN THE IRRIGATION EQUIPMENT LEGEND.		
2. SPACING OF SPRINKLER HEADS SHALL NOT EXCEED THE MAXIMUM AS INDICATED ON THE DRAWINGS. IN NO CASE SHALL THE SPACING EXCEED THE MAXIMUM RECOMMENDED BY THE MANUFACTURER.		
3.4 TEMPORARY REPAIRS: THE OWNER RESERVES THE RIGHT TO MAKE TEMPORARY REPAIRS TO KEEP THE SPRINKLER SYSTEM EQUIPMENT IN OPERATING CONDITION. THE EXERCISE OF THIS RIGHT BY THE OWNER SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITIES UNDER THE TERMS OF THE		
GUARANTEE AS HEREIN SPECIFIED.		
3-5 EXISTING TREES: WHERE IT IS NECESSARY TO EXCAVATE ADJACENT TO EXISTING TREES, THE CONTRACTOR SHALL USE ALL POSSIBLE CARE TO AVOID INJURY		
TO TREES AND TREE ROOTS. EXCAVATION IN AREAS WHERE 2-INCH AND LARGER ROOTS OCCUR SHALL BE DONE BY HAND. ALL ROOTS 2-INCHES AND LARGER IN DIAMETER, EXCEPT DIRECTLY IN THE PATH OF PIPE OR CONDUIT, SHALL BE TUNNELED UNDER AND SHALL BE HEAVILY WRAPPED WITH BURLAP TO PREVENT		
SCARRING OR EXCESSIVE DRYING. WHERE A DITCHING MACHINE IS RUN CLOSE TO TREES HAVING ROOTS SMALLER THAN 2 INCHES IN DIAMETER, THE WALL OF THE TRENCH ADJACENT TO THE TREE SHALL BE HAND TRIMMED, MAKING CLEAN CUTS THROUGH. ROOTS 1/2 INCH AND LARGER IN DIAMETER SHALL BE PAINTED		
WITH TWO COATS OF TREE SEAL, OR EQUAL. TRENCHES ADJACENT TO TREES SHOULD BE CLOSED WITHIN 24-HOURS, AND WHERE THIS IS NOT POSSIBLE, THE SIDE OF THE TRENCH ADJACENT TO THE TREE SHALL BE KEPT SHADED WITH BURLAP OR CANVAS.		

0 D AWING TITLE: RIGATION ECIFICATIONS SLB #944792 Know what's **below**. Call before you dig DATE: 10/19/2023 SCALE: N/A DRAWN BY: K.M. JOB NUMBER: SHFFT: LIS.01 SHEFT 9 OF

### LANDSCAPE PLANTING SPECIFICATIONS

#### PART 1 - GENERAL CONDITIONS

1.1 DESCRIPTION:

### A. WORK INCLUDED:

1. THE WORK INCLUDED IN THESE SPECIFICATIONS SHALL CONSIST OF THE FURNISHING OF ALL LABOR, TOOLS, MATERIALS, PERMITS, APPLIANCES, TAXES, AND ALL OTHER COSTS, FORESEEABLE AND UNFORESEEABLE AT THE TIME OF CONTRACTING NECESSARY AND APPROPRIATE FOR THE INSTALLATION OF THE ACCOMPANYING DRAWINGS.

2. NO DEVIATION FROM THESE SPECIFICATIONS OR FROM THE AGREEMENT OR FROM THE GENERAL CONDITIONS IS AUTHORIZED, AND NO SUCH DEVIATION SHALL BE MADE UNLESS THE WRITTEN AUTHORIZATION, THEREFORE SIGNED BY THE OWNER OR HIS DULY AUTHORIZED REPRESENTATIVE, HAS BEEN OBTAINED IN ADVANCE.

#### 1.2 INTERPRETATION OF PLANS AND SPECIFICATIONS:

A. THE LANDSCAPE DESIGNER WILL INTERPRET THE MEANING OF ANY PART OF THE ANY PLANS AND SPECIFICATIONS ABOUT WHICH ANY MISUNDERSTANDING MAY ARISE, AND HIS DECISION WILL BE FINAL

B. SHOULD THERE APPEAR TO BE AN ERROR OR DISCREPANCY IN OR BETWEEN THE PLANS, SPECIFICATIONS & PLANTING LISTS, THE CONTRACTOR SHALL REFER THE MATTER TO THE LANDSCAPE DESIGNER FOR ADJUSTMENT BEFORE PROCEEDING WITH THE WORK. SHOULD THE CONTRACTOR PROCEED WITH THE WORK WITHOUT SO REFERRING THE MATTER, HE DOES SO ON HIS LIABILITY.

#### 1.3 QUALITY ASSURANCE:

A. QUALITY OF WORK: THE LANDSCAPE DESIGNER SHALL BE NOTIFIED AT LEAST TWO DAYS PRIOR TO WORK COMMENCEMENT, BY THE CONTRACTOR AND PRIOR TO INSPECTION VISITS BY THE LANDSCAPE DESIGNER. ALL WORK SHALL BE DONE IN A GOOD WORKMANLIKE MANNER IN ACCORDANCE WITH ALL PLANS AND SPECIFICATIONS AND BEST CONSIDERED PRACTICE, SHALL MEET WITH THE APPROVAL OF THE LANDSCAPE DESIGNER AND OWNER AND SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF LOCAL BUILDING CODES AND LAWS. ANY DEFECTIVE WORK WILL BE REDONE AT THE CONTRACTOR'S EXPENSE AS DIRECTED BY THE LANDSCAPE DESIGNER.

B. PERMITS: THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ANY AND ALL NECESSARY BUILDING PERMITS FROM THE CITY OF OTHER GOVERNMENTAL AUTHORITIES.

#### C. LICENSE REQUIREMENTS: THE CONTRACTOR SHALL CARRY NECESSARY CONTRACTOR'S CALIFORNIA STATE LICENSE OR CERTIFICATE FOR TYPE OF WORK LISTED, SUCH AS THE LANDSCAPE CONTRACTOR'S LICENSE.

D. INSURANCE COVERAGE: THE CONTRACTOR SHALL CARRY ALL NECESSARY COMPENSATION AND LIABILITY INSURANCE TO COVER HIS WORKMEN AND WORK TO PROTECT THE OWNER FROM ANY POSSIBLE DAMAGE SUIT OR LIEN ON THE OWNER'S PROPERTY IN THE COURSE OF THE WORK BY THE CONTRACTOR AND WILL SHOW THE OWNER SUCH EVIDENCE OF ABOVE INDICATED INSURANCE COVERAGE PRIOR TO INITIATING WORK.

E. PROPERTY, ETC., DAMAGE RESPONSIBILITY: 1. THE CONTRACTOR IS TO PROTECT AT ALL TIMES ALL EXISTING UTILITIES, STRUCTURES, TREES, PLANTS AND OTHER FEATURES INTENDED TO REMAIN ON AND ADJACENT TO THE JOB SITE AND TO REPAIR OR REPLACE ANY DAMAGED ITEMS IN A NEAT AND GOOD WORKMANLIKE MANNER DURING AND DUE TO HIS WORK ON THE JOB AND HE SHALL ASSUME ALL DAMAGE OR INJURY THAT MAY RESULT TO ALL SUCH PROPERTY AND/OR TO PERSONS WHERE SUCH DAMAGE OR INJURY IS CAUSED IN CONNECTION WITH HIS WORK OR IS DUE TO HIS NEGLIGENCE OR TO HIS LEAVING OPEN OR UNPROTECTED PORTIONS OF STREETS OR OTHER PROPERTY.

2. SHOULD ANY PART OF THE WORK UNDER THIS CONTRACT BE DAMAGED BY OTHER CONTRACTORS, THE CONTRACTOR AND PARTY CAUSING SUCH DAMAGE SHALL MAKE ADJUSTMENTS BETWEEN THEMSELVES AND NOT WITH THE OWNER RELATIVE TO THE REPAIRS OR RECONSTRUCTION AND PAYMENT FOR SAME. F. KNOWLEDGE OF SITE: IT IS ASSUMED THAT THE CONTRACTOR HAS VISITED THE SITE AND FAMILIARIZED HIMSELF AS TO THE SITE CONDITIONS AND SHALL HAVE VERIFIED ALL DIMENSIONS AS WELL AS ASCERTAINING THE MEANS OF GETTING INTO THE SITE AND ANY OTHER FACTORS AFFECTING THE WORK. 1.4 COSTS:

A. SEGREGATION OF COSTS: AT THE TIME OF EXECUTION OF THE CONTRACT, THE CONTRACTOR SHALL FURNISH TO THE OFFICE OF THE OWNER, FOR PURPOSES OF ACCOUNTING AND SCHEDULING, A SEGREGATED COST SCHEDULE OR BREAKDOWN OF THE CONTRACT PRICE, LISTING THE VARIOUS COMPONENTS IN THE PLANS AS WELL AS UNIT PRICES OF EACH COMPONENT SPECIFIED IN A FORM SATISFACTORY TO FORM THE OWNER. THESE SCHEDULES SHALL ALSO BE USED AS THE BASIS IN FORMULATING THE PROGRESS PAYMENTS TO BE MADE TO THE CONTRACTOR AND THESE COST BREAKDOWNS SHALL BE PART OF THE CONTRACT.

B. EXTRAS OR CHANGES: ANY EXTRAS OR CHANGES FROM THE CONTRACT ON THE JOB SHALL HAVE THE PRIOR APPROVAL OF THE LANDSCAPE DESIGNER AND MUST BE APPROVED IN WRITING BY THE LANDSCAPE DESIGNER AND OWNER. C. INCREASED COSTS: IF THE EXTRA OR CHANGE IS TO BE DONE AT INCREASED COST OVER AND ABOVE THE CONTRACT FEE, THE OWNER SHALL SIGN THE

CONTRACTOR'S WRITTEN REQUEST FOR SUCH ADDITIONAL FUNDS FOR EXTRA WORK PRIOR TO ACTUALLY DOING THIS WORK. 15 PRODUCT PROTECTION, STORAGE AND HANDLING: A. SITE CONDITION: THE CONTRACTOR, IN THE COURSE OF HIS WORK, IS TO KEEP THE SITE IN A NEAT AND TIDY CONDITION AS MUCH AS IS PRACTICAL SO AS NOT

TO DISTURB THE NORMAL USAGE OF THE SURROUNDING AREAS BY THE OWNER OR BY OTHERS. B. SITE CLEARANCE: UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL PROPERLY CLEAN AND TIDY SUCH WORK AND THE SURROUNDING AREAS

USED BY AND REMOVE ANY OR ALL EXCESS MATERIALS, DIRT, DEBRIS FROM THE SITE OR TO DISPOSE OF SAME AS DIRECTED BY THE LANDSCAPE DESIGNER. C. OWNER'S MATERIALS: DURING THE COURSE OF THE WORK, ANY MATERIALS, EQUIPMENT AND SERVICES MAY BE PROVIDED BY THE OWNER AND USED BY THE CONTRACTOR IN THE JOB, FOR SUCH MATERIALS, EQUIPMENT, AND SERVICES, THE CONTRACTOR IS TO GIVE CREDIT TO THE OWNER AT THE STANDARD CURRENT RATE FOR SUCH ITEMS. SUCH CREDIT, IF ANY, WILL APPEAR IN THE FINAL BILLING BY THE CONTRACTOR TO THE OWNER.

D. PLANS AND SPECIFICATIONS: ALL LANDSCAPING INCLUDING PLANTS, GROUND COVERS, SOIL ADDITIVES AND OTHER MISCELLANEOUS LANDSCAPE ITEMS SHALL BE PROVIDED AND INSTALLED IN STRICT ACCORDANCE WITH PLANS AND SPECIFICATIONS PREPARED BY OWNER. E. CHANGES: THE OWNER SHALL HAVE THE RIGHT TO MAKE MINOR CHANGES IN THE LANDSCAPE DESIGN AND INSTALLATION TO INSURE PRACTICALITY OF

DESIGN AND FOR AESTHETIC REASONS AT NO ADDITIONAL COST.

#### PART 2 - MATERIALS

#### 2.1 GRADING:

GRADE ALL AREAS BY FILLING AND/OR REMOVING SURPLUS SOIL AS NEEDED TO ENSURE PROPER GRADES AND DRAINAGE AS INDICATED ON THE PLANS. UNLESS OTHERWISE NOTED, FINISH GRADE SHALL BE BELOW HARDSCAPE AS FOLLOW: 2" FOR GROUND COVER AREAS, 1" FOR LAWN AREAS.

2.2 MOISTURE CONTENT:

THE SOIL SHALL NOT BE WORKED WHEN MOISTURE CONTENT IS SO GREAT THAT EXCESSIVE COMPACTION WILL OCCUR NOR SHALL IT BE SO DRY THAT DUST WILL OCCUR AND FORM IN THE AIR OR THAT CLODS WILL NOT BREAK READILY. WATER SHALL BE APPLIED, IF NECESSARY, TO PROVIDE IDEAL MOISTURE CONTENT FOR TILLING.

#### 2.3 WEED REMOVAL

WEEDS, PLUS BERMUDA GRASS, ETC., SHALL BE DUG OUT FROM ALL PLANTING AREAS BY THEIR ROOTS WHEREVER POSSIBLE AND REMOVED FROM THE SITE. WHERE NECESSARY TO DISCOURAGE REOCCURRENCE OF THIS MATERIAL, THE CONTRACTOR SHALL APPLY ONE OR MORE TREATMENTS OF A SATISFACTORY CHEMICAL PER MANUFACTURER'S DIRECTIONS IN REGARD TO CONCENTRATION PLUS ALLOWANCE OF AN AMPLE PERIOD OF TIME FOR EFFECTIVE PERFORMANCE PRIOR TO CULTIVATION. THE SITE SHALL BE MAINTAINED IN A WEED AND LITTER-FREE CONDITION DURING THE MAINTENANCE PERIOD. WEEDS SHALL BE REMOVED AT FREQUENCIES ADEQUATE TO PREVENT THE MATURATION OF WEED SEEDS.

#### 2.4 PLANTS: A. INSPECTION:

PLANTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL OR REJECTION BY THE LANDSCAPE DESIGNER AT PLACE OF GROWTH AND/OR THE PROJECT SITE AT ANY TIME BEFORE OR DURING PROGRESS OR WORK FOR SIZE, VARIETY, CONDITION, LATENT DEFECTS, AND INJURIES. REJECTED PLANTS SHALL BE REMOVED FROM THE SITE IMMEDIATELY.

#### B. CONDITIONS:

PLANTS SHALL BE SYMMETRICAL, TYPICAL FOR VARIETY AND SPECIES, SOUND, HEALTHY, VIGOROUS, FREE FROM PLANT DISEASE, INSECT PESTS OR THEIR EGGS AND SHALL HAVE HEALTHY NORMAL ROOT SYSTEMS, WELL FILLING THEIR CONTAINERS, BUT NOT TO THE POINT OF BEING ROOT-BOUND.

### 2.5 PROTECTION:

PROTECT AND MAINTAIN ALL PLANTS FROM SUN, DROUGHT, WIND, THEFT, RAIN, AND HEAT AT ALL TIMES BEFORE AND DURING PLANTING OPERATION.

## 2.6 PLANTING REQUIREMENTS FOR TREES AND SHRUBS:

A. PLANT MATERIALS IN QUANTITIES AND SIZES SPECIFIED SHALL, AFTER GRADING OPERATIONS, BE SPOTTED APPROXIMATELY AS SHOWN ON THE LANDSCAPE DRAWINGS AND ARE TO BE APPROVED BY THE LANDSCAPE DESIGNER BEFORE BEING REMOVED FROM CONTAINERS AND EXCAVATING SOIL FOR PLANTING. B. ALL BACKFILL MATERIALS SHALL BE MIXED THOROUGHLY ON SITE BEFORE USING. SEE SOIL ANALYSIS FROM SOIL ENGINEERS FOR EXACT COMPACTION RATES

## 3.1 PLANTING

PART 3 - EXECUTION

3.4 MAINTENANCE:

- LAWN. . . . .

INTERVALS.

- POTTED PLANTS & POTTERY. .

- GROUND COVER.....

PART 4 - PLANTING NOTES

CONSTRUCTION MANAGER.

REQUIREMENT, SHEET LP-1.

REPAIRED BY THE CONTRACTOR.

APPROVAL.

SPECIFICATIONS).

- SHRUBS, 5 GALLON AND SMALLER. . .

B. MAINTENANCE PERIOD SHALL BE FOR THE FOLLOWING DURATION:

NOT STORE PLANTS IN TOTAL DARKNESS FOR MORE THAN ONE DAY.

C. ALL PLANTS SHALL BE WATERED IMMEDIATELY, BEFORE BACKFILLING PLANTING PITS. D. ALL AREAS RECEIVING PLANTS AND/OR HYDROSEEDING SHALL BE MOIST TO A DEPTH OF 6" AT TIME OF PLANTING. E. PLANT ALL PLANTS 5' MINIMUM FROM IRRIGATION HEADS (SLOPES ONLY). F. SCARIFY THE SIDES OF EACH ROOT BALL PRIOR TO PLANTING IF CIRCULAR ROOT IS EVIDENT.

B. PRUNING OF PLANTS WILL NOT BE TOLERATED.

A. CONTAINER-GROWN PLANTS TO BE PLANTED IN PLANT PITS TWO (2) TIMES WIDER THAN PLANT CONTAINER AND A DEPTH OF TWICE THE HEIGHT OF PLANT CONTAINER. PLANT CROWN TO BE SLIGHTLY HIGHER THAN ITS NATURAL GROWING HEIGHT AFTER SETTLEMENT.

G. PLANT QUANTITIES ON THE PLAN ARE FOR THE CONTRACTOR'S CONVENIENCE AND NOT GUARANTEED TO BE ACCURATE. H. PLANT SYMBOLS TAKE PRECEDENCE OVER QUANTITIES SPECIFIED.

3.2 ALL WORK SHALL BE AS DIRECTED BY OWNER'S FIELD REPRESENTATIVE, WHO SHALL BE APPOINTED PRIOR TO THE COMMENCEMENT OF THE WORK.

3.3 CONTRACTOR SHALL SUBMIT ALL MATERIAL RECEIPTS TO LANDSCAPE DESIGNER.

A. MAINTENANCE PERIOD SHALL NOT BEGIN UNTIL THE ENTIRE INSTALLATION IS ACCEPTED BY THE OWNER.

1. ALL PLANTS AND PLANTING SHALL BE GUARANTEED FOR THE FOLLOWING DURATIONS BEGINNING AT THE FIRST DAY OF THE MAINTENANCE PERIOD. - TREES AND SHRUBS, 15 GALLON AND LARGER. . . . . . 1 YEAR

> ..1YEAR . . . 90 DAYS

. . 90 DAYS .....90 DAYS

2. ALL DEAD, DAMAGED OR BROKEN PLANT MATERIAL, INCLUDING SODDED AND SEEDED LAWNS AND GROUND COVER, SHALL BE REPLACED AT TWO-WEEK

C. FERTILIZE WITH 2 LBS. ACTUAL NITROGEN PER 1000 SQ. FT. AT THE END OF 30 DAYS. LANDSCAPE DESIGNER WILL SPECIFY THE TYPE, DEPENDING ON THE SEASON. PERFORM THE LAST FERTILIZATION AT THE END OF THE MAINTENANCE PERIOD IN THE PRESENCE OF THE LANDSCAPE DESIGNER.

4.1 LANDSCAPE CONTRACTOR SHALL REPAIR AND/OR REPLACE ANY DAMAGED PLANT MATERIAL WHICH IS DAMAGED DUE TO HIS NEGLIGENCE.

4.2 LANDSCAPE CONTRACTOR SHALL BE BACKCHARGED FOR LANDSCAPE ARCHITECT'S TIME IN LOCATING ANY LANDSCAPE MATERIAL AS REQUESTED BY THE

4.3 LANDSCAPE CONTRACTOR SHALL SUBMIT ALL AMENDMENT QUANTITY RECEIPTS TO CONSTRUCTION MANAGER AND/OR LANDSCAPE DESIGNER FOR

4.4 CONTRACTOR SHALL PERFORM ALL FERTILIZING IN THE PRESENCE OF THE CONSTRUCTION MANAGER OR LANDSCAPE DESIGNER. SEE SOIL PREPARATION

4.5 CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL AREAS IN A WEED AND DEBRIS FREE CONDITION THROUGHOUT THE MAINTENANCE PERIOD. (SEE

4.6 PLANT SYMBOLS TAKE PRECEDENCE OVER PLANT QUANTITIES.

4.7 ALL PLANTS SHALL BE PROTECTED AGAINST HEAT, SUN, WIND AND FROST DURING TRANSPORTATION TO THE SITE AND WHILE BEING HELD AT THE SITE. DO

4.8 WILTED PLANT MATERIAL SHALL NOT BE PLANTED OR USED ON THE PROJECT.

4.9 DO NOT DAMAGE PLANT ROOT DURING TRANSPORTATION OR PLANTING PROCESS.

4.10 PLANT MATERIAL MAY BE REJECTED AT ANY TIME BY THE LANDSCAPE DESIGNER DUE TO CONDITION, FORM OR DAMAGE BEFORE OR AFTER PLANTING.

4.11 LANDSCAPE DESIGNER SHALL APPROVE FINAL PLACEMENT OF ALL TREES, SHRUBS AND VINES PRIOR TO PLANTING.

4.12 ALL SURFACE ROCK AND DEBRIS 3" AND LARGER SHALL BE REMOVED FROM PLANTING AREAS AND THEN FROM THE SITE.

4.13 CROWN OF PLANT SHALL BE SLIGHTLY HIGHER, AFTER SETTLING, THAN ADJACENT SOIL.

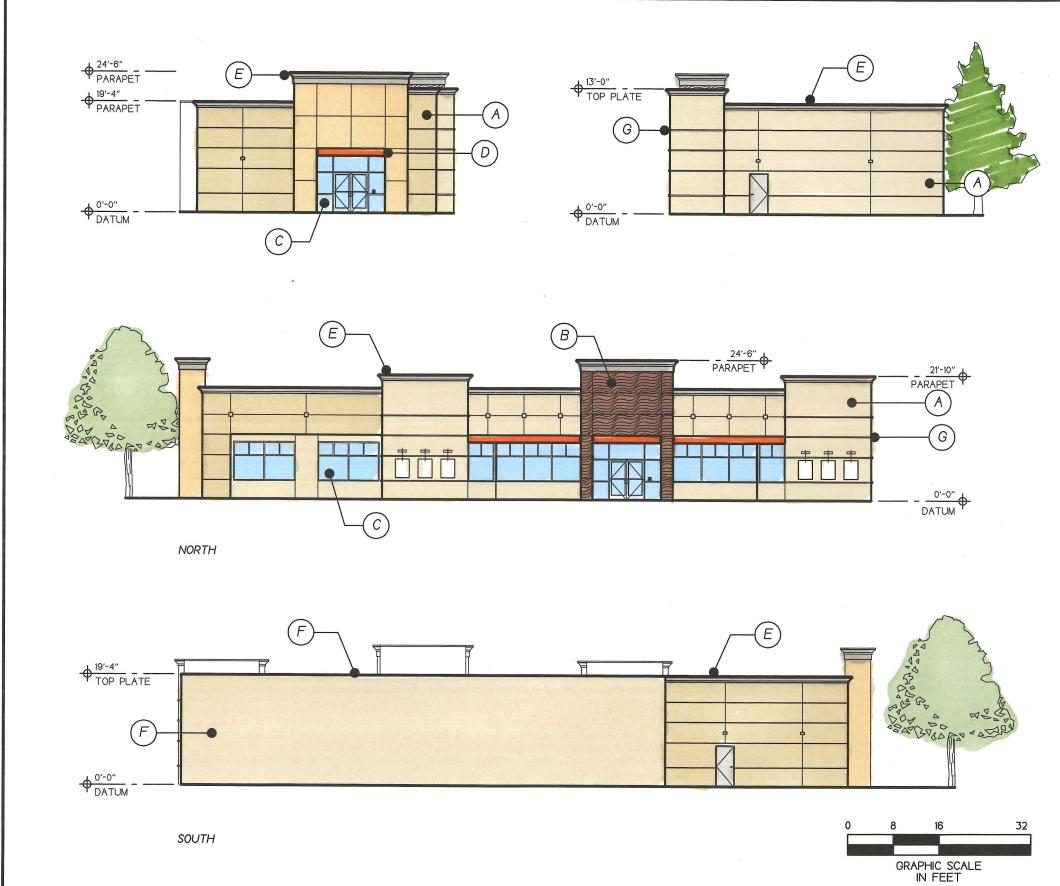
4.14 PRUNE TREES AS DIRECTED BY LANDSCAPE DESIGNER AFTER INSPECTION.

4.15 REMOVE WATER BASINS FROM ALL TREES LOCATED IN LAWN AREAS PRIOR TO HYDROSEEDING INSTALLATION.

4.16 ANY AND ALL DAMAGE IN NEW AND EXISTING PAVING CAUSED BY THE CONTRACTOR SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND BE

4.17 INSTALL ALL TREES AND SHRUBS PRIOR TO PLANTING OF GROUNDCOVER AND/OR HYDROSEEDING.

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			SOUTH H STREET X HOSKING AVENUE	BAKERSFIELD, CA		PREPARED FOR		MPS CONSTRUCTION CONSULTING MANAGEMENT			.)]
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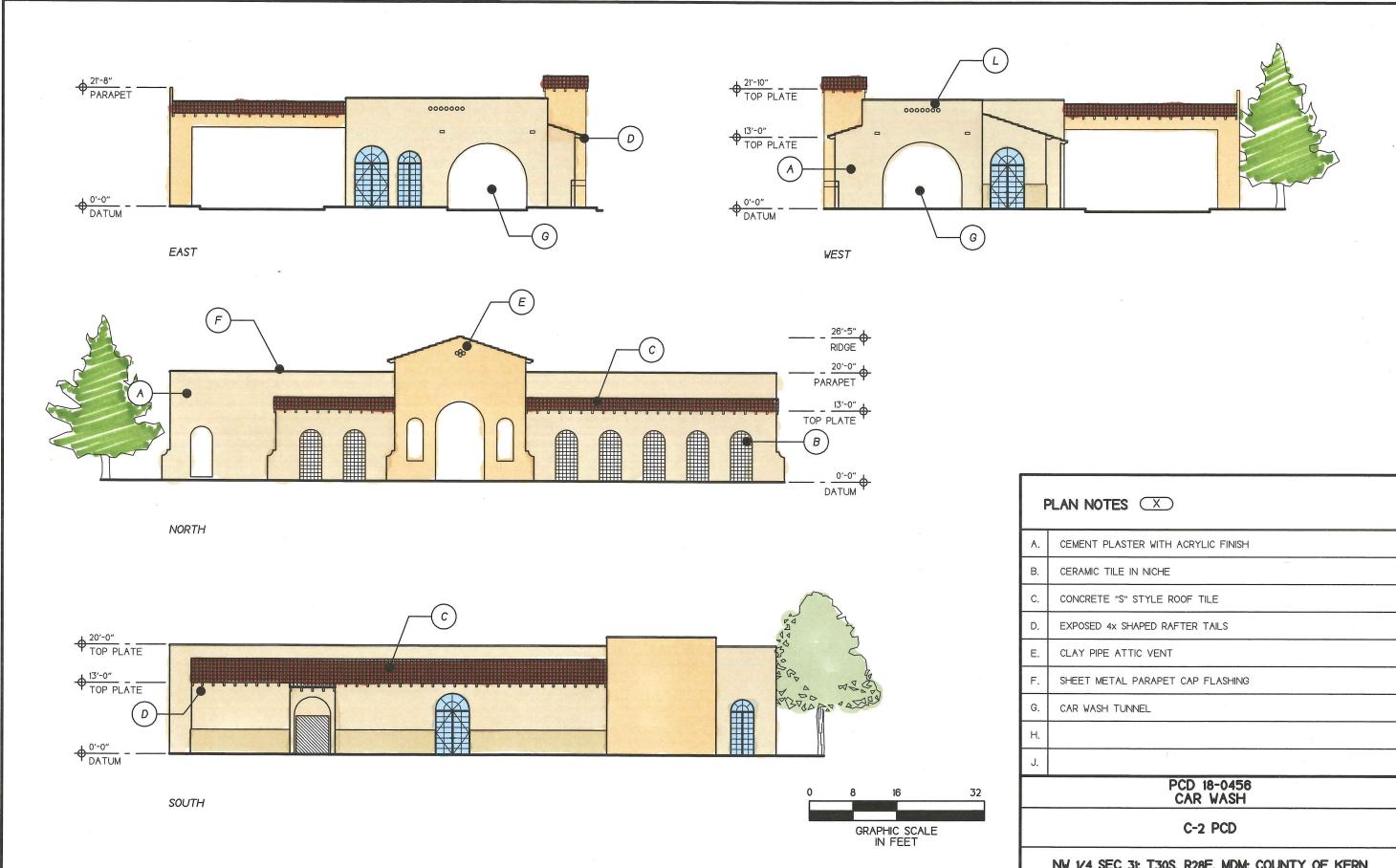


Α. CEMENT PLASTER WITH ACRYLIC FINISH В. METAL CLAD PANEL C. ALUMINUM STOREFRONT SYSTEM D. METAL FRAMED CANOPY E. BUILT-UP FASCIA TRIM WITH CEMENT PLASTER F. SHEET METAL PARAPET CAP FLASHING G. ALUMINUM BAR H. J. PCD 18-0456 CONVENIENCE STORE

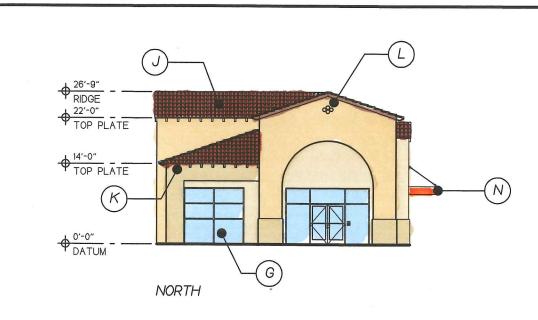
## PLAN NOTES X

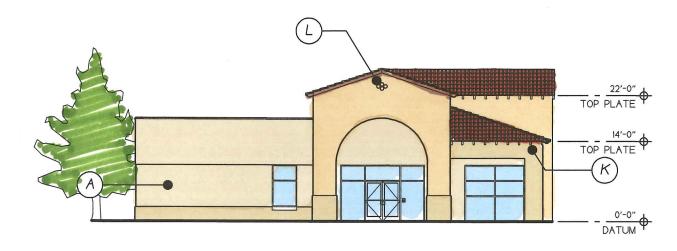
NW 1/4 SEC 31; T30S, R28E, MDM; COUNTY OF KERN

C-2 PCD

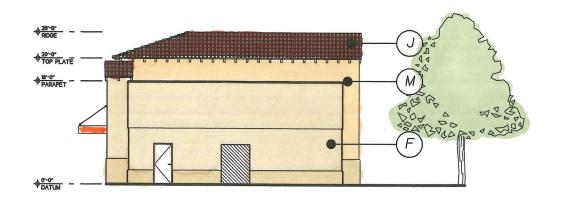


C-2 PCD
PCD 18-0456 CAR WASH
)
CAR WASH TUNNEL
SHEET METAL PARAPET CAP FLASHING
CLAY PIPE ATTIC VENT
EXPOSED 4x SHAPED RAFTER TAILS
CONCRETE "S" STYLE ROOF TILE
CERAMIC TILE IN NICHE
CEMENT PLASTER WITH ACRYLIC FINISH

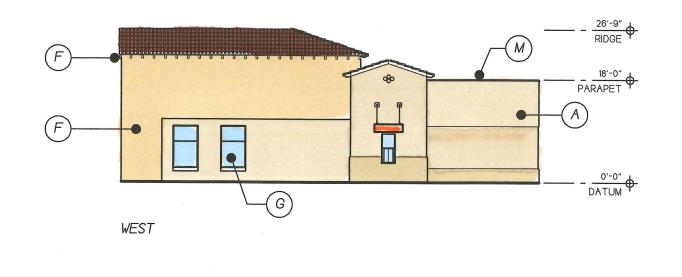


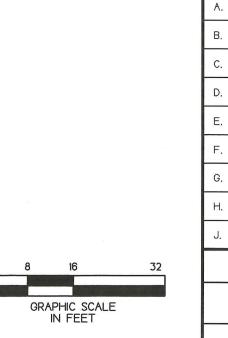


EAST



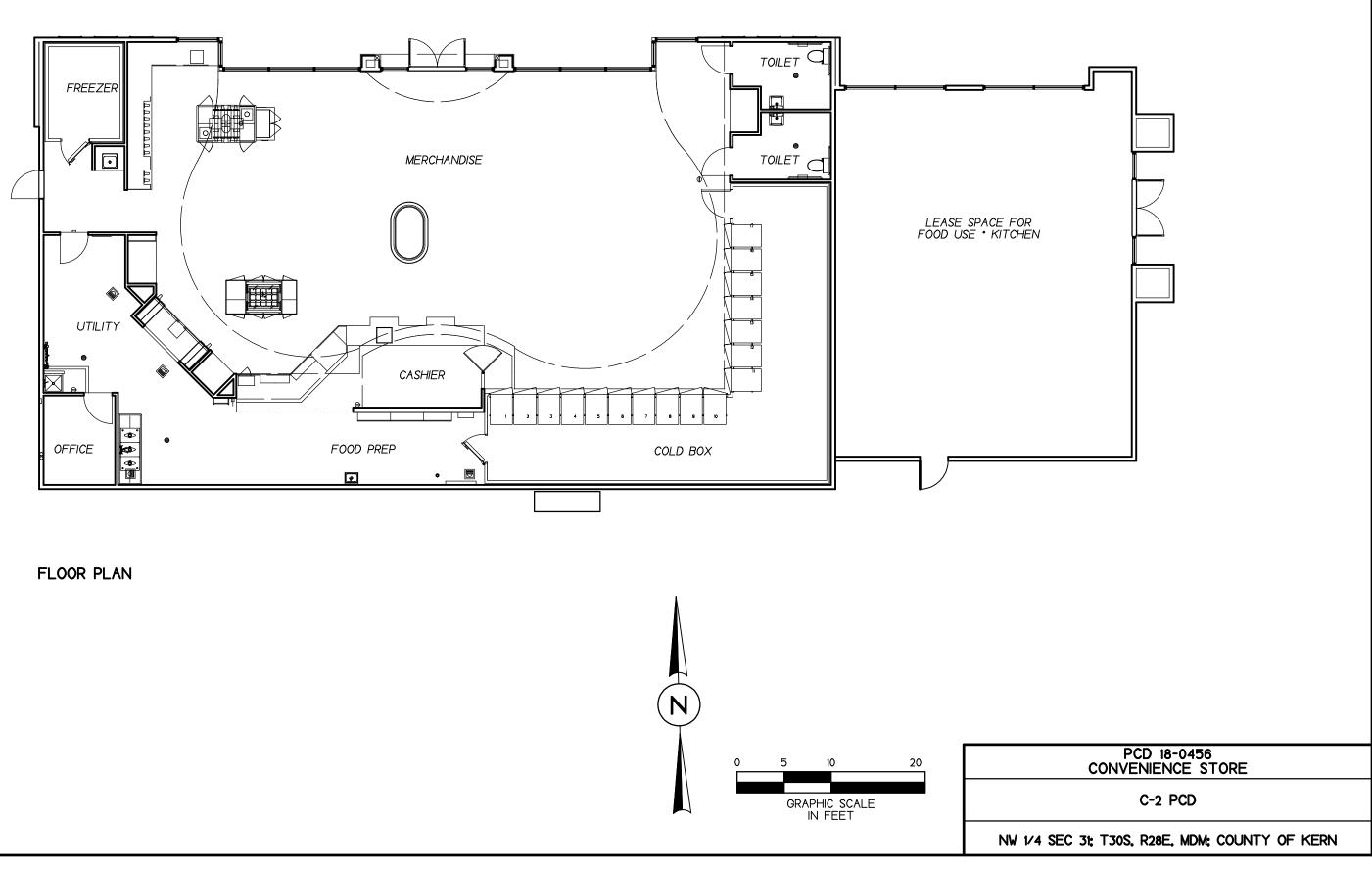
SOUTH

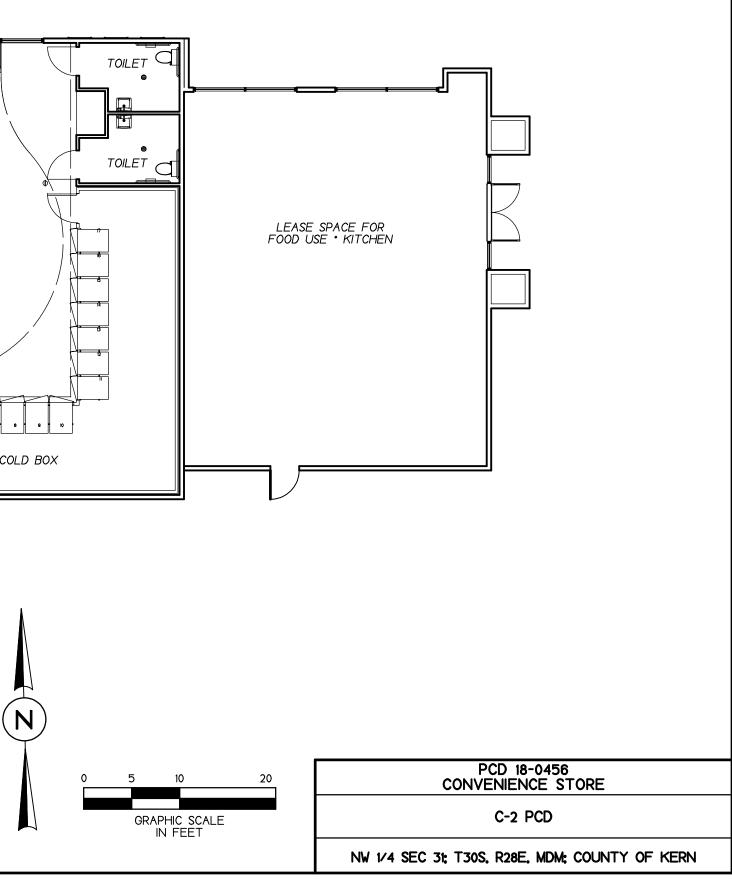


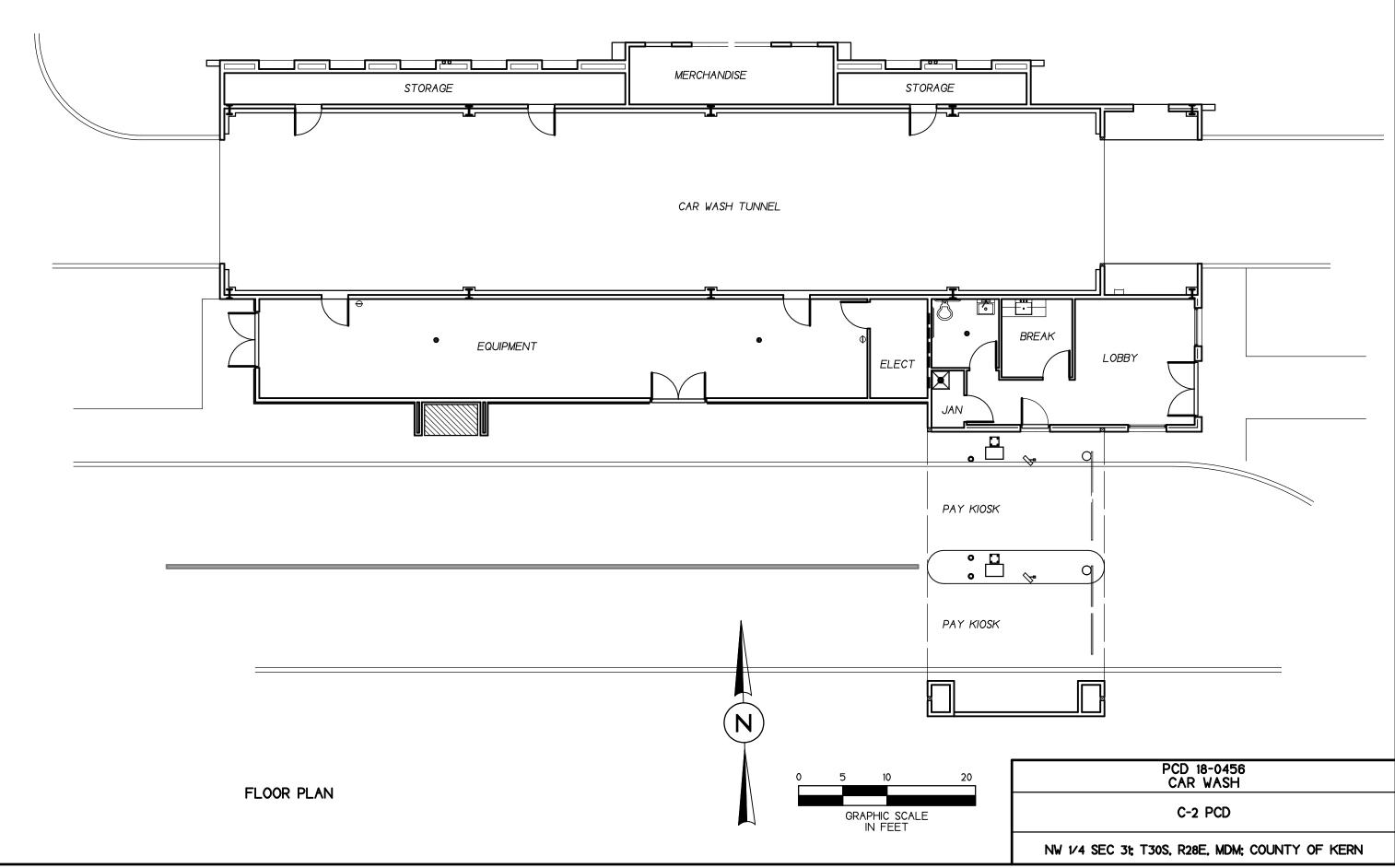


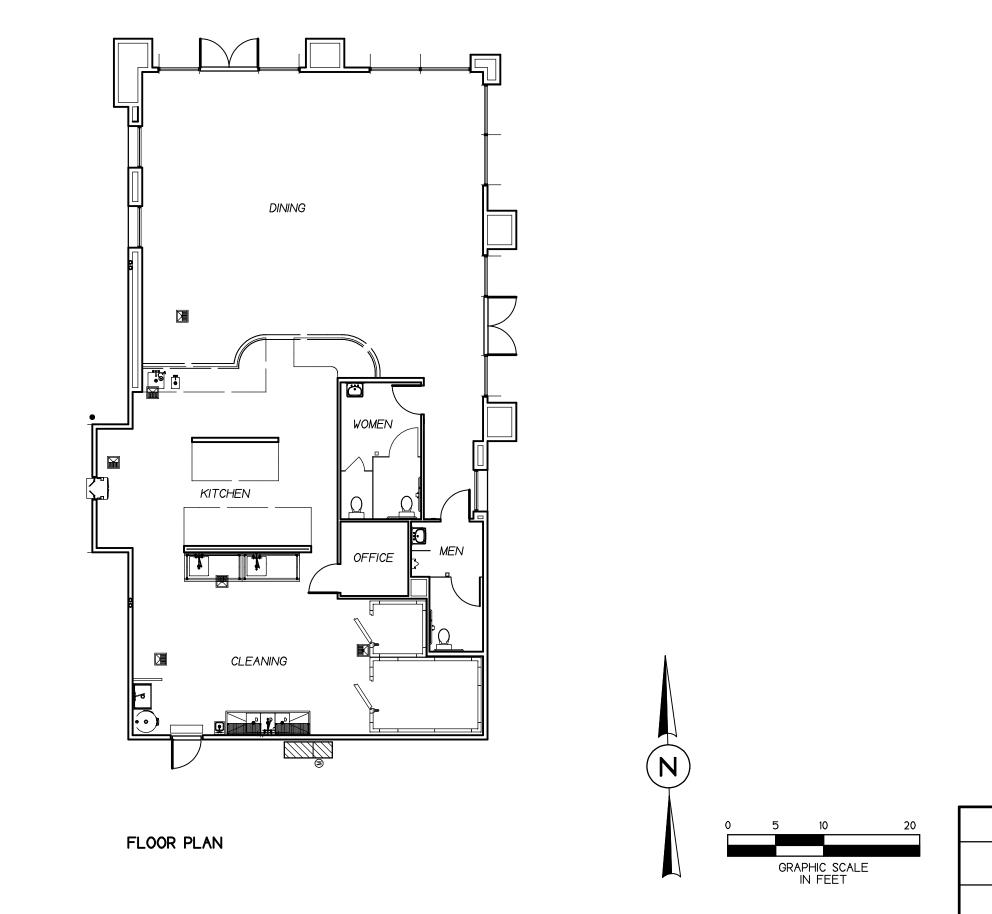
## PLAN NOTES X

-	
	CEMENT PLASTER WITH ACRYLIC FINISH
	CERAMIC TILE IN NICHE
	CONCRETE "S" STYLE ROOF TILE
	EXPOSED 4x SHAPED RAFTER TAILS
	CLAY PIPE ATTIC VENT
	SHEET METAL PARAPET CAP FLASHING
	CAR WASH TUNNEL
	PCD 18-0456 FAST FOOD RESTAURANT
	C-2 PCD
	NW 1/4 SEC 31; T30S, R28E, MDM; COUNTY OF KERN









### PCD 18-0456 FAST FOOD RESTAURANT

C-2 PCD

NW 1/4 SEC 31; T30S. R28E. MDM; COUNTY OF KERN

## Chapter 17.54

## PCD PLANNED COMMERCIAL DEVELOPMENT ZONE\*

Sections:

Intent and purpose.
Uses permitted.
Application.
Rezoning procedure.
Final development plan.
Latitude of regulations.
Required findings.
Expiration of zone or plans.
Minimum site area.
Modifications to approved preliminary and final development plans.
Maintenance of common areas and non-dedicated improvements and facilities.

\* Prior code history: prior code §§ 17.47.010—17.47.130

### 17.54.010 Intent and purpose.

It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as being solely within a PCD zone (exclusive zone), or the PCD zone may be used as a combining zone in a C-O, C-1, C-2, or CC zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4305 § 1, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.020 Uses permitted.

A. Uses permitted in a PCD zone used as a combining zone are those uses permitted by the base zone with which the PCD zone is combined.

B. Uses for land classified as being within a PCD zone are as follows:

1. Any permitted use listed in Chapters <u>17.20</u> (C-O), <u>17.22</u> (C-1) and <u>17.24</u> (C-2) of this code. Any use that is conditional in these zones may be requested as part of the initial zone change and approved as conditional uses subject to the findings, conditions and revocation of rights as set forth in Chapter <u>17.64</u> of this code. Uses which are conditional that are proposed once the PCD zone is effective shall be subject to the provisions of Chapter <u>17.64</u> of this code.

2. Uses and structures which are incidental or accessory to any of the uses permitted in PCD zones.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the intent and purposes of the planned commercial development. (Ord. 4542 § 2, 2008; Ord. 4305 § 2, 2006; Ord. 4009 § 2, 2001; Ord. 3752 § 1, 1997; Ord. 3656 § 2, 1995)

## 17.54.030 Application.

A. When the PCD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation plan;

2. If the proposed project is to be developed in several stages, indicate the anticipated sequence of development;

3. Show the proposed methods by which the applicant will govern the maintenance and continued protection of the development including any common areas;

4. Indicate all proposed signs for the development;

5. A completed zone change application on such forms as provided by the city, signed by the owner or owners in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if any;

6. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PCD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(4) and (A)(6) shall be required prior to approval of a subdivision map pursuant to Section <u>16.28.170(O)</u> or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modifications to approved plans will be subject to the provisions set forth in Section <u>17.54.100</u>.

C. When the PCD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section 17.64.050(B). (Ord. 4305 § 3, 2006; Ord. 4009 § 2, 2001; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

## 17.54.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter 17.64 of this code regarding zone changes.

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PCD. If the PCD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PCD (Example: C2/PCD).

C. The preliminary development plan as approved with a PCD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PCD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 2, 2001; Ord. 3903 § 5, 1999; Ord. 3656 § 2, 1995)

## 17.54.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure.* The final development plan for a building permit shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction with all conditions set forth in the

city council's final decision. In instances where the planning commission desires to review the final plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 2, 2001; Ord. 3903 § 7, 1999; Ord. 3874 § 2, 1998; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

## 17.54.060 Latitude of regulations.

In the approval of PCD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements of buildings or structures, lot and yard requirements and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. Limitations upon the size, design, number, lighting and location of all signs;

E. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

F. Construction of fences and walls;

G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

H. Location and size of off-street loading areas and docks;

I. Uses of buildings and structures by general classification and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property or of other property in the development;

J. Architectural design of buildings and structures;

K. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof,

- L. Requiring of performance bonds to insure development as approved;
- M. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscape plan;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4305 § 4, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

## 17.54.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned commercial development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.080 Expiration of zone or plans.

A. When the PCD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section 17.64.070 of this code.

2. With the exception of satellite pads, if a certificate of occupancy has not been issued for a substantial portion of the commercial structures in the first phase of a PCD zone within five years of the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section 17.64.070 of this code.

3. With the exception of satellite pads, where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective

date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section 17.64.070 of this code.

B. When the PCD zone is used as a combining zone, no status review or other notification shall be required.
 Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section 17.08.080D). If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.090 Minimum site area.

The minimum area for a PCD zone shall be one acre. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

# 17.54.100 Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other zones permitted in any initial approval of a PCD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.54.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alternations, deviations, or substitutions to an approved preliminary development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of the architecture or landscape architecture as established in the planning commission or city council's approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning director's report, may further modify the planning director's approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 2, 2001; Ord. 3903 §§ 6, 8, 1999; Ord. 3874 § 1, 1998; Ord. 3656 § 2, 1995)

# 17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, if any, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and any improvements listed in Section <u>16.32.060</u> of the subdivision regulations of the city which are not dedicated and accepted may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Where ownerships are to be separate, such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the original owner or owners; articles of incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### The Bakersfield Municipal Code is current through Ordinance 5149, passed December 13, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.bakersfieldcity.us City Telephone: (661) 326-3000

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### **EXHIBIT A**

### MITIGATION MEASURES/CONDITIONS OF APPROVAL Planned Commercial Development No. 23-0251

#### I. The applicant's rights granted by this approval are subject to the following provisions:

- The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.
- All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.
- This approval will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.
- This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.
- The Planning Commission may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The Planning Commission may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.
- Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above-mentioned provisions are satisfied.

### II. The following conditions shall be satisfied as part of the approval of this project:

1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct. This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued. The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

- 1. This planned development review allows the development of a car wash, convenience store with fuel, and a fast food restaurant on 6.51 acres.
- 2. All mitigation measures and conditions of approval associated with General Plan Amendment/Zone Change No. 18-0457 are hereby incorporated.
- III. The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards.

The items listed below will usually need to be shown on the final building plans or completed before a building permit is issued.

### A. <u>DEVELOPMENT SERVICES - PLANNING (1715 Chester Avenue)</u> (Staff contact – Veronica Martinez; 661-326-3640 or vmartinez@bakersfieldcity.us)

- 1. Prior to receiving final building permit or site occupancy, the subdivider shall construct an 8-foothigh masonry wall, as measured from highest adjacent grade, along the common property line at the east boundary of the development from the northern portion of the project site to the southernmost portion of site improvements.
- 2. The required wall along the east side of the commercial parcel shall be installed on the property line after removal of any existing fences in coordination with the adjacent property owners.
- 3. Prior to receiving final building permit or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.
- 4. Prior to issuance of the first building permit, the applicant shall submit signed written confirmation from the Kern Delta Water District (canal owner) indicating they are satisfied with final disposition of their canal located within the project boundary and related transitions beyond the project boundary. The Bakersfield City Engineer must also concur with applicant's plans as approved by the canal owner if the canal affects any public improvement, such as a street. A copy of the approval documents shall be submitted to the City Planning Director.

### B. FIRE DEPARTMENT (2101 H Street)

(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)

1. **Prior to receiving final building permit or site occupancy,** where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

2. **Prior to receiving final building permit or site occupancy**, show the distance from the nearest fire hydrant to the farthest point of the building(s) along the path of travel, also include the nearby fire hydrant locations on the plan.

### C. <u>PUBLIC WORKS – TRAFFIC & ENGINEERING (1501 Truxtun Avenue)</u> (Staff contact – Susanna Kormendi; 661-326-3997 or SKormendi@bakersfieldcity.us)

- 1. **Prior to issuance of building permit(s),** the grading plan shall be approved by both the Public Works Department and the Building Division.
- 2. All stormwater generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department Subdivisions at 661-326-3576).
- 3. Any proposed or future perimeter fence and/or wall shall be placed outside of the existing public road right of way or future ultimate public right of way.
- 4. The developer shall install new connection(s) to the public sewer system.
- 5. Show the installation of a full-sized manhole in each sewer line except residential development before it connects to the sewer main. This manhole is to be located within the property being developed and must be easily accessible by City workers.
- 6. At the time of building permit issuance, a sewer connection fee shall be paid. This fee is based on the rate that is in effect at the time a building permit is issued.
- 7. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
- 8. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.
- 9. If the project generates industrial waste, it shall be subject to the requirements of the Industrial Waste Ordinance. An industrial waste permit must be obtained from the Public Works Department before issuance of the building permit. To find out what type of waste is considered industrial, please contact the Wastewater Treatment Superintendent at 661-326-3249.
- 10. Construction of the equivalent full-width landscaped median island in Hosking Avenue and South H Street along the development frontage is required or a payment of their proportionate share (1/2-width) of the total cost for the future construction of the median. Median islands shall be designed by the first development that occurs along an applicable street frontage. That developer shall either construct the full-width landscaped median island or pay the median island fee. The median island fee shall be satisfied by fulfilling one of the following options: (1) Pay the standard fee of \$100 per linear foot; or (2) Pay the calculated fee based upon actual cost estimates prepared by the Project Engineer, which shall be reviewed and approved by the City Engineer. If the median island is not

constructed by the first development along an applicable street frontage, the second development along that street frontage shall construct the full-width landscaped median island.

- 11. The site is within the Berkshire-Monitor Planned Sewer Area. At the time of building permit issuance, the Planned Sewer Area fee shall be paid. Contact the Public Works Department Subdivisions at 661-326-3576 with questions.
- 12. Prior to receiving final building permit or site occupancy, the subdivider shall construct canal fencing, in accordance with approved "City of Bakersfield Standard Drawings and Specifications" on file in the office of the director of public works.

Canal fencing required to satisfy BMC Section 12.36.010 and based on a finding to provide for the public health, safety and welfare.

### D. <u>PUBLIC WORKS - SOLID WASTE (4101 Truxtun Avenue)</u> (Staff Contact – Zekeio Martinez; 661-326-3134 or <u>zmartinez@bakersfieldcity.us</u>)

 Prior to receiving final building or site occupancy, specification's, details, and locations of your enclosures must be shown on the plans. Per new City Standards, enclosures will need to be 8'X15' 3 bin enclosures to accommodate for trash, recycling and organics.

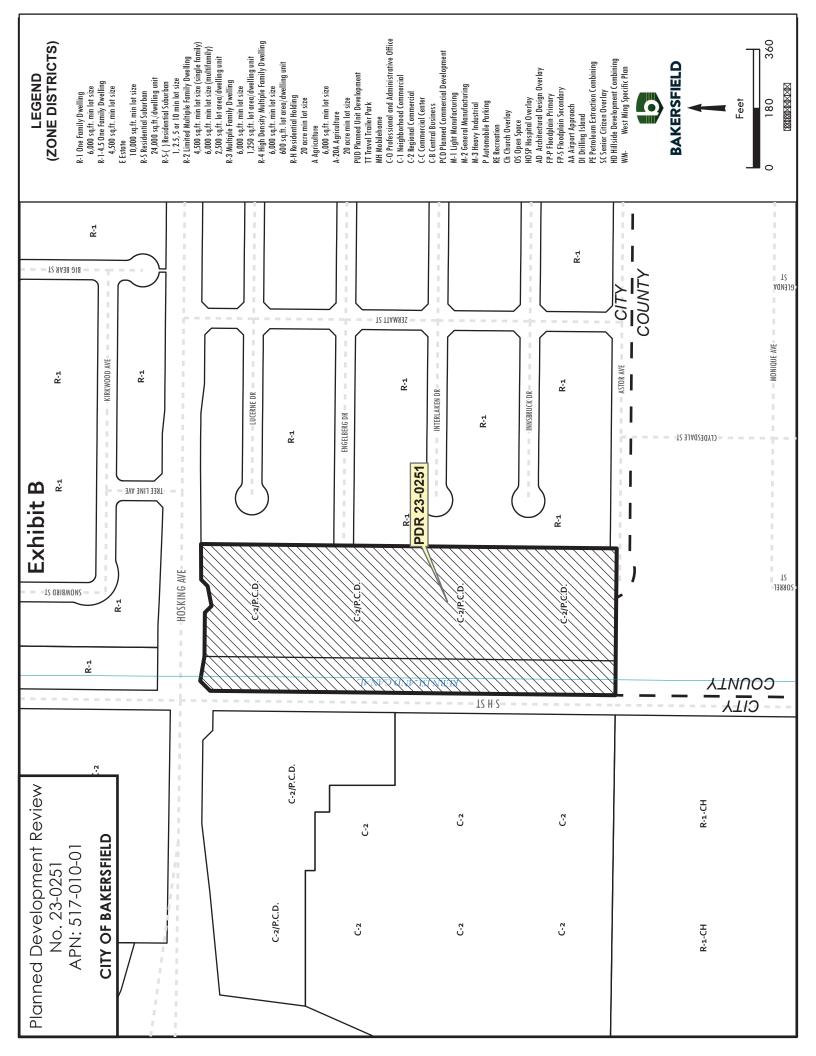
### ACKNOWLEDGEMENT BY PROJECT APPLICANT:

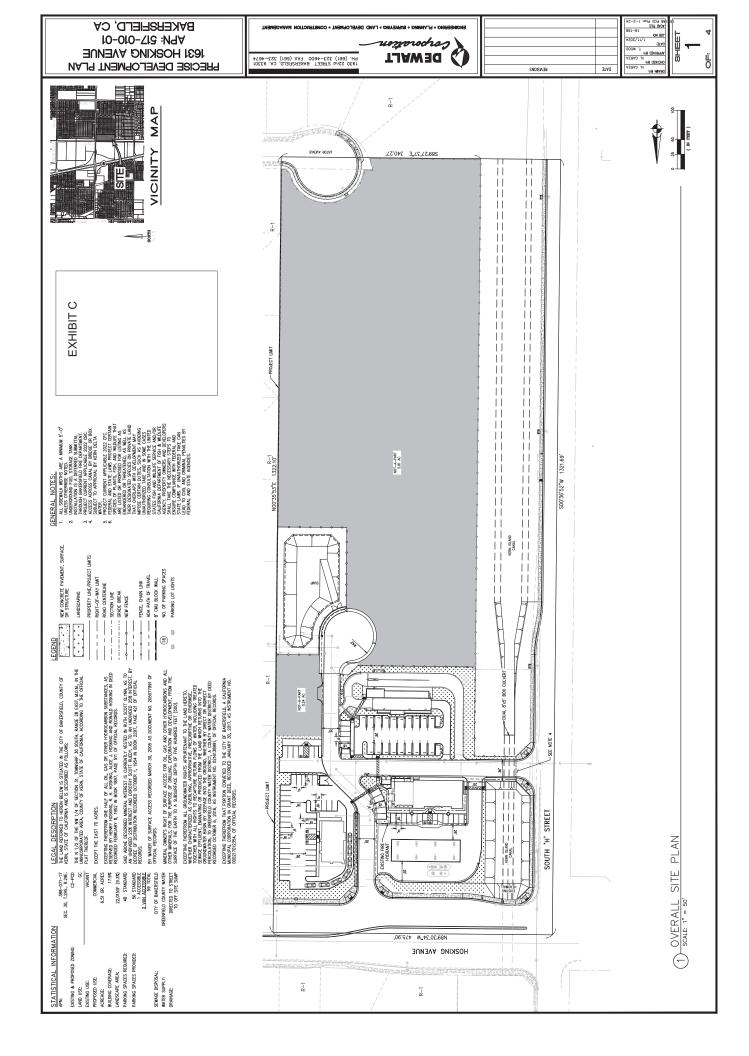
I agree to the project's conditions of approval and acknowledge that failure to comply with any and all conditions shall constitute grounds for potential revocation of the permit approval.

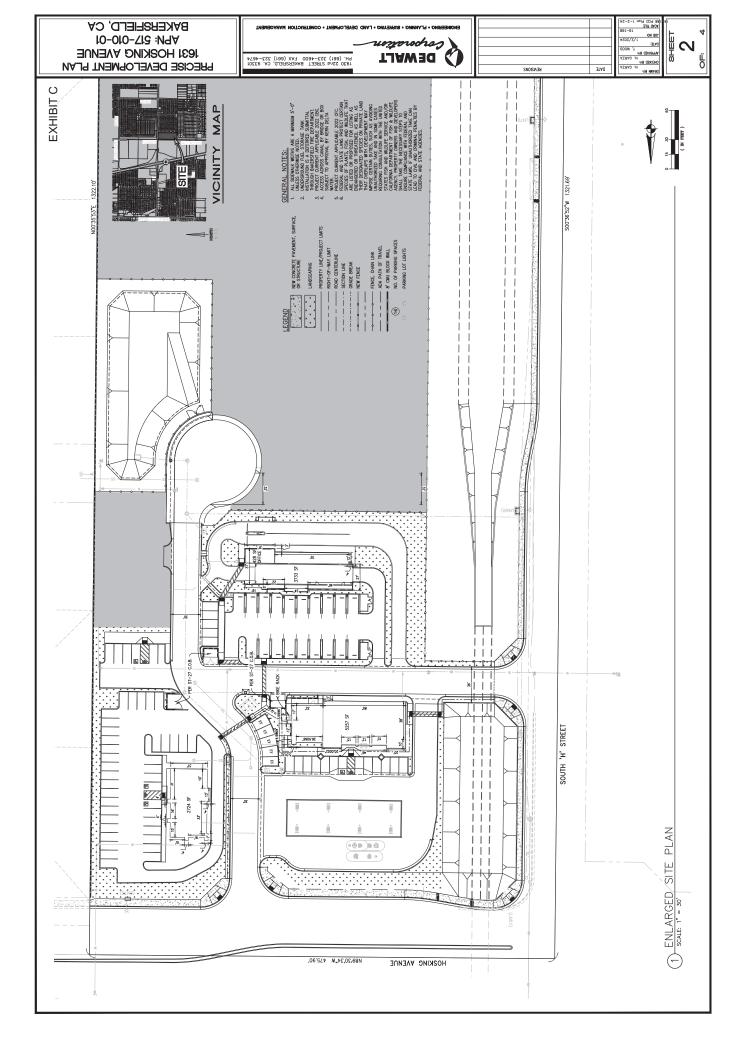
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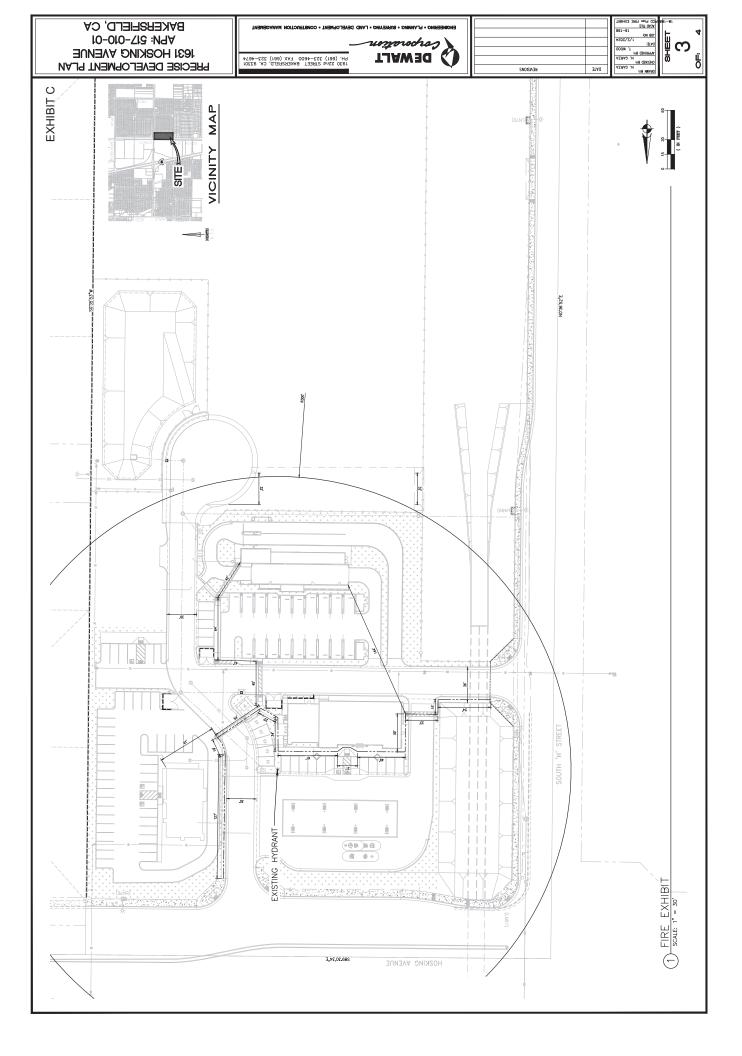
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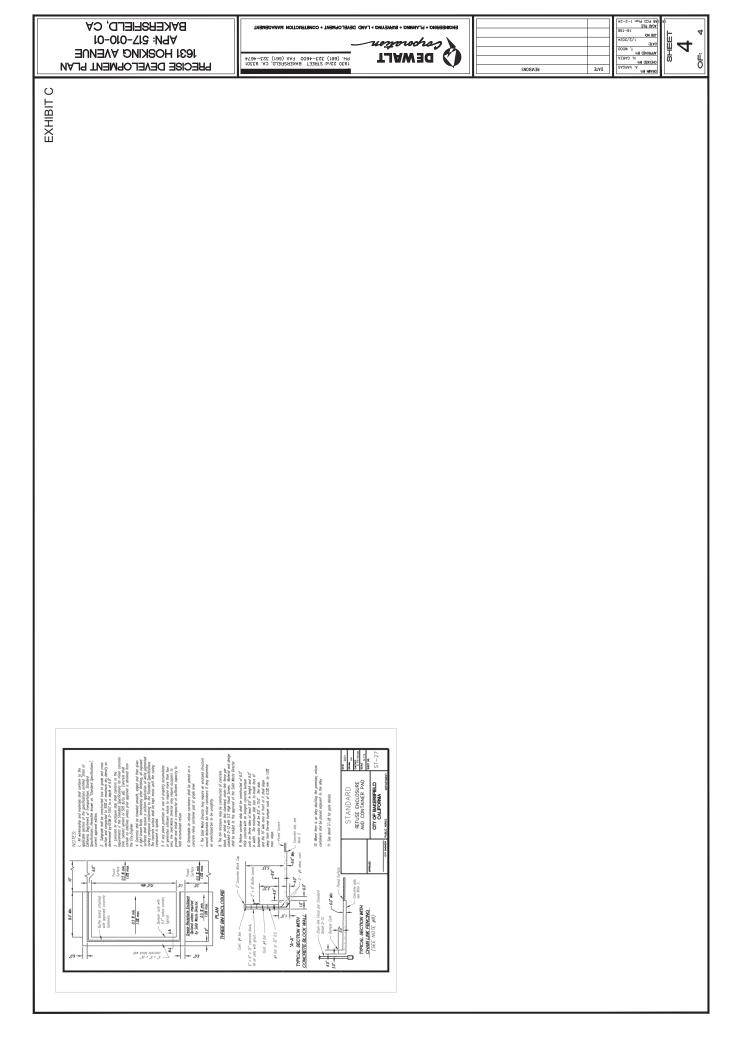
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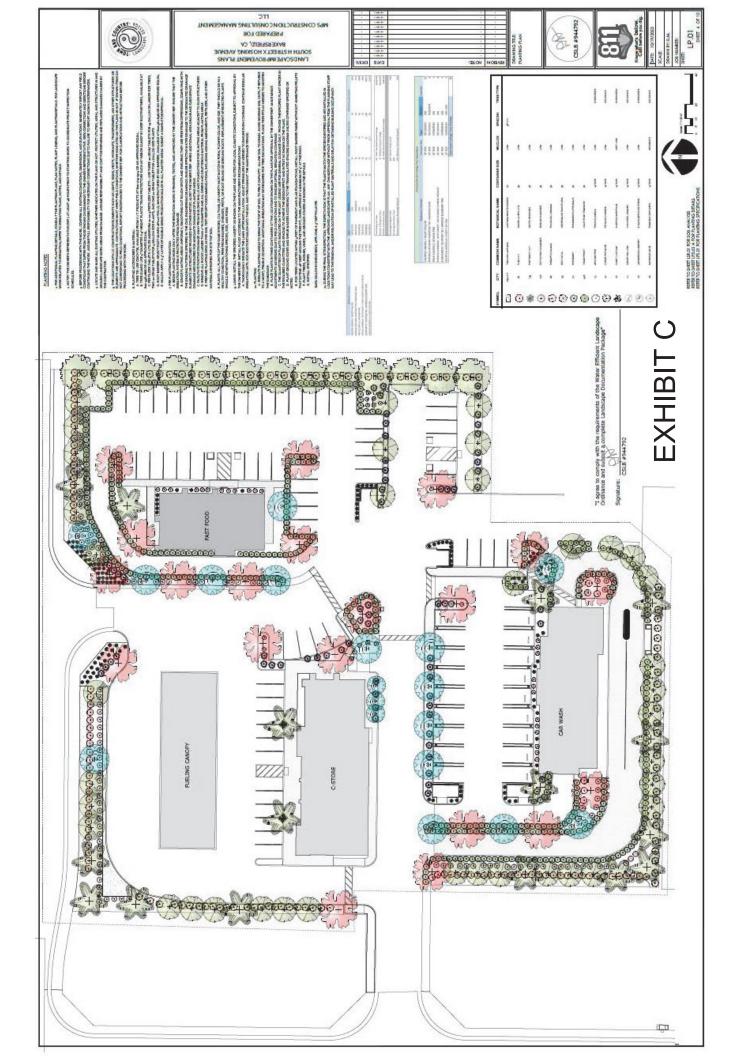


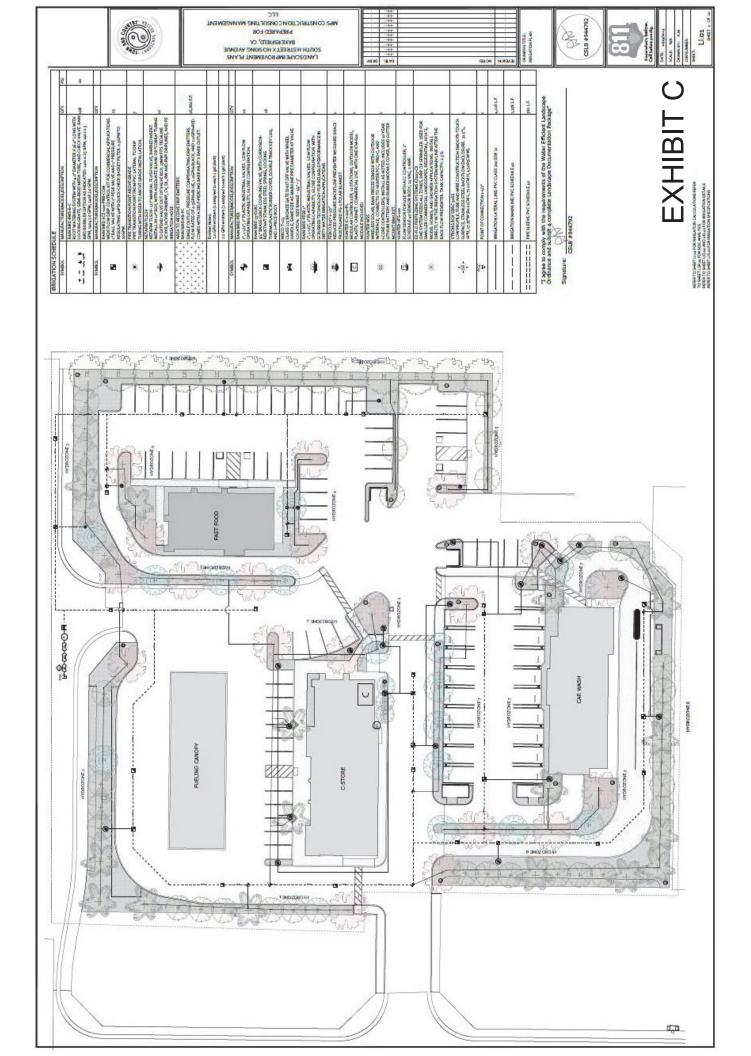






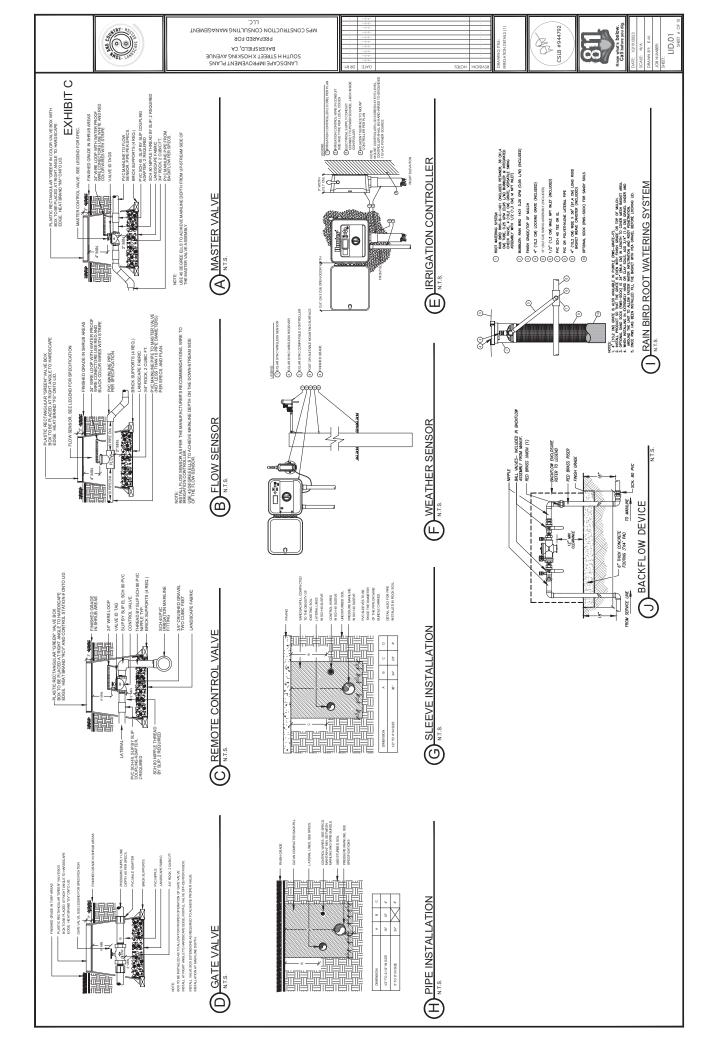
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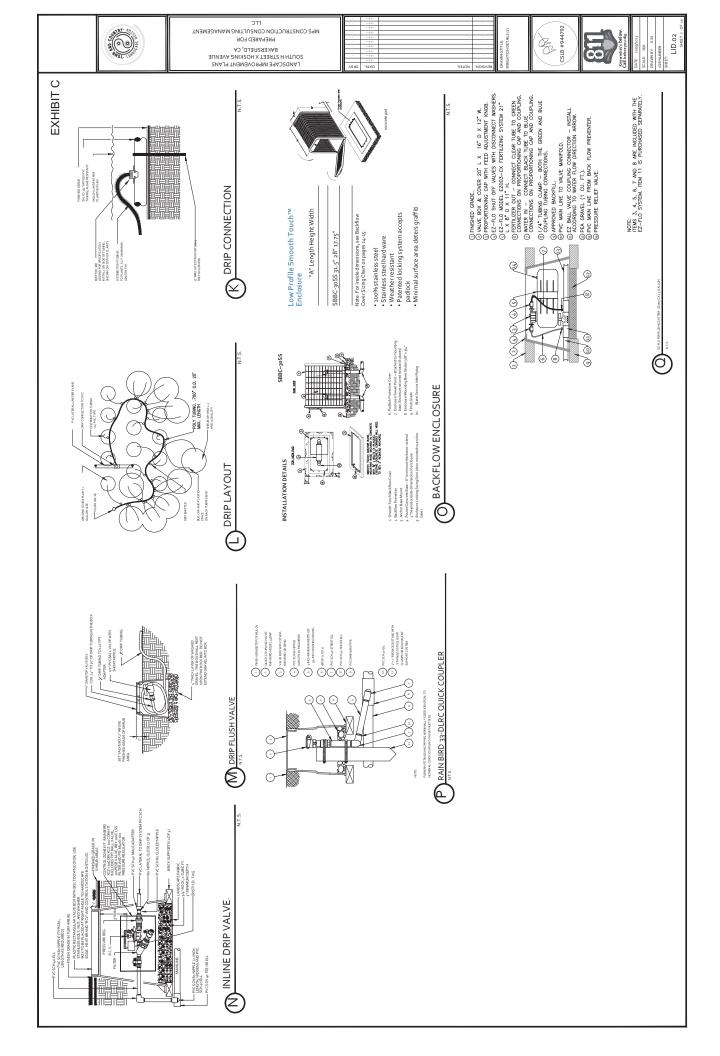


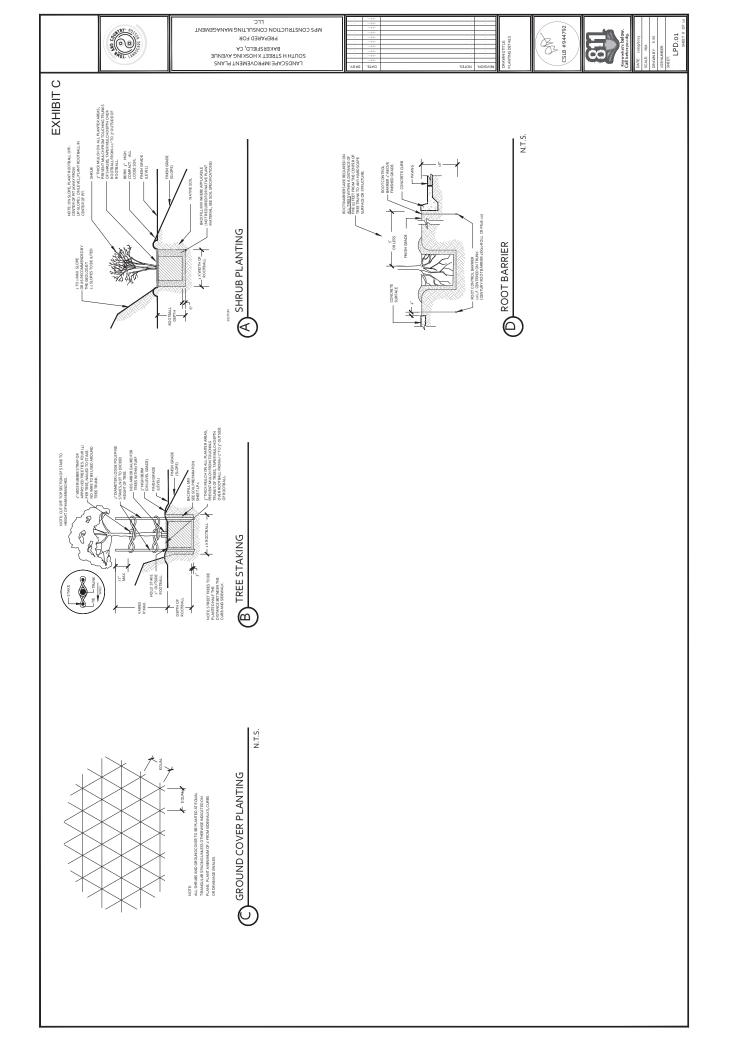


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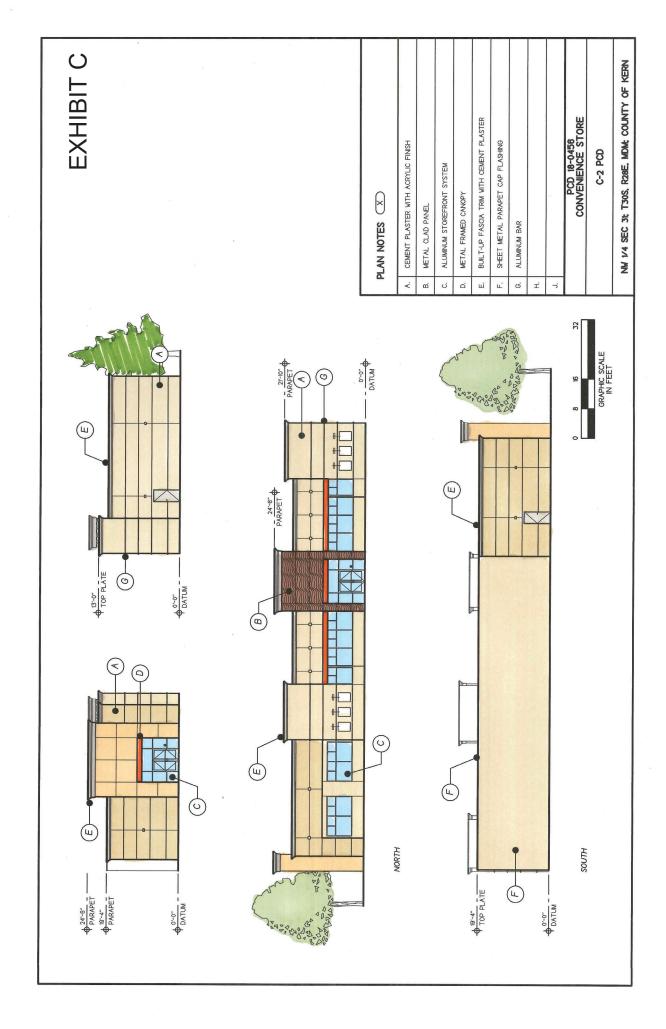


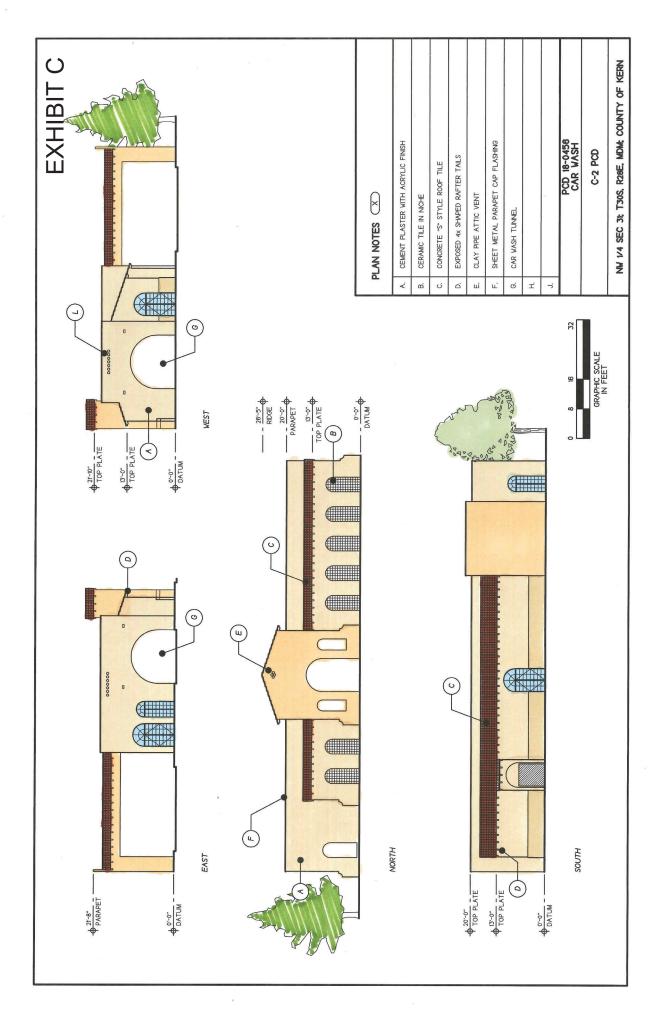


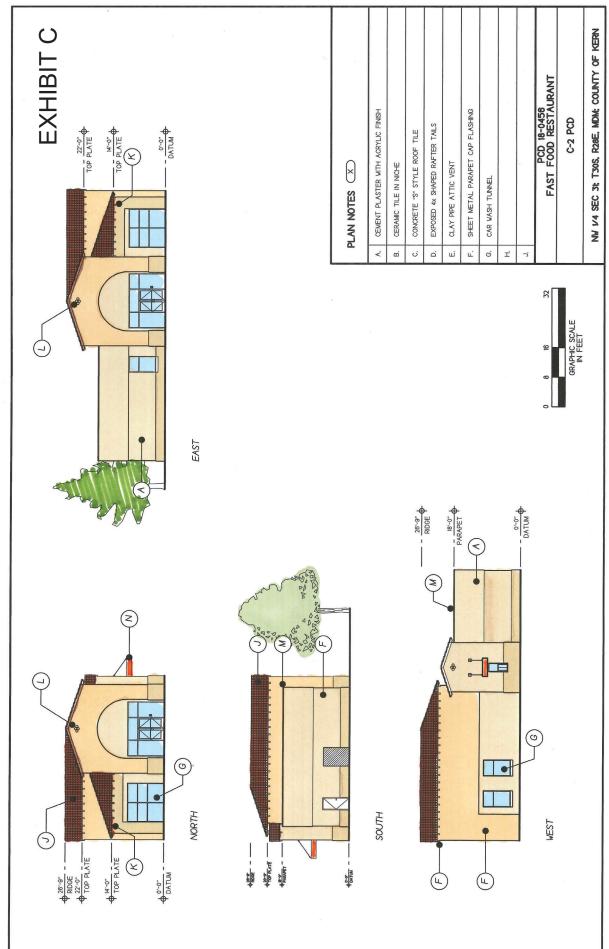


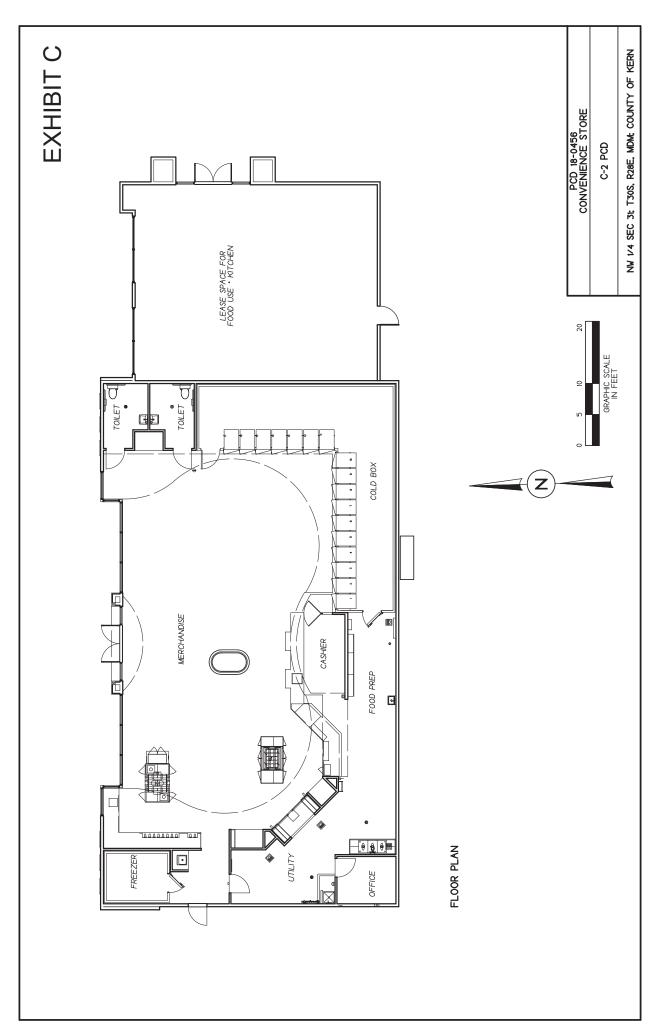
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4. ТНЕ САНТРАСТОВЕНИЦИЦИТИТИ ПЕВИБЛИОН 95 ТЕМ АЗ 900M ОН ТНЕ ОРАИНОК МЕНИТ ГООВИОЈ Я ПТЕ ПЕВ ОТМАТ В. Ј. ВО ЗОВОТОПОК, ЗОВОТ ВРЕНЕВИСКА ОКООВОРАНОВА МАКТИЗИТИТИТИТИТИТИ И И И И И ВЕКПОИЗОВАТИ ТНЕ ПАКОНОВГАК. А ЗОО ОКОРАТСТОКА СА ОРТВИКИКА ОКООВОРАНОВИ МАТИТИТИКОТИТИ ОТМАТИКА ПИКЕ ВЕКОНОВОВИКИ ТИТИЧЕВИ. А ЗОО ОКОРАТСТОКА СА ОРТВИКИКА ЗОКОЈИ В ПАКТИТИТИ ОТ ПЕ ОМИВКА АЦГНОВИТА ВЕКОНОВОВИКИ ТИТИК. И НЕВИСТИТИС ЗОО ОКОРАТСТОКА СА ОРТВИКИКА ЗОКОЈИ В ПОКИТИТО ИТКОТИ ОТ ВЕСОНОВОВОВИКИТИТИКИ. И НЕВИСТИТИСА СО ОКОРАТСТОКА СА ОРТВИКИКА ЗОКОЈИ В ПОКАТИТОТИКО ОТ ВЕ ОМИВКА АЦГНОВИТАТИ В И И ОТ ВОТОВИТАТИТИ.	8. ALI RTIMAS SHALL BOAR THE MANJAGTURBYS NUMEOR TRACEMARK, MATERALODISIGNATION, SCE, APRILZABLE I.P.S. SCHEDULE AND NSFSEAL OF APPROVAL	D. D. GLATTROM. SUPPLY.	מו בא האכוס אשר אור אוריות איר בו בוויטייוגים טר איסידים טעיאן, אינטארו טאאעיב סט אירנטערו וויב אשות טר טרודוס סראב מב מודע אובם רס פוסר אירואסור מרוס ל מקר אע, מפוגיארומין האסור רס אכנסיד אירב:	
	PVCNOM PRESSURE LATERALLINE PPWG	I. ELECTRICAL CONNECTIONS FOR AUTOWA TIC CONTING. LER SHALL DE MADE TO ELECTRICAL PONTS OF CONNECTION AS SHOW ON THE DRAWNOS. CONNECTIONS SHALL DE MADE DRAWNARY FOCUTIONS AS SHOWNON THE PRAMMANC CONTRACTION IS DESCONDED IN FOR MANDO FUNDES.	A. THE CONTRACTOR SHALL OPERATE EACHSYSTEMINITS BITRETY FOR THE LANDS CARE DESIGNER AT THE TAKEOF RIVLING PECTION. ANY INTER COEMMED NOTACCEPTAGLE BY THE OUVLINED ORSERVER SHALLER FRAMORED TO THE CAVAR-ETE SATIS'ACTION OF THE LANDS PROFEMATION	
	ь нонребзире виело илтеянцие прика эмми ве рус сцаба ком игна сологитита. 10 рег эмми ве мирегасии на имполого, гупец, акиде и рус сомпоцию сомпонии то Аттипески Specipication duya, ми рее мизтивет		чазыван. На соятватисятся зниц эном емовисе то тне цию 52ме овзыме тныт тне омнее низ песелер ицц. Ассезовней, очится, все опо раммися, иноекцииметть я лекции все вся в тих, свереми пон ски оссце.	TNE
	IT HOW I	33INGTALATION A TREACHAG	аловаятия или по вода по	31
		L DIS TREMONES TRANGHT AND SUPPORT PPE CONTINUOUSLY ON BOTTOM OF TREMON LAY PPE TO EVEN GRADE. TREMONES EXCAVATION SHALL FOLLOW LAYOUT RELACTED ON THE DRAWINGS AND AS NOTED.	ACCORNENT OF THE REVENTION OF THE ACCOUNT INCLUDENCE OF ACCOUNT OF THE ACCOUNT OF THE ACCOUNT OF AC	NN3
	a bross fire and ittitika. L nhere na catte drawing, use rederass screwed fire conformas to fideau. Srece katton w № -351.	2. RIOMDE DA MANIMAM COMBE D'ENDES POR ALL PRESSURE 2JPT. Y LIVES. 5. PROMDER DA MANIMA COMBE DE 1-ACMEST DA ALL NON-PRESSURE, MES.	ракудынын артысына адылама казыр алаасыр азактынан ораан мин кимистикан кана камистиканан ки ракудынан алаасынан алаасынан кана каларыкан аласынан аласына аласына аласына алаасына алаасына калалыктан в. Мин кезекилдеки никкекилсилер коликтер коликтер илер жар жана сарак кана каларыстер киник кезикинин кана кан	ر ۱
	RITINGS SHULL IIII REDIBASS CONFORMING TO RIDIRUL SPECIFICATION WW P-4/10.	4, PROVIDE FOR A ARRUNAM COVER OF 15 IND REFORMULCONTROL WIRKS.	OBSERVATIONS WERE MADE. C. NO OBSERVATION WILL COMMENCE WITHOUT RECORD DRAWINGS IN THE EVENT THE CONTRACTOR CALLS FOR AN OBSERVATION WITHOUT	±Oβ ο' Cγ SKIN
	альти прертатися. Амете истатер антие приминая, чае алумиеер steel пре кая sched ule 10ml d steel schemed pire.	9 BACKHILING	RECORD DRAWINGS, WITHOUT COMPLETING PRENOUGLY NOTED CORRECTORY, OR WITHOUT FREPARATIONES YET RAY FOR CORDISATION, INE A the DRESPONDENT OF REMAINMENT OF LANDSCHED RESISTENT THE RATE REFARATIONE PORTAL TO FORTALLUE TRAVESPORTATION SONS LAPTIER ROWINGENEED, ROMATING ROMER AND PORTAL RESISTENT, DEVID-THE CHARGE WAS REPARATION	SED I LIEFE SHOG
ю; 166 жидь реконса жиркевича то олите Ассоличцата тексовото зато от выше цие о хидоренится киноси знача, вас совле стеро и цу Склико егоном жировлении то киномо се кото кото и кото в состот то стеро кото кото кото кото кото кото кото ко	a. הידוואנס shwill שומיט את אינוינים למופאינים ואשו. נאמו, פאירו אינוי אינו אינוי אינו אינו אינו אינו א	т потельства этом по секолоших от покалемали и то это не технолого переказа, в сочито и технолого и потель схозателя и технолого по покалемали и покалемали и технолого по переказа, в сочито и технолого и по с соза в технолого переказа, по переказа, по покале по покалемали и технолого по переказа, технолого и с от ции и илих от все каксти и по создения кото переказа и покалемали и покалемали и потеле с от ции и илих от все каксти и по создения кото переказа и покалемали и покалемали и потеле и покалемали и покалема и кото переказа и покалемали и покале и и покалемали и покалемали и потеле и покалемали и покалема и кото переказа и покалемали и покале и покалема и и покалемали и покалемали и покалема и покалемали и покалема и кото переказа и покалемали и покалемали и покалемали и покалемали и покалемали и покалема и покалема и покалема и покалемали и покалемали и покалемали и покалемали и покалемали и покалема и покалема и покалема и покалема и покалемали и покалем и покалемали и		
ET OF	GATE VALVE.	осы прокрыти у моно, переода и по соложит у коло по должи и по со у дополникот, попер, до по коло и по дополник - 2. Апре бажицая предела у те, ве питация и соложит у колок и и во колок по по по колок и по по на дополники. Пе вити, вологи, и по		ятг 4А8 99
3. НЕ СОИТРАСТОВ НИТ, МИСТИКИ СЕ ОВЕД КИНОТИТОВСТВЕВСИ ОНИ У 67 ТЕ WORK PROCEEDS, SHOWKETE WORK SA ACTUULY NETALED. THESE CRAININGS SHULL BEANEL ARE ACTUAL ROL AND SHULL BEREFT IN A LOCATION DELICAVED BY THE LANDSOME INSTALED.	ני האדטאנים פואס, אוספו ניטעוצניטיוו פו נאין נוג איש פואטינני איז איז גיש או גרפויו ווידעו איז איש גיט שאיט גי אאיד אוינאטים פואס, אוספו ניטעוצניטיווי פואסינג אייופן ואינטנו.	3 RODONK OFTBRICHES MILL BE REMATTEDONLY WITH JPPROVIL OFTBE LAND SUPE DEGORIB. 4 F STIT BRBITT OCCURS AND SUBSEQUENT ADJUSTMENTS IN FPR_VALVES, SPIRINE, BFHSUGS, LAWN, OR PLANTING, OR OTHBR CINSTRUCTION AS		н нт
4 ھ	ני האת היא בארות בין פארונים אות המינות אית המשחיאה וה והיא במאמת אינו המבוסה אומכים הואמים היא אינו אינו היא ה איד מארב אינו גיפ פארות פון אופע אות היא היום בישוראה וה והאיבו מאמת אינו היום היא אופע ביו מאוויים ביו מאוויים	NECESSARY, THE CONTRACTOR SHULL MAKEALL REQUIRED AD JUST TRENTS WITHOUT COST TO THE OWNER.		
	E. GUCK COULING VILVES CUPUNG VALVES SHALLHAVE ABRAS TWO-PECEBOOF DEGRADO FOR WORM GPRESSUE OF 107 PS OPENABLE WITH OLICK COUPERPEX, REY SZE AND THE SHALL RE AS SHOWN CN PLANS.	. СТАВИСНИК АЮ ВАСИЛЬ ИКЕКРАМИС - ТИВИСНИЕ СОСКТОРОВИ ИНИКАММИКА КИМАЛТССОКОВТЕ ОК СИМОВТЕ МЫ ВЕ ИКТАЦЕРАНА, LIE BACOTILED WITH SMD (ALVERS SK- ИКАНОВИ ПО МИНИ ВИЕ ДАК - МИНОВА ИМИКА КИМАЛТССОКОВТЕ ОК СИМОВТЕ МЫ ВЕ ИКТАЦЕРАНА, LIE BACOTILED WITH SMD (ALVERS SK-		) Sali
	, and the week of the unit	по п		N
	L BACATI OW REFORMENT SHALL BE OF SCE AND FPEIND OFTED ON THE REIGATION DRAWINS. INSTALL THE BACATIOW PRIVENTION UNTS IN ACCORDANCE WITH THE INIGATION CONSTRUCTION OF TAUS.	CONTRACTOR AS MAT OFTHE CONTRACT COST. REMASSION TO CUT ON BREAK SIGEWAUS AND/OR CONCRETE SHALL BE ORTAINED FROM THE LANDS CUPE DESIGNER: NO HTORAALLE ORMINA WILL BE FRIMATED UNDERING CONCRETE PANINA.		
	». WE STRANDER AF BACKTON PREMENTION UNITSSIMULI MARE ABRONZED SZRENEDBOOP WITH ISOMBH MORELS CREEN AND SIMUL BE SMULARTO BALEY ISOA OR APPROVED BCUAL.	D. AGSEMBULES		84:
	G. O.E.O.Y.M.VES. S WING CHCKY VALVINS: JA MORE JUID SEGMU FE WING BROMPE GROWPE CONCERNMENT JUID JUID BEPLICEJAIL F. COMPORTION J BE OBSEME	I. BADIER AD STREAM MAINTHE SATINGALE BY INTERIMENTAL DAMAGEMENT IN ALCURSTAND AND DAMAGEMEND MANUAL THE ACCURSTAND AND AND AND AND AND AND AND AND AND		- - - - - - - - - - - - - - - - - - -
С. ок ок втояте ит и и и и и и и и и и и и и и и и и	OR RUBBER DISC, AND SHALL MEET OR EXCEED FED BRAL SPECIFICATION WWW-SID, CLASS	3 NISTAL ALLASSMAUES SECRED HEREINE ACCRODARCE WITH RESECTIVE DETAL. IN MISBIGL OF DETAL DRAWINGS OR SPECIFICATIONE PERTAINNG TO SECREDARGEOLINED TO COMPLETE WORK, PERIORIA SLOHWORK NACCORDARCE WITH THE BEST STATIONED PRACTICE WITH PRICH APPROVAL OF THE LLAND CARE FOR ORDER.		91AQ -4-1- -4-1- -4-1- -4-1- -4-1- -4-1- -4-1- -4-1- -4-1-
	A THE IV. 3. ANT COMMUNUES SHALL BE OF HEAVY OUT VIRGH PCC CONSTRUCTION WITH LE. THELO NUET AND OUTLET NITEMUL, PARTS SHALL BE 1. ANT COMMUNUES SHALL BE OF HEAVY OUT VIRGH PCC CONSTRUCTION WITH LE. THELO NUET AND OUTLET NITEMUL, PARTS SHALL BE	A PROFINEMENT OF A DESCRIPTION OF A DESC INTRODUCIÓN OF A DESCRIPTION O		
	אינבססי וודפא אינו האינאי איני אייני אייני אייני איאיני אאייני אאייני איאיני איאיני אייני אייני אייני אייני א אונד 10 אינו אייני אייני אייני אייני אייני אייני אייני אייני איאיני איאיני אייני אייני אייני אייני אייני אייני א	5 OF PVCTO/RETAL CONNECTIONS, THE CONTINACTOR/SHALLWORK THE METAL CONNECTIONS FIRST. TERL ON THATE, OR APPROVED EXULAL, SHALL BE LISED ON ALL, THREEMED OF COPYCL, AND CHALL THREEMED PVCTOREME, JUNES LONGSRIMEST, THIN THIS FROCURED, WHERE THREEMED PVC CONNECTIONS ARE RECAURDS TO THE THREEMED PVCTOREPTION THREEMENT REVIEWED.		
	H. CONTROL WRING: 1. CONNECTIONS BETWEEN THE AUTOMATIC CONTROLL BIS AND THE ELECTRIC CONTROL VALVES SHALL BE MADE WITH DRECT BURAL COPPER WRIE	ני הוע כר מאמארני אדר הואני אישר איני א אואושאי כרב אמארנו סע פוונסופ ונוסא פאכא סאונג איס ענכאוראופי כע כע גענ		
318/5	את ער מיס אינו ויונט ואמים אשווניו ויום אינוש אוויוי אוויויו ויונט וווינט בווא אינו אינו ווויו אינוש ווויו אינו אווא ג קופד וטאתוסו וויד אינו שווויויויוויויוויויויויויוויויוויוויוויו	INESSIMIT NOT BEINSTALLED DIRECTLY OVER OVE MADTHER.		
×	WINE SLEER LIDS IMM #1, 2. WINE SHALL OCUPY THES METRENCH AND SHALL BE NSTALLEDALONG THE SWIE ROUTE AS PRESSURE SUPPLY OR LATERAL UNES WHERERER 2. VOIGBALE:	F. АЛТОМИТС СОППОЦІВІ ІНБТАЦІ ВЕРМИМЕ АСТИВІВЗІ ІНБТВІСТІОНІБ. ВІВАОТЕ СОПТРОТ. VALVES 54 ML ВЕ СОНИЕСТВІ ТО СОНТВОЦІВ ІНИ МЛИВ ВІСАL		
6 WHERCOMPETED JAIO, PRINCIES, THE CHARTSHULL BE SEALEDBY A PLASTICLANAINTING PROCESS. THE R. ASTICLANMATINGSHEETS SHULL BE A 3 - A MARTAN ON DATA THE AND THE	WHER MORE THAN ONE MIRE IS R. ACED IN A TRENOL, THE MIRNES SHALL RET FAVED TO GETHER A THI TREVIALS OF TERVEET. AN EXPANSION CLAR, SHAL, HE PROMISED AT BLOW WHES CONNECTION, EXPANSION CLAR, SHALL BE OF SUPERIOR THAN AT EACHSPLUE.	SEGUIRICE AS SHOWN ON THE RAWINGS.		
SHEE	сонестоки телон встяс соитесь их из эртилти сиде от явлие, так их воитестиих ва виоциант то тне зияли в илнол т россичествон от так соитесь инесь соитесь инесании, всько сооза ли тактонити кол тактав он эле соитесь ине соисостоя	G. НОВ И/ОД. ТАКД. МЯНИК ГОЛЯ АЦТОМАТС СОЧТВОЦЦЯ? 1.110/VOLT POWER CONNECTION TO THE ALLTOMATIC CONTINULES SHALL BE PROMIDED BY THE BRIKATION CONTINUCTOR.		231
	5. ALL SPLKES SHALL BE MUCE WITH PAVIBIND STo JAL SAVP-TITE WRE CONNECTOR WITH PTS-356ALER OR APPROVED EQUAL USE ONEWRE CONNECTOR PRR. WRE SPLCE	3. All ELECTRICA, WOR SHALL CONFORM TO LOCAL COERS, ORDAWINS, AND UNON ALTHORNED AND UNA DURING DRIVEN AND AND A DURING AND A D		
MATBHALAND BOUPWENTINGTALLED UNDER THIS CONTRACT.	ь па о речиставатите мигоматис соитеоцая мио в естек: соитеоц им. wis will not be ream thed without freicra легоим, огтне Слиссоне резсиева.	H. IRBADTE CONTROL VALVES INSTALL WEEKS SHOWN ON THE DRAMINGS MADPIRE DEFINL WIEN GROUPED TO GETHER, ALLOW AT LEAST 12 INCHES BETWEEN VALVE BOOKS INSTALL EAD REMOTE CONTROL VALVE NA SERVICE VALVES DESTARD.		NOISI
- COMPLETE OPERATING AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCE AND MAINTERVECT INSTRUCTIONS OF ALLIANCING PROCESSOF BOURDARING     - ALLIANCING PROCESSOF ALLIANCING     - ALLIANCE AND MAINTERVECT     - ALLIANCE AND MAINTERVECT     - ALLIANCE AND MAINTERVECT     - ALLIANCE AND ALLIANCE AND ALLIANCE AND ALLIANCE AND ALLIANCE AND ALLIANCE AND ALLIANCE     -	I. ALTOMATIC CONTROLLER 1. ALTOMATIC CONTROLLER OF SIZE AND TYPE SHOWN ON THE DRAWNOS.	П. В. В. М. О. В. С. К.		8
	ם. הועע נוכלהרסא ליף לעודמו של האחר כלסורות כובה איע נופג שלייוסט של ראב לטיאוניה או האיז הואי הואי האיז אינו ה סט האלה לא האיז האיז האיז האיז היה האיז היה אילוד היה אילוד מעודמים האיז היה האיז האיז האיז האיז האיז האיז	1. Пота ластие из примененте и полозорании и ласти самие польза на колязо и политов и политие и полити и пол 1. Пота Палили об этичистви и полозорании и политика и политика и политика и политика и политика у политика 2. З этичнисти на козачили в пота политика и политика и политика и политика и политика и политика у политика 2. Вотинисти на козачили в пота политика и по 2. Вотинисти на козачили в пота политика и политика 2. Вотинисти на козачили в политика и политика 2. Вотинисти на козачили в политика и политика 2. Вотинисти на политика и политика 2. Вотинисти на политика и политика 2. Вотинисти на политика и политика 2. Вотинисти на политика и политика 2. Вотинисти на политика и политика 2. Вотинистика и политика и политика 2. Вотинистика и политика и политика 2. Вотинистика и политика и политика 2. Вотинисти и политика		DRAMING TITLE: IRRIGATION
40 US THS EACH TYPE OF SPRINKLER AND VALVE INSTALLED UND BRTHS	HEAD THE HAVE HORE VERY HE AUTOMNIC CONTINUUM TO THE LID YOUL POWERSOUNCE SHALLER THE RESPONDENT OF THE INITIAT	LAND SCARE DESIGNER		SPECIFICATIONS
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а и соокоскошателя комилоченов узмецает комилите о коскостивни мили вклиша. Э пе кооки кетора по	ь инцев отнемия и/отвориным ов сокванистоя опетица, иль выстве соитво, издебзимы име и ими ил. пои ио изгливит 5 яболов ию патал. Оне сонтво, изде воргов в донецестве соитво, издебзимы име и ими ил. пои ио изгливите.	2. Риские обязиные панкиото знашают в колади из поскато он тне окниная и иго систе унаштие яколка растав тик воссиненова в гта ими их станает.		Al
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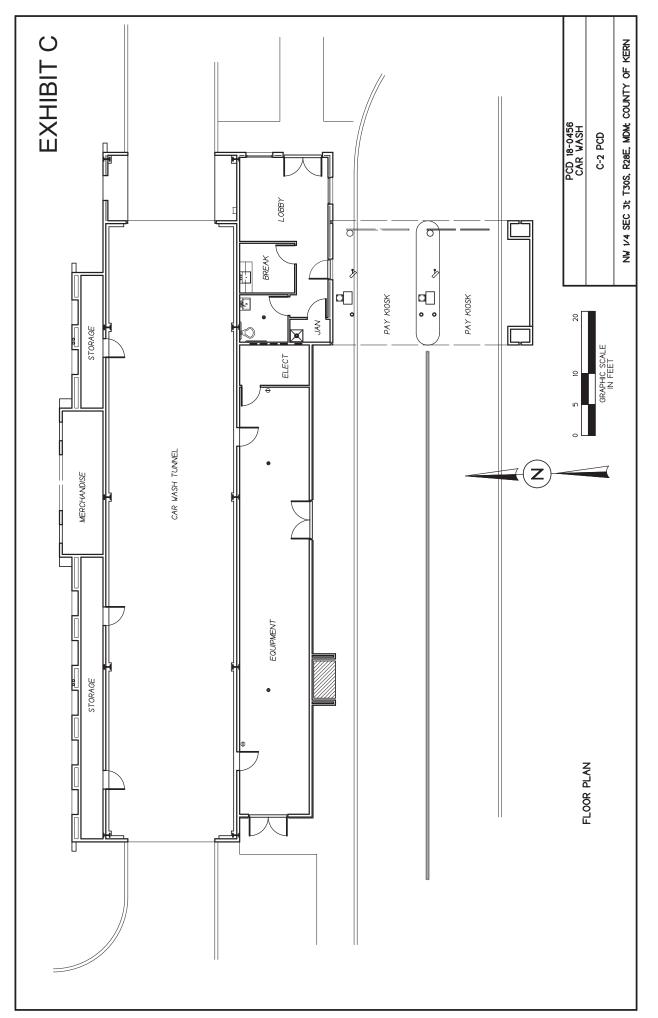




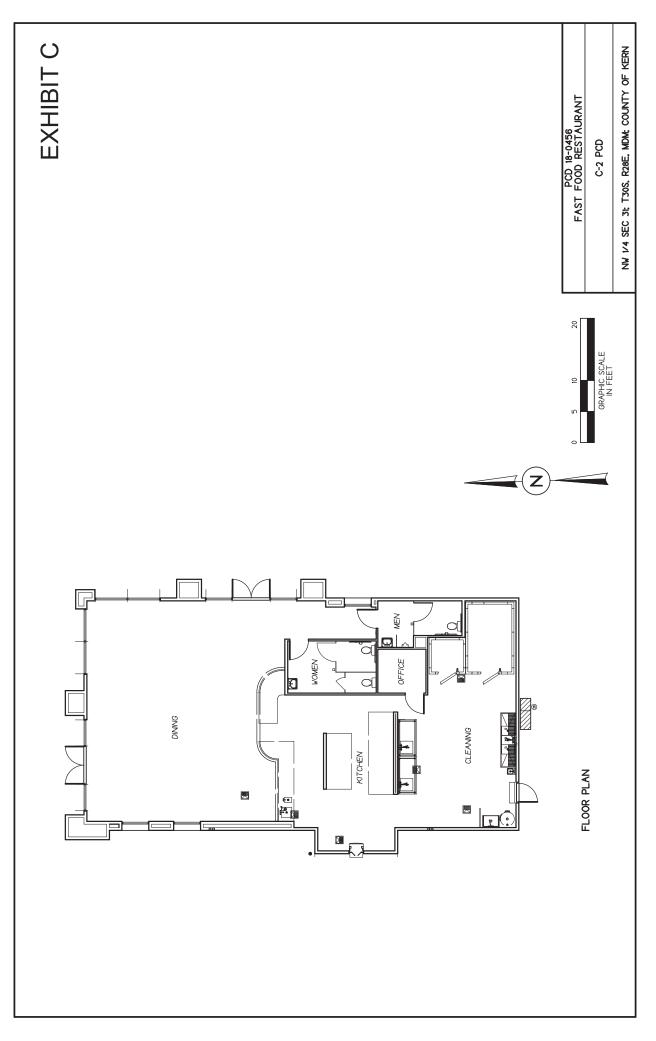




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## Exhibit D

## **Chapter 17.54**

## PCD PLANNED COMMERCIAL DEVELOPMENT ZONE\*

#### Sections:

17.54.010	Intent and purpose.
17.54.020	Uses permitted.
17.54.030	Application.
17.54.040	Rezoning procedure.
17.54.050	Final development plan.
17.54.060	Latitude of regulations.
17.54.070	Required findings.
17.54.080	Expiration of zone or plans.
17.54.090	Minimum site area.
17.54.100	Modifications to approved preliminary and final development plans.
17.54.110	Maintenance of common areas and non-dedicated improvements and facilities.

\* Prior code history: prior code §§ 17.47.010—17.47.130

## 17.54.010 Intent and purpose.

It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as being solely within a PCD zone (exclusive zone), or the PCD zone may be used as a combining zone in a C-O, C-1, C-2, or CC zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4305 § 1, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.020 Uses permitted.

A. Uses permitted in a PCD zone used as a combining zone are those uses permitted by the base zone with which the PCD zone is combined.

B. Uses for land classified as being within a PCD zone are as follows:

1. Any permitted use listed in Chapters <u>17.20</u> (C-O), <u>17.22</u> (C-1) and <u>17.24</u> (C-2) of this code. Any use that is conditional in these zones may be requested as part of the initial zone change and approved as conditional uses subject to the findings, conditions and revocation of rights as set forth in Chapter <u>17.64</u> of this code. Uses which are conditional that are proposed once the PCD zone is effective shall be subject to the provisions of Chapter <u>17.64</u> of this code.

2. Uses and structures which are incidental or accessory to any of the uses permitted in PCD zones.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the intent and purposes of the planned commercial development. (Ord. 4542 § 2, 2008; Ord. 4305 § 2, 2006; Ord. 4009 § 2, 2001; Ord. 3752 § 1, 1997; Ord. 3656 § 2, 1995)

## 17.54.030 Application.

A. When the PCD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation plan;

2. If the proposed project is to be developed in several stages, indicate the anticipated sequence of development;

3. Show the proposed methods by which the applicant will govern the maintenance and continued protection of the development including any common areas;

4. Indicate all proposed signs for the development;

5. A completed zone change application on such forms as provided by the city, signed by the owner or owners in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if any;

6. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PCD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(4) and (A)(6) shall be required prior to approval of a subdivision map pursuant to Section <u>16.28.170(O)</u> or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modifications to approved plans will be subject to the provisions set forth in Section <u>17.54.100</u>.

C. When the PCD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section 17.64.050(B). (Ord. 4305 § 3, 2006; Ord. 4009 § 2, 2001; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

## 17.54.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter 17.64 of this code regarding zone changes.

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PCD. If the PCD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PCD (Example: C2/PCD).

C. The preliminary development plan as approved with a PCD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PCD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 2, 2001; Ord. 3903 § 5, 1999; Ord. 3656 § 2, 1995)

## 17.54.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure.* The final development plan for a building permit shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction with all conditions set forth in the

city council's final decision. In instances where the planning commission desires to review the final plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 2, 2001; Ord. 3903 § 7, 1999; Ord. 3874 § 2, 1998; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

## 17.54.060 Latitude of regulations.

In the approval of PCD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements of buildings or structures, lot and yard requirements and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. Limitations upon the size, design, number, lighting and location of all signs;

E. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

F. Construction of fences and walls;

G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

H. Location and size of off-street loading areas and docks;

I. Uses of buildings and structures by general classification and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property or of other property in the development;

J. Architectural design of buildings and structures;

K. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof,

- L. Requiring of performance bonds to insure development as approved;
- M. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscape plan;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4305 § 4, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

## 17.54.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned commercial development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

## 17.54.080 Expiration of zone or plans.

A. When the PCD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section 17.64.070 of this code.

2. With the exception of satellite pads, if a certificate of occupancy has not been issued for a substantial portion of the commercial structures in the first phase of a PCD zone within five years of the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section 17.64.070 of this code.

3. With the exception of satellite pads, where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective

date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section 17.64.070 of this code.

B. When the PCD zone is used as a combining zone, no status review or other notification shall be required.
 Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section 17.08.080D). If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.090 Minimum site area.

The minimum area for a PCD zone shall be one acre. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

## 17.54.100 Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other zones permitted in any initial approval of a PCD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.54.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alternations, deviations, or substitutions to an approved preliminary development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of the architecture or landscape architecture as established in the planning commission or city council's approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning director's report, may further modify the planning director's approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 2, 2001; Ord. 3903 §§ 6, 8, 1999; Ord. 3874 § 1, 1998; Ord. 3656 § 2, 1995)

# 17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, if any, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and any improvements listed in Section <u>16.32.060</u> of the subdivision regulations of the city which are not dedicated and accepted may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Where ownerships are to be separate, such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the original owner or owners; articles of incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### The Bakersfield Municipal Code is current through Ordinance 5149, passed December 13, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.bakersfieldcity.us City Telephone: (661) 326-3000

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#### RESOLUTION NO.

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CAR WASH, CONVENIENCE STORE WITH FUEL, AND A FAST-FOOD RESTAURANT (BMC 17.54.020) IN A C-2/PCD (GENERAL COMMERCIAL / PLANNED COMMERCIAL DEVELOPMENT) ZONE DISTRICT, LOCATED AT 1631 HOSKING AVENUE (PDR 23-0251).

WHEREAS, DeWalt Corporation filed an application with the City of Bakersfield Development Services Department for a planned development review to allow a carwash, convenience store with fuel, and a fast food restaurant (BMC 17.54.020) in a C-2/PCD (General Commercial / Planned Commercial Development) zone district, located at 1631 Hosking Avenue (the "Project"); and

WHEREAS, the Secretary of the Planning Commission set Thursday, February 15, 2024, at 5:30 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

**WHEREAS**, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

**WHEREAS**, the above-described project is exempt from the requirements of CEQA in accordance with Section 15332; and

**WHEREAS**, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above-referenced public hearing support the following findings:

- 1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
- 2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15332 because the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- 3. The proposed use is essential and desirable to the public convenience and welfare.
- 4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
- 5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

- 1. The above recitals, incorporated herein, are true and correct.
- 2. This project is exempt from the requirements of CEQA.
- 3. Planned Development Review No. 23-0251 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting held on the 15th day of February, 2024, on a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

#### APPROVED

ZACHARY BASHIRTASH, CHAIR City of Bakersfield Planning Commission

Exhibits:

- A. Mitigation Measures/Conditions of Approval
- B. Location Map
- C. Site Plan



#### **COVER SHEET** PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: February 15, 2024

ITEM NUMBER: 6.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD:

#### SUBJECT:

**Text Amendments to Bakersfield Municipal Code Title 17:** The City of Bakersfield is proposing to add, delete, and amend various Chapters of the zoning ordinance primarily related to residential zoning and mixed-use zoning to address evolving community needs, enhancing housing options, and providing compatibility with the City's long-term development goals in support of the Bakersfield General Plan comprehensive update; specifically, the Housing Element.

APPLICANT: City of Bakersfield

#### OWNER:

LOCATION:

#### STAFF RECOMMENDATION:

Adopt Resolution and suggested findings approving text amendments to Bakersfield Municipal Code Title 17 and recommend the same to City Council.

#### ATTACHMENTS:

	Description	Туре
D	Staff Report	Staff Report
D	Draft Amendments–Track Change	Backup Material
D	Draft Amendments- Track Change Accepted	Backup Material
D	CEQA Exemption Memorandum	Backup Material
۵	Resolution with Exhibits	Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION STAFF REPORT

MEETING DATE:	February 15, 2024	AGENDA:	6.a.
то:	Chair Barshirtash and Members of the Pla	nning Comm	nission
FROM:	Paul Johnson, Planning Director PJ		
DATE:	February 9, 2024		
WARD:	All		
File:	Bakersfield Municipal Code Title 17 Amen	dments	

**REQUEST:** Text amendments to Bakersfield Municipal Code Title 17 by adding, deleting, and amending various Chapters primarily related to residential zoning and mixed-use zoning to address evolving community needs, enhancing housing options, and providing compatibility with the City's long-term development goals in support of the Bakersfield General Plan comprehensive update; specifically, the Housing Element.

APPLICANT:	City of Bakersfield
CEQA:	Section 15061(b)(3)

**STAFF RECOMMENDATION:** Adopt Resolution **APPROVING** text amendments to Bakersfield Municipal Code Title 17 and recommend the same to City Council.

#### BACKGROUND:

This staff report presents a request for the Planning Commission to consider and recommend approval of proposed zoning ordinance Amendments (Amendments) primarily focused on residential and mixed-use land uses. The purpose of the Amendments is to address evolving community needs, comply with state law, and provide compatibility with the City's long-term development goals outlined in the Housing Element of the Bakersfield General Plan comprehensive update. Additionally, the Amendments aim to allow properties to build out to their full potential by ensuring the zoning ordinance regulations allow for construction of various and innovative types of housing units, and provide provisions to require Regional Housing Needs Assessment sites achieve minimum/maximum densities.

State law requires that the Housing Element be reviewed and certified by the California Department of Housing and Community Development (HCD), and non-compliance can result in the City losing eligibility to receive state grants and being subject to litigation. Although the initial 6th Cycle Housing Element for the planning period of 2023 to 2031 has been reviewed by HCD, additional revisions are required to the document before HCD will reconsider for certification. Therefore, the proposed Amendments not only provide clarity in housing regulations, but the Amendments are also a critical component for approval of the 6th Cycle Housing Element.

#### **REFERRAL – PLANNING AND DEVELOPMENT COMMITTEE:**

On September 21, 2022, a referral was made from City Council requesting staff prepare a comprehensive update of the residential zoning standards. In concert with Rincon Consultants, Inc., the City's consultant in the comprehensive General Plan update, Mintier Harnish was tasked with addressing the shortcomings of the City's residential ordinance. Over the course of three Planning and Development Committee (Committee) meetings during 2023 (April 27, May 23, and August 22), the Committee discussed and considered various amendments to the zoning text and zoning map to support the 6th Cycle Housing Element.

During these meetings, the Committee provided direction regarding alterations to existing zone classifications, creating new zone districts consistent with state law, adjusting parking standards for residential uses, and providing for objective development standards. A summary of the proposed Amendments was presented to the Committee at a special meeting on August 22, 2023 and the Committee voted 3-0 to move the zoning ordinance Amendments forward.

#### STAKEHOLDER ENGAGEMENT – PUBLIC WORKSHOP – PROPERTY OWNER FEEDBACK:

As of this writing, three stakeholder engagements have been conducted to provide the development community an opportunity to share questions and concerns on the ability to implement the proposed Amendments. During the first engagement on April 17, 2023, developers stated their concerns against density minimums and the removal of parking minimums, and there was a passionate closing comment from a single-family residential developer that the community does not want density. Comments shared at the following two stakeholder engagements of January 26, 2024 and February 1, 2024 produced minimal concerns from developers.

A public workshop was held in front of the Planning Commission (Commission) on January 18, 2024. A summary of comments from the Commissioners, to include comments from Commissioners who attended the stakeholder meetings, include: opposition and support with relying on the developer and market to determine the number of minimum parking spaces; support for a requirement that ADA parking spaces be required regardless of parking minimums; opposition to requiring amenities based on a point system for multi-unit development; opposition for objective standards; opposition to establish new mixed-use zones vs. allowing residential in all current commercial zones; and support for lower "floor" density for R-1 zone and higher "ceiling" density for R-4 and R-5 zones.

Over the previous 10+ months, staff also conducted outreach efforts with property owners who could be candidates for rezoning to the new zone classifications. Property owners also initiated contact with staff requesting their property be included in these efforts as options for providing all types of housing opportunities for all types of income levels throughout the City of Bakersfield to meet the City's Regional Housing Needs Allocation (RHNA). For reference, the 6<sup>th</sup> Cycle RHNA requires the City of Bakersfield provide 37,461 dwelling units (65% of total Kern County RHNA) over the next 8 years (2023-2031). Kern Council of Governments further assigned Bakersfield to provide 11,129 very low income units (76% of total Kern County); 7,082 low income units (76% of total Kern County); 5,317 moderate income units (57% of total Kern County); and 13,933 above-moderate income units (57% of total Kern County).

#### **PROPOSED AMENDMENTS**

In response to the stakeholder meetings, public workshop, and feedback from property owners, further refinement of the proposed Amendments were made. However, the Amendments remain consistent with the direction provided by the Planning and Development Committee. Major Amendments to Title 17 included:

- Adjustments to existing residential zoning classifications
  - R-S (Residential suburban)
  - RH (Residential holding)
  - R-1 (One-family dwelling)
- Addition of new residential and mixed-use zoning classifications
  - R-5 (Very-High Density Multi-Unit Dwelling)
  - $\circ$  R-6 (Urban Core)
- Removal and/or combining of zoning classifications
  - o R-1-4.5 (small lot one-family dwelling)
  - R-S-1A (Residential suburban; 1-acre min)
  - RS-2.5A (Residential suburban; 2-1/2-acre min)
  - R-S-5A (Residential suburban; 5-acre min)
  - R-S-10A (Residential suburban; 10-acre min)
- Use of new terminology
- Updates to definitions
- New zoning purpose statements
- Adjustments to dwelling unit per acre minimum and maximum
- Adjustments to residential lot size minimum and maximum
- Reduction in setback requirements
- Inclusion of multi-unit objective design standards
- Removal of residential from C-1 (Neighborhood Commercial), C-2 (Regional Commercial), M-1 (Light Manufacturing, M-2 (General Manufacturing), M-3 (Heavy Manufacturing), and HOSP (Hospital) zoning classifications
- Removal of minimum parking standards for residential development
- Changes to Accessory Dwelling Unit and Junior Accessory Dwelling Unit chapter
- New tabular format for the residential and mixed-use "allowed uses and permit requirements"
- New tabular format for the residential and mixed-use "development standards"
- Various clean-up amendments for consistency
- Associated re-numbering and re-lettering

#### **CITY COUNCIL GOALS**

The proposed Amendments are included in two of the five City Council Goals for the Fiscal Year 23 Workplan. As part of the Safety and Resilience goal, completing the residential zoning code update is a high priority objective to "Pursue Action Plan for Ending Homelessness." Additionally, as part of the Community Character and Quality of Life goal, completing the adoption of a comprehensive update of the residential zoning ordinance sufficient to provide full compliance with state law, is a high priority objective to "Neighborhood Vitality." Approval of the proposed Amendments will satisfy those two goals.

#### ENVIRONMENTAL REVIEW AND DETERMINATION:

The Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) ("general rule" or "common sense"), and of Title 14, Article 18, 15620 of the California Code of Regulations (statutory). A Notice of Exemption has been prepared. Attached to this staff report is a CEQA Exemption Memorandum providing further justification.

#### PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. As of this writing, no written public comments have been received.

- R-2 (Limited multiple-family dwelling)
- R-3 (Multiple-family dwelling)
- R-4 (High density multiple-family dwelling)
- MX-1 (Mixed-Use Neighborhood)
- MX-2 (Mixed-Use Transit)
- E (Estate one-family dwelling)
- P (Automobile Parking)
- o Church (CH)
- AD (Architectural Design)
- o SC (Senior Citizen)

#### **RECOMMENDATION:**

Staff concludes the recommended Amendments to Title 17 of the Bakersfield Municipal Code are appropriate and consistent with Planning & Development Committee direction. Therefore, staff recommends your Commission adopt Resolution approving the text Amendments to Bakersfield Municipal Code Title 17 and recommend the same to City Council.

#### ATTACHMENTS:

- Draft Title 17 Amendments Track Change
- Draft Title 17 Amendments Track Change Accepted
- CEQA Exemption Memorandum
- Resolution with Exhibits

## Title 17 ZONING

#### Chapters:

chapters.	
17.02	General Provisions
17.04	Definitions
17.06	Zones Established—Zoning Map Boundaries
17.08	General Regulations Including Site Plan Review
17.10	R-1 One Family DwellingResidential Zones
17.12	Residential Suburban Mixed-Use Zones
17.14	R-2 Limited Multiple Family Dwelling ZoneMulti-Unit Objective Design Standards
17.16	R-3 Multiple Family Dwelling Zone <u>Reserved</u>
17.18	R-4 High Density Multiple-Family Dwelling Zone <u>Reserved</u>
17.19	RH (Residential Holding) Zone <u>Reserved</u>
17.20	C-O Professional and Administrative Office Zone
17.22	C-1 Neighborhood Commercial Zone
17.24	C-2 Regional Commercial Zone
17.25	C-B Central Business Zone
17.26	C-C Commercial Center Zone
17.28	M-1 Light Manufacturing Zone
17.30	M-2 General Manufacturing Zone
17.31	M-3 (Heavy Industrial) Zone
17.32	A Agriculture Zone
17.34	PAutomobile Parking ZoneReserved
17.35	RE (Recreation) Zone
17.36	Church (CH) Combining ZoneReserved
17.37	OS (Open Space) Zone
17.38	Hospital (HOSP) Zoning
17.41	AD (Architectural Design) Zone <u>Reserved</u>
17.42	FP-P Floodplain Primary Zone
17.44	FP-S Floodplain Secondary Zone
17.45	AA (Airport Approach) Zone
17.46	Drilling Island (DI) District
17.47	(PE) Petroleum Extraction Combining District
17.48	TT Travel Trailer Park Zone
17.50	MH Mobile Home Zone
17.51	SC (Senior Citizen) Zone <u>Reserved</u>
17.52	PUD Planned Unit Development Zone
17.54	PCD Planned Commercial Development Zone

17.55	Specific Plan Lines for Streets and Highways
17.56	Fallout Shelters
17.57	Metal Storage Containers
17.58	Parking and Loading Standards
17.59	Wireless Telecommunication Facilities Not in the Public Right-of-Way
17.60	Signs
17.61	Landscape Standards
17.62	Surface Mining and Reclamation
17.63	Home Occupations
17.64	Modifications, Conditional Use Permits, Amendments and Appeals
17.65	Accessory Dwelling Units and Junior Accessory Dwelling Unit
17.66	HD (Hillside Development) Combining Zone
17.68	Nonconforming Uses, Structures and Lots
17.69	Adult Entertainment Businesses
17.70	Certificate of Occupancy
17.71	Outdoor Lighting
17.72	Enforcement
17.73	Reasonable Accommodation

## Chapter 17.02 GENERAL PROVISIONS

Sections:

17.02.010	Title.
17.02.020	Adoption.
17.02.030	Purpose.
17.02.040	Content and scope.

#### 17.02.010 Title.

This title shall be known as the "land use zoning ordinance of the city." (Prior code § 17.08.010)

#### 17.02.020 Adoption.

There is adopted a precise zoning plan for the city. (Prior code § 17.04.010)

#### 17.02.030 Purpose.

This zoning plan is adopted to implement the goals and policies of the general plan of the city which serve to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the accomplishment thereof is adopted, among other purposes for the following more particularly specified purposes:

A. To assist in providing a definite plan of development for the city and to guide, control and regulate the future growth of the city in accordance with said plan; and

B. To protect the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the city, and to assure the orderly and beneficial development of such areas. (Ord. 2693, 1982; prior code § 17.04.020)

#### 17.02.040 Content and scope.

The zoning plan consists of the establishment of various zones within the incorporated territory of the city within some, all, or none of which it is lawful, and within some, all, or none of which it is unlawful to erect, construct, alter, move, locate or maintain certain buildings or to carry on certain trades or occupations or to

conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such zones, all as set forth in this title. (Prior code § 17.04.030)

## Chapter 17.04 DEFINITIONS

Sections:

cetions.	
17.04.010	Generally.
17.04.020	Accessory building.
17.04.022	Accessory parking facility.
17.04.030	Accessory use.
17.04.032	Acreage, gross.
17.04.035	Acreage, netAirspace diagonal.
17.04.040	Alley.
17.04.045	Antenna.
<del>17.04.050</del>	Apartment hotel.
<del>17.04.060</del>	Apartment house.
17.04.065	Approving authority.
17.04.070	Architectural feature or projection.
17.04.075	Awning or canopy.
17.04.077	Brewery or distillery, large.
17.04.078	Brewery or distillery, small.
17.04.080	Building.
17.04.085	Building façade.
17.04.090	Building height.
17.04.100	Building site.
17.04.120	Business or commerce.
17.04.128	Camouflage.
17.04.129	Cannabis.
17.04.130	Carport.
17.04.132	Central district.
<del>17.04.140</del>	-Church.
17.04.150	Club <u>, private</u> .
17.04.154	Commercial cannabis activity.
<u>17.04.154.5</u>	Community care facility.
17.04.155	Conditional uses.
17.04.160	Day care home, small family.
17.04.165	Day care center.
17.04.168	Driveway.
17.04.170	Dwelling, accessory unit (ADU).
17.04.180	Dwelling, accessory unit junior (JADU)-group.
17.04.190	Dwelling, multi <u>-unitple-family</u> .
<u>17.04.195</u>	Dwelling, single-room occupancy unit.

17.04.200	Dwelling, single-unitone-family.
<del>17.04.210</del>	-Dwelling, two-family.
17.04.220	Dwelling unit.
17.04.230	Educational institution, college or university.
17.04.235	Emergency shelter
17.04.240	Family.
17.04.242	Farmers market.
17.04.245	Food vending vehicle.
17.04.250	Flood, intermediate regional.
17.04.260	Floodplain.
17.04.270	Floodplain primary.
17.04.280	Floodplain secondary.
17.04.281	Floor area, conditioned or net.
17.04.281.5	Floor area, gross.
17.04.282	Floor area ratio.
17.04.285	Food and/or shelter service agency.
17.04.287	Freeway.
17.04.288	Front foot of building occupancy.
17.04.290	Garage, private.
17.04.300	Garage, public or commercial.
17.04.305	Garage or yard sale.
17.04.310	Grade.
<del>17.04.320</del>	-Guesthouse.
17.04.322	Height.
17.04.330	Home occupation.
17.04.340	Hospital, sanitarium.
17.04.350	Hotel.
<u>17.04.352</u>	Housing, employee, agriculture
17.04.353	Housing, employee
17.04.354	Housing, supportive.
17.04.355	Housing, transitional.
17.04.358	Hydrozone.
17.04.360	Junkyard.
17.04.365	Kennel, dog.
17.04.367	Retail development.
17.04.370	Lot.
17.04.380	Lot area.
17.04.390	Lot, corner.
17.04.395	Lot, flag.
17.04.400	Lot, interior.
17.04.410	Lot, key.

17.04.420	Lot line front
17.04.420	Lot line, front.
17.04.430	Lot line, rear.
17.04.440	Lot line, side. Lot, reversed corner.
17.04.450	· · · · · · · · · · · · · · · · · · ·
	Lot, through.
<u>17.04.460.5</u> 17.04.461	Low barrier navigation center.
17.04.461	Marquee.
	Masonry.
17.04.463 17.04.464	Medical marijuana dispensary.
17.04.464	Metal storage container. Mined land.
<u>17.04.465.25</u>	
<u>17.04.465.5</u>	<u>Mixed-use, horizontal.</u>
17.04.466	Mobile home.
17.04.467	Mobile home park.
17.04.468	Motel.
17.04.470	Nonconforming, illegal.
17.04.472	Nonconforming lot, legal.
17.04.474	Nonconforming structure, legal.
17.04.476	Nonconforming use, legal.
17.04.485	Nonprofit organization.
17.04.490	Nursery school.
17.04.491	Overburden.
17.04.492	Parcel of property.
17.04.493	Parking garage.
17.04.493.5	Parking lot.
17.04.494	Permitted use.
17.04.494.25	Places of assembly, commercial.
<u>17.04.494.5</u>	Public and quasi-public uses.
17.04.495	Reclamation.
17.04.496	Recreational vehicle.
17.04.498	<u>Religious institution</u> Residential facility.
17.04.500	Rest home or convalescent home.
17.04.502	Retail establishment.
17.04.508	Roofline.
<del>17.04.510</del>	-Roominghouse.
17.04.515	Sanctuary.
17.04.520	School, elementary.
17.04.530	School, high.
17.04.535	School, junior high.
17.04.537	School, Sunday.

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<del>17.04.539</del>	Accessory dwelling unit.
17.04.540	Service station.
17.04.545	Setback.
17.04.546	Shopping/business center.
17.04.547	Sign.
17.04.550	Stables, commercial.
17.04.560	Stables, private.
17.04.570	Story.
17.04.580	Story, half.
17.04.590	Streambed.
17.04.594	Street.
17.04.595	Street frontage.
17.04.600	Structure.
<del>17.04.602</del>	Supportive housing.
17.04.604	Surface mining operation.
17.04.606	Tandem parking space.
17.04.608	Target population.
17.04.610	Temporary promotional activity.
17.04.618	Tower.
17.04.620	Trailer court or trailer park.
17.04.624	Transit facility.
<del>17.04.626</del>	Transitional housing.
17.04.630	Travel trailer.
17.04.640	Use.
17.04.650	Use, change of.
17.04.653	Winery.
17.04.656	Winery, boutique.
17.04.660	Yard.
17.04.670	Yard, front.
17.04.680	Yard, rear.
17.04.690	Yard, side.
17.04.700	Zone.

#### **17.04.010** Generally.

For the purpose of this title, certain words and phrases are defined and certain provisions shall be construed as set forth in this chapter, unless it is apparent from the context that a different meaning is intended. (Prior code § 17.08.010)

#### 17.04.020 Accessory building.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. (Prior code § 17.08.030)

#### **17.04.022** Accessory parking facility.

"Accessory parking facility" means an attached or detached structure for the purpose of parking passenger vehicles that is secondary in nature and incidental to the primary use of the property. Said structures can be, but are not limited to, residential or commercial garages or carports. (Ord. 4521 § 1, 2008)

#### 17.04.030 Accessory use.

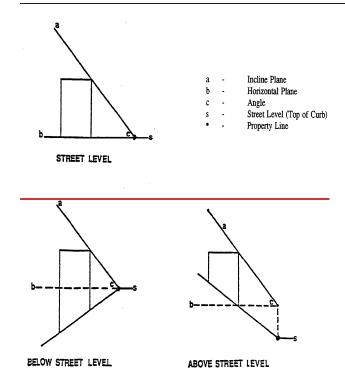
"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises. (Prior code § 17.08.020)

#### <u>17.04.032</u> <u>Acreage, gross.</u>

"Gross acreage" means the entirety of the legal lot.

#### 17.04.035 <u>Acreage, netAirspace diagonal</u>.

"Net acreage" means the calculated area based on buildable area plus local street. Net Acreage does not include dedications of roadway for Freeways, Highways, Arterial and Collector streets, land dedicated for schools, parks, drainage basins, and any land area deemed unbuildable because of easements, such as underground pipelines or overhead powerlines. "Airspace diagonal" means a hypothetical two dimensionalinclined plane which intersects the horizontal plane of a lot at its front property line and which is projected at a given angle to the horizontal surface over the lot area in accordance with the following:



The elevation of the horizontal plane (b) shall be the same as "grade" defined in Section <u>17.04.310</u> if grade is at or above the top of curb elevation. If the building grade is below top of curb elevation, then the horizontal line shall be at the elevation of the top of curb. (Ord. 2694 § 2, 1982)

#### 17.04.040 Alley.

"Alley" means a dedicated right-of-way of twenty-five feet or less in width for public use permanently laid out or reserved by the governing body as a means of secondary access to abutting property. (Ord. 2694 § 1, 1982; prior code § 17.08.040)

#### 17.04.045 Antenna.

"Antenna" means any exterior transmitting or receiving device mounted on the ground, tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals. (Ord. 4231 § 2, 2005)

#### 17.04.050 Apartment hotel.

"Apartment hotel" means a building or portion thereof designed for or containing both individual guestroomsor suites of rooms and dwelling units, used or intended or designed to be used, let, or hired out forcompensation in money, services or other things of value. (Prior code § 17.08.050)

#### 17.04.060 Apartment house.

"Apartment house" means a dwelling, multiple-family. (Ord. 2694 § 1, 1982; prior code § 17.08.060)

#### 17.04.065 Approving authority.

"Approving authority" means the person, board, commission, council or other body in whom decision making responsibility is vested under the provisions of this code. Whenever action is directed to be taken by a specific person, authority is also granted for that specific person to delegate that action to another. (Ord. 3835 § 1, 1998)

#### 17.04.070 Architectural feature or projection.

"Architectural feature or projection" means a marquee, porch, awning, canopy or other similar architectural feature or projection of a building or structure or any projection not intended for occupancy which stands beyond the face of an exterior wall but does not include signs. (Ord. 3586 § 1, 1994)

#### 17.04.075 Awning or canopy.

"Awning or canopy" means any structure made of flexible fabric or similar material covering a frame attached or adjacent to a building and projecting over public or private property. (Ord. 3586 § 1, 1994)

#### 17.04.077 Brewery or distillery, large.

"Brewery or distillery, large" means the manufacturing of more than fifteen thousand barrels per year of beer, ale, malt beverages, or more than one hundred thousand gallons of distilled spirits; not including wine. Operations shall continuously comply with the following operational standards:

1. Maintain an approved Wastewater Discharge Plan from the Bakersfield public works department.

2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 4926 § 1, 2018)

#### **17.04.078** Brewery or distillery, small.

"Brewery, small" means the manufacturing of fifteen thousand barrels, or less, per year of beer, ale, or malt beverages.

"Distillery, small" means the manufacturing of one hundred thousand gallons, or less, of distilled spirits; not including wine.

Operations of brewery or distillery, small, shall continuously comply with the following operational standards:

- 1. Maintain an approved Wastewater Discharge Plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5105 § 1, 2022; Ord. 4978 § 1, 2019; Ord. 4926 § 1, 2018)

#### 17.04.080 Building.

"Building" means any structure having a roof supported by columns or walls. (Prior code § 17.08.080)

#### 17.04.085 Building façade.

"Building façade" means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. (Ord. 3586 § 1, 1994)

#### 17.04.090 Building height.

"Building height" is the vertical distance above grade, as defined in Section <u>17.04.310</u>, to the highest point of the coping of a flat roof, to the deckline of a mansard roof or to average height of the highest gable of a pitched or hipped roof, whichever is applicable. The height of a stepped or terraced building is the maximum height of any segment of the building. (Ord. 2694 § 1, 1982; prior code § 17.08.090)

# 17.04.100 Building site.

"Building site" means the ground area of a building or group of buildings together with all open spaces as required by this chapter. (Prior code § 17.08.100)

## 17.04.120 Business or commerce.

"Business or commerce" is the purchase, sale, lease or financing or other transaction involving the handling, final sale, disposition or manufacture of any article or substance, or the rendering of any service. (Ord. 2694 § 1, 1982; prior code § 17.08.120)

#### 17.04.128 Camouflage.

"Camouflage" means man made trees, clock towers, bell steeples, light poles and other similar alternative design of mounting structures that completely screen or conceal the presence of antennas or towers in an effective manner. (Ord. 4231 § 3, 2005)

## 17.04.129 Cannabis.

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The terms "marijuana" and "cannabis" are interchangeable throughout this code. (Ord. 4918 § 1, 2017)

#### 17.04.130 Carport.

"Carport" means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. (Prior code § 17.08.130)

## 17.04.132 Central district.

"Central district" means the "central traffic district" as described in Section <u>10.08.020(A)</u> of the Bakersfield Municipal Code. (Ord. 4521 § 2, 2008)

#### 17.04.140 Church.

"Church" means a building, its accessory buildings and uses, where persons regularly assemble for worship, which is maintained and controlled by a religious body organized to sustain public worship. (Ord. 2694 § 1, 1982; prior code § 17.08.140)

## 17.04.150 Club<u>, private</u>.

"Club, private" is any organization, group or association supported by the members thereof, the primary purpose of which is to render a service or services to its members, their guests or the community, but shall not include any organization, group, or association, the chief activity of which is business or commerce as defined by Section <u>17.04.120</u> of this title. (Ord. 2694 § 1, 1982; prior code § 17.08.150)

#### 17.04.154 Commercial cannabis activity.

"Commercial cannabis activity" is the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in the Medicinal and Adult-Use Cannabis Regulation and Safety Act as set forth in state law. (Ord. 4918 § 1, 2017)

#### 17.04.415.5 Community care facility.

"Community Care facility" means any facility in compliance with California Welfare and Institutions Code Sections 5115 – 5120, any facility, place, or structure which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). Community care facilities include the following: "Adult Day Care Facility" means a facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

"Child Therapeutic Day Services Facility" means a facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care.

"Community Treatment Facility" means a facility that provides mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health.

"Foster Home" means a residential facility that provides 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed.

"Residential Care Facility" means a group care facility for 24-hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Social Rehabilitation Facility" means a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

## 17.04.155 Conditional uses.

"Conditional use" is a use which requires special review and control by the planning commission or the city council to ensure compatibility with other existing or permitted uses in the vicinity. (Ord. 5020 § 17, 2020; Ord. 3746 § 1, 1997; Ord. 2694 § 2, 1982)

## 17.04.160 Day care home, small family.

See Health and Safety Code Section <u>1596.78</u>. (Ord. 5039 § 1, 2020; Ord. 3964 § 2, 2000; Ord. 3226 § 1, 1989; Ord. 2694 § 1, 1982; prior code § 17.08.152)

## 17.04.165 Day care center.

"Day care center" means a child day care facility other than a family day care home, and includes infant centers, preschools and extended day care facilities. (Ord. 5039 § 2, 2020; Ord. 3377 § 1, 1991)

## 17.04.168 Driveway.

"Driveway" means a way or place in private ownership which leads to a loading zone or legal parking space, and is used for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public. (Ord. 4521 § 3, 2008)

# 17.04.170 Dwelling, accessory unit (ADU).

"Dwelling" means any building or any portion thereof, which is not an "apartment house" or "hotel" as defined in this chapter, which contains one or more "apartment" or "guestrooms," used, intended, or designed to bebuilt, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes. (Prior code-§ 17.08.160)

"Accessory Dwelling Unit" means an attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single-unit or multi-unit dwelling, including permanent provisions for living, sleeping, eating, cooking and sanitation. Accessory dwelling unit types include:

"Attached" means an accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or roofline.

"Detached" means an accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the existing or proposed primary dwelling.

"Converted" means an entirely located within the existing or proposed primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure.

# 17.04.180 Dwelling, accessory unit, junior (JADU) group.

"Dwelling group" means a combination or arrangement of dwellings on one building site. (Prior code § 17.08.190)

"Junior Accessory Dwelling Unit (JADU)" means an accessory dwelling unit that is located within the living space of an existing or proposed primary single-unit dwelling, as defined in Section 17958.1 of the California Health and Safety Code, and which meets the following requirements:

1. Shall only be allowed on parcels zoned for single-unit residences and that include an existing or proposed single-unit dwelling.

2. Is entirely located within a existing or proposed primary single-unit dwelling.

3. Has independent exterior access from the primary dwelling.

4. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

## 17.04.190 Dwelling, multi<u>-unitple-family</u>.

"Multi<u>-unitple-family</u> dwelling" is a <u>buildingstructure</u>, or portion thereof, designed for or occupied by two or more families, each of which occupies a separate dwelling unit in which each family lives independently of one another. (Ord. 2694 § 1, 1982; prior code § 17.08.200)

## **17.04.195 Dwelling, single-room occupancy unit.**

"Single-Room Occupancy Unit" means any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, entertainment area).

## 17.04.200 Dwelling, single-unitone-family.

<u>"Single-unit One-family</u> dwelling" means a detached building containing only one kitchen, which building is designed and used exclusively for occupancy by one family. (Prior code § 17.08.170)

## 17.04.210 Dwelling, two-family.

"Two family dwelling" means a detached building containing two dwelling units, and designed for occupancyby two families, living independently of each other. (Prior code § 17.08.180)

# 17.04.220 Dwelling unit.

"Dwelling unit" means a building or portion thereof containing but one kitchen, designed and/or used to house not more than one family, including all necessary employees of such family. (Prior code § 17.08.210)

## 17.04.230 Educational institution, college or university.

"Educational institution, college or university" means an institution of higher learning offering academic instruction equivalent to the standards prescribed by the State Board of Education. (Prior code § 17.08.220)

# 17.04.235 Emergency Shelter.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to an occupancy of six months or less as defined in California Government Code Section 65582(d) and Health and Safety Code Section 50801(e).

## 17.04.240 Family.

"Family" means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a roominghouse, motel, hotel, or similar use. (Ord. 3964 § 3, 2000; prior code § 17.08.230)

# 17.04.242 Farmers market.

"Farmers market" means a group of vendors or farmers that form a collective organization and are certified by the Kern County Agricultural Commissioner to sell fresh fruits, vegetables and other farm produce to the general public. This use typically occurs in the parking lot of the main business for limited durations and is considered a secondary use. (Ord. 3695 § 1, 1995)

#### 17.04.245 Food vending vehicle.

"Food vending vehicle" includes any vehicle as defined in the <u>California Vehicle Code</u>, from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that "food vending vehicle" does not include a vehicle that only delivers food or beverage products ordered by home delivery customers. (Ord. 4872 § 1, 2016)

#### 17.04.250 Flood, intermediate regional.

"Intermediate regional flood" means the flood having an average frequency of occurrence of once in one hundred years which is determined from an analysis of flood records and computed hydrographs of synthetic floods. This flood is used in this title for determining the lateral boundaries of the floodplain area to be subject to floodplain regulations. (Prior code § 17.08.232)

## 17.04.260 Floodplain.

"Floodplain" means the relatively flat area adjacent to the Kern River, in the city, which may be subject to periodic inundation by flood. (Prior code § 17.08.234)

#### **17.04.270** Floodplain primary.

"Floodplain primary" means the streambed and that portion of the adjacent floodplain through which the main waterflow is channelized during flood conditions. (Prior code § 17.08.236)

#### **17.04.280** Floodplain secondary.

"Floodplain secondary" means the fringe of the floodplain within the boundaries of the intermediate regional flood which is subject to a less severe and less frequent inundation than found in the floodplain primary in times of flooding, generally where inundation is caused by overflow and backwater which is relatively free of any current. (Prior code § 17.08.238)

#### 17.04.281 Floor area, conditioned or net.

"Conditioned or net floor area" means the total of all gross floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior parking or loading areas, other non-heated space, and all floors below the first or ground level not used for human occupancy. (Ord. 4521 § 4, 2008)

## **17.04.281.5** Floor area, gross.

"Gross floor area" means the sum of the gross horizontal area of all floors of a building from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excludes any space where the floor-to-ceiling height is less than six feet. (Ord. 4521 § 5, 2008)

#### **17.04.282** Floor area ratio.

"Floor area ratio (FAR)" is the gross floor area of all buildings on a parcel or site divided by the net parcel or site area.

FAR = total gross building floor area (sq. ft.)\_total net parcel/site area (sq. ft.) (Ord. 3631 § 1, 1995)

## 17.04.285 Food and/or shelter service agency.

"Food and/or shelter service agency " means any entity, whether or not for profit, not operated by the city, county, state, or federal government, and not deemed a "residential use of property" under state law applicable to charter cities, which regularly provides lodging and/or food services providing shelter, food and/or day care free, or intentionally below cost, two or more days per week to persons in need of such assistance. For purposes of this title, the term "food and/or shelter service agency" does not include any incorporated entity providing food or shelter during any duly proclaimed emergency. For purposes of this title, the term "food and/or shelter" as defined in California Government Code-Section <u>65582(d)</u> and Health and Safety Code Section <u>50801(e)</u>. (Ord. 5048 § 1, 2021; Ord. 3720 § 1, 1996; Ord. 3174 § 1, 1988)

#### 17.04.287 Freeway.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access and which is declared to be a freeway as provided by the <u>Streets and Highways Code</u> of the state. (Ord. 3586 § 1, 1994)

#### **17.04.288** Front foot of building occupancy.

"Front foot of building occupancy" means a single lineal dimension measured horizontally along the front of the building which defines the limits of a particular occupancy at that location. (Ord. 3586 § 1, 1994)

#### 17.04.290 Garage, private.

"Private garage" is an accessory building or portion of a building designed for and used to store or cover motor vehicles used by occupants of the attached or adjoining dwelling unit. (Ord. 2694 § 1, 1982; prior code § 17.08.240)

#### 17.04.300 Garage, public or commercial.

"Public or commercial garage" is a building other than a private garage used for the care, repair of automobiles, including the storage of such vehicles prior to sale or hire, storage or storage for remuneration. (Ord. 2694 § 1, 1982; prior code § 17.08.250)

#### 17.04.305 Garage or yard sale.

"Garage or yard sale " is a sale of personal goods which is undertaken by the occupant of a residence where the garage sale occurs, which is no longer than two consecutive days in duration, nor which occurs more frequently than twice a year. (Ord. 4710 § 1, 2012; Ord. 2694 § 2, 1982)

#### 17.04.310 Grade.

"Grade" (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk adjacent to the foundation of the building. If a building is within five feet of a sidewalk, said grade level shall be the finished elevation of the sidewalk surface. (Ord. 2694 § 1, 1982; prior code § 17.08.260)

## 17.04.320 <u>GuesthouseGross acreage</u>.

<u>Gross acreage</u>" means the entirety of the legal lot. "Guesthouse" means an accessory, detached dwellingwithout kitchen facilities designed and used to house nonpaying visitors or guests of the occupant of the maindwelling. Guesthouse may have sinks or wet bars and small refrigerator facilities, but may not have cookingfacilities, full size refrigerators or other kitchen facilities. (Ord. 3836 § 1, 1998; prior code § 17.08.270)

#### 17.04.322 Height.

"Height" means the vertical distance measured from the finished grade of the parcel to the highest point of a building, tower, or other structure, including the base pad. (Ord. 4231 § 4, 2005)

## 17.04.330 Home occupation.

"Home occupation" means any use or occupation for the purpose of generating income by the occupant of a dwelling. It is conducted such that it is clearly incidental and secondary to the use of the property for residential purposes and does not change the residential character of the home or neighborhood. (Ord. 3768 § 5, 1997; Ord. 2862 §§ 1—3, 1983; Ord. 2773 § 1, 1982; prior code § 17.08.280)

## 17.04.340 Hospital, sanitarium.

"Sanitarium hospital" means any institution, place, building or agency which maintains and operates organized facilities for diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy or which maintains and operates organized facilities for any such purpose and to which persons may be admitted for overnight stay or longer. Hospital includes nursing home, maternity home and lying-in asylum. (Prior code § 17.08.290)

## 17.04.350 Hotel.

"Hotel" means any building containing six or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or an accessory building. (Prior code § 17.08.300)

#### **17.04.352** Housing, employee, agriculture.

"Employee Housing, Agriculture" means housing provided for farmworkers. Housing consists of any living quarters or dwelling, boarding house, barracks, bunkhouse, mobile home, manufactured home, travel trailer, or other accommodations maintained in one or more structures. Employee housing, agriculture, shall be in compliance with the California Health and Safety Code 17021.5, 17021.6 and 17021.8.

#### 17.04.353 Housing, employee.

"Employee Housing" means housing provided for six or fewer employees and shall be deemed a single-unit dwelling. Residents of the employee housing must be employed by the owner of the home.

#### **17.04.354** Housing, supportive.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 2, 2021)

## <u>17.04.355</u> Housing, transitional.

"Transitional housing" means buildings configured as rental housing, but operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 4, 2021)

## 17.04.358 Hydrozone.

"Hydrozone" means a portion of a landscaped area having plants with similar water needs that are served by one irrigation valve or set of valves with the same schedule. (Ord. 4624 § 1, 2010)

#### 17.04.360 Junkyard.

"Junkyard" means the use of more than four hundred square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any public street, for the storage, keeping or abandonment of worn or discarded articles; salvageable waste such as paper, glass, wood, or metal; and dismantled or wrecked vehicles, whether self-propelled or not, and their parts. (Ord. 2694 § 1, 1982; prior code § 17.08.310)

## 17.04.365 Kennel, dog.

"Dog kennel" means any premises, building, or structure in or on which more than three dogs, at least twelve weeks of age, are harbored. (Ord. 3882 § 1, 1999; Ord. 2694 § 2, 1982)

#### 17.04.367 Retail development.

"Retail development" includes any single or combination of retail establishments and shopping centers, including movie theaters and indoor recreational uses, in a single building or in separate but abutting buildings,

being on one or more parcels that is planned, developed, owned, or managed as a single unit. (Ord. 5006 § 1, 2020; Ord. 4427 § 1, 2007)

#### 17.04.370 Lot.

"Lot" means a parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a street (other than an alley) or a private easement determined by the advisory agency to be adequate for purposes of access. (Ord. 3748 § 15, 1997; prior code § 17.08.320)

#### 17.04.380 Lot area.

"Lot area" means the total horizontal area within the lot lines of a lot. (Prior code § 17.08.330)

#### 17.04.390 Lot, corner.

"Corner lot" is a lot situated at the junction of two or more streets whose centerlines have an angle or intersection of not more than one hundred thirty-five degrees, with a boundary line thereof bordering on each of the streets. (Ord. 2694 § 1, 1982; prior code § 17.08.340)

#### 17.04.395 Lot, flag.

A "flag lot" means a lot with two discernible portions, one is the flag portion (building site) not fronting on or abutting a street and located behind another lot; and the second is the pole portion which provides private access to and from the flag portion of the lot and the abutting street. (Ord. 4600 § 2, 2009)

## 17.04.400 Lot, interior.

"Interior lot" means a lot other than a corner lot. (Prior code § 17.08.350)

# 17.04.410 Lot, key.

"Key lot" is the first interior lot to the rear of a reversed corner lot whether it is separated by an alley or not. (Ord. 3824 § 2, 1998; Ord. 2694 § 1, 1982; prior code § 17.08.360)

#### **17.04.420** Lot line, front.

"Front lot line" means the right-of-way line dividing a lot from a public or private street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line. (Ord. 3837 § 1, 1998; prior code § 17.08.390)

#### 17.04.430 Lot line, rear.

"Rear lot line" means the line opposite the front lot line. (Prior code § 17.08.400)

#### 17.04.440 Lot line, side.

"Side lot line" means any lot lines other than front lot lines or rear lot lines. (Prior code § 17.08.410)

## 17.04.450 Lot, reversed corner.

"Reversed corner lot" means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear. (Prior code § 17.08.370)

#### 17.04.460 Lot, through.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Prior code § 17.08.380)

#### **17.04.460** Low Barrier Navigation Center.

"Low Barrier Navigation Center" means a shelter focused on temporarily housing persons and connecting them with income opportunities, public benefits, and health services prior to moving to permanent housing, in compliance with Government Code Section 65660. Low barrier navigation centers must meet the diverse needs of the population by allowing and accommodating people with disabilities, pets and pet owners, partners, the storage of possessions, and for survivors of domestic violence. means a lot having frontage on two parallel or approximately parallel streets.

#### 17.04.461 Marquee.

\_"Marquee" means a permanent roofed structure attached to and supported by a building and projecting over public or private property. (Ord. 3586 § 1, 1994)

## 17.04.462 Masonry.

"Masonry" is that form of construction composed of stone, brick, concrete, filled concrete block or other similar building units or materials, or combination of these materials, laid up unit by unit or set in mortar. (Ord. 2694 § 2, 1982)

## 17.04.463 Medical marijuana dispensary.

"Medical marijuana dispensary" means a facility or location where marijuana is made available for medical purposes in accordance with California Health and Safety Code Section <u>11362.5</u> et seq. (Ord. 4731 § 1, 2013)

#### **17.04.464** Metal storage container.

"Metal storage container" means any structure of one hundred twenty square feet or more designed to carry cargo to be shipped by truck or rail and designed to I.S.O. Standard 668-1979(E) or equivalent, or any roll-off storage bin with a fixed cover. (Ord. 3869 § 1, 1998)

## 17.04.465 Mined land.

\_"Mined land" means the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which results from, or are used in, surface mining operations are located. (Ord. 3943 § 1, 1999)

#### <u>17.04.466 Mixed-Use.</u>

"Mixed-Use" means a development consisting of one or more parcels developed as a cohesive development project and designed with a blend of uses (e.g., commercial retail, retail service, office, residential, civic, and institutional). The uses may be located vertically in the same structure (see "Mixed-Use, Vertical" or horizontally (see "Mixed-Use, Horizontal) in separate structures in compliance with the standards established by this Title.

## 17.04.467 Mixed-use, horizontal.

"Mixed-Use, Horizontal" means any mixed-use development that incorporates two or more different use categories alongside one another, either in one mixed-use structure, or as two or more separate structures on one parcel.

#### 17.04.468 Mixed-use, vertical.

"Mixed-Use, Vertical" means any mixed-use development that incorporates two or more different use categories stacked in one multi-story mixed-use structure.

## **17.04.466** Mobile home.

"Mobile home" means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach or factory-built housing, as defined in Section <u>19971</u> of the California Health and Safety Code. (Ord. 2694 § 2, 1982)

## 17.04.467 Mobile home park.

"Mobile home park" is any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. (Ord. 2694 § 2, 1982)

#### 17.04.468 Motel.

"Motel" means a group of buildings designed for use by tourists or transients with living or sleeping rooms, garages, parking spaces and related facilities advertised or offered on a commercial basis, including an auto court, motor court and motor lodge. (Ord. 2694 § 2, 1982)

## 17.04.470 Nonconforming, illegal.

"Illegal nonconforming" means a structure, use, or lot that was unlawful when constructed or established, and which does not conform to present regulations and standards. (Ord. 3741 § 5, 1997; prior code § 17.08.420)

## 17.04.472 Nonconforming lot, legal.

"Legal nonconforming lot" means a lot, its area, frontage, or dimensions, that complied with subdivision and zoning ordinances for the zone district that was in place when the lot was created, but which no longer conforms to the present subdivision and zoning ordinances. (Ord. 3741 § 1, 1997)

## 17.04.474 Nonconforming structure, legal.

"Legal nonconforming structure" means a structure or building, its size, dimensions, setbacks, proximity to other buildings, or other location, that complied with the zoning ordinance for the zone district that was in place when the structure was constructed, but which no longer conforms to the present zoning ordinance. (Ord. 3741 § 2, 1997)

## 17.04.476 Nonconforming use, legal.

"Legal nonconforming use" means a use or activity that complied with the zoning ordinance for the zone district that was in place when the use was established, but which no longer conforms to the present zoning ordinance. (Ord. 3741 § 3, 1997)

#### **17.04.485** Nonprofit organization.

"Nonprofit organization" means any organization that holds a valid nonprofit organization status document for the state or the federal government. (Ord. 3586 § 1, 1994)

## 17.04.490 Nursery school.

"Nursery school" means the same as day nursery. (Prior code § 17.08.432)

## 17.04.491 Overburden.

"Overburden" means soil, rock or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (Ord. 3943 § 2, 1999)

# 17.04.492 Parcel of property.

"Parcel of property" means any separate legal lot or parcel of land. (Ord. 3586 § 1, 1994)

## 17.04.493 Parking garage.

"Parking garage" means any structure for the parking of passenger vehicles for short-term or long-term periods. (Ord. 4521 § 7, 2008)

## 17.04.493.5 Parking lot.

"Parking lot" means an off-street open area solely for the parking of passenger vehicles. Such an area or portion thereof shall be considered a parking lot whether on the same lot as another use, whether required by code for any structure or use, and whether classified as an accessory, permitted or conditional use. (Ord. 4521 § 6, 2008)

## 17.04.494 Permitted use.

"Permitted use" is a use listed as such and allowed by right which only requires compliance with the zoning ordinance. (Ord. 3835 § 2, 1998; Ord. 2694 § 2, 1982)

## 17.04.494.25 Places of assembly, commercial.

"Places of Assembly, Commercial" means a facility for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities; meeting halls for clubs, and other membership organizations.

# 17.04.494.5 Public and Quasi-Public Uses.

"Public and Quasi-Public Uses" means a facility for public or semipublic use such as civic buildings, community buildings and uses, and public utility uses including substations, governmental buildings, museums, art galleries, fire houses, post offices, police stations, libraries, parks, essential services, and similar uses, any of which may have additional requirements to use set forth herein.

## 17.04.495 Reclamation.

"Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and incidental to underground mines, so that mined

lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures. (Ord. 3943 § 3, 1999)

#### **17.04.496** Recreational vehicle.

"Recreational vehicle" is a motorhome, travel trailer, track camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (Ord. 2694 § 2, 1982)

#### 17.04.498 <u>Religious institution</u>Residential facility.

"Religious Institution" means a building, its accessory buildings and uses, where persons regularly assemble for worship, which is maintained and controlled by a religious body organized to sustain public worship. Includes Sunday school but excludes schools and other educational institutions."Residential facility" means any group care or similar facility, licensed by the state of California, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of dailyliving or for the protection of the individual as provided in Section <u>1502</u> of the California Health and Safety-Code. (Ord. 3964 § 4, 2000)-

#### **17.04.500** Rest home or convalescent home.

"Rest home or convalescent home" means a building and premises in and on which two or more sick, injured or infirm ambulatory persons are housed or intended to be housed for compensation and which is not equipped or intended to be used as a hospital. (Prior code § 17.08.450)

## 17.04.502 Retail establishment.

"Retail establishment" is a business engaged in selling goods or merchandise, or providing services or entertainment to the general public for personal or household use. (Ord. 4427 § 2, 2007)

# 17.04.508 Roofline.

"Roofline" means the upper exterior line of a roof or top enclosure surface and includes eaves, fascia, parapets or similar projections or extensions. (Ord. 4657 § 1, 2011; Ord. 3586 § 1, 1994)

#### 17.04.510 Roominghouse.

"Roominghouse" means a building containing three or more guestrooms, used, designed, or intended to beused, let or hired, to be occupied or which are occupied by three or more individuals with or without meals, for compensation, as permanent guests pursuant to a previous arrangement for compensation for definite periods, by the month or greater term, and in which rooms are not occupied by, nor meals served, to transients. (Priorcode § 17.08.460)

## 17.04.515 Sanctuary.

"Sanctuary" means a religious building or room in which general worship services are held <u>as an element of a</u><u>religious institution</u>. (Ord. 3377 § 1, 1991)

## 17.04.520 School, elementary.

"Elementary school" means all public and private schools in which instruction is given in kindergarten through sixth grade, or in any one or more such grades, or their equivalents, as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 1, 1982; prior code § 17.08.470)

## 17.04.530 School, high.

"High school" means all public and private schools in which instruction is given in the ninth, tenth, eleventh and twelfth grades or in any one or more such grades, or their equivalents as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 1, 1982; prior code § 17.08.480)

#### 17.04.535 School, junior high.

"Junior high school" means all public and private schools in which instruction is given in seventh and eighth grades, or in any one such grade, or their equivalents, as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 2, 1982)

## 17.04.537 School, Sunday.

"Sunday school" means a school held for purposes of religious education. (Ord. 3377 § 1, 1991)

#### 17.04.539 Accessory dwelling unit.

"Accessory dwelling unit" means an additional attached or detached residential dwelling unit subordinate insize and use to an existing dwelling unit on a lot zoned for residential use and containing a separate entranceand independent living facilities. (Ord. 4996 § 1, 2019; Ord. 3613 § 3, 1994)

## 17.04.540 Service station.

"Service station" means a retail business establishment primarily supplying gasoline and oil and minor accessories and services for automobiles, excluding steam cleaning of motor vehicles. (Prior code § 17.08.500)

#### 17.04.545 Setback.

"Setback" means the distance measured from any point on a lot line and the main building or a covered or enclosed patio within which no structure or buildings may be placed. (Ord. 4679 § 1, 2012; Ord. 2694 § 2, 1982)

#### 17.04.546 Shopping/business center.

"Shopping/business center" means a group of two or more commercial businesses planned, constructed and managed as a total entity, and may be linked together by an architectural, historical or geographic theme, or by a commonality of goods and services. These businesses function as an integral unit on a single parcel or separate parcels of property, and share off-street parking facilities, access and pedestrian ways. (Ord. 3586 § 1, 1994)

## 17.04.547 Sign.

"Sign" means and includes every message, announcement, device, declaration, demonstration, display, illustration, insignia, advertising statuary, surface or space, including the supporting structure and component parts, erected or maintained for attraction of, attention to, identification of or advertisement of a business, profession, product or service. Exemptions to this definition are listed in Section <u>17.60.080</u>. Specific sign definitions are identified as follows:

"Abandoned sign" means a sign that includes copy that remains in place or is not maintained, for a period of ninety days or more, which no longer advertises or identifies an on-going business, product or service available on the premises where the sign is located.

"Advertising statuary" means a three-dimensional imitation, representation or similitude of a person, animal or object which is sculptured, molded or cast in any solid or plastic substance, materials or fabric and is used for advertising purposes.

"A-frame" means any sign with two or more faces or surfaces usable for advertising display, not attached to the wall of a building or structure, whether portable or affixed to the ground and commonly known as A-frame, T-frame and sandwich board.

"Animated sign" means any sign which uses movement or change of lighting to depict action, or to create a special effect or scene.

"Awning, canopy or marquee sign" means a sign that is mounted on or painted on, or attached to an awning, canopy, marquee, or other such overhang. Such signs shall be considered wall signs for the purpose of calculating allowable sign area.

"Banner, flag, pennant, streamer or balloon" means any fabric, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing or vehicle, including captive balloons and other such inflatable signs, but not including official flags of the United States, state of California and other states of the nation, counties, municipalities, foreign nations and national/international nonprofit organizations.

"Bench sign" means a bench located outdoors with advertising matter thereon.

"Building identification sign" means a sign which serves to identify individual buildings on a site to assist in providing direction to the public. Such sign does not contain commercial advertisement or business identification.

"Business identification sign" means any sign which is used to identify or advertise the occupant of a commercial or industrial business.

"Center identification sign" means any sign which is used to identify or advertise a shopping or business center as defined in this title.

"Commercial sign" means a sign which advertises a product or service for profit or for a business purpose.

"Construction or home improvement sign" means a temporary sign stating the names of those individuals, firms or corporations connected with the construction project and which is placed upon the premises where construction, repair or renovation is in progress. Said sign may include the name of the city in which their business is located and emergency telephone numbers.

"Copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

"Directional sign" means an on-premises, incidental sign designed to guide or direct pedestrian or vehicular traffic.

"Directory" means any sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

"Electric message display" means a sign displaying words, symbols, figures, images or video that is automatically controlled by mechanical, electronic, or computerized means.

"Flashing sign" means any sign which contains or is illuminated by lights which flash, scintillate, blink, travel, go on and off intermittently, change in intensity or color or is illuminated by light not providing constant illumination, also including flashing beacons or flashing arrows and parts of attachments to signs which are illuminated by such lights.

"Freestanding sign" means a sign which is supported by one or more columns, uprights, or braces in or upon the ground and not attached to a building. Monument, pylon and pole signs are considered freestanding signs.

"Freeway-oriented sign" means any pylon sign identifying premises where food, lodging and places of business engaged in supplying goods and services essential to the normal operation of motor vehicles and which are directly dependent upon an adjacent freeway.

"Future facility sign" means a temporary sign which identifies the future use or tenant, consistent with what use is permitted by the existing zoning of the site.

"Garage sale sign" means a temporary sign which announces the sale of personal used goods, furniture, or clothing at a residence by the occupant for a limited period of time. Sign may also be referred to as a yard sale or estate sale.

"Indirectly illuminated sign" means a sign whose illumination is derived entirely from a light source which is arranged so that no direct rays of light are projected from such light source into adjacent properties or public streets.

"Logo" means a symbol, design, or graphic representation which may or may not include text, which identifies a business, activity or company.

"Menuboard" means a sign similar to a readerboard which is a permanent structure upon which is displayed a menu of items for sale and may or may not include prices, of which the copy is of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

"Monument sign" means a low profile freestanding sign supported from grade to the bottom of the sign face with or having the appearance of a solid base. The width of the base shall be at least seventy-five percent of the dimension of the width of the sign face, and the area of said base shall not exceed fifty percent of the allowable area of the sign face.

"Moving sign" means any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by action of wind currents.

"Nameplate" means a small sign that contains the name and/or address of the occupant of a residence or building, and is located near or on the door of the entrance.

"Neighborhood/subdivision identification sign" means a sign which identifies a single-family-unit\_development, condominium development, or apartment complex. This type of sign also includes signs identifying public parks.

"Nonconforming sign" means a sign which was legally installed under laws or ordinances in effect prior to the effective date of this title or subsequent revisions as they pertain to signage, but which is currently in conflict with those provisions. This definition does not include signs illegally installed contrary to the laws or ordinances in effect when it was established.

"Off-premises or off-site sign" means a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"On-premises or on-site sign" means a sign that directs attention to a business, profession, product, commodity, or service that is the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"Outdoor advertising sign (billboard)" means a sign that is rented or leased for limited durations as specified by Section <u>17.60.070(E)</u>, has temporary or changeable copy, and is not to be used as permanent off-premises identification sign for a business or activity, and directs attention to a business, profession, product, commodity or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"Outlining of a building" means the placing and maintaining of neon tubing, fluorescent lighting, or incandescent lighting in a line marking the outer limits or edges of a building or window or roof of a building. Such definition shall not apply to any customary Christmas lighting placed and maintained for a reasonable time during the holiday season.

"Pole banner" means a sign on a rectangular piece of lightweight fabric or similar non-rigid material that is attached on the longest side to a vertical pole, and is framed along the top and/or bottom by a solid structural unit attached to the pole to ensure that it hangs flat.

"Portable sign" means a sign not permanently affixed to the ground or a building or structure on the premises it is intended to occupy.

"Projecting sign" means an identification sign other than a wall sign, which projects more than twelve inches from and is supported by, a wall of a building or structure.

"Promotional sign" means a temporary sign that promotes an individual business's merchandise, services or products on sale, but does not include the business's name.

"Public service sign" means any sign or portion thereof intended to promote items of general interest to the community such as public events or public messages, time, temperature, atmospheric conditions.

"Pylon sign" means a freestanding sign that is supported by pylons, pillars, poles, columns, or similar structures, and that the area between grade and the bottom of the sign face is more than fifty percent open. Such sign may also be referred to as a pole sign.

"Readerboard" means a sign which is a permanent structure upon which is displayed advertising material or copy of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

"Real estate sign" means a temporary sign offering real property, personal property, or a business, or any combination thereof, for sale, lease or exchange and includes signs pertinent to open houses and property management. It does not include merchandise sold in the usual course of business.

"Residential subdivision/project directional kiosk" means an off-site sign structure with individual name panels identifying subdivisions where new home sales are taking place. Each panel informs the viewer as to the specific project and the route or change of direction of travel for potential buyers to visit the project.

"Roof sign" means an identification sign or portion thereof located on, or extending over the roof line of a building and either supported by the roof of a building or by independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure which is a part of the enclosed floor area of the building shall be considered a roof sign. Mansard type roof signs or any single-faced sign attached to or mounted upon a roof which has a slope which exceeds forty-five degrees from the horizontal plane and which does not project above the highest sight line of such roof, shall be deemed a wall sign for the purposes of this chapter.

"Rotating sign" means any sign that moves or that portion of any sign which moves or rotates in any manner.

"Shingle sign" means a sign that is suspended from a marquee, canopy, awning, or similar overhang, and is oriented to be viewed by pedestrians.

"Skyline building sign" means a wall sign comprised solely of individual letters or logo that provides long distance visual identification of a building or its primary tenant. Such sign shall only be permitted for a building that is three or more stories and shall be located on the top story or between the top story and top of the building.

"Special event sign" means a temporary sign publicizing a unique happening, action, purpose or occasion. These signs may be promotional; however, the event occurs infrequently or one time such as grand openings, clearance sales, seasonal sales, carnivals, and fund raising events.

"Temporary sign" means a sign usually constructed of cloth or fabric, cardboard, wallboard, wood, aluminum, or other light material intended to be displayed for a limited period of time.

"Vehicle sign" means an advertising display or sign that is exposed to public view, attached to, painted on, or supported from a parked or mobile automobile, truck trailer or other mobile vehicle, for the purpose of advertising a business, service or products, or directing people to a business activity, located on any private or public property, but shall not refer to standard advertising or identification practices where such sign is painted on or permanently attached to a commercial or business vehicle used in the conduct of such business. "Wall sign" means a sign attached to, embedded in, painted on or erected against the exterior wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of the wall, and does not project more than twelve inches from the wall that is attached. Signs attached to or painted on an awning, canopy, marquee, or other such overhang shall be considered wall signs for the purpose of calculating allowable sign area.

"Window sign" means any sign painted, attached, glued or otherwise affixed to, and visibly displayed on the inside or outside of a ground floor window and facing a public street, walkway, mall or parking lot available for public use. If a window is painted or otherwise covered in that it resembles the building wall or no longer functions to provide a view within or outside the building, then any signs within or on that space shall be considered as and subject to the minimum area permitted for wall signs. (Ord. 4953 § 1, 2018; Ord. 4489 § 1, 2008; Ord. 3755 § 1, 1997; Ord. 3586 § 1, 1994)

#### 17.04.550 Stables, commercial.

"Commercial stables" means a stable for horses to be let, hired, or used on a commercial basis. (Prior code § 17.08.510)

#### 17.04.560 Stables, private.

"Private stables" means a stable for horses to be used by the owners of the property or boarded for noncommercial purposes. (Ord. 2694 § 1, 1982; prior code § 17.08.520)

#### 17.04.570 Story.

"Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or underfloor space is more than six feet above grade as defined in Section <u>17.04.310</u> of this title, for more than fifty percent of the perimeter, or is more than twelve feet above grade as defined herein at any point, such basement, cellar or underfloor space should be considered as a story. (Ord. 2694 § 1, 1982; prior code § 17.08.530)

#### 17.04.580 Story, half.

"Half story" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it. (Prior code § 17.08.540)

#### 17.04.590 Streambed.

"Streambed" means that portion of the floodplain through which the natural flow of water is channelized during normal flows. (Prior code § 17.08.545)

#### 17.04.594 Street.

"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Ord. 3586 § 1, 1994)

#### 17.04.595 Street frontage.

"Street frontage" means the linear frontage of a parcel of property abutting a street. (Ord. 4601 § 1, 2009; Ord. 3586 § 1, 1994)

#### 17.04.600 Structure.

"Structure" means anything constructed, or erected, which requires location on the ground or attached to something having a location on the ground, but not including tents, vehicles, trailers or fences or walls used as fences less than six feet in height. (Prior code § 17.08.560)

#### **17.04.602** Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target populationand that is linked to on-site or off-site services that assist the supportive housing resident in retaining thehousing, improving his or her health status, and maximizing his or her ability to live and, when possible, workin the community. Supportive housing units are residential uses subject only to those requirements andrestrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 2, 2021)

#### **17.04.604** Surface mining operation.

"Surface mining operation" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). (Ord. 3943 § 4, 1999)

#### **17.04.606** Tandem parking space.

"Tandem parking space" means a parking space that is adjacent to the end of a legal off-street parking space, opposite the drive aisle. The orientation of the tandem parking space is the same as and only accessible through said legal off-street parking space. (Ord. 4521 § 8, 2008)

#### **17.04.608** Target population.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Ord. 5048 § 3, 2021)

## **17.04.610** Temporary promotional activity.

"Temporary promotional activity" means an activity such as an arts and/or crafts sale, petting zoo, carnival, amusement ride or rides, or similar activity conducted on the premises of an existing business or shopping center, with the permission of and to promote such business or shopping center, for a period of time not to exceed five consecutive days or ten days in any calendar year. (Ord. 2988 § 1, 1985)

#### 17.04.618 Tower.

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, television, and similar communications purposes. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (Ord. 4231 § 5, 2005)

## **17.04.620** Trailer court or trailer park.

"Trailer court" or "trailer park" means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or trailer houses. (Prior code § 17.08.590)

## **17.04.624** Transit facility.

"Transit facility" means a public use facility designed to provide access to public transportation services that may consist of single or multimodal functions, including but not limited to, bus, bus rapid transit, trolley, and light rail, and also contains buildings or structures that provide seating and weather protection for the public using said services (Ord. 4521 § 9, 2008)

## 17.04.626 Transitional housing.

"Transitional housing" means buildings configured as rental housing, but operating under programrequirements that require the termination of assistance and recirculation of the assisted unit to another eligibleprogram recipient at some predetermined future point in time, which shall be no less than six months from thebeginning of the assistance. Transitional housing units are residential uses subject only to those requirementsand restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 4, 2021)

# 17.04.630 Travel trailer.

"Travel trailer" is a vehicle, other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeurs license, or both, without violating any provision of the State <u>Vehicle Code</u>. (Ord. 2694 § 1, 1982)

#### 17.04.640 Use.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. (Prior code § 17.08.600)

## 17.04.650 Use, change of.

"Change of use" means a change from one to another of the following categories:

- <u>1</u>A. Commercial/retail other than restaurant or convenience store;
- <u>2</u>B. Restaurant or convenience store;
- <u>3</u> $\leftarrow$ . Industrial;

#### <u>4</u>D. Multi-<u>unit</u>family residential;

- 5E. Office, other than medical office;
- 6F. Religious institutionChurch;
- <u>7</u>G. Hospital;
- <u>8</u>H. Medical office.

**<u>9</u>**<sup>1</sup>. Changes from one use to another which is substantially dissimilar, as determined by the planning director. (Ord. 3746 § 1, 1997; prior code § 17.08.610)

#### 17.04.653 Winery.

"Winery" means an agricultural processing plant used for the commercial purpose of fermenting and processing of fruit juice into wine, or the refermenting of still wine into sparkling wine in which the manufacturing is greater than ten thousand cases per year. Retail sales and tasting facilities of wine may be permitted as part of the winery operations. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved wastewater discharge plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5052 § 1, 2021)

#### 17.04.656 Winery, boutique.

"Winery, boutique" means the manufacturing of ten thousand cases, or less, per year of still wine or sparkling wine. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved wastewater discharge plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5052 § 1, 2021)

## 17.04.660 Yard.

"Yard" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building. (Prior code § 17.08.620)

#### 17.04.670 Yard, front.

"Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shorter street frontage, except in those cases where the latest deed restrictions specify another line as the front lot line. (Prior code § 17.08.630)

#### 17.04.680 Yard, rear.

"Rear yard" means an open unoccupied space on the same lot with the main building between the rear line of the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto and the rear line of the lot and extending the full width of the lot. (Prior code § 17.08.640)

#### 17.04.690 Yard, side.

"Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. (Prior code § 17.08.650)

#### 17.04.700 Zone.

"Zone" means reference to residential zones or districts, commercial or industrial zones or districts, or any other such zones or districts as set forth in Chapter <u>17.06</u> of this code. The terms zone and district are used interchangeably. (Ord. 3586  $\S$  1, 1994)

# Chapter 17.06 ZONES ESTABLISHED—ZONING MAP BOUNDARIES

#### Sections:

17.06.010	Establishment of zones—Map adopted.
17.06.020	Zoning map.
17.06.030	Boundaries adopted—Rules of construction when boundaries uncertain.
17.06.040	Uses permitted in zones.
17.06.050	Designation of zones.
17.06.060	Zoning by specific plan.

#### 17.06.010 Establishment of zones—Map adopted.

A. The location and boundaries of various zone districts are established and geographically delineated on an <u>electronic</u> map or set of maps known as the "Official Zoning Map" of the city of Bakersfield.

B. The map, and all amendments, changes and extensions thereof, and all legends, symbols, notations, references, and other matters shown thereon shall be a part of this title and shall constitute Section <u>17.06.020</u>. (Ord. 4602 § 1, 2009; amended during 1981 codification; prior code § 17.12.010)

# 17.06.020 Zoning map.

The official zoning map of the city and amendments thereto shall be located in and maintained by the planning department. <u>The official zoning map may be printed and available for viewing</u>. <u>The online electronic file is not</u> <u>the official map</u>. (Ord. 4602 § 2, 2009; amended during 1981 codification; prior code § 17.12.020)

# 17.06.030 Boundaries adopted—Rules of construction when boundaries uncertain.

A. The boundaries of such zones as are shown upon the zoning map, or amendments thereto, are adopted and the specific regulations as set forth in this title for each zone and the general regulations applicable in this title are established and declared to be in effect upon all lands included within the boundaries of each and every zone as shown upon said zoning map.

B. Where uncertainty exists as to the boundaries of any zone shown on the map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, as the case may be, such lines shall be construed to be such boundaries;

2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

3. Where these rules are inapplicable, the planning commission shall determine the location of boundaries;

4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley;

5. Where any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned property;

6. All property in the city not otherwise classified and all property hereafter annexed and not zoned upon annexation, is classified as an R-1 zone. (Prior code § 17.12.030)

## **17.06.040** Uses permitted in zones.

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone, as shown upon the zoning map, except in accordance with the regulations established by this title. (Prior code § 17.12.040)

#### **17.06.050 Designation of zones.**

The several classes of zones into which the city is divided are designated as follows:

А	Agricultural zone;
A-20A	Agricultural (twenty-acre minimum lot size) zone;
A-WR	Agriculture—WR (agricultural—water recharge combining) zone;
AA	Airport approach zone;

AÐ	Architectural design zone;
C-1	Neighborhood commercial zone;
C-2	Regional commercial zone;
C-B	Central business zone;
C-C	Commercial center zone;
C-0	Professional and administrative office zone;
<del>CH</del>	Church combining zone;
DI	Drilling island district;
E	Estate, one-family dwelling zone;
FP-P	Floodplain primary zone;
FP-S	Floodplain secondary zone;
HD	Hillside development combining zone;
HOSP	Hospital zone;
M-1	Light manufacturing zone;
M-2	General manufacturing zone;
M-3	Heavy industrial zone;
MH	Mobile home zone;
<u>MX-1</u>	Mixed-Use Neighborhood
<u>MX-2</u>	Mixed-Use Transit
OS	Open space zone;
00	

PCD	Planned commercial development zone;
PE	Petroleum extraction combining zone;
PUD	Planned unit development zone;
R-1	One family- <u>Single-unit</u> dwelling zone;
<del>R-1-4.5</del>	Small lot single one-dwelling zone (four- thousand five hundred square foot minimum lot- size);
R-2	Limited multi <del>ple-<u>unit</u>family</del> dwelling zone- (minimum lot area, two thousand five hundred- square feet per unit);
R-3	Multi <del>ple-<u>unit</u>family</del> dwelling zone-(minimum lot area, one thousand two hundred fifty square feet per unit);
R-4	High density multi <del>ple-<u>unitfamily</u> dwelling zone- (minimum lot area, six hundred square feet per- unit);</del>
<u>R-5</u>	Very high density multi-unit dwelling zone;
<u>R-6</u>	Urban Core zone:
R-S	Residential suburban zone;
<del>R-S-10A</del>	Residential suburban (ten-acre minimum lot- size) zone;
<del>R-S-1A</del>	Residential suburban (one-acre minimum lot- size) zone;
<del>RS-2.5A</del>	Residential suburban (two-and-one-half-acre- minimum lot size) zone;
<del>R S 5</del> A	Residential suburban (five-acre-minimum lot- size) zone;

RH	Residential holding zone;
<del>SC</del>	<del>Senior citizen zone;</del>
TT	Travel trailer park zone.

(Ord. 4991 § 1, 2019; Ord. 4938 § 1, 2018; Ord. 4820 § 1, 2015; Ord. 4602 § 3, 2009; Ord. 3477 § 6, 1992; Ord. 2695 § 1, 1982; prior code § 17.12.050)

# 17.06.060 Zoning by specific plan.

Notwithstanding any other provision of this title or provision of state law, a specific plan adopted pursuant to Article 8 of Chapter 3, Division 1 of Title 7 of the Government Code (Section <u>65450</u> et seq.) and including those matters specified in Section 64451 thereof, may if so designated upon adoption by the city council, constitute zoning standards and regulations for and establish the zone districts, permitted uses and conditional uses for, the area covered by the plan. (Ord. 3046 § 1, 1986)

## Chapter 17.08

## GENERAL REGULATIONS INCLUDING SITE PLAN REVIEW

Sections:	
17.08.010	Applicability.
17.08.020	Conflicting regulations.
17.08.030	Less restrictive uses prohibited.
17.08.040	Determination of use.
17.08.050	Prohibited uses.
17.08.060	Site plan approval required.
17.08.070	Exemptions from site plan review.
17.08.080	Site plan approval process.
17.08.090	Overlooks into residential rear yards.
17.08.100	Dwellings to face access other than alley.
17.08.110	Height of buildings—Roof structures, chimneys and towers.
<del>17.08.120</del>	<b>Yard requirements when portion of other use is used as dwelling.</b>
17.08.125	Street setback exceptions—Front and side yard.
17.08.130	Accessory buildings.
17.08.140	Design standards for retail developments.
17.08.150	Special dwelling setbacks.
17.08.160	Through lots—Designation of front lot line.
17.08.170	Yard encroachments.
17.08.175	Clear sight view.
17.08.180	Fence, walls and hedges—Regulations.
17.08.190	Conditional zoning.
17.08.200	Drilling for and production of petroleum.
17.08.210	Approval of development entitlement conditioned on indemnification of city.

## 17.08.010 Applicability.

The provisions of this chapter are general provisions that apply to development within the city in accordance with the requirements herein. (Ord. 3835 § 3, 1998; prior code § 17.52.010)

## **17.08.020** Conflicting regulations.

Where any provision of this title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern; provided, however, that where a subdivision has been approved by the planning commission and

the city council under the provisions of Chapter <u>16.36</u> of this code, then the approved standards for streets and highways, alleys, easements, blocks, lots, yards, pedestrian ways and access shall be considered as requirements of the zoning ordinance. (Prior code 17.52.020)

## 17.08.030 Less restrictive uses prohibited.

The express enumeration and authorization in this title of a particular class or building, structure, premises or use in a designated zone shall be deemed a prohibition of such buildings, structure, premises or use in all zones of more restrictive classification, except as otherwise specified. (Prior code § 17.52.030)

### **17.08.040** Determination of use.

A. Uses permitted other than those specifically mentioned in this title as: (1) uses permitted; (2) uses permitted subject to a director review and approval; or (3) uses permitted subject to the approval of a conditional use permit, in each of the zone districts may be permitted therein subject to the approval of a determination of use.

B. "Determination of use" in this section refers to establishing whether a use that is not included in the applicable zone district use schedule and is not reasonably similar to uses identified within the applicable use schedule can be allowed nonetheless. In such cases, an applicant shall submit an application for determination of use to the planning department for processing, which will be referred to the planning commission for review and approval.

C. The applicant shall submit a completed application form, a completed operational statement, pay a fee as determined by the council, and such information necessary to discern the exact nature and extent of the requested use as may be required by the planning director.

D. The planning department shall schedule the request for determination of use to the next available regular meeting of the planning commission for public hearing.

E. The decision on the determination of use shall provide the applicant with a written explanation, that includes, at a minimum:

1. A definition of the proposed use, which may include edit of or insertion into previously existing definitions; and

2. A classification of the use within the use schedule of the zoning ordinance for all applicable zone districts; and

3. The classification of the use which can be determined to be a prohibited use, a permitted use, a permitted use subject to a director's review and approval, and/or a permitted use subject to the approval of a conditional use permit; and

4. In all cases where a use is permitted to be established, the planning commission must make the findings that the determination of use is:

a. Consistent with the purpose and intent of the zone district(s) and underlying general plan land use designation(s) as assigned, and

b. Not more detrimental to the public peace, health, safety or welfare of the community than the permitted or conditionally permitted uses specifically mentioned for the respective zone(s), and

c. Similar to and compatible with other uses allowed or conditionally allowed in the designated zone district(s).

F. The determination of use may require:

- 1. Additional entitlements be approved prior to the establishment of the use; and/or
- 2. Operational limits to the use; and/or
- 3. Development requirements to the use as a component of those entitlements.

G. The planning director shall cause a list of such determinations and entitlements to be maintained and shall periodically initiate an amendment to the zoning ordinance to incorporate such changes into the zoning ordinance.

H. Determination of use shall be processed in accordance with public hearing procedures established by Section 17.64.050 and be subject to the findings required by subsection (E)(4) of this section.

I. The decision of the planning commission may be appealed to the city council consistent with Section <u>17.64.090</u>. (Ord. 5008 § 1, 2020; prior code § 17.52.040)

## 17.08.050 Prohibited uses.

- A. The following uses are specifically prohibited within any zone district:
  - 1. Medical marijuana dispensary.
  - 2. Commercial cannabis activity.

B. Other uses may also be prohibited, provided such uses are, in the opinion of the planning commission, more detrimental to the public peace, health, safety or welfare of the community than the uses specifically mentioned for respective zone(s). (Ord. 5008 § 2, 2020; Ord. 4918 § 2, 2017; Ord. 4731 § 2, 2013; prior code § 17.52.050)

## 17.08.060 Site plan approval required.

No person shall undertake, conduct, use or construct, or cause to be undertaken, conducted, used or constructed, any of the following without first obtaining site plan approval: any change in the actual use of land or improvements thereon, including, but not limited to, the construction of any improvements which require a building permit, enlargement, reconstruction or renovation of improvements; provided, however, site plan approval may be consolidated with other discretionary approvals such as conditional use permits and planned commercial developments. (Ord. 3835 § 6, 1998)

## **17.08.070** Exemptions from site plan review.

The following are specifically exempt from and do not require site plan approval:

A. Uses allowed as permitted uses in the R-1, <del>E,</del> R-S, <del>R-S-1A, R-S-2.5A, R-S-5A, R-S-10A,</del> RH, A, A-20A, FP-P and FP-S zones;

B. Normal maintenance and repair of improvements and exterior remodeling not requiring a building permit;

C. Interior improvements which do not involve changes to the exterior of a building or a change of use or intensity of use;

D. Subdivision of land;

E. Change of use of an existing building from a permitted use of one class or type to a permitted use of a different class or type not associated with the enlargement of space or modification of development standards, zoning regulations or policies;

- F. Parking lot restriping/redesign;
- G. Outdoor advertising signs;
- H. Wireless telecommunication facilities in accordance with Chapter <u>17.59</u> of this code;
- I. Metal storage containers;
- J. Utility buildings and structures (unoccupied);
- K. Carports;
- L. Paint booth additions;
- M. Classroom additions to religious institutionschurches;
- N. Farmers market;
- O. Used car sales where lot is already improved;
- P. New surface parking lot;
- Q. Additions of accessory buildings on a developed commercial or industrial site;
- R. Equipment/contractor storage yards where there are no buildings or employees;
- S. Fallout shelter. (Ord. 4231 § 6, 2005; Ord. 3835 § 6, 1998)

## **17.08.080** Site plan approval process.

A. *Application*. The application shall consist of a fee, based upon a schedule adopted by the city council, one legible copy of the application form and two legible copies of a site plan showing the intended use of all buildings to be constructed, elevations and floor plans, and a list of off-site improvements to be constructed in accordance with city ordinances and standards. The application shall also include sufficient information to determine whether the proposed project is consistent with the general plan and zoning ordinance as implemented by adopted city regulations and all information necessary to determine if the project is subject to review pursuant to the California Environmental Quality Act (CEQA), as determined by the planning director. All applications shall consist of the following:

1. *Application Form.* The application form shall be provided by the planning director and shall be filled out to the satisfaction of the planning director;

2. Check List. Hazardous materials compliance check list as required by the city fire marshal;

3. *Site Plan.* The site plan shall be neatly dimensioned and drawn to an appropriate scale (preferred scale is one inch equals twenty feet) with a minimum size of eight-and-one-half inches by eleven inches and shall depict the subject parcel. The site plan shall indicate the location of the site, project address, location of all existing improvements, the type and location of all proposed improvements, type and location of all improvements proposed to be demolished or constructed, all existing and proposed uses on-site and all evidence of a mappable nature which may be required, including:

a. Location, height and material of existing and/or proposed fences and walls,

b. Location of off-street parking, the number of required parking spaces, the number of provided parking spaces, and the number of and location of handicapped spaces, type of paving, direction arrows depicting traffic flow, parking dimensions, and total parking lot square footage,

c. Location and type of parking lot lighting, including pole locations, pole height, light source, illumination level and fixture types,

d. Locations and width of drive approaches,

e. Method of stormwater disposal,

f. Location of existing and/or proposed public improvements (such as curbs, gutters, sidewalks, sewers, utility poles, fire hydrants, street lights, traffic-control signing, traffic signal devices, specific plan lines for streets and highways, etc.),

- g. On-site drainage and method of sewage disposal,
- h. Location of trash refuse area,
- i. Landscaped areas,
- j. Summary of all proposed buildings, including:
  - i. Total gross floor area,
  - ii. Number of floors and square footage per floor,
  - iii. Existing use or uses of the building(s) and their respective square footage,
  - iv. Proposed use or uses of the building(s) and their respective square footage,
  - v. Required and provided parking ratios for each building;

k. Elevations and floor plans, including description of room use, of all proposed or existing buildings or additions to existing buildings. In the case of building additions, the plans shall clearly show existing and proposed areas and any areas proposed for demolition;

4. *Landscape Plan.* The applicant shall provide a landscape plan as set forth in Chapter <u>17.61</u> of this code which demonstrates the project complies with the requirements of that chapter and/or landscaping requirements set out in the zoning ordinance or specific plans for that area;

5. *Environmental Information*. The applicant shall provide such information as may be required by the planning director in satisfaction of the requirements of the California Environmental Quality Act (CEQA);

6. *Additional Information*. The applicant shall provide any other information as required by the planning director that is necessary to ensure that the project can be adequately evaluated;

7. *Fees.* The applicant shall pay a fee not to exceed the cost of processing and reviewing the plan as set forth in Chapter 3.70 of this code.

B. Procedure.

1. *Acceptance*. Applications shall be submitted to the planning director. Within thirty days, the planning director shall determine whether the application is complete and conforms to these requirements. No application shall be deemed complete unless the project is consistent with the general plan and zoning ordinance as implemented by adopted regulations of the city. If the application does not conform to the requirements of this chapter or is inconsistent with the general plan or zoning regulations, the planning director shall notify the applicant what additional requirements or applications may be necessary to comply with this section. If the application is complete, he/she shall accept it for processing.

2. *Referral and Review*. After the application is deemed complete, the planning director shall transmit one copy of the application to the site plan review committee which is established and shall consist of the planning director, building director, fire chief and public works director, or their designated representatives. The site plan review committee shall review and provide comments on such application to the planning director.

3. *Environmental Review*. The planning director shall conduct CEQA review pursuant to CEQA implementation guidelines and state law if the project is subject to CEQA.

4. *Approval.* After considering the recommendations from the site plan review committee and the planning director, and after approving any necessary CEQA documents, the development services director may approve, conditionally approve or deny the site plan. The development services director may impose time limits within which specified improvements shall be installed. Failure to complete installation of such improvements within the specified time limit shall void both the site plan approval and any building permit issued. A site plan may only be denied if the proposed project does not comply with city codes, standards or policies, or CEQA. The action of the development services director approving or denying site plan, if not appealed as provided hereinafter, shall be final.

5. *Building Permit Review*. Upon submittal by the applicant for a building permit for a project for which site plan approval has been given, the building director will transmit a copy of the construction plans to the site plan review committee who will review the plans for compliance with the conditions, requirements and mitigation measures imposed on the site plan. If the committee determines the applicant has not complied with one or more of the applicable codes, standards, mitigation measures or other conditions imposed by the development services director, the planning director shall notify the applicant in writing that the plans will be suspended from further processing until such compliance is satisfied. No certificate of occupancy shall be issued by the building director until all conditions, requirements and mitigation measures imposed on the site plan have been accomplished.

6. *Commencement of Construction.* No development or construction, including grading, for which site plan approval is required, may begin until the process set forth in this chapter has been completed, the time period for appeal has expired, and all other permits and licenses required for the project to commence have been obtained.

#### C. Revisions to Applications.

1. *Revisions Prior to Decision.* The applicant may submit revisions to the site plan application at any time before the site plan is approved or denied. The planning director may determine that the revisions require study by the staff or comment by one or more city departments and/or other public agencies, or further CEQA review, and may therefore reprocess the application as necessary, including recirculating any environmental document for public comment.

2. *Revisions After Denial of the Site Plan.* The applicant may resubmit the proposal with revisions together with any required processing fees. Such resubmittal shall be acted upon in the same manner as the original application.

3. *Revisions After Approval of the Site Plan.* At any time after approval, but before the approved site plan expires, the applicant may submit revisions to the plan. Such revisions shall be acted upon in the same manner as the original application; provided, however, minor revisions resulting from physical obstacles, compliance with conditions or mitigation measures, or other comparable constraints may be approved by the planning director. Revisions as provided in this subsection shall not extend the time the site plan expires.

D. *Expiration of Site Plan.* Approved site plans shall expire unless building permits have been issued on the project, or on projects not requiring a building permit construction has commenced on-site, within two years of the date of approval and the entire project completed not more than five years from the date of approval of the site plan. Time requirements may be extended for a period of one year by the planning director through resubmittal of final plans for check against current code requirements and/or written justification for the requested extension. No fees will be levied for such a compliance check and extension. Changes to the plans originally approved for purposes other than code requirements shall require an application for revisions pursuant to this chapter. Upon expiration of the building permit, a new site plan approval must be obtained. In any event, such site plan shall expire upon the rezoning of the site following approval of the site plan unless the proposed use is a permitted use in the subsequent zone.

#### E. Appeal Procedure.

1. Any person not satisfied with the decision of the development services director may, within ten days of the date of that decision, appeal to the city planning commission by filing a written notice of appeal and payment of fees with the planning director setting forth the precise basis and issues on appeal and requesting a hearing thereon. The planning commission shall, as soon as possible, hold a noticed public hearing thereon. Only appeals of issues subject to review by the planning commission will be accepted for filing.

2. Notice of the date, time and place of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property, the owner's duly authorized agent, the project applicant, and the appellant. Notice shall also be mailed to every person filing with the planning director a written request for notice, and those within the noticed area if the site plan was initially subject to a public hearing.

3. Review by the planning commission of an appealed site plan is limited to a determination of whether or not an adopted development standard, zoning regulation, or policy applied or not applied to the project was done consistent with authority granted by city ordinance. No authority is granted to add, delete, change or modify adopted standards, regulations or policies except as required to comply with conditions necessary to mitigate unavoidable environmental impacts. After hearing the appeal, the planning commission may deny, grant or partially grant the appeal by directing changes to the project or to the CEQA document adopted or to the mitigation measures as necessitated by their findings regarding the issues appealed. All findings, CEQA determinations and conditions made by the development services director not appealed to the planning commission shall remain in full force and effect and shall not be modified by the planning commission. The decision by the planning commission shall be final.

4. Any person not satisfied with the decision of the planning commission may, within ten days of the date of that decision, appeal to the city council. All procedures for notice, review of the appeal, and the holding of the public hearing within subsection  $\underline{\mathbf{E}}$  shall also apply to the city council.

5. Failure to file an appeal within the time period prescribed therefor shall be deemed a waiver of the right of appeal. (Ord. 4939 § 9, 2018; Ord. 4714 § 1, 2012; Ord. 3835 § 6, 1998)

## **17.08.090** Overlooks into residential rear yards.

A. The intent of this section is to provide a reasonable degree of privacy to and screening of residential rear yards adjacent to multistory office, commercial, industrial, apartment or condominium structures. Screening shall only apply to the rear yard of the impacted residential property, being defined as a three-dimensional area measured horizontally between the rear property line and the residential structure, and measured vertically between the grade of the residential structure's foundation and a plane five feet above such grade. This section

does not intend to provide a total screening of the affected yard area, or the affected residence's building walls and windows.

B. Screening shall apply to overlooks from all windows, balconies, and decks from the second floor and above, in office, commercial, industrial, apartment or condominium structures containing three or more units that are within one hundred fifty feet of property zoned for R-1, R-S, <u>R-S-1A, E</u>, MH, PUD projects and condominium projects of a single-<u>unitfamily</u> character with private rear yards. This section shall not apply to overlooks from buildings to yards within the same planned unit development projects.

C. If a building subject to this section begins construction and the property within one hundred fifty feet of it in the above cited residential zones is vacant, then it shall not be required to screen that vacant property from its view.

D. Where a project has a severe overlook problem because of topography, height of structure or other unusual conditions, the building and planning directors may require a landscape plan to provide a long term screening solution (effective within five years) within three hundred feet of property zoned R-1, R-S, <del>R-S-1A, E,</del> MH, PUD projects and condominium projects of a single-<u>unit family</u>-character with private rear yards.

E. Where a project falls under the provisions of this section, a conceptual screening plan shall be submitted with the site plan review application. Where possible, the screening plan shall incorporate the use of landscaping.

F. The decision as to what is a reasonable degree of privacy and a reasonable plan to accomplish such privacy shall be determined by the building and planning directors. In making such decision, the directors shall consider the following factors:

- 1. Topography and zoning of neighboring properties;
- 2. Design alternatives;
- 3. Cost;
- 4. Timing of development;
- 5. Building code and fire safety regulations;
- 6. Other factors determined to be significant by the directors.

G. Methods which may be used to accomplish screening include, but are not limited to:

- 1. No windows, balconies or decks facing the affected residential property;
- 2. Windows with sills a minimum of five feet above the floor;
- 3. Translucent glass;
- 4. Wing walls;
- 5. Louvers appropriately directed;
- 6. Landscaping;
- 7. Awnings when used as an interim screening in connection with a permanent landscaping plan;
- 8. Other design solutions which accomplish essentially the same results as determined by the directors;

9. Separation of the multistory building from the closest portion of the yard being protected by a minimum distance of one hundred fifty feet measured horizontally. (Ord. 3835 § 6, 1998)

## **17.08.100** Dwellings to face access other than alley.

A. Except where otherwise provided for in this title, every dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement of passageway other than an alley.

B. Such easements shall be not less than ten feet in width. (Prior code § 17.52.100)

## 17.08.110 Height of buildings—Roof structures, chimneys and towers.

A. No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment; towers, steeples, roof signs or other structures shall exceed the height limit provided in this title.

B. Flagpoles, public utility poles and lines, chimneys and smokestacks may extend not more than thirty feet above the height limit provided in this title; provided, that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. Wireless telecommunication facilities, including antennas, satellite dish antennas, and towers shall be subject to the provisions of Chapter <u>17.59</u> of this code. (Ord. 4231 § 7, 2005; prior code § 17.52.110)

## **17.08.120** Yard requirements when portion of other use is used as dwelling.

Where a portion of a building used for dwelling purposes is located above another portion of a building having another type of use in zones other than R-1, R-2, R-3 or R-4 zones, the rear and side yards for the floors occupied for dwelling purposes shall comply with the provisions of the R-4 zone. (Prior code § 17.52.120)

### **17.08.125** Street setback exceptions—Front and side yard.

Where more than fifty percent of the lots along the same side of a street within the same block contains existing buildings having setbacks from the street less than the required minimum specified by the zone district in which the buildings are located, any new building may be set back a distance equal to the average setback of the existing buildings. However, in no instances, shall any building be required to be located more than the minimum setback specified by the zone district. (Ord. 4753 § 1, 2013; Ord. 3463 § 1, 1992; Ord. 2696 § 2, 1982)

## 17.08.130 Accessory buildings.

A. Accessory buildings or structures may be located within an interior side or rear yard area in any residential zone district or project of a residential nature provided they do not exceed a height of seven feet and/or an area of one hundred twenty square feet.

B. Accessory buildings or structures exceeding a height of seven feet and/or an area of one hundred twenty square feet in any residential zone district or project of a residential nature, shall not be located nearer than five feet to any interior side or rear property line.

C. Accessory buildings and structures in commercial and industrial zone districts shall be subject to all development standards of that zone district.

D. No accessory buildings or structures shall be located within any required street side yard or front yard area. Fountains, ponds and other decorative water features, and garden/art decorations are exempt from this subsection provided that they do not exceed a height of six feet. Flag-poles are also exempt and are subject to

the regulations in subsection <u>B</u> of Section <u>17.08.110</u>. (Ord. 4680 § 1, 2012; Ord. 3964 § 5, 2000; Ord. 2696 § 3, 1982; prior code § 17.52.130)

### **17.08.140** Design standards for retail developments.

A. *Purpose.* Bakersfield is concerned with the future design of its commercial areas, specifically with the growth of retail developments. At the same time, it is important to encourage economic development. These standards help mitigate unwanted design, while encouraging developers to incorporate good community architecture that enhances the city's character and quality of life. In addition to the requirements herein, all landscaping projects shall adhere to that certain Model Water Efficient Landscaping Ordinance (MWELO) as adopted in California Code of Regulations, Title 23, Chapter 2.7 of this code as adopted by the state.

#### B. Applicability.

1. These standards shall apply to all retail developments throughout the city within all commercial zone districts, and all nonresidential zones where the development contains retail commercial components, including but not limited to planned unit development zones, industrial zones, and recreation/open space zones. These standards also apply to all specific plan areas unless the plan has standards that are more restrictive. In Northeast Bakersfield, the building design standards in subsection  $\underline{C}$  of this section shall apply to all commercial and industrial projects, regardless of size, which are subject to site plan review.

2. These standards are in addition to any other development requirements as required by this title, including but not limited to zone district regulations, signs, parking, landscaping, and accessory uses.

#### 3. Expansion to Existing Retail Developments.

a. An addition to an existing retail development that was initially subject to these standards shall be required to comply with the requirements of this section.

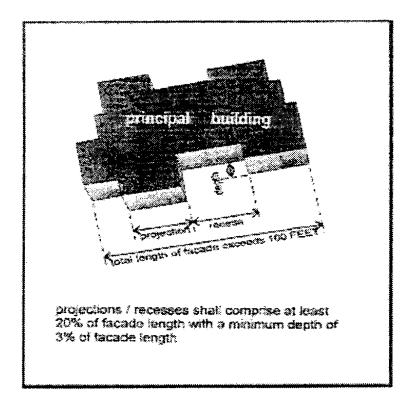
b. An addition to an existing retail development that was not previously subject to the requirements of this section is required to comply with this section if the gross floor area of such establishment as a single expansion or cumulatively is increased by fifty percent or more, or exceeds fifty thousand square feet.

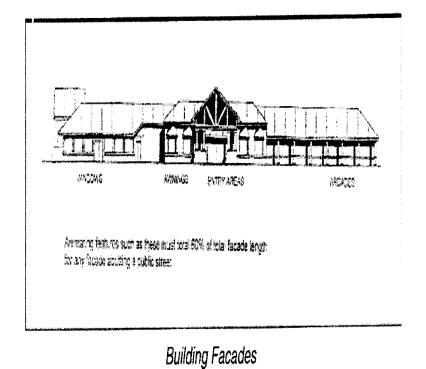
4. Reference may be made in this subsection to specific geographic areas, which are defined as follows:

a. Northeast Bakersfield includes all lands east of Fairfax Road (and any northern extension thereof) and north of the Union Pacific Railroad that parallels Edison Highway.

#### C. Building Design Standards.

1. Exterior building walls and facades over one hundred feet in length shall incorporate wall plane projections or recesses with a depth of at least three percent of the length of the facade and extending along at least twenty percent of the length of the facade. No facade shall have an uninterrupted length of flat wall that exceeds one hundred horizontal feet. Facades that face public streets shall include arcades, display windows, entry areas, or other such permanent features along no less than sixty percent of their horizontal length.



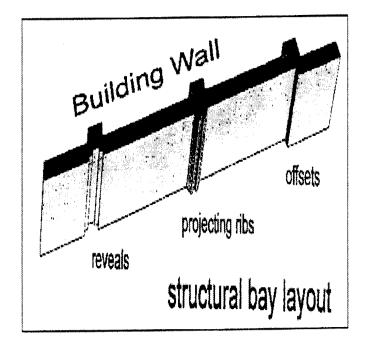


2. All building facades must include no less than three of the following elements. At least one of the elements (subsection (C)(2)(a), (C)(2)(b) or (C)(2)(c) of this section), shall occur horizontally. All

elements shall occur at intervals of no more than thirty feet, either horizontally or vertically.

- a. Color change;
- b. Texture change;
- c. Material change;

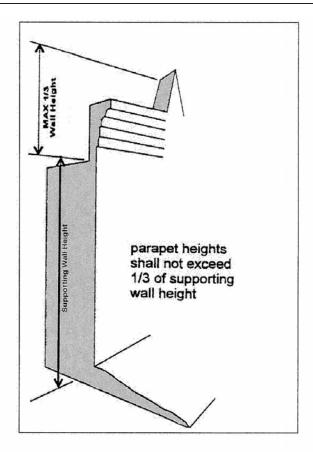
d. An expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib, or other architecturally appropriate feature.



Expression of Architectural or Structural Bay

3. In multiple building developments, each individual building shall include prominent architectural characteristics shared by all buildings in the center so that the development forms a cohesive sense of place.

4. Rooflines shall be varied with a change in height every one hundred linear feet of the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs of the roofline are acceptable. If parapets are used, they shall not at any point exceed one-third of the height of the supporting wall. All parapets shall feature three-dimensional cornice treatment.



Parapet Standards

5. Exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, and other native stone, manufactured stone (realistic), wood, glass, decorative metal elements, and tinted/textured concrete masonry units, including stucco and synthetic stucco-type materials.

a. For projects in Northeast Bakersfield, building materials consisting of river rock, native stone, cobblestone, ledge stone, rough-sawn timbers, and logs, either as a single element or combination thereof, shall be used as the predominant theme throughout the project area.

6. Primary facade colors shall be low reflectance, subtle colors over primary, bold or dramatic colors. The use of reflective metallic or fluorescent colors is discouraged. However, building trim and accent areas may feature brighter colors, including primary colors. Paint applied over brick, stone and concrete is prohibited.

a. For projects in Northeast Bakersfield, the predominant color palette shall consist of earth- and natural-toned colors that blend with the surrounding area. A variety of these colors is encouraged to allow individuality but maintain a cohesive sense of place for the entire center.

7. Finished exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels as a major component (more than fifty percent) of each façade or exterior wall.

#### 8. Entryways.

a. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, at least two sides of the retail development shall feature customer entrances. The two required sides shall be those planned to have the highest level of public pedestrian activity. One of the sides shall be that which most directly faces a primary public or private street with pedestrian access. The other may face a second street with pedestrian access or the main parking lot area if there is no second street. All entrances shall be architecturally prominent and clearly visible from the abutting public street.

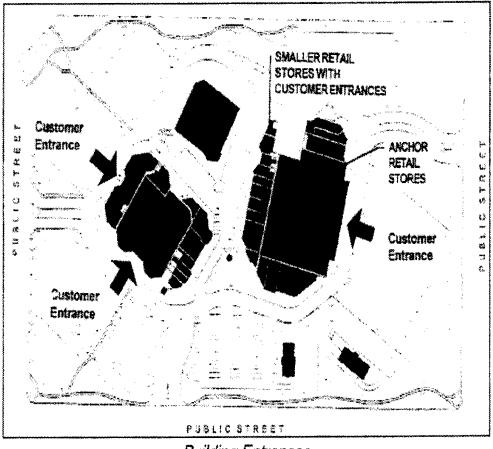
b. Public entrances must include architectural elements that emphasize the entry. Each retail development on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- i. Canopies or porticos;
- ii. Overhangs;
- iii. Recesses/projections;
- iv. Arcades;
- v. Raised corniced parapets over the door;
- vi. Peaked roof forms or towers;
- vii. Arches;
- viii. Plazas or outdoor patios;
- ix. Display windows;

x. Fountains or other water features;

xi. Architectural details such as tile work and moldings that are integrated into the building structure and design;

- xii. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- c. Weather protection elements shall be provided at all public entrances.



## (example of a development with customer entrances on all sides that face a public street)

#### D. Parking Lot Design.

1. Where minimum parking requirements are fifty or more spaces, no more than sixty percent of the offstreet parking area for the entire area of land devoted to the retail development shall be located between the front facade of the retail development and the abutting streets unless the parking lots are screened from view by other freestanding pad buildings, or landscaping with trees and incorporating berms, retaining walls, hedges, or combination thereof at least four feet high, plazas, water elements, or other such features that diminish the visual impression of a mass parking lot from the public rights-of-way. Option 2 shall include the planting of shrubs between the wall and the sidewalk.

2. Where minimum parking requirements are fifty or more spaces, parking lots shall be divided into sections of two hundred spaces or less with internal pedestrian walkways, buildings or landscaped open areas. Pedestrian ways shall be subject to the provisions of subsection  $\underline{E}$  of this section.

3. Areas for bicycle parking shall be provided throughout the center and shall not interfere with pedestrian walkways when required by building code.

4. If shopping carts are to be provided, cart corrals shall be installed and generally distributed across parking area.

#### E. Pedestrian Circulation.

1. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, meandering sidewalks at least six feet in width shall be provided along all sides of the retail development that abuts a public street.

2. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, continuous internal pedestrian walkways, no less than six feet in width, shall be provided from a public sidewalk or right-of-way to the principal customer entrances of all retail developments on the site, including all freestanding pad buildings. Pedestrian walkways shall link all buildings in the development. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty percent of the length of the walkway. Use of decorative arbors, freestanding arcades or other weather protection structures is permitted.

3. Sidewalks, no less than six feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

4. All internal pedestrian walkways shall be clearly distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

5. Parked vehicles shall not overhang into any pedestrian walkways.

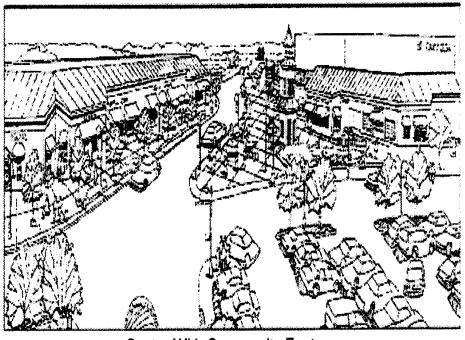
6. Pedestrian access to adjacent residential neighborhoods shall be provided where local streets abut the project. This access shall connect directly to focal points in the project such as, but not limited to, community/public spaces, main building or store entries, or transit stops without traversing through loading areas, buildings rears, etc. These pedestrian walkways shall be clearly distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. *Central Features and Community Space*. For projects exceeding twenty thousand square feet of gross floor area, and/or two and one-half acres of net buildable area, each retail establishment subject to the standards in this section shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- 1. Pedestrian plaza or patio with seating;
- 2. Transportation/transit center;
- 3. Covered window shopping walkway along at least seventy-five percent of primary building;
- 4. Outdoor playground area;
- 5. Water feature;
- 6. Clock tower;

7. Any other such deliberately shaped area and/or focal feature or amenity that enhances the community and public spaces of the center.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Center With Community Features

G. Delivery/Loading and Solid Waste Operations for Projects Exceeding Fifty Thousand Square Feet of Gross Floor Area and/or Five Acres of Buildable Area.

1. No delivery, loading, trash removal or compaction, or other such operations shall be within thirty feet of any properties zoned or developed with residential uses.

2. In addition to compliance with the noise level performance standards table in the noise element of the Metropolitan General Plan for exterior daytime/nighttime exterior noise levels, other than trash removal by the city or its contractors, all loading, unloading, delivery, private refuse collection and related operations shall not be permitted between the hours of ten p.m. and seven a.m. adjacent to any land zoned or developed with residential uses. These activities may occur if the developer submits evidence to the city that sound mitigation will reduce the noise generated by such operations to less than three dBA above the measured background noise level at the same period for any three continuous minutes in any hour during the operation as measured at the property line adjacent to said residential lands. Evidence of compliance must include background data (without the subject equipment operating) at said property line for the subject period, modeling results or test data from the proposed equipment, or noise data gathered from a similar location if approved by the city.

3. Loading docks shall include separate walls for noise attenuation adjacent to residential areas and be screened with landscaping (evergreen trees twenty feet on center) so the loading docks are not visible from residential areas or public streets.

4. Trash pickup areas shall not be visible from public streets unless the enclosure areas are architecturally designed matching the design of the center.

H. Storage, Seasonal Sales, Miscellaneous.

1. Storage of materials and merchandise is prohibited unless screened in accordance with this title, including use of landscaping. Vending equipment and shopping cart storage areas must be screened from public view and not impede pedestrian ways.

2. Seasonal sales of merchandise shall not be permitted in any required parking area but shall be within a screened area dedicated for such use.

3. Truck trailers shall not remain on the site for more than forty-eight hours (loading and unloading only). Truck or trailer storage, or use of trailers for product storage is prohibited.

4. Metal storage containers as defined in Section <u>17.04.464</u> and any other portable storage containers for permanent or temporary use, except for construction and/or remodeling purposes, are prohibited. (Ord. 5006 § 2, 2020; Ord. 4943 § 1, 2018; Ord. 4617 §§ 1, 2, 2010; Ord. 4603 §§ 1, 2, 2009; Ord. 4427 § 3, 2007)

## **17.08.150** Special dwelling setbacks.

A. No dwelling or any part thereof shall be placed or constructed within fifty feet of any lot which adjoins property zoned agricultural or residential suburban, unless the property upon which the dwelling is placed or constructed is itself within one of the said zones.

B. No dwelling or any part thereof shall be placed or constructed within thirty feet of any freeway or railroad right-of-way,

C. The provisions in subsections <u>A</u>. and <u>B</u>. of this section shall not apply to accessory buildings; setbacks of said accessory buildings shall be subject to Section <u>17.08.130</u>. (Ord. 3520 § 2, 1993; prior code § 7.52.145)

## **17.08.160** Through lots—Designation of front lot line.

On through lots, the front lot line shall be designated by the planning director. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the property is located. (Ord. 2696 § 4, 1982; prior code § 17.52.150)

## 17.08.170 Yard encroachments.

Where yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

A. Cornices, canopies, carports, eaves, patio or porch covers, or other similar architectural features not providing additional floor or interior space within the building may extend into a required front, side <u>yard not</u> to exceed two feet or rear yard not to exceed three feet. This encroachment may include structural supports to the ground, however, the open area of the longest wall and one additional wall of a carport, patio, porch or similar enclosure shall be equal to at least sixty-five percent of the area of each wall. Openings may only be enclosed with insect screening or similar material that allows unrestricted outside air circulation.

B. Open unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, with the exception of guard rails as may be required by the building director, may extend into any front, side or rear yard not more than six feet.

C. Detached accessory buildings may occupy side and rear yards as provided in Section 17.08.130.

D. Carports, patios, porches, or similar enclosures that provide covered space constructed before January 1, 1988 shall be deemed legal nonconforming structures subject to the provisions of Chapter <u>17.68</u> of this code. The building director shall make the final determination as to the age of said structures. (Ord. 3826 § 1, 1998; Ord. 2817 § 1, 1983; Ord. 2696 § 5, 1982; prior code § 17.52.160)

## 17.08.175 Clear sight view.

A. On all corner lots located on uncontrolled intersections, no obstruction to motor vehicle driver views in excess of three feet higher than curb flow line grade shall be placed on any corner or reversed corner lot within a triangular area formed by the intersecting street curblines and a line connecting them at points sixty feet from their intersection point.

B. On all lots abutting an alley or driveway, no obstruction to sight view shall be permitted within the triangular area formed by the alley or driveway edge and edge of the sidewalk closest to the interior property line, or the street right-of-way line in the absence of a sidewalk, and a line connecting them at points ten feet from their intersecting point.

C. Motor vehicle driver site distance at controlled intersections shall be maintained in accord with the following design standards:

Design speed (mph)	20	30	40	50	60
Minimum corner intersection sight distance (feet)	200	300	400	500	600

Corner sight distance measured from a point of the minor road at least fifteen feet from the edge of the major road pavement and measured from a height of eye of three and three-quarters feet on the minor road to a height of object of four and one-half feet on the major road. The location of the object to the left of the minor street is to be measured at twelve feet from the nearside edge of the major road with parking or six feet from the nearside edge of the major road without parking. The location of the object to the right of the minor road is to be measured at one-half the major street width plus three feet from the nearest edge of the major road. (Ord. 3169 § 1, 1988; Ord. 2883 § 1, 1983; Ord. 2696 § 6, 1982)

## 17.08.180 Fence, walls and hedges—Regulations.

A. In the R-1, R-2, R-3, and-R-4, R-5, R-6, MX-1, and MX-2 zones, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet unless a greater height is required by city or state regulations for noise attenuation or sight screening. On all through lots located in these zones in which the rear lot line abuts a state highway, major highway or secondary highway and is below the grade of the roadway, at the roadway grade, or less than ten feet above the roadway grade, a masonry wall as defined by Section <u>17.04.462</u> shall be provided.

B. In the R-1, R-2, R-3, and R-4, R-5, R-6, MX-1, and MX-2 zones, no fence, wall or hedge located in the required front yard shall exceed a height of four feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of six feet:

1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.

2. Where, as determined by the city council, planning commission, or planning director, a higher fence or wall is necessary for purpose of noise attenuation.

C. Reserved.

D. In the R-1, R-2, R-3, and-R-4, R-5, R-6, MX-1, and MX-2 zones no barbed or electrified wire shall be used or maintained in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. In the C-O, C-C, C-1, C-2, M-1 and M-2 zones no barbed or electrified wire shall be erected, installed, used or maintained or caused to be erected, installed, used or maintained on, in or about any fence, wall or hedge along the front, side or rear lines of any lot, nor shall any barbed wire be erected, installed, used or maintained or caused to be erected, installed, used or maintained, for fencing purposes, or as a barrier across or around any lot, or portion thereof, or around any building or structure upon or along any street, alley or public way, unless the lowest strand of barbed wire is installed not less than six feet three inches above the highest adjoining grade on either side of such fence; where barbed or electrified wire is erected, installed, used or maintained in accordance with this subsection, it shall not extend over or into any abutting property or public right-of-way and shall, in all cases, either extend in toward the owner's side of such fence or directly vertical, subject to approval by the building director.

F. In the A zone barbed or electrified wire for agricultural fencing purposes shall be permitted to be erected, installed, used or maintained at locations at least one thousand three hundred feet from any residential area as defined in Section 17.32.020, and not otherwise, subject to approval by the building director.

G. Fences constructed prior to September 1, 1983, intended to act as protective enclosures and to make canals inaccessible to small children, are exempted from the restrictions of subsections <u>D</u>, <u>E</u> and <u>F</u> of this section. (Ord. 5020 § 18, 2020; Ord. 4781 § 1, 2014; Ord. 3824 § 3, 1998; Ord. 3610 § 2, 1994; Ord. 3021 § 3, 1986; Ord. 2696 § 7, 1982; prior code § 17.52.170)

#### **17.08.190** Conditional zoning.

A. *Definitions*. "Conditional zoning" means an amendment of the zoning ordinance, concerning a specific parcel or parcels of property, which is enacted only after the owner of such real property has met specified conditions or, where appropriate, has entered into a contract with the city agreeing to satisfy specified conditions, performance of which is secured by surety bond.

B. *Conditions*. Requirements which may be made a condition of an amendment to the zoning ordinance as provided in subsection <u>A</u> of this section include, but are not limited to, the dedication of rights-of-way and easements, the waiver of direct access rights of any street abutting the property to be rezoned and construction of reasonable improvements. Such conditions shall relate to problems arising or potentially arising from the property if rezoned and used in accordance with the new zoning, such as vehicular or pedestrian traffic, police and fire services, grading or topography, access, drainage, water supply, sewers, utilities and/or proposed physical development affecting nearby properties. The conditions imposed shall fulfill public needs reasonably expected to result from the allowable uses and/or development of the property and/or avoid circumstances adverse to the public health, safety, convenience or welfare.

C. *Procedure*. In considering a proposed zone change pursuant to Section <u>17.64.110</u> of this code, the planning commission may, by resolution, conditionally approve the proposed zone change and recommend enactment of an ordinance effectuating such change subject to satisfaction of specified conditions and, where appropriate, the contractual commitment of the property owner to satisfy the specified conditions within a specified period of time and a surety bond guaranteeing performance of such contract. The owner of the property to be rezoned shall, within ten days after adoption by the planning commission of such resolution, either:

1. Commence preparation of a contract agreeing to the conditions specified in such resolution, conditioned upon city council enactment of an ordinance effectuating the zone change, and provide the planning director with a surety bond in the amount of one hundred percent of the total estimated cost of any improvements required by the specified conditions as estimated by the public works director;

2. Have satisfied the specified conditions; or

3. Appeal to the city council the recommendation of the planning commission imposing such conditions pursuant to Section <u>17.64.090</u> of this code. Failure of the owner to take any of the three actions specified above shall constitute withdrawal of the application for rezoning of his or her property. (Ord. 3964 §§ 6, 7, 2000; Ord. 2696 § 8, 1982; prior code § 17.52.200)

## 17.08.200 Drilling for and production of petroleum.

Drilling, operation or maintenance of any well or well site for petroleum, natural gas or related drilling, or operation or maintenance of any production operation, are allowed in the city pursuant to the requirements of Chapter <u>15.66</u> of this code. (Ord. 3477 § 2, 1992; prior code § 17.52.250(A))

# 17.08.210 Approval of development entitlement conditioned on indemnification of city.

The applicant and/or property owner and/or subdivider of any development entitlement, including, but not limited to, a zone change, general plan amendment, conditional use permit, modification or site plan review, shall indemnify, defend, and hold harmless the city of Bakersfield, its officers, agents, employees, departments, commissioners, and boards against any and all liability of any kind arising from the terms and provisions of the development entitlement application, including, without limitation, any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions. Terms of the agreement shall be subject to approval by the city attorney. (Ord. 4909 § 1, 2017; Ord. 4711 § 1, 2012; Ord. 4676 § 3, 2012)

## Chapter 17.10

## **R-1 ONE-FAMILY DWELLING <u>RESIDENTIAL</u> ZONES**

#### Sections:

- **17.10.010 Purpose and Intent of Residential Zones**Generally.
- 17.10.020 Residential Land Use Regulations and Allowable Uses Uses permitted.
- **17.10.025** Uses permitted only by conditional use permit.
- 17.10.030 Residential Zone Development StandardsBuilding height.
- 17.10.040 Other Applicable Standards and Regulations Front yard.
- 17.10.050 Side yards.
- 17.10.060 Rear yard.
- 17.10.070 Minimum lot area.
- 17.10.072 R-1-4.5 zone (small lot one-family dwelling).
- 17.10.075 E (Estate one-family dwelling) zone.
- **17.10.080 Distance between buildings on the same lot.**

## **17.10.010 Purpose and Intent of Residential Zones**Generally.

A. Purpose. The purpose of this Chapter is to describe the character and intent of the City's residential zones, describe allowed land uses and permit requirements in residential zones, identify any supplemental land use regulations applicable to residential zones, and establish development standards for the same.

B. Zoning Map. The boundaries, designations, and locations of the zones established by this Zoning Code shall be in compliance with Chapter 17.06 (Zones Established – Zoning Boundaries) and shown upon the map(s) entitled "Official Zoning Map" of the City of Bakersfield " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws.

#### C. Zone Purpose Statements.

1. R-S (Residential Suburban) Zone. The purpose of the R-S Zone is to provide land areas for the use and occupancy of single-unit detached dwellings and accessory dwelling units. It is the intent of this zone to promote a range of single-unit products types on larger parcels, as well as the allowance of animal keeping under specifc guidelines and operating standards. The residential density range for this zone is 0 to 2 dwelling units per net acre. 2. R-1 (Single-Unit Dwelling) Zone. The purpose of the R-1 Zone is to provide land areas for the use and occupancy of single-unit detached dwellings and accessory dwelling units. It is the intent of this zone to protect and preserve existing neighborhoods and promote the future development of lower-density residential single-unit neighborhoods that provide a livable, walkable and sustainable residential environment. The residential density range for this zone is 2.1 to 6 dwelling units per net acre.

3. R-2 (Small Lot Single-Unit Dwelling) Zone. The purpose of the R-2 Zone is to provide land areas for the use and occupancy of single-unit dwellings and accessory dwelling units and two-unit duplex dwellings. It is the intent of this zone to promote and encourage single-unit and two-unit neighborhoods that provide a livable, walkable and sustainable residential environment. The residential density range for this zone is 6.1 to 13 dwelling units per net acre.

4. R-3 (Medium-Density Multi-Unit Dwelling) Zone. The purpose of the R-3 Zone is to provide land areas for the use and occupancy of accessory dwelling units, two-unit dwellings, medium-density singleunit dwellings and medium-density multi-unit dwellings. It is the intent of this zone to provide a livable, walkable and sustainable residential environment similar to that found in small-lot single-unit neighborhoods at densities that promotes medium-density duplexes, condominiums, townhomes and apartments. The residential density range for this zone is 13.1 to 20 dwelling units per net acre.

5. R-4 (High-Density Multi-Unit Dwelling) Zone. The purpose of the R-4 Zone is to provide land areas for the use and occupancy of multi-story, multi-unit dwellings (e.g., rowhouses, flats, condominiums, townhouses and apartments) at higher densities that include on-site recreational amenities. It is the intent of this zone to provide a livable, walkable, and sustainable residential environment that ensures compatibility with surrounding lower-density single-unit and multi-unit dwellings and neighborhood commerce. The residential density range for this zone is 20.1 to 30 dwelling units per net acre.

6. R-5 (Very-High Density Multi-Unit Dwelling) Zone. The purpose of the R5 Zone is to provide land areas for the use and occupancy of multi-unit dwellings (e.g., condominiums, townhouses, and apartments) at very-high densities in proximity to neighborhood commercial centers. It is the intent of this zone to provide a livable, walkable, and sustainable residential environment that encourages development types that use innovative site planning . . The residential density range for this zone is 30.1 to 50 dwelling units per net acre.

7. R-6 (Urban Core) Zone. The purpose of the R-6 Zone is to provide land areas for the use and occupancy of multi-unit dwellings (e.g., condominiums, mid-rise, and high-rise apartments). It is the intent of the R-6 Zone to encourage high-intensity and centralized urban development along major corridors, interchanges, transit hubs, and throughout downtown Bakersfield. Development within this Zone should initiate a transition to a more dense, highly urban, walkable, and transit-oriented environment that serves as the link between residential development and adjacent employment centers. Projects in this Zone should

incorporate development standards to increase street activation, provide a variety of onsite recreational amenities for residents, and have direct access to employment centers. The minimum residential density for this zone is 50.1. There is no maximum residential density for the R-6 Zone.

8. R-H (Residential Holding) Zone. The purpose of the R-H Zone to retain large undeveloped land areas for future urban development. Once development is proposed, a General Plan Amendment and change of zoning will be required for consistency with the proposed development. This will ensure that development progresses in an orderly and logical manner consistent with the city's growth policies. The R-H zone is considered agricultural in nature as it will allow both agricultural and petroleum resource uses to continue their operations until such time urbanization takes place.

The regulations set out in this chapter shall apply in the R-1 one family dwelling zone unless otherwiseprovided in this title. (Prior code § 17.13.010)

## 17.10.020 <u>Residential Land Use Regulations and Allowable Uses</u> permitted.<sup>1</sup>

A. Residential Zones Allowed Uses and Permit Requirements. Table 17.10-1 states the uses allowed within each residential zone and any permits required to establish the use, in compliance with Chapter 17.08 (General Regulations Including Site Plan Review).

B. Additional Regulations. Where the last column in Table 17.10-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code, Municipal Code, and State Law may also apply.

C. Definitions. See Chapter 17.04 (Definitions) for land use definitions and explanations.

D. Uses Not Listed. Uses not listed below may be reviewed by the Planning Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required.

<u>Key:</u>	P = Allowed by Right; DRA = Director Review and Approval; (N) = Not AllowedCUP = Conditional Use Permit									
	Permit Requirement by Zone									
Land Use	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>RH</u>	Additional <u>Regulations</u>	
Agricultural and Resource Uses										

## <u>Table 17.10-1</u> <u>Residential Zones Allowed Uses and Permit Requirements</u>

		ones Allo							
<u>Key:</u>		<u>ved by Righ</u> onditional L			Review	and Appr	<u>roval; (N</u>	<u>) = Not J</u>	Allowed
Land Use	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>RH</u>	Additional Regulations
Accessory Agricultural Structures and Uses	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	
Agricultural and Horticulture	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	
Animal Raising and Breeding	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>17.10.040</u>
Drilling for and Production of Petroleum	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CUP</u>	<u>15.66</u>
<b>Recreation, Education, and P</b>	ublic Asse	mbly Uses	<u>I</u>				<u> </u>	I	
Educational Institutions									
Elementary School	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	
<u>Junior High School</u> High School	N N	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	N N	
<u>College or University</u>	<u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>N</u>	
					11	<u> 11</u>		<u></u>	
Religious Institution	CUP	CUP	CUP	CUP	N	N	N	CUP	17.04.500
Public and Quasi-Public Uses	DRA	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.10.040
Residential Uses			•						
Accessory Dwelling Unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	17.65
(detached, attached, junior) Accessory Structure						<u> </u>	<u>P</u>		
Child Day Care Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>	<u> </u>	<u>P</u>	<u>17.10.040</u> 17.04.160
	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Gov. Code</u> <u>Section 1597.30-</u> <u>1597.622</u>
Community Care Facility, Large	<u>CUP</u>	<u>CUP</u>	CUP	CUP	CUP	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	17.04.499 California Welfare and Institutions Code Sections 5115 – 5120
Community Care Facility, Small	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.04.499</u> <u>California</u> <u>Welfare and</u> <u>Institutions Code</u> <u>Sections 5115 –</u> <u>5120</u>
Emergency Shelter	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>N</u>	
Employee Housing, up to six residents	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Home Occupation	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.04.330</u> <u>17.63</u>
Low Barrier Navigation Center	<u>N</u>	<u>N</u>	N	<u>N</u>	<u>N</u>	<u>N</u>	N	<u>N</u>	Assembly Bill 101 (AB 101)
Mobile Home Park	<u>N</u>	N	<u>CUP</u>	<u>CUP</u>	N	<u>N</u>	N	N	
Multi-Unit Dwellings	N	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	<u>17.14</u>

## Table 17.10-1 Residential Zones Allowed Uses and Permit Requirements

The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

Key: $P = Allowed by Right; DRA = Director Review and Approval; (N) = Not AlloCUP = Conditional Use Permit$									
		<u>P</u>	ermit R	equirem	ent by Z	<u>Lone</u>			
Land Use	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>RH</u>	Additional Regulations
Single-Room Occupancy Units	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	
Single-Unit Dwellings	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	N	N	<u>P</u>	
Supportive Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Gov. Code Section 65651
Transitional Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Gov. Code Section 65651
<b>Retail, Service, and Office Us</b>	es								
Certified Farmer's Market	N	<u>N</u>	<u>N</u>	N	DRA	DRA	DRA	N	
Construction Trailer/ Temporary Contractor's Office	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	DRA	
Real Estate Tract Sales Office and Model Homes	<u>DRA</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	<u>17.10.040</u>
Private Nurseries and Greenhouses	<u>P</u>	DRA	<u>DRA</u>	<u>DRA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>17.10.040</u>
Stable, Commercial	<u>CUP</u>	<u>N</u>	<u>N</u>	N	N	N	N	<u>N</u>	
Utility, Transportation, and C	Utility, Transportation, and Communication Uses								
Domestic Water Wells (private)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public Utilities, Structures, and Services	DRA	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

## <u>Table 17.10-1</u> <u>Residential Zones Allowed Uses and Permit Requirements</u>

The following uses are permitted in an R-1 zone:

A. A one-family dwelling;

B. Accessory buildings or structures, including a private garage the area of which shall not exceed twelvepercent of the area of the lot;

C. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees, not used orintended for commercial purposes;

D. Home occupations, as defined in Section <u>17.04.330</u> and in compliance with the provisions of Chapter-<u>17.63</u> of this code;

E. Swimming pools and hot tubs;

F. Garage and yard sales as defined in Section 17.04.305;

G. Real Estate Tract Sales Office and Model Homes.

1. Each subdivision tract is permitted a maximum of six model homes, one of which may include a salestract office, for each home builder in the tract. Additional model homes may be permitted subject toapproval by the planning director,

2. Model homes may be constructed prior to recordation of a final map for the tract; however, no suchhome shall be offered for sale or rent, or be sold or rented, until the final map has been recorded pursuantto Title <u>16</u> of this code,

3. Sales offices shall only be used during the original sales of the lots and/or homes within the subdivision tract in which they are located,

4. A sales office shall be located in a model home; however, a separate temporary office which mayinclude a commercial coach or mobile home is permitted for a period not to exceed ninety days pendingcompletion of construction of the model home. Any sales office located in the garage portion of a modelhome shall be removed and converted to a garage prior to the building department releasing covenantsrestricting the model home's sale and issuing a certificate of occupancy,

5. The vehicle route leading to and in front of any sales office shall be paved from an existing improvedpublic street prior to the public being invited to that office regarding sales of lots and/or homes in thetract;

H. Family day care home as defined in Section <u>17.04.160;</u>

I. Second unit, as defined in Section <u>17.04.539</u> and in compliance with the provisions of Chapter <u>17.65</u> of this code;

J. Ramp, platform, basin, pool or other accessory structure used for the riding of skateboards, rollerskates, rollerblades, bicycles, motorcycles, or similar devices, provided the structure does not exceed a vertical height (above or below grade) of four feet, or a horizontal area (one structure or total combined area if multiple-structures) of one hundred twenty square feet. Such structures made nonconforming by this subsection shall be brought into conformance, obtain conditional use approval, or be removed by March 31, 1999;

K. Residential facility serving six or fewer persons;

L. Park for passive daytime recreation use with no lighted fields;

M. Domestic water well(s). (Ord. 5040 § 1, 2020; Ord. 4300 § 1, 2006; Ord. 3964 §§ 8, 9, 2000; Ord. 3868 § 1, 1998; Ord. 3838 § 1, 1998; Ord. 3768 § 6, 1997; Ord. 3613 § 4, 1994; Ord. 3518 § 2, 1993; Ord. 3477 § 7, 1992; Ord. 3226 § 3, 1989; Ord. 3087 § 1, 1987; Ord. 2985 § 1, 1985; Ord. 2697 § 1, 1982; prior code § 17.13.020)

1 Code reviser's note: Ord. <u>5027</u> added subsection (O) regarding hens to this section, and this subsection was relettered as (N) by Ord. <u>5040</u>. However, Ord. <u>5027</u> was rescinded; therefore, this subsection does not appear in this code.

## **17.10.025** Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Roominghouse. (Ord. 5008 § 3, 2020)

## 17.10.030 <u>Residential Zone Development Standards</u>Building height.

A. Residential Zone Development Standards. The intent of Table 17.10-2 is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking (if included in a project), landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

B. Density. Maximum density standards shall be consistent with this Title and the General Plan (or applicable Master Plan, Specific Plan, or Area Plan).

C. Parking. Parking standards are no longer required for residential construction. Setbacks to garages, carports and/or parking lots as a potential feature of development are addressed herein. Pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

	Development Feature											
	(minimum unless otherwise specified)											
Zone	Parcel Area	Parcel Area per	<u>Height</u> (max. ft.)	<b>Distance</b>	<u>e between St</u> (min. ft.)	<u>ructures</u>	Setbacks (min. ft.) (to garage/living space/porch)					
	(min square feet or acres)	Dwelling (min square feet)		Between Dwelling Units	Between Dwelling/ Accessory Units	Between Accessory <u>Units</u>	<u>Front (ft.)</u>	Side (ft.)	<u>Side-</u> <u>Corner</u> <u>(ft.)</u>	<u>Rear (ft.)</u>		
<u>R-S</u>	<u>15,000 sf</u>	<u>15,000</u>	<u>35</u>	<u>10</u>	<u>3</u>	<u>3</u>	25 garage 20 living 15 porch	<u>5</u>	<u>10</u>	<u>25</u>		
<u>R-1</u>	<u>4,500</u>	<u>4,500 sf</u>	<u>35</u>	<u>8</u>	<u>3</u>	<u>3</u>	20 garage 15 living 12 porch	<u>4</u>	<u>10</u>	<u>5</u>		
<u>R-2</u>	Single-Unit: 2,000 sf	Single-Unit: 2,000	<u>35</u>	<u>8</u>	<u>3</u>	<u>3</u>	20 garage 12 living 9 porch	<u>4</u>	<u>10</u>	<u>5</u>		

## <u>Table 17.10-2</u> <u>Residential Zones Development Standards</u>

<b>Residential Zones Development Standards</b>										
				De	velopmen	t Feature				
	(minimum unless otherwise specified)									
<u>Zone</u>	Parcel Area	Parcel Area per		Distance between Structure		ructures_	Setbacks (min. ft.) (to garage/living space/porch)			
	(min square feet or acres)	Dwelling (min square feet)	<u>Height</u> (max. ft.)	Between Dwelling <u>Units</u>	Between Dwelling/ Accessory Units	Between Accessory <u>Units</u>	Front (ft.)	Side (ft.)	<u>Side-</u> Corner (ft.)	<u>Rear (ft.)</u>
	Multi-Unit: <u>6,000 sf</u>	<u>Multi-Unit:</u> 2,000 sf		<u>10</u>			<u>15</u>	<u>4/10</u>	<u>10</u>	<u>10/15</u>
<u>R-3</u>	Single-Unit 2,000 sf	Single-Unit 2,000	<u>45</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>20 garage</u> <u>9 living</u> <u>6 porch</u>	<u>4</u>	<u>10</u>	<u>5</u>
	<u>Multi-Unit</u> <u>6,000 sf</u>	<u>Multi-Unit</u> <u>1,500 sf</u>		<u>10</u>			<u>15</u>	<u>4/10</u>	<u>10</u>	<u>10/15</u>
<u>R-4</u>	<u>10,000 sf</u>	<u>N/A</u>	<u>65</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>10 living</u> <u>5 porch</u>	<u>4</u>	<u>10</u>	<u>10/15</u>
<u>R-5</u>	<u>10,000 sf</u>	<u>N/A</u>	<u>80</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>10 living</u> <u>5 porch</u>	<u>4</u>	<u>10</u>	<u>10/15</u>
<u>R-6</u>	<u>10,000 sf</u>	<u>N/A</u>	<u>120</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>5 living</u> <u>0 Porch</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>R-H</u>	<u>20 ac</u>	<u>N/A</u>	<u>35</u>	<u>100</u>	<u>3</u>	<u>3</u>	<u>110</u>	<u>5</u>	<u>10</u>	<u>25</u>
<u>Other</u> <u>Applicable</u> <u>Regulations</u>	17.10.040									
			4	Additiona	ı <mark>l Regulati</mark>	<u>ons</u>				
Regulation				Section or Chapter						
Accessory Dwelling Units				<u>Chapter 17.65</u>						
Accessory Structures				Section 17.08.130						
Fences, Walls, and Hedges				Section 17.08.180						
Height of Buildings				Section 17.08.110						
Landscape Standards				Chapter 17.61						
Multi-Unit Dwelling Objective Design Standards				Chapter 17.						
					Chapter 17.58					
				Section 17.08.125 Section 17.08.170						
Signs	<u>inciits</u>				Chapter 17.					

#### <u>Table 17.10-2</u> Residential Zones Development Standards

Building height requirements in an R-1 zone shall not exceed thirty-five feet. (Ord. 3964 § 10, 2000; prior code-§ 17.13.030)

### 17.10.040 Other Applicable Standards and Regulations Front yard.

A. General Applicable Standards for All Residential Zones.

Development Standards.

1. Non-Conforming Lots (Area and Frontage).

a. A lot with less area or frontage than what is required in this Title shall be permitted if the lot was legally created as a separate lot and recorded as such prior to this zoning ordinance being applicable to that lot.

2. Structure Separation.

a. The distance between a dwelling unit and accessory structure and between accessory structures can be a less than three feet, however, the buildings will be considered attached and subject to all regulations as they may pertain to dwelling units and accessory structures based on this combined area, and the regulations of the Building Code as adopted by the City.

B. R-S (Residential Suburban) Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Animal Raising and Breeding. The following animals and numbers of animals are permitted:

a. Breeding, hatching, raising, and keeping of poultry, fowl, rabbits, chinchillas, Vietnamese potbellied pigs, fish, frogs, and bees for the domestic use of the resident/occupant of the lot.

b. Keeping of cattle, sheep, goats, horses, mules, and burros in a ratio not exceeding one adult animal of the foregoing for each one-quarter acre of fenced enclosure area dedicated for the habitation of said animals.

c. A Temporary Animal Permit is required for the raising and breeding of animals that exceed the allowed numbers permitted above in Subsection (1).

2. No fowl or animals, nor any pen, coop, stable, corral or other structure or enclosure housing livestock or poultry shall be kept or maintained within:

a. 50 feet of any dwelling unit or other structure used for human habitation;

b. 100 feet of the front lot line of the lot upon which such animal or structure is located;

c. 10 feet of the street side of a corner lot; or

d. 100 feet of any public park, school, hospital, or similar institution.

e. Raising, killing, or dressing of any such animals or poultry for commercial purposes is prohibited.

3. Temporary Animal Permits. The breeding and raising of animals in numbers greater than those allowed by Subsection (a) above, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization, shall be permitted upon submission of an application for a temporary animal permit to and approval by the planning director in accordance with the procedures set forth in this section.

a. Application. An application for a temporary animal permit shall include the following:

i. The name and address of the applicant;

ii. Name and age of minor raising the animal(s);

iii. The name(s) and address(es) of the property owner(s) or legal description of the subject property:

iv. Assessor's parcel number;

v. Name of the organization sponsoring the minor, including name, phone number, and acknowledgement from the sponsor that the minor is engaging in an activity under their program;

vi. A plot plan showing the location of proposed pens, coops or areas for the breeding and raising of animals in relation to existing residences and other buildings and structures within one hundred feet of pens, coops, or areas housing livestock.

b. Conditions of Approval. A Temporary Animal Permit shall be issued by the Planning Director under the following conditions:

i. The minor shall be sponsored by a bona fide organization such as, but not limited to, Future Farmers of America and 4-H Club. ii. The increase in animal density shall not exceed the density allowed by more than 50 percent; provided, however, that at least two and no more than six additional animals shall be allowed.

iii. The Planning Director may permit the raising of one swine provided all other standards in this Chapter are satisfied.

iv. The written consent of the owners or occupants of all abutting property shall be obtained.

v. The applicant shall allow inspection of animal maintenance facilities by the City and any animal control agencies during the effective period of the permit upon request.

c. Each additional animal authorized by the Temporary Animal Permit over the allowable animal density specified in this Subsection of this Chapter shall be removed upon expiration of the permit.

d. Any permit issued pursuant to this section may be revoked or modified whenever the Planning Director has a reasonable suspicion that any person to whom such permit has been issued has violated any of the provisions of this chapter. Notification of such revocation or modification shall be served by certified mail upon the permit-holder and shall be effective upon mailing. Such revocation or modification may be appealed to the City Council within 10 days of receipt of notification of such revocation or modification.

e. All Temporary Animal Permits shall be effective for a period not to exceed six months from the effective date of the permit. No more than one such permit shall be approved for any lot within a one-year period.

4. Private Nurseries and Greenhouses.

a. Salesrooms or other structures used for the sales of the products produced are prohibited.

#### C. R-1 (Single-Unit Dwelling) Zone.

Additional Standards per Allowable Uses in Table 17.10-1.

1. Accessory Structures.

a. Ramps, platforms, basins, pools, or other accessory structure used for the riding of skateboards, roller skates, rollerblades, bicycles, motorcycles, or similar devices, provided the structure does not

exceed a vertical height (above or below grade) of four feet, or a horizontal area (one structure or total combined area if multiple structures) of 120 square feet. Such structures made nonconforming by this subsection shall be brought into conformance, obtain conditional use approval, or be removed as directed by the Code Enforcement Manager.

b. Accessory structures, including a private garage, shall not exceed 12 percent of the area of the lot.

2. Private Nurseries and Greenhouses.

a. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees, shall not be used for commercial purposes.

3. Public and Quasi-Public Uses.

a. Parks with passive daytime recreation shall not include lighted fields for nighttime recreation and activities.

4. Real Estate Tract Sales Office and Model Homes.

a. Each subdivision tract is permitted a maximum of six model homes, one of which may include a sales tract office, for each home builder in the tract. Additional model homes may be permitted subject to approval by the Planning Director.

b. Model homes may be constructed prior to recordation of a final map for the tract; however, no such home shall be offered for sale or rent, or be sold or rented, until the final map has been recorded pursuant to Title 16 of this code.

c. Sales offices shall only be used during the original sales of the lots and/or homes within the subdivision tract in which they are located.

d. A sales office shall be located in a model home; however, a separate temporary office which may include a commercial coach is permitted for a period not to exceed ninety days pending completion of construction of the model home.

e. Any sales office located in the garage portion of a model home shall be removed and converted to a garage prior to the building department releasing covenants restricting the model home's sale and issuing a certificate of occupancy.

f. The vehicle route leading to and in front of any sales office shall be paved from an existing improved public street prior to the public being invited to that office regarding sales of lots and/or homes in the tract.

Additional Development Standards per those in Table 17.10-2.

5. Front Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of -20 feet.

b. If a garage or carport (attached or detached) opening is parallel to a public street, the setback shall be a minimum of 15 feet.

c. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

d. Front yard structural setbacks shall be a minimum of 15 feet to living space and 12 feet to architectural extensions, such as porches.

e. Where 50 percent or more of the front lot line is along a cul-de-sac or street knuckle curvature, the front yard setback line shall be a minimum of 15 feet in depth measured from the front lot line; and if a garage or carport (attached or detached from the main structure) opening faces a public or private street, the setback shall be a minimum of 20 feet.

6. Side Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

7. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a private alley, the setback shall be a minimum of 3 feet, provided the alley is a minimum width of 20 feet.

8. Minimum Lot Area.

a. When there is an alley at the rear of the lot, the minimum lot area may be measured to the center of the alley.

D. R-2 (Small-Lot Single-Unit Dwelling) Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Accessory Structures.

a. Accessory structures on lots developed with one single-unit dwelling shall not exceed 12 percent of the area of the lot.

Additional Development Standards per those in Table 17.10-2.

2. Front Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening is parallel to a public or private street, the setback shall be a minimum of 15 feet.

c. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

d. Front yard structural setbacks shall be a minimum of 12 feet to living space and 9 feet to architectural extensions, such as porches.

3. Side Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

c. For multi-unit developments where the side setback separates a lot in an R-2 zone from an adjacent lot zoned R-1, MH, or a PUD development, the side yard shall not be less than 10 feet. For all other adjacent lots, the side yard shall not be less than 4 feet.

4. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a public or private alley or garage court, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet.

b. For multi-unit developments where the rear setback separates a lot in an R-2 zone from an adjacent lot zoned R-1, MH, or a PUD project consisting of single-unit dwellings, the rear yard shall not be less than 10 feet for the first story and 15 feet for the second and additional stories.

E. R-3 (Multi-Unit Dwelling) Zone.

Additional Development Standards per those in Table 17.10-2.

1. Front Setback.

a. For both single units and multi-unit residential development in the R-3 zone, no direct access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

b. If a garage or carport (attached or detached) opening takes access to internal vehicular circulation and/or an alley providing site ingress/egress to a public street, the setback shall be a minimum of 3 feet.

c. All proposed parking shall have a minimum 5-foot setback from public streets.

2. Side Setback.

a. No direct access shall be allowed from a garage and/or carport from a side yard onto a public street.

b. For multi-unit developments where the side setback separates a lot in an R-3 zone from an adjacent lot zoned R-S, R-1, MH, R-2, or a PUD project consisting of single-unit dwellings, the side yard shall not be less than 10 feet. For all other adjacent lots, the side yard shall not be less than 4 feet.

3. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a public or private alley or garage court, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet in width.

b. For multi-unit developments where the rear setback separates a lot in an R-3 zone from an adjacent lot zoned R-S, R-1, , MH, R-2, or a PUD project consisting of single-unit dwellings, the rear yard shall be not less than 10 feet for the first story and 15 feet for any second and additional stories.

4. Minimum Lot Area.

a. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of said alley.

5. Separation of Uses.

a. Multi-unit residential developments where the rear or side property line separates a lot zoned R-1, MH, R-2, or PUD project consisting of single-unit dwellings shall include a solid masonry wall with a minimum height of six feet from highest grade.

b. If the masonry wall is located within the front setback, the maximum height of the wall shall not exceed four feet.

c. This requirement does not apply to any lot less than 10,000 square feet and, that is not part of, or adjacent to, multi-unit subdivisions or other multi-family projects that existed prior to the effective date of the ordinance codified in this section.

F. R-4 (High-Density), R-5 (Very-High Density Multi-Unit Dwelling), and R-6 (Urban Core) Zones.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Residential Facility for Court-Ordered Individuals.

a. Housing for court-ordered individuals is limited to juveniles or adults in custody or court-ordered living restrictions for violations of local, state, and federal law, including, but not limited to, halfway houses and detention centers.

Additional Development Standards per those in Table 17.10-2.

2. Front Setback.

a. No direct front yard access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

b. All proposed parking shall have a minimum 5-foot setback from public streets.

3. Side Setback.

a. No direct side yard access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

4. Rear Setback.

a. For multi-unit developments where the rear setback separates a lot in an R-4 or R-5 zone from an adjacent lot zoned R-S, R-1, MH, R-2, or a PUD project consisting of single-unit dwellings, the rear yard shall be not less than 10 feet for the first story and 15 feet for any second and additional stories.

b. If a garage or carport (attached or detached) opening faces a public or private alley or garage court at the rear of the parcel, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet in width.

5. Minimum Lot Area.

a. 10,000 square feet in the R-4, R-5, and R-6 zones. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of said alley.

b. A lot may be less than the minimum provided the lot is as shown on a recorded subdivision map approved by the City prior to adoption of this ordinance.

6. Sound Attenuation Wall.

a. Multi-unit residential developments where the rear or side property line separates a lot zoned R-S, R-1, MH, R-2, or PUD project consisting of single-unit dwellings shall include a solid masonry wall with a minimum height of six feet from highest grade.

b. If the masonry wall is located within the front setback, the maximum height of the wall shall not exceed four feet.

c. This requirement does not apply to any lot less than 10,000 square feet and, that is not part of, or adjacent to, multi-unit subdivisions or other multi-unit projects that existed prior to the effective date of the ordinance codified in this section.

G. R-H – Residential Holding Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Accessory Agricultural Structures.

a. Accessory agricultural structures and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection with livestock shall be located within 100 feet to the front lot line, nor nearer than 50 feet to any existing dwelling on any contiguous property, nor within than 100 feet to any public park, school, hospital, or similar institution.

2. Agricultural and Horticulture.

a. Allowable agricultural and horticulture include nurseries, greenhouses, orchards, aviaries or the raising of field crops, tree crops, berry or bush crops or vegetable or flower gardening on a commercial scale.

3. Animal Raising and Breeding.

a. The keeping of bovine animals, horses, mules, and sheep; provided that the number thereof shall not exceed a number per acre equal to four adult animals in any combination of the foregoing animals and their immature offspring.

b. Includes the breeding, hatching, and raising of poultry and fowl and breeding and raising of rabbits and other fur-bearing animals.

Additional Development Standards per those in Table 17.10-2.

4. Setback from the Centerline of Roadways.

a. All structures shall be located not less than 110 feet from the centerline of any existing or proposed public street or highway.

A. Except as otherwise provided in Section 17.08.125 and subsection <u>C</u> of this section, there shall be a frontyard of not less than twenty feet in depth measured from the front lot line. If a garage or carport opening facesa public or private street, such garage or carport, whether attached to or detached from the main building, shallbe set back not less than twenty five feet.

B. Where fifty percent or more of the front lot line is along a cul de sac or street knuckle curvature, the frontyard setback line shall not be less than fifteen feet in depth as measured from the front lot line; and if a garageor carport opening faces a public or private street, such garage or carport, whether attached to or detached from the main building, shall be set back not less than twenty feet.

C. Within the R-1 4.5 zone only, there shall be a front yard of not less than fifteen feet in depth measuredfrom the front lot line. If a garage or carport opening faces a public or private street, such garage or carportwhether attached to or detached from the main building, shall be set back not less than twenty feet. (Ord. 4771-§ 2, 2014; Ord. 4641 § 1, 2011; Ord. 2697 § 2, 1982; prior code § 17.13.040)

#### 17.10.050 Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport whether attached to or detached from the main building, shall be set backnot less than twenty feet. (Ord. 3539 § 2, 1993; prior code § 17.13.050)

#### 17.10.060 Rear yard.

A. There shall be a rear yard in an R-1 zone behind every main building of not less than twenty five feet ortwenty percent of the depth of the lot, whichever is less; provided, however, the rear yard may be reduced tofive feet if not more than forty-five percent of the lot is covered by buildings or structures.

B. Within the R-1-4.5 zone only, there shall be a rear yard behind every main building of not less than five-feet. (Ord. 4771 § 3, 2014; prior code § 17.13.060)

#### 17.10.070 Minimum lot area.

A. The minimum lot area shall be not less than six thousand square feet per dwelling unit; provided, however, that when a nonconforming lot has less than herein required and the lot description was recorded in the officeof the county recorder at the time of the passage of the ordinance codified in this section as a separate lot, thelot may be occupied by not more than one dwelling unit.

B. When there is an alley at the rear of the lot, the minimum lot area may be measured to the center of the alley.

C. A lot may be of less than the minimum provided it is a lot as shown on a recorded subdivision mapapproved by the city. (Ord. 2697 § 3, 1982; prior code § 17.13.070)

#### 17.10.072 R-1-4.5 zone (small lot one-family dwelling).

All permitted uses and regulations in the R-1-4.5 (small lot one-family dwelling) zone shall be the same as the-R-1 zone, except that the minimum lot area shall not be less than four thousand five hundred square feet. (Ord.-4771 § 1, 2014)

#### 17.10.075 E (Estate one-family dwelling) zone.

All permitted uses and regulations in the E (Estate one-family dwelling) zone shall be the same as the R-1zone, except that the minimum lot area shall not be less than ten thousand square feet. (Ord. 3368 § 1, 1991)

#### **17.10.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-1 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted, however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 11, 2000; prior code § 17.13.080)

## Chapter 17.12

## **RESIDENTIAL SUBURBAN MIXED-USE ZONES**

#### Sections:

17.12.010	<u>Purposes of Mixed-Use ZonesR-S (residential suburban) zone</u> .
<del>17.12.015</del>	- Minimum lot area.
<del>17.12.016</del>	- Minimum lot frontage.
17.12.020	Mixed-Use Land Use Regulations and Allowable Uses R-S-1A (residential suburban one-
	<del>acre minimum lot size) zone</del> .
17.12.030	<u>Mixed-Use Zone Development Standards</u> R-S-2.5A (residential suburban two-and-one-
	half-acre minimum lot size) zone.
17.12.040	Other Applicable Regulations and StandardsR-S-5A (residential suburban five-acre-
	minimum lot size) zone.
<del>17.12.050</del>	- R-S-10A (residential suburban ten-acre minimum lot size) zone.
<del>17.12.060</del>	Temporary animal permits.

#### 17.12.010 <u>Purposes of Mixed-Use Zones</u><del>R-S (residential suburban) zone</del>.

A. Purpose. The purpose of this Chapter is to describe the character and intent of the City's mixed-use zones, describe allowed land uses and permit requirements in mixed-use zones, identify any supplemental land use regulations applicable to mixed-use zones, and establish development standards for the same.

B. Zoning Map. The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Bakersfield " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws.

C. Zone Purpose Statements. The purpose of the individual mixed-use uses and the way they are applied are as follows:

1. MX-1 (Mixed-Use Neighborhood) Zone. The purpose of the MX-1 Mixed-Use Neighborhood Zone is to provide areas within the city for pedestrian oriented developments that focus on neighborhood-serving commercial uses (e.g., coffee shops, grocery stores, retail establishments). This zone also allows mixed-use development comprised of medium-density multi-unit developments (i.e., cottage court apartments, low-rise apartments, and condominiums), It is the intent of the MX-1 Zone to encourage a mix of residential and commercial uses, with residential on the upper floors and commercial on the lower floors (vertical mixed-use format), as well as, stand-alone uses in certain circumstances (horizontal mixed-use format). The residential density range for this zone is 20-30 dwelling units per acre.

2. MX-2 (Mixed-Use Transit) Zone. The purpose of the MX-2 Mixed-Use Transit Zone is to provide for transit- and pedestrian-oriented mixed-use development comprised of high density multi-unit developments (i.e., low-rise, mid-rise apartments, and condominiums). The focus of such development will be on centralized urban development along major corridors, interchanges, transit hubs, and throughout downtown Bakersfield, in conjunction with existing and planned transit facilities to support and maximize transit use. This zone is intended to encourage high quality integrated development consisting of residential and commercial uses in a horizontal and or vertical arrangement to maximize open space of active and passive use and provide opportunities for place making. The residential density range for this zone is 30.1 to 100 dwelling units per acre.

A. All permitted uses and regulations in the RS zone shall be the same as the R-1 zone, except that the following additional uses are permitted:

1. Breeding, hatching, raising and keeping of poultry, fowl, rabbits, chinchillas, Vietnamese pot belliedpigs, fish, frogs and bees for the domestic use of the resident/occupant of the lot.

2. Keeping of cattle, sheep, goats, horses, mules and burros in a ratio not exceeding one adult animal of the foregoing for each one quarter acre of lot area.

B. The keeping of such fowl and animals shall conform to all other provisions of law governing same.

C. No fowl or animals, nor any pen, coop, stable, corral or other structure or enclosure housing livestock orpoultry shall be kept or maintained within fifty feet of any dwelling or other building used for humanhabitation; nor within one hundred feet of the front lot line of the lot upon which such animal or structure islocated; nor within ten feet of the street side of a corner lot; nor within one hundred feet of any public park,school, hospital, or similar institution.

D. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes. (Ord. 3465 § 1, 1992; Ord. 2698 § 1, 1982; Ord. 2491 § 1, 1984; prior code § 17.14.010)

#### 17.12.015 Minimum lot area.

The minimum lot area shall not be less than twenty-four thousand square feet; provided, however, that a lot ofless area than herein required shall be permitted if a description of said lot was recorded as a separate lot in the office of the county recorder prior to the time of the enactment of this section. (Ord. 2698 § 3, 1982)

#### 17.12.016 Minimum lot frontage.

The minimum lot frontage shall be not less than eighty feet on a standard street or forty feet on a cul-de-sac orflag lot: provided, however, that a lot with less frontage than herein required shall be permitted if a descriptionof said lot was recorded as a separate lot in the office of the county recorder prior to the time of the enactmentof the ordinance codified in this section. (Ord. 2698 § 4, 1982)

# 17.12.020 <u>Mixed-Use Land Use Regulations and Allowable Uses</u><del>R-S-1A</del> (residential suburban one-acre minimum lot size) zone.

A. Mixed-Use Zones Allowed Uses and Permit Requirements. Table 17.12-1 indicates the uses allowed within each mixed-use zone and any permits required to establish the use, in compliance with Chapter 17.08 (General Regulations Including Site Plan Review).

B. Additional Regulations. Where the last column in Table 17.12-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code, Municipal Code, and State Law may also apply.

C. Definitions. See Chapter 17.04 (Definitions) for land use definitions and explanations.

D. Uses Not Listed. Uses not listed below may be reviewed by the Planning Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required.

<u>Key:</u>	<u>P = Allowed by Right; DRA = Director Review and Approval; N = Not Allowed; CUP = Conditional Use Permit</u>				
		equirement Zone			
Land Use	<u>MX-1</u>	<u>MX-2</u>	Additional Regulations		
Residential Uses					
Accessory Dwelling Unit (detached, attached, junior)	<u>P</u>	<u>P</u>	<u>17.65</u>		
Accessory Structure	<u>P</u>	<u>P</u>	<u>17.12.040</u>		
Assisted Living Facility	<u>CUP</u>	CUP			
Child Day Care Home	<u>P</u>	<u>P</u>	<u>17.04.160</u> Gov. Code Section 1597.30-1597.622		
Community Care Facility, Large (six or more residents)	<u>CUP</u>	<u>CUP</u>	California Welfare and Institutions Code Sections 5115 – 5120		

# <u>Table 17.12-1</u> Mixed-Use Zones Allowed Uses and Permit Requirements

The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

<u>Key:</u>			A = Director Review and Approval: N =		
		equirement Zone			
Land Use	<u>MX-1</u>	<u>MX-2</u>	Additional Regulations		
Community Care Facility, Large (up to six residents)	<u>P</u>	<u>P</u>	California Welfare and Institutions Code Sections 5115 – 5120		
Employee Housing, up to six residents	<u>P</u>	<u>P</u>			
Home Occupation	<u>P</u>	<u>P</u>	<u>17.04.330</u> <u>17.63</u>		
Low Barrier Navigation Center	<u>P</u>	<u>P</u>	Gov. Code Section 65660-65668		
Mobile Home Parks/Travel Trailer Parks	CUP	N			
Multi-Unit Dwellings (standalone or incorporated)	<u>P</u>	<u>P</u>			
Single-Room Occupancy Units	<u>P</u>	<u>P</u>			
Supportive Housing	<u>P</u>	<u>P</u>	Gov. Code Section 65651		
Transitional Housing	<u>P</u>	<u>P</u>	Gov. Code Section 65651		
C-1 Neighborhood Commercial Zone Uses		•			
C-1 Uses Permitted	<u>P</u>	<u>n/a</u>	<u>17.22.020</u>		
C-1 Uses Permitted Subject to Planning Director Review and Approval	DRA	<u>n/a</u>	<u>17.22.030</u>		
C-1 Uses Permitted Only by Conditional Use Permit	CUP	<u>n/a</u>	<u>17.24.040</u>		
C-2 Regional Commercial Zone Uses					
<u>C-2 Uses Permitted</u>	<u>n/a</u>	<u>P</u>	<u>17.24.020</u>		
C-2 Uses Permitted Subject to Planning Director Review and Approval	<u>n/a</u>	DRA	<u>17.24.030</u>		
C-2 Uses Permitted Only by Conditional Use Permit	<u>n/a</u>	CUP	<u>17.24.040</u>		

#### <u>Table 17.12-1</u> <u>Mixed-Use Zones Allowed Uses and Permit Requirements</u>

All permitted uses and regulations in the R S 1A (residential suburban one acre minimum lot size) zone shallbe the same as the R 1 and R S zones except that the minimum lot size shall not be less than one acre. (Prioreode § 17.14.020)

## 17.12.030 <u>Mixed-Use Zone Development Standards</u>R-S-2.5A (residentialsuburban two-and-one-half-acre minimum lot size) zone.

A. Table 17.12-2 Mixed-Use Zone Development Standards. The intent of the mixed-use zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the mixed-use zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

<u>B.</u> Density. Maximum density standards shall be consistent with this Title, the General Plan (or applicable Master Plan, Specific Plan, or Area Plan).

					Developi					
	(minimum unless otherwise specified)									
77		Parcel		Distance between Structures (min. ft.)			Setbacks (min. ft.)			
Zone	Parcel Area (min square feet	Area per Dwelling	<u>Height</u> (max. ft.)	Between	<u>Between</u> Dwelling/	Between	Front_	<u>Side</u> ( <u>ft.)</u>	Side-Corner (ft.)	<u>Rear</u> (ft.)
	<u>or acres)</u>	(min square feet)	<u>11.)</u>	<u>Dwelling</u> <u>Units</u>	<u>Accessory</u> <u>Units</u>	<u>Accessory</u> <u>Units</u>	<u>(ft.)</u>	<u>1</u>	<u>Adjacent to:</u> <u>Commercial Zone /</u> Non-Commercial Zone	
<u>MX-1</u>	<u>N/A</u>	<u>N/A</u>	<u>75</u>	<u>10</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>5/10</u>	<u>5/10</u>	<u>10/15</u>
<u>MX-2</u>	<u>N/A</u>	<u>N/A</u>	<u>120</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0</u>	<u>5/10</u>	<u>0/10</u>	<u>5/15</u>
Other Applicable Regulation	17.12.040									
				Additio	nal Regula	<u>itions</u>				
Regulation				Section or Chapter						
Accessory Dy	welling Units				<u>Chapter 17.65</u>					
Accessory Str	ructures				Section 17.08.130					
Fences, Walls, and Hedges				Section 17.08.180						
Height of Buildings				<u>Section 17.08.110</u>						
Landscape Standards				<u>Chapter 17.61</u>						
Multi-Unit Dwelling Objective Design Standards				<u>Chapter 17.14</u>						
Off-Street Parking and Loading				<u>Chapter 17.58</u>						
Street Setback Exceptions Yard Encroachments				<u>Section 17.08.125</u> Section 17.08.170						
Signs				<u>Section 17.68.170</u> Chapter 17.60						
<u>orgns</u>					Chapter 17	.00				

# Table 17.12-2 Mixed-Use Zones Development Standards

A. *Uses Permitted.* All permitted uses and regulations in the R-S-2.5A (residential suburban two and onehalf-acre minimum lot size) zone shall be the same as the R-1, R-S and R-S-1A zones, except that the minimum lot size shall not be less than two and one-half acres.

B. *Uses Permitted Subject to Planning Director Review and Approval.* The following uses may be permitted subject to review and approval by the planning director:

1. Nurseries and greenhouses, but not including any salesrooms or other buildings used for the sales of the products produced;

2. Public utility or public service buildings, structures and uses;

3. Public and private parks, playgrounds, golf courses and accessory buildings or structures necessary tosuch uses; 4. Temporary recreational uses (not to exceed sixty calendar days in any twelve-month period).

C. Uses Permitted Only by Conditional Use Permit. While any use may be permitted by conditional usepermit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the R-S-2.5Azone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> ofthis code:

1. Commercial stables;

2. Permanent recreational facilities.

(Ord. 3964 § 13, 2000; Ord. 2698 § 2, 1982; prior code § 17.14.030)

# 17.12.040 <u>Other Applicable Regulations and Standards</u>R-S-5A (residential suburban five-acre minimum lot size) zone.

#### A. MX-1 – Mixed-Use Neighborhood Zone.

Additional Standards per the Allowable Uses in Table 17.12-2.

1. Accessory Structures.

a. The accessory buildings or structures necessary for such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons and employees of the above stores or businesses.

2. Caretaker Unit.

a. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel.

#### Additional Development Standards per those in Table 17.10-2.

3. Side Setback.

a. The side and side-corner setback shall be a minimum of 10 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone.

4. Rear Setback.

a. The rear setback shall be a minimum of 15 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone. If the lot abuts a commercial zone the rear setback can be 10 feet.

5. Multi-Story Step-backs.

a. A minimum step-back of three feet is required for all structures greater than two stories on all elevations of the structure on no less than 60 percent of the first story structure's wall length.

#### 6. Separation of Uses.

a. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet.

#### 7. Rooftop Equipment.

a. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of 50 percent or more of the roof structure or an addition of 50 percent or more to the floor area of the commercial structure.

#### 8. Encroachments.

a. An Encroachment Permit is required for any sidewalk uses including, but not limited to those identified in Table 17.12-3.

Regulation	
Sills, eaves, cornices, canopies, and other similar architectural features 8 feet or more above surface grade	Allowed in setback area
Movable tables, chairs, umbrellas, outdoor heaters (outdoor seating) as allowed with an Encroachment Permit	Allowed in setback area
Movable partitions or planters to define an outdoor seating area	Allowed in setback area
Bicycle racks	Allowed in setback area
Trees and tree wells	Allowed in setback area
Planters and planting beds extending not more than 18 inches into the setback area and not more than 18 inches in height above grade	Allowed in setback area
Bay windows, on a foundation or cantilevered, chimneys, or wells for basement windows or stairs, occupying in the aggregate not more than 20 percent of the length of the side of the structure on which they are located.	Allowed in setback area
Utility structures	Allowed in setback area

# Table 17.12-3 Mixed-Use Zone Setback Encroachments

#### B. MX-2 – Mixed-Use Transit Zone.

Additional Development Standards per those in Table 17.10-2.

#### 1. Side Setback.

a. The side and side-corner setback shall be a minimum of 10 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone.

#### 2. Rear Setback.

a. The rear setback shall be a minimum of 15 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone. If the lot abuts a commercial zone the rear setback can be 5 feet.

All permitted uses and regulations in the R S-5A (residential suburban five acre minimum lot size) zone shallbe the same as for the R-S-2.5A zone, except that the minimum lot size shall not be less than five acres. Usespermitted in the R-S-2.5A zone subject to planning director review and approval or conditional use permit aresimilarly permitted in this zone. (Ord. 2698 § 5, 1982)

#### 17.12.050 R-S-10A (residential suburban ten-acre minimum lot size) zone.

All permitted uses and regulations in the R-S-10A (residential suburban ten-acre minimum lot size) zone shallbe the same as for the R-S-2.5A zone, except that the minimum lot size shall not be less than ten acres. Usespermitted in the R-S-2.5A zone subject to planning director review and approval or conditional use permit aresimilarly permitted in this zone. (Ord. 2697 § 6, 1982)

#### 17.12.060 Temporary animal permits.

A. The breeding and raising of animals in numbers greater than those allowed by Section <u>17.12.010</u> of this chapter, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization, shall be permitted upon submission of an application for a temporary animal permit to and approval by the planning director in accordance with the procedures set forth in this section.

B. An application for a temporary animal permit shall include the following:

1. The name and address of the applicant;

2. Name and age of minor raising the animal(s);

3. The name(s) and address(es) of the property owner(s) or legal description of the subject property;

4. Assessor's parcel number;

5. Name of the organization sponsoring the minor, including name, phone number, and acknowledgement from the sponsor that the minor is engaging in an activity under their program;

6. A plot plan showing the location of proposed pens, coops or areas for the breeding and raising of animals in relation to existing residences and other buildings and structures within one hundred feet of pens, coops or areas housing livestock.

C. A temporary animal permit shall be issued by the planning director under the following conditions:

1. The minor shall be sponsored by a bona fide organization such as, but not limited to, Future Farmersof America, 4-H Club, Cow-Belles and Junior Farmer.

2. The increase in animal density shall not exceed the density allowed by Section <u>17.12.010</u> of this chapter by more than fifty percent; provided, however, that at least two and no more than six additional animals shall be allowed.

3. The planning director may permit the raising of one swine provided all other standards in this chapterare satisfied.

4. The written consent of the owners or occupants of all abutting property shall be obtained.

5. The applicant shall allow inspection of animal maintenance facilities by the city and any animal control agencies during the effective period of the permit upon request.

6. Each additional animal authorized by the temporary animal permit over the allowable animal density specified in Section <u>17.12.010</u> of this chapter shall be removed upon expiration of the permit.

D. Any permit issued pursuant to this section may be revoked or modified whenever the planning director has a reasonable suspicion that any person to whom such permit has been issued has violated any of the provisions of this chapter. Notification of such revocation or modification shall be served by certified mail upon the permit-holder, and shall be effective upon mailing. Such revocation or modification may be appealed to the city council within ten days of receipt of notification of such revocation or modification.

E. All temporary animal permits shall be effective for a period not to exceed six months from the effective date of the permit. No more than one such permit shall be approved for any lot within a one year period. (Ord. 3465 § 2, 1992)

## Chapter 17.14

# R-2 LIMITED MULTIPLE-FAMILY DWELLING ZONEMULTI-UNIT RESIDENTIAL OBJECTIVE SITE DESIGN STANDARDS

#### Sections:

17.14.010	Purpose and Intent <del>Generally.</del>
17.14.020	Required Amenities for All Multi-Unit Dwelling ProjectsUses permitted.
<del>17.14.025</del>	Uses permitted only by conditional use permit.
<del>17.14.026</del>	Additional requirements.
17.14.030	Multi-Unit Objective Standards Applicable to the R-2 and R-3 ZonesBuilding height.
17.14.040	Multi-Unit Objective Standards Applicable to the R-4, R-5, R-6, MX-1, and MX-2
	ZonesFront yard.
<del>17.14.050</del>	- Side yards.
<del>17.14.060</del>	<del>Rear yard.</del>
<del>17.14.070</del>	- Minimum lot area.
<del>17.14.080</del>	Distance between buildings on the same lot.

#### 17.14.010 <u>Purpose and IntentGenerally</u>.

A. Purpose and Intent. The purpose of Multi-Unit Objective Design Standards is to provide developers with a clear understanding of the City's expectations for all multi-unit residential project design. The design standards are written as objective requirements that use "shall" and "will" statements to confer mandatory compliance, opposed to the more permissive/subjective language. Accordingly, all multi-unit residential projects shall comply with each objective design standard. Importantly, the design standards regulate site and structure design only. All multi-unit residential projects are required to comply with all applicable building permit requirements, zoning ordinance requirements, development standards (e.g., ingress/egress, height and setbacks, drainage, etc.), and all other applicable City regulations.

The regulations set out in this chapter shall apply in the R-2 limited multiple family dwelling zone unlessotherwise provided in this title. (Prior code § 17.15.010)

# 17.14.020 <u>Required Amenities for All Multi-Unit Dwelling Projects</u><del>Uses</del>permitted.

<u>A. Purpose. All multi-unit dwelling projects shall include a mixture of amenities and open space</u> (private/public) components based on a points system. Projects shall select amenities out of the list provided in

Table 17.14-2 below based on the required points for the size of the proposed development as shown in Table 17.14-1.

B. Swimming Pool Requirements. Swimming pools are required for multi-unit residential developments with 51 or more dwelling units, in addition to the required amenities and points associated with each amenity in Tables 17.14-1 and 17.14-2.

#### <u>C. Table 17.14-1</u> <u>Multi-Unit Dwelling Project Size and Required Amenities</u>

Size of Project (number of dwelling units)	Points Value (minimum)
<u>1-10</u>	<u>25</u>
<u>11-25</u>	<u>75</u>
<u>26-50</u>	<u>125</u>
<u>51-100</u>	<u>150</u>
<u>101 and up</u>	200

<u>Type of Amenity</u>	Points Value per Amenity
Courtyard	-
With seating and/or tables for at least 4 people	25
With seating and/or tables for at least 10 people	35
With seating and/or tables for at least 20 people	50
Pergola, shade, trellis, or arbor structure (maximum height of	<u>15</u>
<u>10 feet)</u>	
Tot Lot with at least 3 pieces of play equipment including	<u>35</u>
slides, swings, monkey bars, climbing walls, etc.	
Community Garden with at least five garden beds measuring	<u>20</u>
25 square feet each	
Permanent affixed barbecue (per barbeque unit)	<u>15</u>
Outdoor kitchen with a countertop, sink, an appliance and	<u>50</u>
seating and tables for at least 10 people	
Sports Courts	<u>_</u>
<u>Tennis Court</u>	<u>50</u>
<u>Pickleball Court</u>	<u>25</u>
<u>Basketball</u>	<u>50</u>
<u>Bocce ball</u>	<u>30</u>
Swimming Pool	<u>80</u>
Hot tub	<u>40</u>
Splash Pad Fountain no smaller than 50 square feet	<u>25</u>
Open Lawn Areas no smaller than 100 sq ft	<u>10</u>
Amphitheater seating for at least 25 people	75
Podium Outdoor Area	<u>40</u>
Rooftop Outdoor Area	<u>65</u>
Community Room	
Library Room with bookshelves and seating for at	20
least 5 people	
Media Room with television and seating for at least	25
<u>10 people</u>	
Game Room with a least two game tables or consoles	35
Gathering Room with countertop, cabinets, and sink	<u>50</u>
Gym/Fitness Room with at least 5 pieces of gym	50
equipment	
Co-working space with wi-fi, tables and seating for	75
at least 8 people, and a bathroom	
Bicycle Lockers	<u>20</u>
Package Lockers	10
On-site laundry facilities	20
Pet Washing Stations for up to a minimum of two 50 lb dogs	20
Fenced Dog Park with trash can	-
Measuring at least 50 feet by 20 feet	25
Measuring at least 100 feet by 20 feet with a dog	45
waste bag dispenser and dog water fountain.	_
Yoga room	10

#### <u>Table 17.14-1</u> <u>Multi-Unit Dwelling Amenities Points System</u>

The following uses are permitted in an R-2 zone:

A. Any use permitted in an R-1 zone;

B. Limited multiple family dwellings;

C. The accessory buildings or structures necessary to such use, located on the same lot or parcel or land. Accessory buildings on lots developed with one family dwellings shall not exceed twelve percent of the area of the lot. (Ord. 3681 § 2, 1995; prior code § 17.15.020)

#### 17.14.025 Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-2 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Roominghouse. (Ord. 5008 § 4, 2020)

#### 17.14.026 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code. In addition, projects with four units or less a block wall and landscaping is required along arterial streets.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. For multiple family dwellings with four units or less, the living room, main entrance and windows for the street facing end unit and side units must face the street and public sidewalk. For all units, utility and other-mechanical equipment shall not be visible from the street, and architectural elevations for adjacent buildings-shall be significantly different (i.e.: different elevation, roof types, colors, or other structural elements.) This requirement shall not apply to any lot less than ten thousand square feet and, that is not part of, or adjacent to-multi-family subdivisions or other multi-family projects that existed prior to the effective date of this ordinance. Duplexes and triplexes shall comply with these requirements regardless of lot size, location or-adjacent development. Refuse containers shall not be located within the front yard, and if visible from the street shall be located within a masonry enclosure with metal gates.

F. Each multi-family development shall provide and maintain a minimum of twenty percent of the gross area of the site as open space. This shall include two hundred square feet of contiguous landscape space per lot, not-

less than twenty feet in width or depth at any point. Open space shall not be deemed to include buildings, driveways, parking areas, or other surfaces designed or intended for vehicular travel. Required front building-setbacks and street frontage setbacks shall not be included in calculating usable open space. This requirement-shall not apply to any lot less than ten thousand square feet and, that is not part of, or adjacent to multi-family-subdivisions or other multi-family projects that existed prior to the effective date of this section.

G. A solid masonry wall constructed at a minimum height of six feet from highest grade shall be required formulti-family development proposed where the rear or side property line separates a lot zoned R-1, R-2 of asingle family character, MH or a PUD project of a single-family character. Any wall located within or alongthe front yard area shall not exceed a height of four feet. This requirement shall not apply to any lot less thanten thousand square feet and, that is not part of, or adjacent to multi-family subdivisions or other multi-familyprojects that existed prior to the effective date of this section. (Ord. 4104 §§ 1-3, 2003; Ord. 3925 § 1, 1999; Ord. 3875-§§ 3, 4, 1998; Ord. 3835 § 7, 1998; Ord. 2699 § 1, 1982)

# 17.14.030Multi-Unit Objective Standards Applicable to the R-2 and R-3ZonesBuilding height.

#### A. Connectivity.

1. Vehicular Circulation.

a. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development. Developments are not required to share driveways with neighboring properties.

b. Parking areas shall not be located in the front setback area.

c. Side and rear parking areas visible from a street shall include a minimum two-foot landscape buffer including a planting strip; a screening feature, such as a hedge, that is three feet high; and trees planted every 30 lineal feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3) in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be of evergreen variety to provide screening throughout the year.

#### d. Parking Lot Shade.

i.One shade tree shall be planted for every six parking spaces.

ii.A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter.

iii.Covered parking areas with solar capture technology are exempt from this requirement.

2. Pedestrian/Bicycle Circulation.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

c. Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.

3. Fences and Walls.

a. The following materials are prohibited for all fences and walls:

i.Electrified fencing; ii.Barb wire/razor wire; iii.Fencing using other sharp objects such as spires and glass; iv.Cyclone fencing; v.Vinyl; and vi.Chain link. vii.Materials not originally intended as fencing materials, such as pallets, corrugated metal or fiberglass, plywood or particle board sheeting, plastic tarps, sailcloth etc. 4. Glazing. a. Structures shall incorporate the use of energy efficient glazing on windows and glass doors to reduce heat loss and gain. 5. Multi-Unit Dwellings Trash and Recycling Enclosures. a. Trash and recycling enclosures shall include the following: i.Constructed with masonry walls with finished metal doors. Masonry walls and metal doors shall be painted in accordance with the approved color palette for the project. ii.Both a vehicle access gate and pedestrian access gate. iii.Downward lighting for safety and security. 6. Multi-Unit Dwelling Storage Spaces. a. A minimum of 10 square feet (80 cubic feet) of outdoor storage space accessible from each unit's ground floor patio or upper floor balcony shall be provided for all units. b. Outdoor storage areas shall be covered and able to be locked. 7. Outdoor Lighting. a. Pedestrian-oriented lighting shall be provided in active pedestrian areas (i.e., paseos, sidewalks, pathways, etc.) b. Lighting for upper floor unit entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level. c. Pedestrian pathway lighting features shall not exceed eight feet in height. d. Lighting in parking areas shall not exceed 16 feet in height. e. Active pedestrian areas shall incorporate free-standing lighting separate from structures. f. Bicycle parking areas shall be illuminated. g. Pedestrian pathways shall have illumination levels of 0.5 foot-candles as a maintained minimum at the walking surface to identify any level changes or changes in walking conditions. h. Overhead sports court lighting shall illuminate only the intended area. i. Light trespass onto neighboring lots is prohibited. j. Outdoor lighting shall use energy efficient lighting technology and shall be shielded downward to reduce glare and light pollution. k. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night. 1. Exposed bulbs are prohibited. m. Colored bulbs and lenses are prohibited. 8. Primary Structure Entrances. a. Entry Lighting. i.All primary structure entrances shall include dusk to dawn lighting for safety and security.

b. Interior-Facing Structures.

- i.The primary entrance of each interior-facing structure shall be oriented to paseos, courtyards, pathways, and active landscape areas.
- ii.For safety, units not facing the street shall be oriented to provide visual access to entryways, pedestrian pathways, recreation areas, and common facilities from private dwelling units.
- c. Street-Facing Structures.
  - i.Structures at the street shall have a front entry oriented to the street.
- 9. Property Access.

a. If parking facilities are provided, there shall be vehicular access from a dedicated and improved street, easement, or alley to off-street parking facilities.

10. Crime Prevention through Environmental Design (CPTED).

a. To provide "eyes on the street" surveillance, the largest window or group of windows of a minimum of one of the following rooms shall view the street: living room, dining room, family room, or kitchen.
b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and roads.

<u>11. Signs.</u>

a. Entryways, structure addresses, amenities, and individual units shall be identified with signage.

b. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways.

c. All signs shall comply with Chapter 17.60 of the Zoning Code.

12. Structure Orientation.

a. Structures shall incorporate parcel design measures that reduce heating and cooling needs by orienting structures (both common facilities and private dwelling units) on the parcel to reduce heat loss and gain depending on the time of day and season of the year.

Building heights in an R-2 zone shall not exceed thirty-five feet. (Ord. 4301 § 1, 2006; prior code § 17.15.030)

# 17.14.040Multi-Unit Objective Standards Applicable to the R-4, R-5, R-6, MX-<br/>1, and MX-2 ZonesFront yard.

A. Connectivity.

1. Vehicular Circulation. If parking is proposed for the mulit-unit residential development, the following vehicular standards shall be implemented:

a. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development. Developments are not required to share driveways with neighboring properties.

b. Parking areas shall not be located in the front setback area.

c. Side and rear parking areas visible from a street shall include a minimum two foot landscaped buffer including a planting strip; a screening feature, such as a hedge, that is three feet high; and trees planted every 30 lineal feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3)

in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be of evergreen variety to provide screening throughout the year.

d. Parking Lot Shade.

i.One shade tree shall be planted for every six parking spaces. A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter.

ii.Covered parking areas with solar capture technology are exempt from this requirement.

2. Pedestrian circulation.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

<u>c.</u> Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.3. Glazing.

a. Structures shall incorporate the use of energy efficient glazing on windows and glass doors to reduce heat loss and gain.

4. Ground Floor Commercial Spaces.

a. Mixed-used structures with nonresidential ground floor uses shall design the ground floor with minimum 15-foot ceiling height to accommodate a variety of uses.

5. Fences and Walls.

a. The following materials are prohibited for all fences and walls:

i.Electrified fencing;

ii.Barb wire/razor wire;

iii.Fencing using other sharp objects such as spires and glass;

iv.Cyclone fencing;

v.Vinyl; and

<u>vi.Chain link.</u>

vii.Materials not originally intended as fencing materials, such as pallets, corrugated metal or fiberglass, plywood or particle board sheeting, plastic tarps, sailcloth etc.

6. Outdoor Lighting.

a. Pedestrian-oriented lighting shall be provided in active pedestrian areas (i.e., paseos, sidewalks, pathways, etc.)

b. Lighting for upper floor unit entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level.

c. Pedestrian pathway lighting features shall not exceed eight feet in height.

d. Lighting in parking areas shall not exceed 16 feet in height.

e. Active pedestrian areas shall incorporate free-standing lighting separate from structures.

f. Bicycle parking areas shall be illuminated.

g. Pedestrian pathways shall have illumination levels of 0.5 foot-candles as a maintained minimum at the walking surface to identify any level changes or changes in walking conditions.

h. Overhead sports court lighting shall illuminate only the intended area. Light trespass onto neighboring lots is prohibited.

i. Outdoor lighting shall use energy efficient lighting technology and shall be shielded downward to reduce glare and light pollution.

j. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night.

k. Exposed bulbs are prohibited.

1. Colored bulbs and lenses are prohibited.

7. Multi-Unit Dwelling Storage Spaces.

a. A minimum of 10 square feet (80 cubic feet) of outdoor storage space accessible from each unit's ground floor patio or upper floor balcony shall be provided for all units.

b. Outdoor storage areas shall be covered and able to be locked.

8. Parking Structures.

a. If parking structures are proposed as part of the multi-unit residential development, the parking structure openings on each level shall be screened with decorative paneling or vertical vegetation (e.g., vines).

9. Crime Prevention through Environmental Design (CPTED).

a. To provide "eyes on the street" surveillance, the largest window or group of windows of a minimum of one of the following rooms shall view the street: living room, dining room, family room, or kitchen.
b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and roads.

10. Screening.

a. All screening of ground-mounted and roof-mounted equipment shall be painted in accordance with the approved color palette for the project.

11. Signs.

a. Entryways, structure addresses, amenities, and individual units shall be identified with signage. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways.

b. All signs shall comply with Chapter 17.60 of the Zoning Code.

12. Street-facing façade transparency.

a. Mixed-use structures with ground floor commercial uses shall have windows that make up a minimum of 60 percent of the ground floor frontage.

13. Structure Entry.

a. All structures located adjacent to a street shall have at least one primary entry door facing the sidewalk.

b. All ground floor entrances shall include a direct connection to the sidewalk.

c. Exterior stairways/stairwells that are not enclosed shall not be visible from the public right-of-way.

14. Trash and Recycling Enclosures.

a. All trash and recycling enclosures shall include the following:

- i.Constructed with masonry walls with finished metal doors. Masonry walls and metal doors shall be painted in accordance with the color palette submitted for the project.
- ii.Both a vehicle access gate and pedestrian access gate.

iii.Downward lighting for safety and security.

iv.Separated from adjacent parking stalls by a minimum 3-foot-wide planter with low growing native plants.

A. Except as otherwise provided in Section <u>17.08.125</u>, there shall be a front yard of not less than fifteen feetin depth measured from the front lot line. If a garage or carport opening faces a public or private street, suchgarage or carport whether attached to or detached from the main building, shall be set back not less thantwenty feet. However, the garage/carport provision shall not apply to homes located within Tract 5728.

B. The front yard setback shall be determined by the intersection of the first or each successive story with a forty-five degree airspace diagonal as defined in Section <u>17.04.035</u>. Roofs, parapets and appurtenances may not extend more than ten feet beyond the air space diagonal.

C. For multiple-family dwellings with four units or less front yard setbacks shall be a minimum of fifteen feet and shall have an average setback of twenty feet or every third lot shall have a front yard setback of twentyfeet. (Ord. 3875 § 1, 1998; Ord. 3539 § 3, 1993; Ord. 2699 § 2, 1982; prior code § 17.15.040)

#### 17.14.050 Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport, whether attached to or detached from the main building, shall be set back not less than twenty feet.

C. For multiple family dwellings only, where the side yard separates a lot in an R-2 zone from an adjacent lot zoned R-1, E, MH, or a PUD or R-2 project of one family character with private rear and/or side yards, the side yard shall not be less than ten feet for the first story and twenty five feet for the second and additional stories. (Ord. 3797 § 1, 1997; Ord. 3681 § 2, 1995; Ord. 3539 § 4, 1993; prior code § 17.15.050)

#### 17.14.060 Rear yard.

A. There shall be a rear yard upon each lot in an R-2 zone behind every main building of not less than twentyfive feet or twenty percent of the depth of the lot, whichever is less; provided, however, the rear yard may bereduced to five feet if not more than fifty percent of the lot is covered by buildings or structures.

B. For multiple family dwellings only, where the rear property line separates a lot in an R-2 zone from an adjacent lot zoned R-1, E, MH or a PUD or R-2 project of one family character with private rear and/or sideyards, the rear yard shall not be less than ten feet for the first story and twenty-five feet for the second andadditional stories. (Ord. 3681 § 2, 1995; Ord. 2980 § 1, 1985; prior code § 17.15.060)

#### 17.14.070 Minimum lot area.

A. For multiple family dwellings with five units or more per lot the minimum lot area shall be not less thansix thousand square feet, and the minimum lot area shall be not less than two thousand five hundred square feet per dwelling unit. When a nonconforming lot has less than six thousand square feet and was recorded in theoffice of the county recorder at the time of the passage of the ordinance codified in this section, said lot may be occupied by not more than one dwelling unit for each two thousand five hundred square feet.

B. For one family dwellings the minimum lot size may be reduced to four thousand five hundred square feetper dwelling unit in accordance with Section <u>16.28.170(O)(3)</u>. (Ord. 4232 § 7, 2005; Ord. 4104 § 6, 2003; Ord. 3875-§ 2, 1998; Ord. 3681 § 2, 1995; Ord. 2699 § 3, 1982; prior code § 17.15.070)

#### **17.14.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-2 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted, however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 14, 2000; prior code § 17.15.080)

## Chapter 17.16

#### **<u>RESERVED</u>R-3 MULTIPLE-FAMILY DWELLING ZONE**

#### Sections:

<del>17.16.010</del>	-Generally.
<del>17.16.020</del>	Uses permitted.
<del>17.16.025</del>	Uses permitted only by conditional use permit.
<del>17.16.026</del>	Additional requirements.
<del>17.16.030</del>	Building height.
<del>17.16.040</del>	Front yard.
<del>17.16.050</del>	Side yards.
<del>17.16.060</del>	<del>-Rear yard.</del>
<del>17.16.070</del>	Minimum lot area.
<del>17.16.080</del>	-Distance between buildings on the same lot.

#### 17.16.010 Generally.

The regulations set out in this chapter shall apply in the R-3 multiple family dwelling zone unless otherwise provided on this title. (Ord. 4302 § 2, 2006; prior code § 17.17.010)

#### 17.16.020 Uses permitted.

The following uses are permitted in an R-3 zone:

A. Any use permitted in the R-1 and R-2 zones;

B. Multiple-family dwellings and apartment houses;

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Priorcode § 17.17.020)

#### **17.16.025** Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-3 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Roominghouse. (Ord. 5008 § 5, 2020)

#### **17.16.026** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. A solid masonry wall constructed at a minimum height of six feet from highest grade shall be required formulti-family development proposed where the rear or side property line separates a lot zoned R-1, R-2 of asingle-family character, MH or a PUD project of a single-family character. Any wall located within or alongthe front yard area shall not exceed a height of four feet. This requirement shall not apply to any lot less thanten thousand square feet and, that is not part of, or adjacent to multi-family subdivisions or other multi-familyprojects that existed prior to the effective date of the ordinance codified in this section. (Ord. 4910 § 1, 2017; Ord. 3835 § 8, 1998; Ord. 2700 § 1, 1982)

#### 17.16.030 Building height.

Building heights in an R-3 zone shall not exceed forty-five feet. (Ord. 4302 § 3, 2006; prior code § 17.17.030)

#### **17.16.040** Front yard.

A. Except as otherwise provided in Section <u>17.08.125</u>, there shall be a front yard of not less than fifteen feetin depth measured from the front lot line. If a garage or carport opening faces a public or private street, suchgarage or carport whether attached to or detached from the main building, shall be set back not less thantwenty feet.

B. The front yard setback shall be determined by the intersection of the first or each successive story with a forty-five degree airspace diagonal as defined in Section <u>17.04.035</u>. Roofs, parapets and appurtenances may not extend more than ten feet beyond the air space diagonal. (Ord. 3539 § 5, 1993; Ord. 2700 § 2, 1982; prior code-§ 17.17.040)

#### **17.16.050** Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport whether attached to or detached from the main building, shall be set backnot less than twenty feet. (Ord. 3539 § 6, 1993; prior code § 17.17.050)

#### 17.16.060 Rear yard.

There shall be a rear yard upon each lot in an R-3 zone behind every main building of not less than fifteen feet; provided, however, except where the rear property line separates a lot in an R-3 zone from an adjacent lotzoned R-1, R-S, R-S-1A, MH or a PUD project of single family character with private rear and/or side yards, the rear yard may be reduced to five feet if not more than fifty five percent of the lot is covered by buildings or structures. Whenever the rear property line separates the lot from a lot described in the above exception, the rear yard shall be not less than ten feet for the first story and twenty-five feet for any second and additional stories. (Ord. 2980 § 2, 1985; prior code § 17.17.060)

### 17.16.070 Minimum lot area.

A. The minimum lot area shall be not less than six thousand square feet, and the minimum lot area shall be not less than one thousand two hundred fifty square feet per dwelling unit. When a nonconforming lot has less than six thousand square feet and was recorded in the office of the county recorder at the time of passage of the ordinance codified in this section, such lot may be occupied by not more than one dwelling unit for each one thousand two hundred fifty square feet.

B. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of saidalley.

C. A lot may be less than the minimum provided it is a lot shown on a recorded subdivision map approved by the city. (Ord. 2700 § 3, 1982; prior code § 17.17.070)

#### **17.16.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-3 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted, however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 15, 2000; prior code § 17,17.080)

# Chapter 17.18

# **<u>RESERVED</u>R-4 HIGH DENSITY MULTIPLE-FAMILY DWELLING ZONE**

Sections:

<del>17.18.010</del>	-Generally.
<del>17.18.020</del>	Uses permitted.
<del>17.18.025</del>	Uses permitted only by conditional use permit.
<del>17.18.026</del>	Additional requirements.
<del>17.18.030</del>	Building height.
<del>17.18.040</del>	Front yard.
<del>17.18.050</del>	Side yards.
<del>17.18.060</del>	-Rear yard.
<del>17.18.070</del>	Minimum lot area.
<del>17.18.080</del>	Distance between buildings on the same lot.

### 17.18.010 Generally.

The restriction set out in this chapter shall apply in the R-4 high density multiple family dwelling zone unlessotherwise provided in this title. (Ord. 4303 § 2, 2006; prior code § 17.19.010)

### 17.18.020 Uses permitted.

The following uses are permitted in an R-4 zone:

- A. Any use permitted in the R-1, R-2 or R-3 zones;
- B. Any of the following uses:
  - 1. Apartment house,
  - 2. Apartment hotel,
  - 3. Church,

4. School, elementary or high,

5. Residential facility housing groups of people with disabilities as required to be permitted by federallaw, 6. Roominghouse,

7. Institutions of educational, philanthropic or charitable nature,

8. Lodge halls and private clubs, excepting clubs the chief activity of which is a service customarilycarried on as a business;

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Ord. 3964 § 16, 2000; Ord. 3362 § 1, 1991; Ord. 3324 § 1, 1990; prior code § 17.19.020)

### 17.18.025 Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-4 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Certified farmers markets;

2. Food and/or shelter service as defined in Section 17.04.285;

3. Residential facilities housing seven or more juveniles or adults in custody or court-ordered livingrestrictions for violations of local, state and federal law, including, but not limited to, halfway houses and detention centers. (Ord. 5008 § 5, 2020; Ord. 3746 § 3, 1997; Ord. 3362 § 2, 1991; Ord. 3324 § 2, 1990; Ord. 3174 § 2, 1988; Ord. 2818 § 2, 1983)

### **17.18.026** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. A solid masonry wall constructed at a minimum height of six feet from highest grade shall be required formulti-family development proposed where the rear or side property line separates a lot zoned R-1, R-2 of asingle-family character, MH or a PUD project of a single-family character. Any wall located within or alongthe front yard area shall not exceed a height of four feet. This requirement shall not apply to any lot less thanten thousand square feet and, that is not part of, or adjacent to multi-family subdivisions or other multi-familyprojects that existed prior to the effective date of the ordinance codified in this section. (Ord. 4910 § 2, 2017; Ord. 3835 § 9, 1998; Ord. 2701 § 1, 1982)

#### 17.18.030 Building height.

Building heights in an R-4 zone shall not exceed sixty five feet. (Ord. 4303 § 3, 2006; Ord. 2701 § 2, 1982; prior code § 17.19.030)

### **17.18.040** Front yard.

A. Except as otherwise provided in Section <u>17.08.125</u>, there shall be a front yard of not less than fifteen feetin depth measured from the front lot line. If a garage or carport opening faces a public or private street, suchgarage or carport whether attached to or detached from the main building, shall be set back not less thantwenty feet.

B. The front yard setback shall be determined by the intersection of the first or each successive story with a forty-five degree airspace diagonal as defined in Section <u>17.04.035</u>. Roofs, parapets and appurtenances may not extend more than ten feet beyond the air space diagonal. (Ord. 3539 § 7, 1993; Ord. 2701 § 2, 1982; prior code § 17.19.040)

#### 17.18.050 Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport whether attached to or detached from the main building, shall be set backnot less than twenty feet. (Ord. 3539 § 8, 1993; prior code § 17.19.050)

### 17.18.060 Rear yard.

There shall be a rear yard upon each lot in an R-4 zone behind every main building of not less than fifteen feet; provided, however, except where the rear property line separates a lot in an R-4 zone from an adjacent lotzoned R-1, R-S, R-S-1A, MH, or a PUD project of single-family character with private rear and/or side yards, the rear yard may be reduced to five feet if not more than sixty percent of the lot is covered by buildings orstructures. Whenever the rear property line separates the lot from a lot described in the above exception, therear yard shall not be less than ten feet for the first story and twenty-five feet for any second and additionalstories. (Ord. 2980 § 3, 1985; prior code § 17.19.060)

### 17.18.070 Minimum lot area.

A. The minimum lot area shall be not less than six thousand square feet, and the minimum lot area shall be not less than six hundred square feet per dwelling unit. When a nonconforming lot has less than six thousand square feet and was recorded in the office of the county recorder at the time of the passage of the ordinance codified in this section, such lot may be occupied by not more than one dwelling unit for each six hundred square feet.

B. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of the alley.

C. A lot may be less than the minimum provided it is a lot as shown on a recorded subdivision map approved by the city. (Ord. 2701 § 3, 1982; prior code § 17.19.070)

#### **17.18.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-4 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted; however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 17, 2000; prior code § 17.19.080)

# **Chapter 17.19**

## <u>RESERVED</u> RH (RESIDENTIAL HOLDING) ZONE

Sections:

<del>17.19.010</del>	Generally.
<del>17.19.020</del>	Uses permitted.
<del>17.19.030</del>	Building height, yards and distance between buildings.
<del>17.19.040</del>	Minimum lot area.

#### **17.19.010** Generally.

The following regulations shall apply in the RH (residential holding) zone unless otherwise provided in thistitle. This zone is intended to be used to retain large undeveloped or underdeveloped land areas for futureurban development. Once development is proposed, a change of zoning will be required to zone districtsconsistent with the general plan. This will ensure that development progresses in an orderly and logical manner eonsistent with the city's growth policies. The RH zone is considered agricultural in nature as it will allowboth agricultural and petroleum resource uses to continue their operations until such time urbanization takesplace. (Ord. 3564 § 2, 1993; Ord. 2702 § 1, 1982)

#### 17.19.020 Uses permitted.

The following uses are permitted in an RH zone:

A. Agricultural and horticultural uses including nurseries, greenhouses, orchards, aviaries or the raising offield crops, tree crops, berry or bush crops or vegetable or flower gardening on a commercial scale;

B. The keeping of bovine animals, horses, mules and sheep; provided, that the number thereof shall notexceed a number per acre equal to four adult animals in any combination of the foregoing animals and theirimmature offspring;

C. Accessory agricultural buildings and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection withlivestock shall be located nearer than one hundred feet to the front lot line, nor nearer than fifty feet to any existing dwelling on any contiguous property, nor nearer than one hundred feet to any public park, school, hospital or similar institution;

D. Any use permitted in the R-1 zone;

E. Breeding, hatching and raising of poultry and fowl;

F. Breeding and raising of rabbits and other fur bearing animals. (Ord. 3964 § 18, 2000; Ord. 3564 §§ 4, 5, 1993; Ord. 3477 § 7, 1992; Ord. 2702 § 1, 1982)

### **17.19.030** Building height, yards and distance between buildings.

The regulations shall be the same as the R-1 zone; however, all buildings shall be located not less than onehundred ten feet from the centerline of any existing or proposed public street or highway, and all dwellingsshall be located not less than one hundred feet apart. (Ord. 3564 § 3, 1993; Ord. 2702 § 1, 1982)

### 17.19.040 Minimum lot area.

The minimum lot area shall not be less than twenty acres; provided however, that a lot of less area than hereinrequired shall be permitted if said lot was legally created as a separate lot and recorded as such prior to thiszone being applicable to that lot. (Ord. 3564 § 6, 1993)

# **Chapter 17.20**

# C-O PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE\*

Sections:

17.20.010	Generally.
17.20.020	Uses permitted.
17.20.030	Uses subject to planning director review and approval.
17.20.040	Uses permitted only by conditional use permit.
17.20.050	Additional requirements.
17.20.060	Building height.
17.20.070	Front yard.
17.20.080	Side yards.
17.20.090	Rear yard.
17.20.100	Minimum lot area.
17.20.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.23.010—17.23.070 and Ord. 2703.

### 17.20.010 Generally.

The regulations set out in this chapter shall apply in the C-O professional and administrative office zone unless otherwise provided in this title. The purpose of this zone is to designate areas suitable for business and professional office development. The C-O zone may also serve as a buffer between regional commercial and residential areas. (Ord. 3395 § 1, 1991)

### 17.20.020 Uses permitted.

The following uses are permitted in a C-O zone;

- A. Any one or more of the following uses:
  - 1. Accounting, auditing, tax preparation and bookkeeping services.
  - 2. Advertising agencies.
  - 3. Banks, savings and loans, credit unions and other financial institutions.
  - 4. Business and management consulting services.

- 5. Business and professional membership organizations.
- 6. Church, excluding schools.
- 76. Commercial art and graphic design.
- <u>87</u>. Commercial photography, including portrait studios.
- <u>98</u>. Computer programming and data processing services.
- <u>109</u>. Consumer credit reporting and collection services.
- 1<u>40</u>. Day care nursery.
- 121. Detective and security systems services.
- 1<u>32</u>. Direct mail advertising services.
- 14<u>3</u>. Employment agency and help supply services.
- 154. Engineering, surveying, architectural and environmental planning services.
- 165. Family and social service, clinics and centers.

17<u>6</u>. Governmental services and administration, including libraries, museums, galleries and judicial courts; police, fire, and other emergency service alarm centers.

187. Insurance services.

198. Legal services.

2019. Management and public relations services.

24<u>0</u>. Medical, dental, psychiatric and other health practitioner offices and clinics, including chiropractic, acupuncture, massage therapy and blood banks.

- 221. Medical and dental laboratories.
- 2<u>32</u>. Mortgage, loan and personal credit institutions.
- 24<u>3</u>. Palm reading, fortune telling, astrologic and psychic services.
- 245. Pharmacies, in conjunction with medical clinics.
- 2<u>56</u>. <u>Places of assembly, commercial</u>
- <u>26.</u> Post office and other courier or parcel delivery services.
- 27. Public and private utility administration.
- 28. Real estate development, sales and property management services.
- 29. Secretarial and court reporting services.
- 30. Telecommunications administration.
- 31. Television, radio and cable broadcasting stations.
- 32. Title and escrow offices.
- 33. Travel agencies.
- 34. Trusts and investment agencies.
- B. Accessory buildings or structures necessary to such use located on the same lot or parcel of land.

C. Temporary offices including portable, modular or prefabricated structures constructed in conformance with the uniform codes adopted by the city (Title <u>15</u> of this code) and not attached to permanent foundations may be allowed for a period not to exceed two years, plus one-year extension subject to the approval of the planning commission.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 3964 § 19, 2000; Ord. 3746 § 4, 1997; Ord. 3395 § 1, 1991)

## 17.20.030 Uses subject to planning director review and approval.

The following uses may be permitted in a C-O zone subject to review and approval by the planning director:

- A. Public utility structures.
- B. Water pump stations. (Ord. 3395 § 1, 1991)

### 17.20.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-O zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

- 1. Bail bond services;
- 2. Body art establishment;
- 3. Garment cleaning, pressing, alteration and repair;
- 4. Hair styling shop and beauty salon, including tanning salons;
- 5. Photocopying and duplicating services;

6. Recycling centers, as defined by Public Resources Code Section 14520, that are within a convenience zone, as defined by Public Resources Code Section 14509.4;

- 7. <u>Religious institution;</u>
- 8. School, elementary, junior high, and high;
- 9. Scientific research and testing services;

<u>\$10</u>. Vocational and specialized schools providing technical and cultural training;

911. Veterinary services. (Ord. 5008 § 6, 2020; Ord. 4944 § 1, 2018; Ord. 3746 § 5, 1997; Ord. 3395 § 1, 1991)

### **17.20.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure.

I. Retail developments shall comply with design standards listed in Section <u>17.08.140</u>. (Ord. 5006 § 3, 2020; Ord. 4939 § 10, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 20, 2000; Ord. 3835 § 10, 1998; Ord. 3395 § 1, 1991)

### 17.20.060 Building height.

Building height requirements in a C-O zone shall not exceed sixty feet (approximately four stories). (Ord. 3395 § 1, 1991)

### 17.20.070 Front yard.

Front yard requirements in a C-O zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

### 17.20.080 Side yards.

Side yard requirements in a C-O zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a professional or administrative office building shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

### 17.20.090 Rear yard.

Rear yard requirements in a C-O zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 1, 2005; Ord. 3395 § 1, 1991)

### 17.20.100 Minimum lot area.

<u>No</u> The minimum lot area <u>shall be required</u> in a C-O zone<u>, shall be as follows: none; however, all buildings</u>used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

# **17.20.110** Distance between buildings on the same lot.

<u>No d</u>Distance requirements between buildings on the same lot in a C-O zone shall be as follows: none, exceptall buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

# Chapter 17.22 C-1 NEIGHBORHOOD COMMERCIAL ZONE\*

Sections:

17.22.010	Generally.
17.22.020	Uses permitted.
17.22.030	Uses permitted subject to planning director review and approval.
17.22.040	Uses permitted only by conditional use permit.
17.22.050	Additional requirements.
17.22.060	Building height.
17.22.070	Front yard.
17.22.080	Side yards.
17.22.090	Rear yard.
17.22.100	Minimum lot area.
17.22.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.25.010-17.25.080 and Ords. 2704 and 2877.

# 17.22.010 Generally.

The regulations set out in this chapter shall apply in the C-1 neighborhood commercial zone unless otherwise provided in this title. The purpose of this zone is to provide an adequate variation of retail establishments and services that conveniently serve the needs of residents in the immediate neighborhood. It is highly desirable to blend uses into the area thereby protecting the residential character of the area; but not create architectural or traffic conflicts nor permit the commercial development to expand into a regional center of such scope and variety as to attract significant volumes of traffic from outside the neighborhood. (Ord. 3395 § 2, 1991)

### 17.22.020 Uses permitted.

The following uses are permitted in a C-1 zone:

- A. Any use listed in the uses permitted section in the C-O zone;
- B. Any one or more of the following uses:
  - 1. Apparel and accessory specialty shops, does not include large scale chain department stores;

- 2. Automobile service stations, including convenience markets but excluding truck stops;
- 3. Bakery, retail only;
- 4. Book and stationery store;
- 5. Candy, nut and confectionery store;
- 6. Christmas tree sales, limited between November 15th to December 26th each calendar year;
- 7. Church, excluding schools;
- <u>87</u>. Cosmetic store;
- 98. Drugstore, pharmacy;
- 109. Fabric, yardage store;
- 1<u>10</u>. Florist;
- 121. Fireworks ("safe and sane") sales, limited between July 1<sup>st</sup> and July 4<sup>th</sup> each calendar year;
- 132. Garment cleaning, pressing, alteration and repair;
- 143. Grocery stores, including meat, fish, fruit, vegetable, delicatessen and convenience stores;
- 1<u>54</u>. Hair styling shop and beauty salon, including tanning salons;
- 165. Interior decorating, including drapery, curtain and upholstery sales;
- 176. Jewelry, watch, clocks, silverware, coins and gemstones including repair;
- 187. Laundromat;
- 198. Liquor store;

<u>2019</u>. Locksmith;

240. Newspaper, magazine store;

2<u>21</u>. Pet and pet supply store, including grooming services;

2<u>32</u>. Photocopying and duplicating services;

2<u>3</u>4. Photographic shops and developing services;

254. Physical fitness facility;

265. Private service clubs, lodges;

276. Restaurants and related eating places, excluding on-site alcohol sales, entertainment or drive-through service;

28<u>7</u>. Rest home, convalescent home, adult care facility, residential care facility as defined in California Health and Safety Code Section <u>1502</u>;

298. Temporary promotional activity as defined in Section 17.04.610;

3029. Tobacco store;

340. Video disk/tape rental;

321. Veterinary (small animal only), excluding kennel services;

3<u>32</u>. Shopping centers.

C. Accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel.

E. Temporary offices, including portable, modular or prefabricated structures constructed in conformance with the building codes adopted by the city (Title <u>15</u> of this code) and not attached to permanent foundations may be allowed for a period not to exceed two years, plus one-year extension subject to the approval of the planning commission.

F. The specified store, shops or businesses in subsection  $\underline{B}$  of this section shall be establishments selling new merchandise exclusively, except used merchandise clearly incidental to the regular business conducted on the premises, and shall be permitted only under the following conditions:

1. Such stores, shops or businesses, except automobile service stations and outdoor seating for restaurants, shall be conducted entirely within an enclosed building. No outside storage of materials is permitted.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

3. All public entrances to such stores, shops or businesses shall be from the principal street upon which the property abuts or within one hundred feet thereof, except that a rear or side entrance from the building to a public parking area may be provided.

4. The accessory buildings or structures necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons and employees of the above stores or businesses. (Ord. 5092 § 1, 2022; Ord. 4715 § 1, 2012; Ord. 3964 § 21, 2000; Ord. 3395 § 2, 1991)

# 17.22.030 Uses permitted subject to planning director review and approval.

The following uses may be permitted in a C-1 zone subject to review and approval by the planning director:

A. Public utility structures;

B. Water pump stations. (Ord. 3395 § 2, 1991)

### **17.22.040** Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Adult day care;

2. Any use listed in the uses permitted section in the R-1, R-2, R-3 and R-4 zones;

<u>32</u>. Assisted living facility;

4<u>3</u>. Automobile accessory or parts store, including stereo, phone, upholstery, and tires;

54. Automobile tuneup specialty shops providing electrical and carburetor tuneup services and related work, when not done as a part of, or incidental to, the operation of an automobile service station;

65. Banquet venue;

76. Carwashes, including detailing;

<u>87</u>. Food and/or shelter service as defined in Section <u>17.04.285</u>;

<u>98</u>. Funeral services, including a crematory, provided it is incidental to the main use;

<u>109</u>. Hotels and motels;

140. Kennels;

121. Mobilehome or travel trailer parks;

1<u>32</u>. Movie theaters serving alcohol;

143. Nurseries, lawn and garden supplies;

1<u>54</u>. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

16<u>5</u>. <u>Religious institution;</u>

16. School, elementary, junior high, and high;

<u>17.</u> Restaurant and related eating places with on-site alcohol sales, entertainment or drive-through services;

178. Scientific research and testing services;

1819. Small appliance and electronic goods repair;

1920. Theaters, cinemas;

201. Trade, vocational or specialized schools. (Ord. 5106 § 1, 2022; Ord. 5092 § 2, 2022; Ord. 5008 § 7, 2020; Ord. 4945 § 1, 2018; Ord. 3746 § 6, 1997; Ord. 3395 § 2, 1991)

### **17.22.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 4939 § 11, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 22, 2000; Ord. 3835 § 11, 1998; Ord. 3395 § 2, 1991)

### 17.22.060 Building height.

Building height requirements in a C-1 zone shall not exceed sixty feet (approximately four stories). (Ord. 3395 § 2, 1991)

### 17.22.070 Front yard.

Front yard requirements in a C-1 zone shall be as follows:

- A. All buildings shall be located a minimum of ten feet from the front property line.
- B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 2, 1991)

### 17.22.080 Side yards.

Side yard requirements in a C-1 zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a commercial building shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 2, 1991)

### 17.22.090 Rear yard.

Rear yard requirements in a C-1 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 2, 2005; Ord. 3395 § 2, 1991)

## 17.22.100 Minimum lot area.

<u>There shall be no m</u>Minimum lot area requirements in a C-1 zone shall be as follows: none; however, allbuildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 2, 1991)

### **17.22.110** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in a C-1 zone shall be as follows: none, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4zone. (Ord. 3395 § 2, 1991)

# Chapter 17.24 C-2 REGIONAL COMMERCIAL ZONE\*

Sections:

17.24.010	Generally.
17.24.020	Uses permitted.
17.24.030	Uses permitted subject to planning director review and approval.
17.24.040	Uses permitted only by conditional use permit.
17.24.050	Additional requirements.
17.24.060	Building height.
17.24.070	Front yard.
17.24.080	Side yards.
17.24.090	Rear yard.
17.24.100	Minimum lot area.
17.24.110	Distance between buildings on the same lot.

\* Prior history: Prior code §§ 17.27.010-17.27.080 and Ords. 2705, 2752, 2926, 3105 and 3174.

# **17.24.010** Generally.

The regulations set out in this chapter shall apply in the C-2 regional commercial zone unless otherwise provided in this title. The purpose of this zone is to permit development of concentrated large-scale retail operations providing a broad range of goods and services which serve the metropolitan market area. (Ord. 3395 § 3, 1991)

### 17.24.020 Uses permitted.

The following uses are permitted in the C-2 zone:

A. Any use listed in the uses permitted section in the C-O and C-1 zones.

B. Any of the following uses:

1. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code.

2. Apparel and accessory stores.

3. Appliance store, including stoves, refrigerators, washers, dryers, and other electric or gas appliances, including repair.

4. Automobile accessory or part stores, including stereo, phone, tire, upholstery and tune-up specialty shops but excluding heavy or major mechanical work and all body or paint work, and where all work is conducted inside a building.

- 5. Automobile dealership, new and used.
- 6. Automobile rental agency, including limousine service.
- 7. Bowling center, billiards.
- 8. Brewery or distillery, small.
- 9. Camera and photographic supply.
- 10. Card room, bingo parlor.
- 11. Carpet and upholstery cleaners.
- 12. Carwash, detailing.
- 13. Computers and computer software store.
- 14. Department store.

15. Farmers market; provided it is conducted on a paved surface, shall not be operated more than two days per calendar week, has been certified by the Kern County Agricultural Commissioner, and that adequate parking is available through joint, shared or other arrangement as approved by the planning director pursuant to Chapter <u>17.58</u> of this code.

- 16. Food vending vehicle.
- 17. Floor covering store.

18. Funeral services, including a crematory provided it is incidental to the main use.

- 19. Furniture store, including rental.
- 20. Garage for public or commercial parking.
- 21. Gift, novelty and souvenir store.
- 22. Hardware store, including home building and garden supply.
- 23. Hobby, toy and game store.

24. Home furnishings, including kitchenware, glassware, lamps and lighting, and fireplace inserts.

25. Hospital, sanitarium.

26. Hotel, motel, including restaurants, bars and cocktail lounges, provided they are incidental to the main use.

- 27. Luggage and leather goods.
- 28. Military surplus store.
- 29. Motion picture theater and auditoriums, excluding drive-in.
- 30. Motorcycle dealership, new and used.
- 31. Musical instrument store.
- 32. Nurseries.
- 33. Paint, glass and wallpaper store.
- 34. Pool and spa sales, provided there is no outside storage of material.

35. Radio, television and other consumer electronics store, including repair.

36. Record, tape, disk and other pre-recorded music and video store.

37. Restaurant and related eating places, including drive-through services and on-site alcohol sales when served together with and incidental to the serving of food, or in a cocktail lounge or bar which is an accessory use to the restaurant, including entertainment.

#### 38. School, elementary, junior high, and high;

- 389. Sewing, needlework and piece good store.
- <u>3940</u>. Skating rinks.
- 401. Sporting goods, including bicycles, camping equipment, firearms, skiing and golf.
- 412. Taxidermist.
- 423. Theater, cinema, excluding drive-in.
- 4<u>34</u>. Trade, vocational or specialized school.
- 44<u>5</u>. Used merchandise, including antiques, books, furniture, thrift shops, and pawnshops.
- 4<u>56</u>. Variety store.
- 467. Video arcade.
- 47<u>8</u>. Winery, boutique.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 5053 § 1, 2021; Ord. 4926 § 2, 2018; Ord. 4873 § 1, 2016; Ord. 3695 § 2, 1995; Ord. 3395 § 3, 1991)

### **17.24.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-2 zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations. (Ord. 3395 § 3, 1991)

### 17.24.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-2 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Adult day care;
- 2. Amusement parks, including miniature golf, water parks, batting cages and miniature car tracks;
- 3. Any use listed in the uses permitted section in the R 1, R 2, R 3 and R 4 zones;
- 4<u>3</u>. Assisted living facility;
- 54. Automobile body and fender repair and painting;
- 65. Automobile machine shops;
- 7<u>6</u>. Banquet venue;

<u>87</u>. Bars, cocktail lounges or other establishments selling alcoholic beverages for on-site consumption where said use is the primary business;

- 98. Boat and recreational vehicle dealership, new and used;
- <u>109</u>. Bus, train and other transit stations;
- 140. Food and/or shelter service as defined in Section 17.04.285;

121. Golf driving ranges;

1<u>32</u>. Helipad (in conjunction with a hospital);

14<u>3</u>. Kennels;

154. Mobilehome or travel trailer park;

165. Mobilehome sales, new and used;

176. Movie theater serving alcohol;

187. Pest control services;

198. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

#### 2019. Religious institution;

<u>20.</u> Scientific research and testing services;

- 21. Swap meet, flea markets and auction yards;
- 22. Tool, equipment and utility trailer rental establishments;
- 23. Warehouses. (Ord. 5008 § 8, 2020; Ord. 4946 § 1, 2018; Ord. 3746 § 7, 1997; Ord. 3395 § 3, 1991)

# **17.24.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 4939 § 12, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 23, 2000; Ord. 3835 § 12, 1998; Ord. 3395 § 3, 1991)

### 17.24.060 Building height.

Building height requirements in a C-2 zone shall not exceed ninety feet (approximately six stories). (Ord. 3395 § 3, 1991)

### 17.24.070 Front yard.

Front yard requirements in a C-2 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 3, 1991)

### 17.24.080 Side yards.

Side yard requirements in a C-2 zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

- C. In all other cases, a side yard for a commercial building shall not be required.
- D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 3, 1991)

### 17.24.090 Rear yard.

Rear yard requirements in a C-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

- B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.
- C. In all other cases, a rear yard shall not be required.
- D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 3, 2005; Ord. 3395 § 3, 1991)

# 17.24.100 Minimum lot area.

<u>There shall be no m</u>Ainimum lot area in a C-2 zone-shall be as follows: none; however, all buildings used-exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 3, 1991)

# **17.24.110** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in a C-2 zone shall be as follows: none, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4zone. (Ord. 3395 § 3, 1991)

# Chapter 17.25 C-B CENTRAL BUSINESS ZONE

Sections:

17.25.010	Generally.
17.25.020	Uses permitted.
17.25.030	Uses permitted subject to planning director review and approval.
17.25.040	Uses permitted only by conditional use permit.
17.25.050	Additional requirements.
17.25.060	Building height.
17.25.070	Front, side and rear yards.
17.25.090	Public benefit features.
17.25.100	Minimum lot area.

# 17.25.010 Generally.

The regulations set out in this chapter shall apply in the C-B central business zone. This zone is intended to be applicable to the central business core area accommodating a diverse mix of medium/high density residential, commercial, financial and institutional uses serving both city-wide and regional needs. In addition to these uses, cultural, entertainment, specialty retail, convention services and lodging are also principal uses in this area. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# 17.25.020 Uses permitted.

A. Any use listed in the uses permitted section in the C-O, C-1 and C-2 zones;

B. Any of the following uses:

1. Bus, train and other transit station, provided that transit vehicles are not stored on site and no repair work or servicing of transit vehicles is conducted on site,

2. News/magazine stand,

3. Nightclub, bar, cocktail lounge or other establishment selling alcoholic beverages for on-site consumption where such use, including entertainment, is the primary business,

4. Parking garage or surface lot,

5. Police, fire and other emergency service alarm centers,

6. Post office and other courier or parcel delivery service,

7. Sidewalk use, including, but not limited to, outdoor seating, subject to issuance of an encroachment permit;

C. Residential uses provided they are located in the second story or above;

D. Employee housing, up to six residents

**E.** Mixed combinations of uses allowed in subsections  $\underline{A}$  and  $\underline{B}$  of this section are permitted;

EF. Accessory buildings, structures and uses necessary to support the principal use located on the same lot or parcel of land. (Ord. 5120 § 1, 2023; Ord. 4911 § 1, 2017; Ord. 3631 § 2, 1995)

# 17.25.030 Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-B zone subject to review and approval by the planning director:

- A. Itinerant merchant, including street vendors, subject to city permit and business license;
- B. Promotional activities as defined in this code;
- C. Public utility structures;
- D. Water pump stations;
- E. Public benefit features pursuant to Section <u>17.25.090</u>. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

### 17.25.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-B zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Adult day care;

- 2. Any residential use that is located on the first or ground floor;
- 3. Banquet venue;
- 4. Food and/or shelter service as defined in Section <u>17.04.285;</u>
- 5. Movie theater serving alcohol;

6. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

7. Scientific research and testing services;

8. Swap meets, flea markets and auction houses. (Ord. 5120 § 1, 2023; Ord. 5008 § 9, 2020; Ord. 4947 § 1, 2018;
Ord. 4311 § 1, 2006; Ord. 3746 § 8, 1997; Ord. 3695 § 4, 1995; Ord. 3631 § 2, 1995)

### **17.25.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

- C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.
- D. Signs shall be subject to the requirements of Chapter 17.60 of this code.
- E. Storage of material and equipment shall be enclosed entirely within a building.

F. All outside mechanical equipment shall be enclosed or screened from public street view. Bases of towers and antennas shall be screened or enclosed to a height of fifteen feet above grade if not camouflaged.

G. Roof-top areas of structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 5120 § 1, 2023; Ord. 4617 § 3, 2010; Ord. 4311 § 2, 2006; Ord. 3835 § 13, 1998; Ord. 3631 § 2, 1995)

### 17.25.060 Building height.

There shall be no maximum building height in a C-B zone. (Ord. 5120 § 1, 2023; Ord. 4231 § 8, 2005; Ord. 3631 § 2, 1995)

### 17.25.070 Front, side and rear yards.

There shall be no minimum front, side or rear yard in a C-B zone; however, where a lot abuts any R, E, MH zone, or PUD project of a single-family-unit nature, there shall be a minimum setback from any side or rear property line of twenty feet. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

### **17.25.090** Public benefit features.

A. The following public benefit features are encouraged:

1. Open Space, Atrium, Plaza, or Garden Available to the Public.

a. These areas are intended to provide public open space which provides quiet retreats from surrounding activity in the intensely developed areas of downtown or a center. While relatively small, they should be flexible in design to accommodate passive recreational activities, as well as allow events and public gatherings. They should also be strategically located to denote important places, create a focus for surrounding development, and increase light and air at the street level. Weather protected areas can serve to function as an interior park to give the public relief from extreme weather conditions.

b. An open space area shall be directly accessible from a public sidewalk with accessibility to the handicapped meeting state handicapped requirements.

c. Permanent art may be incorporated as part of the open areas as set forth in this subsection.

d. Kiosks, displays, art exhibits, and retail vendors are permitted provided they are portable in nature and use of the open area by the public is not precluded. The total area occupied by such uses should not exceed twenty-five percent of the total open area.

- e. Interior pedestrian lighting shall be provided.
- f. Directory or directional signs may be permitted pursuant to Chapter <u>17.60</u> of this code.

### 2. Sculptured Building Tops.

a. Sculptured building tops are intended to provide visual interest and variety in the downtown or center skyline. They have the greatest impact in the downtown area where the tallest buildings are permitted. A sculptured building top which modifies the silhouette of a building by reducing the area of the top floor, reduces the overall bulk of the building to produce a more interesting building form. As the building increases in height, its upper portion should become more slender and ornamental. Mechanical equipment on the roof would be enclosed and integrated into the design of the building.

#### 3. Public Art Work.

a. There is a broad view of what constitutes art, and it is desired to encourage a high-quality, imaginative interpretation of the various media. Works of art may be merely decorative, or both decorative and functional. Over time, new materials and art forms may be developed. Therefore, art work may include, but is not limited to, two- or three-dimensional works in all media such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Art work may also include fountains, mobiles, special wall or paving surface, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works involving sound, touch and other senses.

b. Art work should be an integral part of the design of the building or public open space, and should be compatible in bulk, scale, design, texture, color, and shape with the space in which it is located. It shall be located so that it is clearly visible to people using the public space, and whenever possible, visible from the street.

c. The setting for art work shall be designed in such a way as to provide comfort and amenity, and accommodate people viewing it by incorporating such features as steps, ledges, benches and other seating, or provide rails or other architectural features to lean against.

d. The property owner shall be responsible for the maintenance of all art features for the life of the building or open space.

### 4. Voluntary Building Setback.

a. Voluntary building setbacks are intended to expand the landscaped area along streets to encourage additional open space along public streets that link large open space areas, parks and plazas.

b. The additional setback area should provide ample room for landscaping that will complement existing street landscaping and the building.

#### 5. Overhead Weather Protection.

a. Overhead weather protection is intended to improve pedestrian comfort along pedestrian routes.

b. Overhead protections should be permanent and nonretractable with a minimum protection width of six feet.

c. At least one-half of the overhead protections should be over the public sidewalk or walkway. An encroachment permit shall be obtained from the public works department for any overhead protection over the public right-of-way.

d. No covering shall extend more than ten feet or to a point within two feet from the curb flow line, whichever is less. The entire area under the weather protection shall be unobstructed by structural elements such as columns.

e. The lower edge of the overhead protection shall be a minimum of eight feet and a maximum of twelve feet above the sidewalk.

#### 6. Day Care Facilities (Children and Adult).

a. Day care facilities provide a safe and supportive environment for a wide range of educational, social and health related services for both children and adults. Encouraging the integration of these facilities into mixed use developments allows these services to be near both homes and workplaces helping caregivers better manage quality time at both work and home. The location of these facilities near employment centers and residential neighborhoods can also contribute to reducing automobile

congestion, air pollution, and enhance the ability to blend civic, volunteer and work interests into sustainable communities. (Ord. 5120 § 1, 2023; Ord. 4311 § 4, 2006; Ord. 3631 § 2, 1995)

# 17.25.100 Minimum lot area.

There shall be no lot minimum requirement in a C-B zone. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# Chapter 17.26 C-C COMMERCIAL CENTER ZONE\*

Sections:

17.26.010	Generally.
17.26.020	Uses permitted.
17.26.030	Uses permitted subject to planning director review and approval.
17.26.040	Uses permitted subject to conditional use permit.
17.26.050	Additional requirements.
17.26.060	Building height.
17.26.070	Front, rear and side yards.
17.26.090	Public benefit features.
17.26.100	Minimum lot area.
17.26.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.29.010—17.29.060 and Ords. 2706, 2831 and 3395.

## 17.26.010 Generally.

The regulations set out in this chapter shall apply in the C-C (commercial center) zone. This zone is intended for those areas in the city that are planned for large-scale mixed use development centers consisting of commercial and high density residential uses with a minimum density of 20.1 dwelling units an acre. Residential development in the C-C zone will still be subject to the R-4 standards with the exception of the density maximum. (Ord. 5120 § 2, 2023; Ord. 4312 § 1, 2006; Ord. 3631 § 4, 1995)

### 17.26.020 Uses permitted.

The following uses are permitted in a C-C zone:

- A. Any use listed in the uses permitted section in the C-O, C-1 and C-2 zones.
- B. Any of the following uses:

1. Apartment hotel, roominghouse, single room occupancy;

<u>1</u>2. Bus, train and other transit station; provided, that transit vehicles are not stored on site and no repair work or servicing of transit vehicles is conducted on site;

2. Employee housing, up to six residents

3. Multiple-unit dwelling;

 $\underline{43}$ . Parking garage or surface lot;

54. Police, fire and other emergency service alarm centers;

<u>65</u>. Post office and other courier or parcel delivery service;

<u>76</u>. Sidewalk use, including but not limited to outdoor seating, subject to issuance of an encroachment permit;

7. Multiple-family dwelling;8. Single-room occupancy unit;

8. Single family dwelling provided it is attached to and accessory to a commercial use.

C. Mixed combinations of uses allowed in subsections  $\underline{A}$  and  $\underline{B}$  of this section are permitted.

D. Accessory buildings, structures or uses necessary to support the principal use located on the same lot or parcel of land. (Ord. 5120 § 2, 2023; Ord. 4312 § 3, 2006; Ord. 3631 § 4, 1995)

### **17.26.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-C zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations;
- C. Itinerant merchant, including street vendors, subject to city permit and business license;
- D. Promotional activities as defined in this code;
- E. Public benefit features pursuant to Section <u>17.26.090</u>. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

# **17.26.040** Uses permitted subject to conditional use permit.

A. The following uses are permitted in a C-C zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Adult day care;
- 2. Assisted living facility;
- 3. Banquet venue;

4. Bars, nightclubs, cabarets, cocktail lounges or other establishments selling alcoholic beverages for onsite consumption where such use, including entertainment, is the primary business;

- 5. Food and/or shelter service as defined in Section 17.04.285;
- 6. Kennels;
- 7. Movie theater serving alcohol;

8. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- 9. Scientific research and testing services;
- 10. Swap meets, flea markets and auction houses;

11. Single family dwelling that is not accessory to a commercial use. (Ord. 5120 § 2, 2023; Ord. 5008 § 10, 2020; Ord. 4948 § 1, 2018; Ord. 3746 § 9, 1997; Ord. 3695 § 4, 1995; Ord. 3631 § 4, 1995)

## **17.26.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. All outside mechanical equipment shall be enclosed or screened from public street view. Bases of towers and antennas shall be screened or enclosed to a height of fifteen feet above grade if not camouflaged.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 5120 § 2, 2023; Ord. 4939 § 13, 2018; Ord. 4714 § 1, 2012; Ord. 4617 § 4, 2010; Ord. 4312 § 4, 2006; Ord. 3964 § 24, 2000; Ord. 3835 § 14, 1998; Ord. 3631 § 4, 1995)

### 17.26.060 Building height.

Building height requirements in a C-C zone shall not exceed one hundred eighty feet (approximately twelve stories). (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

### 17.26.070 Front, rear and side yards.

There shall be no minimum front, side or rear yard in a C-C zone; however, where a lot abuts any R, E, MH zone, or PUD project of a single-<u>unitfamily</u> nature, there shall be a minimum setback from any side or rear property line of twenty feet. (Ord. 5120 § 2, 2023; Ord. 4312 § 5, 2006; Ord. 3631 § 4, 1995)

## **17.26.090** Public benefit features.

A. The following public benefit features are encouraged:

1. Open Space, Atrium, Plaza, or Garden Available to the Public.

a. These areas are intended to provide public open space which provides quiet retreats from surrounding activity in the intensely developed areas of downtown or a center. While relatively small, they should be flexible in design to accommodate passive recreational activities, as well as allow events and public gatherings. They should also be strategically located to denote important places, create a focus for surrounding development, and increase light and air at the street level. Weather protected areas can serve to function as an interior park to give the public relief from extreme weather conditions.

b. An open space area shall be directly accessible from a public sidewalk with accessibility to the handicapped meeting state handicapped requirements.

c. Permanent art may be incorporated as part of the open areas as set forth in this subsection.

d. Kiosks, displays, art exhibits, and retail vendors are permitted provided they are portable in nature and use of the open area by the public is not precluded. The total area occupied by such uses should not exceed twenty-five percent of the total open area.

- e. Interior pedestrian lighting shall be provided.
- f. Directory or directional signs may be permitted pursuant to Chapter <u>17.60</u> of this code.

#### 2. Sculptured Building Tops.

a. Sculptured building tops are intended to provide visual interest and variety in the downtown or center skyline. They have the greatest impact in the downtown area where the tallest buildings are permitted. A sculptured building top which modifies the silhouette of a building by reducing the area of the top floor, reduces the overall bulk of the building to produce a more interesting building form.

As the building increases in height, its upper portion should become more slender and ornamental. Mechanical equipment on the roof would be enclosed and integrated into the design of the building.

#### 3. Public Art Work.

a. There is a broad view of what constitutes art, and it is desired to encourage a high-quality, imaginative interpretation of the various media. Works of art may be merely decorative, or both decorative and functional. Over time, new materials and art forms may be developed. Therefore, art work may include, but is not limited to, two- or three-dimensional works in all media such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Art work may also include fountains, mobiles, special wall or paving surfaces, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works involving sound, touch and other senses.

b. Art work should be an integral part of the design of the building or public open space, and should be compatible in bulk, scale, design, texture, color, and shape with the space in which it is located. It shall be located so that it is clearly visible to people using the public space, and whenever possible, visible from the street.

c. The setting for art work shall be designed in such a way as to provide comfort and amenity, and accommodate people viewing it by incorporating such features as steps, ledges, benches and other seating, or provide rails or other architectural features to lean against.

d. The property owner shall be responsible for the maintenance of all art features for the life of the building or open space.

#### 4. Voluntary Building Setback.

a. Voluntary building setbacks are intended to expand the landscaped area along streets to encourage additional open space along public streets that link large open space areas, parks and plazas.

b. The additional setback area should provide ample room for landscaping that will complement existing street landscaping and the building.

5. Overhead Weather Protection.

a. Overhead weather protection is intended to improve pedestrian comfort along pedestrian routes.

b. Overhead protections should be permanent and nonretractable with a minimum protection width of six feet.

c. At least one -half of the overhead protection should be over the sidewalk within the public rightof-way. An encroachment permit shall be obtained from the public works department.

d. No covering shall extend more than ten feet or to a point within two feet from the curb flow line, whichever is less. The entire area under the weather protection shall be unobstructed by structural elements such as columns.

e. The lower edge of the overhead protection shall be a minimum of eight feet and a maximum of twelve feet above the sidewalk.

6. Day Care Facilities (Children and Adult).

a. Day care facilities provide a safe and supportive environment for a wide range of educational, social and health related services for both children and adults. Encouraging the integration of these facilities into mixed use developments allows these services to be near both homes and workplaces helping caregivers better manage quality time at both work and home. The location of these facilities near employment centers and residential neighborhoods can also contribute to reducing automobile congestion, air pollution, and enhance the ability to blend civic, volunteer and work interests into sustainable communities. (Ord. 5120 § 2, 2023; Ord. 4312 § 7, 2006; Ord. 3631 § 4, 1995)

## 17.26.100 Minimum lot area.

There shall be no lot minimum requirement in a C-C zone; however, all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

### **17.26.110** Distance between buildings on the same lot.

None; however, all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

# Chapter 17.28 M-1 LIGHT MANUFACTURING ZONE

Sections:

17.28.010	Generally.
17.28.020	Uses permitted.
17.28.030	Uses permitted only by conditional use permit.
17.28.035	Additional requirements.
17.28.040	Building height.
17.28.050	Front yard.
17.28.060	Side yards.
17.28.070	Rear yard.
<u>17.28.080</u>	Minimum lot area.
17.28.090	Distance between buildings on the same lot
17.20.090	Distance between buildings on the same lot.

# 17.28.010 Generally.

The regulations set out in this chapter shall apply in the M-1 light manufacturing zone unless otherwise provided in this title. (Prior code § 17.31.010)

### 17.28.020 Uses permitted.

The following uses are permitted in an M-1 zone:

A. Any use permitted in the C-O, C-1 and C-2 zones; provided, however, that no building shall be used as a dwelling except accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building.

B. Any use specified below, provided such use does not produce, cause or emit any fumes, odor, dust, smoke, gas, noise or vibration detrimentally impacting neighboring property and the occupants thereof. Where adopted city or other public agency standards are applicable and available to measure such impacts, such standards shall be used to determine whether a use constitutes or will constitute such a detrimental impact.

1. Adult day care;

2. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code;

- 3. Animal hospitals, kennels and veterinaries;
- 4. Automobile and light truck, two-axle vehicles, parking and storage;

5. Automobile assembling, body and fender works, painting, upholstering, dismantling and used parts storage, when operated or maintained wholly within a building;

- 6. Bakeries;
- 7. Banquet venue;
- 8. Boat buildings;
- 9. Bottling plant;
- 10. Building materials storage yards;
- 11. Cabinet or carpenter shop;
- 12. Carpet, awning, blinds, mattress or upholstery shops, including cleaning and repair;
- 13. Concrete batch plants, portable, not to exceed two-yard capacity;
- 14. Contractor's plants and storage yards;
- 15. Distributing plants;
- 16. Electric welding and electroplating;
- 17. Frozen food lockers;
- 18. Furniture and automobile upholstering operations not confined wholly to a building;

- 19. Ice and cold storage plants;
- 20. Laboratories, experimental research and testing;
- 21. Laundries, cleaning and dyeing plants;
- 22. Lumberyards;

23. Machine shops (except punch presses of over twenty tons rated capacity, drop hammers and automatic screw machines);

24. Paint mixing plants (not employing a boiling process);

- 25. Public utilities service yards, power plants or distributing stations;
- 26. Rubber fabrication or products made from finished rubber;
- 27. Sheet metal shops;
- 28. Stone monument works;
- 29. Storage spaces for transit and transportation equipment;
- 30. Tool rental and equipment;
- 31. Truck repairing and overhauling shops;
- 32. Welding, metal fabricating and blacksmith shops;
- 33. Wholesale businesses, storage buildings and warehouses;
- 34. Manufacturer of:
  - a. Arts and crafts,

- b. Billboards and advertising structures, electric neon signs,
- c. Ceramic products,
- d. Clothing or garments,
- e. Cosmetics, perfumes and toiletries, drugs and pharmaceuticals,
- f. Electronic instruments and devices, radios, televisions, phonographs and business machines,
- g. Food products (except the rendering or refining of fats or oils),
- h. Furniture,
- i. Musical instruments and toys,
- j. Prefabricated buildings,
- k. Shoes,
- 1. Soap (cold mix only),

m. *Textiles*. Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yards and paint, not employing a boiling process.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. The Bakersfield Airpark provides an expanded airport/aircraft landing field for recreation, agricultural, and commercial/industrial uses. Therefore, in addition to the uses allowed in this section, the following additional uses are permitted within the Bakersfield Airpark property:

- 1. Agricultural crop dusting services and related chemical storage;
- 2. Aircraft rental;

- 3. Aircraft repair and maintenance;
- 4. Aircraft runways and landing fields;
- 5. Aviation related businesses;
- 6. Aviation fuel sales;
- 7. Aviation related manufacturing;
- 8. Flight training schools;
- 9. Freight and package delivery services;

10. Hangars and aircraft tie-downs. (Ord. 5008 § 11, 2020; Ord. 3995 § 1, 2001; Ord. 3059 § 1, 1986; Ord. 2926 § 2, 1984; Ord. 2707 § 1, 1982; prior code § 17.31.020)

## 17.28.030 Uses permitted only by conditional use permit.

A. The following uses are permitted in the M-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Agricultural packing plants;
- 2. Aircraft and automobile factories;
- 3. Automobile parts manufacturer;
- 4. Battery manufacturer;
- 5. Breweries or distilleries, large;

6. Clinics, hospitals, sanitariums or other buildings for contagious, mental, drug or liquor addiction cases;

7. Equestrian establishments, stables, riding academies, schools or amusements;

- 8. Food and/or shelter service as defined in Section <u>17.04.285;</u>
- 9. Freighting or trucking yards or terminals;
- 10. Helipad (in conjunction with a hospital);
- 11. Livestock slaughtering and processing, wholly within a building;
- 12. Machine shops, including punch presses and automatic screw machines;
- 13. Movie theater serving alcohol;
- 14. Planing mills;

15. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

16. Residential dwellings;

176. Tire rebuilding, recapping and retreading plants;

187. Truck stop. (Ord. 5008 § 12, 2020; Ord. 4949 § 1, 2018; Ord. 4926 § 2, 2018; Ord. 4912 § 1, 2017; Ord. 3746 § 10, 1997; Ord. 3174 § 5, 1988; Ord. 2707 § 2, 1982; prior code § 17.31.026)

### **17.28.035** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Industrial and commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 14, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 25, 2000; Ord. 3835 § 16, 1998; Ord. 2707 § 3, 1982)

## 17.28.040 Building height.

Building height in an M-1 zone shall be six stories and not exceed seventy-five feet. (Prior code § 17.31.030)

### 17.28.050 Front yard.

Front yard requirements in an M-1 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 4, 2005; prior code § 17.31.040)

### 17.28.060 Side yards.

Side yard requirements in an M-1 zone shall be as follows:

A. Where the lot abuts any R, <del>E,</del> MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 5, 2005; prior code § 17.31.050)

### 17.28.070 Rear yard.

Rear yard requirements in an M-1 zone shall be as follows:

A. Where the lot abuts any R, <del>E,</del> MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 6, 2005; prior code § 17.31.070)

### 17.28.080 Minimum lot area.

There shall be no minimum lot area in an M-1 zone.

# **17.28.090** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in an M-1 zone shall be as follow: none, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R 4zone. (Prior code § 17.31.080)

# Chapter 17.30 M-2 GENERAL MANUFACTURING ZONE

Sections:

17.30.010	Generally.
17.30.020	Uses permitted.
17.30.030	Uses permitted only by conditional use permit.
17.30.035	Additional requirements.
17.30.040	Building height.
17.30.050	Front yard.
17.30.060	Side yards.
17.30.070	Rear yard.
17.30.080	Minimum lot area.
17.30.090	Distance between buildings on the same lot.

# 17.30.010 Generally.

The regulations set out in this chapter shall apply in the M-2 general manufacturing zone unless otherwise provided in this chapter. (Prior code § 17.32.010)

### 17.30.020 Uses permitted.

The following uses are permitted in an M-2 zone:

A. Any use permitted in the M-1 zone; provided, however, that no building shall be used as a dwelling except accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building.

B. Any of the following uses:

1. Acetylene gas manufacture or storage;

2. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code;

3. Aircraft and automobile factories;

- 4. Agricultural packing plants (vegetables and fruits);
- 5. Alcohol and alcoholic beverages manufacture;
- 6. Ammonia, chlorine and bleaching powder manufacture;
- 7. Automobile and truck manufacture;
- 8. Automobile and truck parts manufacturer;
- 9. Bag cleaning;
- 10. Battery manufacturer;
- 11. Blast furnaces;
- 12. Boiler or tank works;
- 13. Breweries or distilleries, large;
- 14. Brick, tile or terra cotta products manufacture;
- 15. Building materials manufacture;
- 16. Carpet and rug manufacture;

17. Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases;

- 18. Clay product manufacture;
- 19. Coke ovens;
- 20. Cotton gins or oil mills;

- 21. Creameries;
- 22. Crematories;
- 23. Creosote treatment or manufacture;
- 24. Disinfectant manufacture;
- 25. Distillation of coal, wood or tar;
- 26. Dyestuffs manufacture;
- 27. Exterminator or insect poison manufacture;
- 28. Feed, flour and grains mills;
- 29. Firearms manufacture;
- 30. Food and/or shelter service as defined in Section 17.04.285;
- 31. Forge plants;
- 32. Freighting and trucking yards and terminals;
- 33. Freight classification yards;
- 34. Glass and glass product manufacture;
- 35. Grain elevator;
- 36. Helipad (in conjunction with a hospital);
- 37. Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting;
- 38. Lamp black manufacture;

- 39. Linoleum or oiled products manufacture;
- 40. Machine shops including punch presses and automatic screw machines;
- 41. Metal container manufacturer;
- 42. Ore reduction;
- 43. Paint, oil, shellac, turpentine or varnish manufacture;
- 44. Paper or pulp manufacture;
- 45. Petroleum refining and reclaiming plants;
- 46. Planing mills;
- 47. Plastic manufacture;
- 48. Potash works;
- 49. Railroad roundhouses and repair shops;
- 50. Rolling mills;
- 51. Rubber processing and manufacture;
- 52. Sawmills;
- 53. Soap manufacture;
- 54. Sodium compounds manufacture;
- 55. Starch manufacture;
- 56. Tar roofing or waterproofing or other tar products manufacture;

57. Tire rebuilding, recapping, and retreading plants;

58. Truck stop.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Ord. 5008 § 13, 2020; Ord. 4926 § 2, 2018; Ord. 4604 § 1, 2009; Ord. 2926 § 3, 1984; Ord. 2708 § 1, 1982; prior code § 17.32.020)

## 17.30.030 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to Section 17.64.020(B), the following uses are not permitted in the M-2 zone except by conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- A. Acid manufacture;
- B. Ammunition manufacture;
- C. Cement, lime, gypsum or plaster of Paris manufacture;
- D. Chemical manufacture;
- E. Curing, tanning and storage of rawhide or skins;
- F. Distillation of bones;
- G. Drop forge industries manufacturing forgings with power hammers;
- H. Dumps and refuse disposal areas;
- I. Explosives, manufacture or storage;
- J. Fat rendering;
- K. Feed and fuel yards;

- L. Fertilizer manufacture;
- M. Garbage, offal or dead animal reduction or dumping;
- N. Gas manufacture;
- O. Gelatin or size manufacture;
- P. Glucose or dextrine manufacture;
- Q. Glue manufacture;
- R. Nonmineral oil extraction plants;

S. Recycling center, as defined by Public Resources Code Section <u>14520</u>, that is within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- T. Sewer farms or sewage disposal plants;
- U. Smelting of tin, copper, zinc or iron ores;
- V. Slaughterhouse;
- W. Scrap metal yards, junkyards;

X. Wineries. (Ord. 4950 § 1, 2018; Ord. 4604 § 2, 2009; Ord. 4044 § 1, 2002; Ord. 3746 § 11, 1997; Ord. 3174 § 6, 1988; prior code § 17.32.026)

# 17.30.035 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Industrial and/or commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 15, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 26, 2000; Ord. 3835 § 16, 1998; Ord. 2708 § 2, 1982)

## 17.30.040 Building height.

Building height in an M-2 zone shall be thirteen stories and shall not exceed one hundred fifty feet. (Prior code § 17.32.030)

### 17.30.050 Front yard.

Front yard requirements in an M-2 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R 4 zone. (Ord. 4236 § 7, 2005; prior code § 17.32.040)

### 17.30.060 Side yards.

Side yard requirements in an M-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 8, 2005; prior code § 17.32.050)

### 17.30.070 Rear yard.

Rear yard requirements in an M-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 9, 2005; prior code § 17.32.060)

### 17.30.080 Minimum lot area.

<u>There shall be no m</u>Minimum lot area in an M-2 zone-<u>shall be as follows: none, except all buildings used</u> exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Prior code § 17.32.070)

# **17.30.090** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in an M-2 zone shall be asfollows: nine, except all buildings exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Prior code § 17.32.080)

# Chapter 17.31 M-3 (HEAVY INDUSTRIAL) ZONE

Sections:

17.31.010	Generally.
17.31.020	Uses permitted.
17.31.030	Uses permitted only by conditional use permit.
17.31.040	Additional requirements.
17.31.050	Building height.
17.31.060	Front yard.
17.31.070	Side yards.
17.31.080	Rear yard.
17.31.090	Minimum lot area.
17.31.100	Distance between buildings on the same lot.

## 17.31.010 Generally.

The regulations set out in this chapter shall apply in the M-3 (heavy industrial) zone unless otherwise provided in this chapter. The M-3 zone is intended to provide areas suitable for the development of heavy manufacturing and industrial uses, processing of animals for food or byproducts, waste recycling or disposal processing, and processing or manufacture of undesirable products. Uses allowed in the M-3 zone are incompatible with other land uses and should be located in places substantially removed from uses which may be impacted from M-3 uses. (Ord. 3383 § 1, 1991)

## 17.31.020 Uses permitted.

The following uses are permitted in an M-3 zone:

- <u>A</u><del>1</del>. Acetylene gas manufacture and storage,
- <u>B</u><sub>2</sub>. Acid manufacture,
- $\underline{C3}$ . Alcohol and alcoholic beverage manufacturing and distillation,
- <u>D</u>4. Beef, swine, poultry or rabbit slaughter,

E5. Blast furnaces,

<u>F6.</u> Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases,

<u>G</u>7. Chemical manufacture,

<u>H8</u>. Clay product manufacture,

<u>19</u>. Coke ovens,

- <u>J</u><del>10</del>. Cotton gins or oil mills,
- $\underline{K}$ <sup>11</sup>. Creosote treatment or manufacture,
- L12. Curing, tanning, and storage of raw hide or skins,
- <u>M</u>13. Disinfectant manufacture,
- <u>N</u>14. Distillation of coal, wood, bones, or tar,
- <u>015</u>. Drop forge industries manufacturing forgings with power hammers,
- <u>P16</u>. Explosives, manufacture or storage,
- <u>Q17</u>. Exterminator or insect poison manufacture,
- <u>**R**</u><del>18</del>. Fat rendering,
- <u>S</u>19. Feed and fuel yards,
- <u>T</u><del>20</del>. Fertilizer manufacture,
- U21. Forge plants,

- $\underline{V22}$ . Gelatin or size manufacture,
- W23. Glass or glass product manufacture,
- $\underline{X}$  24. Glucose or dextrine manufacture,
- Y25. Glue manufacture,
- $\mathbb{Z}^{26}$ . Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting,
- AA27. Nonmineral oil extracting plants,
- **<u>BB</u>28**. Ore reduction,
- CC29. Paint, oil, shellac, turpentine or varnish manufacture,
- DD30. Paper or pulp manufacture,
- EE31. Petroleum refining, reclaiming plants, and associated uses,
- FF32. Rolling mills,
- <u>GG</u>33. Rubber processing and manufacture,
- HH34. Sawmills,
- <u>**II**</u>35. Smelting of tin, copper, zinc, or iron ores,
- JJ36. Scrap metal yards, junkyards,
- KK37. Tar roofing or waterproofing or other tar products manufacture,
- LL38. Accessory buildings or structures necessary to such use located on the same lot or parcel of land,

<u>MM39</u>. Dwelling for use by a caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 3383 § 1, 1991)

### 17.31.030 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the M-3 zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

- A. Coal-fired cogeneration facility or steam generators;
- B. Community septic disposal systems;
- C. Electrical power generator plants;
- D. Hazardous waste disposal facilities;
- E. Mining and mineral extraction;
- F. Nonhazardous oily waste disposal facilities;
- G. Sanitary landfills;
- H. Septage disposal sites;
- I. Sewage treatment plants;
- J. Transfer station;
- K. Waste-to-energy facilities. (Ord. 3746 § 12, 1997; Ord. 3383 § 1, 1991)

## **17.31.040** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Industrial and/or commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 16, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 27, 2000; Ord. 3835 § 17, 1998; Ord. 3383 § 1, 1991)

### 17.31.050 Building height.

Building height in an M-3 zone shall not exceed two hundred ten feet (approximately fourteen stories). (Ord. 3383 § 1, 1991)

### **17.31.060** Front yard.

Front yard requirements in an M-3 zone shall be as follows:

A. All buildings shall be located not nearer than ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3383 § 1, 1991)

### 17.31.070 Side yards.

Side yard requirements in an M-3 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 10, 2005; Ord. 3383 § 1, 1991)

### 17.31.080 Rear yard.

Rear yard requirements in an M-3 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 11, 2005; Ord. 3383 § 1, 1991)

### 17.31.090 Minimum lot area.

There shall be no minimum lot area in an M-3 zone. (Ord. 3383 § 1, 1991)

# **17.31.100** Distance between buildings on the same lot.

There shall be no distance required between buildings on the same lot in an M-3 zone<del>, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone</del>. (Ord. 3383 § 1, 1991)

# Chapter 17.32 A AGRICULTURE ZONE

Sections:

17.32.010	Generally.
17.32.020	Uses permitted.
17.32.030	Uses permitted subject to planning director review and approval.
17.32.040	Building height, yards and distance between buildings on same lot.
17.32.050	A-20A (agricultural twenty-acre minimum lot size) zone.
17.32.060	A-WR (agricultural – water recharge combining) zone.

### 17.32.010 Generally.

The regulations set out in this chapter shall apply in the A agricultural zone unless otherwise provided in this title. (Ord. 4970 § 1, 2019; prior code § 17.36.010)

### 17.32.020 Uses permitted.

The following uses are permitted in an A zone:

### A. Any use permitted in the R-1 zone One single-unit dwelling;

B. Accessory agricultural buildings and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection with livestock shall be located nearer than one hundred feet to the front lot line, nor nearer than fifty feet to any existing dwelling on any contiguous property, nor nearer than one hundred feet to any public park, school, hospital or similar institution;

C. Hatching, raising and fattening of chickens, turkeys, or other fowl, or poultry or rabbits, fish or frogs for domestic or commercial use; provided, that no commercial poultry pen or coop or commercial rabbitry shall be maintained on a building site containing an area of less than one acre;

D. Agricultural and horticultural uses including nurseries, greenhouses, orchards, the keeping of one or more beehives or the raising of field crops, tree crops, berry or bush crops, or vegetable or flower gardening on a commercial scale;

E. The keeping of bovine animals, horses, mules, sheep, goats and hogs (none garbage fed); provided, that the number thereof shall not exceed a number per acre equal to four adult animals in any combination of the foregoing animals and their immature offspring; and provided, that in no event shall there be more than five hogs kept on any premises. (Ord. 4970 § 1, 2019; Ord. 2985 § 4, 1985; Ord. 2709 § 1, 1982; prior code § 17.36.020)

## **17.32.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted subject to review and approval by the planning director:

Private or public open recreational or sporting uses or events for a period of not to exceed one week at a time. (Ord. 4970 § 1, 2019; Ord. 3964 § 28, 2000; Ord. 2709 § 2, 1982; prior code § 17.36.025)

# 17.32.040 Building height, yards and distance between buildings on same lot.

None, except that on parcels or lots of less than fifteen thousand square feet in area and recorded as a separate lot in the office of the county recorder prior to the enactment of Ordinance No. <u>1010</u> (1954), the parcel or lot may be occupied by not more than one dwelling unit. Regulations shall be the same as required in the R-1 zone; provided, that all buildings shall be located not nearer than one hundred ten feet from the centerline of any existing or planned public street or highway. (Ord. 4970 § 1, 2019; Ord. 2709 § 3, 1982; prior code § 17.36.030)

# 17.32.050 A-20A (agricultural twenty-acre minimum lot size) zone.

All permitted uses and regulations in the A-20A (agricultural twenty-acre minimum lot size) zone shall be the same as for the A zone, except that the minimum lot size shall not be less than twenty acres. (Ord. 4970 § 1, 2019; Ord. 2709 § 4, 1982)

# **17.32.060** A-WR (agricultural – water recharge combining) zone.

All permitted uses and regulations in the A-WR zone shall be the same as for the A zone, except that "surface water spreading grounds" may also occur as a permitted use. (Ord. 4970 § 1, 2019)

# **Chapter 17.34**

# **<u>RESERVED</u>P AUTOMOBILE PARKING ZONE**

Sections:

17.34.010Generally.17.34.020Uses permitted.17.34.030Additional requirements.

#### **17.34.010** Generally.

Land may be classified as being in the P zone and subject to development standards related thereto or the zonemay be used as an overlay to modify the R zones specified in this code, and subject to all restrictions applicable to the R zones, thereby providing more restrictive development in the R zones. (Ord. 2710 § 1, 1982; prior code § 17.40.010)

# 17.34.020 Uses permitted.

The following uses are permitted in a P zone:

A. Any use permitted in the R zone in which the land is classified and when so used subject to all of the provisions contained in the sections defining such zone;

B. Parking lot, except for trucks of over one ton capacity;

C. Farmers market; provided it is conducted on a paved surface, shall not be operated more than two daysper calendar week, has been certified by the Kern County agricultural commissioner, and that adequate parking is available through joint, shared or other arrangement as approved by the planning director pursuant to Chapter <u>17.58</u> of this code. (Ord. 3835 § 18, 1998; Ord. 3695 § 3, 1995; Ord. 2710 § 2, 1982; prior code § 17.40.020)

#### 17.34.030 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code. (Ord. 3835 § 19, 1998; Ord. 2710 § 3, 1982; prior code § 17.40.024)

# Chapter 17.35 RE (RECREATION) ZONE

Sections:

17.35.010	Generally.
17.35.020	Uses permitted.
17.35.030	Conditional uses.
17.35.040	Additional requirements.

# 17.35.010 Generally.

The following regulations shall apply in the RE (recreation) zone unless otherwise provided in this title. (Ord. 2711 § 1, 1982)

# 17.35.020 Uses permitted.

Any of the following uses:

- A. Archery ranges;
- B. Baseball, football, soccer, track, field or basketball stadiums or facilities;
- C. Equestrian facilities;
- D. Golf courses;
- E. Gun clubs or shooting ranges;
- F. Automotive, cycle or horse racetracks;
- G. Racquetball facilities;
- H. Swimming pools;
- I. Tennis clubs or courts;

J. Support uses to commercial recreation listed herein, including, but not limited to, offices, restaurants, motels and gift and apparel shops. (Ord. 2711 § 1, 1982)

# 17.35.030 Conditional uses.

Establishments or enterprises designed or used for large assemblages of people, with the exception of those uses identified in Section <u>17.35.020</u>, may be permitted upon the granting of a conditional use permit. (Ord. 2711 \$ 1,1982)

## **17.35.040** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be determined by the appropriate approving authority for each use based on established city ordinances and policies to ensure compatibility with adjoining land uses and promote the public health, safety and welfare of the neighborhood and community.

C. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

G. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

H. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

I. Roof-top areas of structures adjacent to property zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 17, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 29, 2000; Ord. 3835 § 20, 1998; Ord. 2711 § 1, 1982)

# Chapter 17.36

# RESERVED CHURCH (CH) COMBINING ZONE

Sections:

<del>17.36.010</del>	
<del>17.36.020</del>	Uses permitted.
17.36.025	Uses permitted subject to conditional use permit.
17.36.030	

#### **17.36.010** Generally.

The CH zone is a combining zone in R-1, R-2 and R-3 zones and is subject to the restrictions set out in thischapter and the underlying zone district unless otherwise provided in this title. (Ord. 4938 § 2, 2018; Ord. 3375 § 1,-1991; prior code § 17.42.010)

# 17.36.020 Uses permitted.

The following uses are permitted in a CH combining zone:

A. Churches;

**B.** Sanctuaries;

C. Sunday schools;

D. Unlighted playfields;

E. Any use permitted in the R 1, R 2 and R 3 zones in which the land is classified and when so subject to all of the provisions contained in the sections defining the zone. (Ord. 4938 § 3, 2018; Ord. 3835 § 21, 1998; Ord. 3375-§ 1, 1991; prior code § 17.42.020)

#### **17.36.025** Uses permitted subject to conditional use permit.

While any use may be permitted by conditional use permit pursuant to Section <u>17.64.020(B)</u>, the followinguses are not permitted in the CH (Church) combining zone except by conditional use permit issued inaccordance with the procedures provided in Chapter <u>17.64</u> of this code:

A. Certified farmers markets;

B. Lighted play fields;

C. Day care centers;

D. Private schools. (Ord. 4938 § 4, 2018; Ord. 3746 § 13, 1997; Ord. 3375 § 1, 1991; Ord. 2818 § 3, 1983)

#### 17.36.030 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Building height, distance between buildings, and yard requirements shall be the same as the other zone inwhich the land is classified. For church related development only, towers, steeples, cupolas, symbols and other architectural features not providing additional floor space within the building may extend not more than tenfeet above the height limit provided in the other zone in which the land is classified.

C. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

F. Churches and related development proposed adjacent to property zoned or designated for residentialdevelopment shall be required to be separated by a solid masonry wall constructed a minimum height of sixfeet from highest grade. Any wall located within or along the front yard area shall not exceed a height of fourfeet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residentialuses.

G. Roof top areas of churches and related development shall be completely screened from view by parapetsor other finished architectural features constructed to a height of the highest equipment and unfinishedstructural element or architectural feature of the building. This requirement shall apply to all new constructionand remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 18, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 30, 2000; Ord. 3835 § 22, 1998; Ord. 3375 § 1, 1991; Ord. 2712 § 1, 1982; prior code § 17.42.030)

# Chapter 17.37 OS (OPEN SPACE) ZONE

Sections:

17.37.010	Generally.
17.37.020	Purpose.
17.37.030	Uses permitted.
17.37.040	Uses permitted subject to planning director permit.
17.37.050	Uses permitted only by conditional use permit.
17.37.060	Additional requirements.

# 17.37.010 Generally.

The regulations set out in this chapter shall apply in the OS (open space) zone unless otherwise provided. (Ord. 2713 § 1, 1982)

# 17.37.020 Purpose.

The purpose of the OS (open space) zone is to provide for permanent open spaces and recreational uses and to safeguard the health, safety and welfare of the people by limiting developments in areas where protection from unstable soils, flooding, seismic activity or other special circumstances is required. (Ord. 2713 § 1, 1982)

# 17.37.030 Uses permitted.

The following uses are permitted in the OS zone:

A. Agricultural use;

- B. Parks for passive recreational use;
- C. Wildlife preserves;
- D. Riding and hiking trails;

E. Permanent unlighted recreation facilities for small-scale, unorganized use such as softball diamonds, soccer or football fields, playground equipment and tennis courts. (Ord. 3835 § 23, 1998; Ord. 2713 § 1, 1982)

## 17.37.040 Uses permitted subject to planning director permit.

The following uses are permitted subject to a permit issued by the planning director:

Private or public open recreational or sporting uses or events for a period not to exceed one week at a time. (Ord. 3835 § 24, 1998; Ord. 2713 § 1, 1982)

### 17.37.050 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the OS zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

- A. Single-family-unit residential uses;
- B. Public and private campgrounds and recreational vehicle parks;
- C. Public utility structures;
- D. Archery ranges;
- E. Equestrian facilities;
- F. Golf courses and driving ranges;
- G. Gun clubs or shooting ranges;
- H. Racetracks;
- I. Baseball batting ranges;
- J. Wholesale nurseries. (Ord. 3746 § 14, 1997; Ord. 2713 § 1, 1982)

# **17.37.060** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be determined by the appropriate approving authority for each use based on established city ordinances and policies to ensure compatibility with adjoining land uses and promote the public health, safety and welfare of the neighborhood and community.

C. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director. (Ord. 3835 § 25, 1998; Ord. 2832 § 1, 1983; Ord. 2713 § 1, 1982)

# Chapter 17.38 HOSPITAL (HOSP) ZONING

Sections:

17.38.010	Generally.
17.38.020	Uses permitted.
17.38.030	Additional requirements.

# 17.38.010 Generally.

Land classified in R-1, R-2 and R-3 zones may also be classified as a hospital zone and the restrictions set out in this chapter shall <u>comply with the restrictions set out in this chapter apply in the hospital zone</u>-unless otherwise provided in this title. (Ord. 3376 § 1, 1991; prior code § 17.43.010)

# 17.38.020 Uses permitted.

The following uses are permitted in a hospital zone:

A. Any use permitted in the R-1, R-2 and R-3 zones in which the land is classified and when so used subjectto all of the provisions contained in the sections defining the zone;

**B**<u>A</u>. Hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged, except animal hospitals, clinics, hospitals or sanitariums for mental, drug or liquor addict cases. (Ord. 3835 § 26, 1998; Ord. 3376 § 1, 1991; prior code § 17.43.020)

# **17.38.030** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be the same as the other zone in which the land is classified.

C. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u>.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Hospitals and related development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

G. Roof-top areas of hospitals and related development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 19, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 31, 2000; Ord. 3835 § 27, 1998; Ord. 3376 § 1, 1991; Ord. 2714 § 1, 1982; prior code § 17.43.030)

# **Chapter 17.41**

# **<u>RESERVED</u>AD (ARCHITECTURAL DESIGN) ZONE**

Sections:

<del>17.41.010</del>	Purpose.
<del>17.41.020</del>	Overlay application.
<del>17.41.030</del>	Designation of architectural design districts, buildings and sites.
<del>17.41.040</del>	Architectural standards.
<del>17.41.050</del>	Approval of plans Procedure.

#### 17.41.010 Purpose.

The purpose of the AD (architectural design) zone is to promote the general welfare of the public through the establishment or the protection and enhancement of structures and districts within the city which exhibit unique historic, architectural and engineering design features which are deemed by the city council to be of eultural and aesthetic benefit to the community as a whole. (Ord. 2716 § 1, 1982)

## 17.41.020 Overlay application.

Land classified in an AD zone shall also be classified in another zone, and the following regulations shallapply in the AD (architectural design) zone unless otherwise provided in this title. (Ord. 2716 § 1, 1982)

### **17.41.030** Designation of architectural design districts, buildings and sites.

For the purposes of the chapter, an improvement may be designated as subject to architectural designrestrictions by the city council and any area within the city may be designated an architectural design districtby the city council pursuant to this section if the owner or owners thereof consent to such designation and itmeets any of the following criteria:

#### A. Historical and Cultural Significance.

1. The structure or district proposed for designation is particularly representative of a distinct historicalperiod, type, style, region or way of life. 2. The structure or district proposed for designation is or contains a type of building or buildings which was once common, but is now rare.

3. The structure or district proposed for designation was connected with someone renowned orimportant, or local personality.

4. The structure or district proposed for designation is connected with a business or use which was oncecommon, but is now rare.

5. The structure or district proposed for designation is the site of an important historic event or isassociated with events that have made a meaningful contribution to the nation, state or community.

B. Architectural, the Engineering Significance.

1. The structure or district proposed for designation exemplifies a particular architectural style or way of life important to the city.

2. The construction materials or engineering methods used in the structure or district proposed fordesignation embody elements of outstanding attention to architectural or engineering design, detail, material or craftsmanship. (Ord. 2716 § 1, 1982)

## 17.41.040 Architectural standards.

In order that buildings, structures, signs and landscaping be consistent with the provisions of this chapter, architectural standards shall be adopted for application to improvements and districts designated with the AD-(architectural design) zone. The establishment of such standards shall include, but not be limited to, the following architectural characteristics:

- A. The height, bulk and area of buildings;
- B. The setback distances from all property lines;
- C. The colors and materials on the exterior;
- D. The type and pitch of roofs;
- E. The size, type and location of signs;
- F. Towers, chimneys, roof structures, flagpoles, radio and television masts;
- G. Plot plan landscaping and automobile parking area;
- H. The relation to the existing buildings and structures in the general vicinity and area;

I. Style and effect to be achieved. (Ord. 2716 § 1, 1982)

#### 17.41.050 Approval of plans Procedure.

A. Where the city council has made an independent finding of the necessity of imposing architectural controlfor one or more of the reasons set out in this chapter, plans of exterior architectural design and appearance of all buildings and structures, plot plans, landscape plans, advertising sign plans, parking area plans and building setback plans shall be subject to the approval of the planning commission in order that the proposed buildings, structures, signs and landscaping will be consistent with the adopted standards pursuant to Section 17.41.040.

B. In the event it is determined that any proposed structure is inconsistent with the standards required of Section <u>17.41.040</u>, the planning commission shall confer with the applicant in an endeavor to have the planschanged so that the structure will be harmonious in ap pearance with the surroundings. In case the applicant isnot satisfied with the action of the planning commission, he may, within thirty days after such action, appeal in writing to the city council. The city council shall hold a public hearing on the appeal and shall render itsdecision thereon within thirty days after the filing thereof. Upon approval by the city council, the buildingpermit shall be issued, provided all other requirements of law have been met. (Ord. 2716 § 1, 1982)

# Chapter 17.42 FP-P FLOODPLAIN PRIMARY ZONE

Sections:

17.42.010	Generally.
17.42.020	Purpose and application.
17.42.030	Uses permitted.
17.42.040	Uses permitted subject to building director permit.
17.42.060	Uses permitted only by conditional use permit.
17.42.070	Uses specifically prohibited.

# 17.42.010 Generally.

The regulations set out in this chapter shall apply in the FP-P floodplain primary zone unless otherwise provided in this chapter. (Prior code § 17.46.010)

# **17.42.020 Purpose and application.**

A. *Purpose.* The purpose of the FP-P zone, primary floodplain zone shall be the prevention of loss of life, the minimization of property damage, and the maintenance of satisfactory conveyance capacities of waterways through the prevention of obstructions in the floodplain which diminish the ability of the floodplain to carry overloads during periods of flooding and to permit economic recovery of oil, gas and hydrocarbon substances, to the end that such economically vital development will offer a minimum obstruction to flood-flow, will not cause peripheral flooding of other properties, will not materially impair the ability of the primary floodplain to discharge the waters resulting from an intermediate regional flood, will either be resistant to flotation or immune to extensive damage by flooding. This zone is intended for application in those areas of the city which lie within natural streambeds and those portions of adjacent floodplains through which high velocity waterflows are channelized in times of flood.

B. *Exclusive Zone*. This zone is an exclusive zone and may be applied only to those areas within the boundaries of the intermediate regional flood which have been determined to be the primary floodplain area. (Prior code § 17.46.020)

# 17.42.030 Uses permitted.

The following uses are permitted in the FP-P zone:

A. Remedial work, improvements and floodproofing which will permit development within such zone in accordance with this chapter so that any such development will offer no more obstruction to flood flow than that which will cause a zero rise in the surface of the intermediate regional flood in any section of the river, will not cause peripheral flooding of other properties, will not materially impair the ability of the primary floodplain to discharge the waters resulting from an intermediate regional flood, will either be resistant to flotation or immune to extensive damage by flooding and will not endanger life or property;

B. Flood control channels, surface water spreading grounds, streambed retarding basins and other similar facilities;

C. Grazing, field crops, truck gardening, wildlife preserves, horticultural specialties, excluding trees, and similar agricultural or open space uses, riding and hiking trails;

D. Public utility facilities excepting those structures for which a conditional use permit is required under Section <u>17.42.060</u>. (Ord. 5064 § 1, 2021; prior code § 17.46.030)

# 17.42.040 Uses permitted subject to building director permit.

The following uses are permitted in an FP-P zone subject to a permit issued by the building director:

A. Private or public open recreational or sporting uses or events for a period of not to exceed one week at a time;

B. Water wells, drilled not less than ten feet of the toe of the bank of the river. (Ord. 3477 § 7, 1992; Ord. 2800 § 1, 1983; prior code § 17.46.040)

# 17.42.060 Uses permitted only by conditional use permit.

Notwithstanding subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are the only uses permitted by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. Public and private open recreational or sporting uses, including parks, aquatic facilities, playgrounds, campgrounds, golf courses, golf driving ranges, fishing and hunting clubs.

B. Parking lots.

C. Public utility structures;

D. Temporary and readily removable structures accessory to uses permitted under Sections <u>17.42.030</u> and <u>17.42.040</u>. (Ord. 3746 § 15, 1997; Ord. 2981 § 4, 1985; Ord. 2717 § 2, 1982; prior code § 17.46.050)

## 17.42.070 Uses specifically prohibited.

The following uses are specifically prohibited in the FP-P zone:

A. All uses not permitted by Sections <u>17.42.030</u>, <u>17.42.040</u> and <u>17.42.060</u>;

B. Human habitations;

C. Excavations that will tend to direct flood-flows out of the natural floodplain;

D. Storage of floatable substances or materials which will add to the debris load of a stream or watercourse;

E. Improvements, developments or encroachments which will endanger life or property or that will obstruct the natural flow of floodwater or impair the ability of the streambed and that portion of the floodplain that would be used to carry flood-flows, to carry and discharge the waters resulting from the intermediate regional flood;

F. Any use which endangers temporary safeguards erected until such time as flood protection or control works have been constructed;

G. Drilling for and production of petroleum, except that area located within the state approved boundary of the Kern River oil field as delineated on Map 457 of the D.O.G. (Ord. 3477 § 3, 1992; prior code § 17.46.060)

# Chapter 17.44 FP-S FLOODPLAIN SECONDARY ZONE

Sections:

17.44.010	Generally.
17.44.020	Purpose and application.
17.44.030	Uses permitted.
17.44.040	Uses permitted subject to building director permit.
17.44.060	Uses permitted only by conditional use permit.
17.44.070	Uses specifically prohibited.

# **17.44.010** Generally.

The regulations set out in this chapter shall apply in the FP-S floodplain secondary zone unless otherwise provided in this chapter. (Prior code § 17.46.090)

# **17.44.020 Purpose and application.**

A. *Purpose*. The purpose of the FP-S, secondary floodplain combining zone shall be the protection of life and property from the hazards and damages which may result from floodwaters of the intermediate regional flood and to permit economic recovery of oil, gas and hydrocarbon substances.

B. *Application.* This zone is intended for application to those areas of the city which lie within the fringe area of the floodplain and are subject to less severe inundation during flooding conditions than occurs in the FP-P zone. This zone may be applied only to those areas located within boundaries of the intermediate regional flood which lie outside the FP-P primary floodplain zone. Land may be classified as being solely in the FP-S zone and subject to the development standards and regulations set forth in this chapter or the FP-S zone may be used as an overlay to modify an underlying zone and provide more restrictive standards and regulations than would otherwise apply in such underlying zone. (Ord. 2800 § 2, 1983; prior code § 17.46.100)

# 17.44.030 Uses permitted.

Subject to the prohibitions of Section <u>17.44.070</u>, the following uses are permitted in the FP-S zone:

A. All uses permitted by Section <u>17.42.030</u>;

B. Single-family-unit dwellings and accessory residential, recreational and agricultural structures shall be allowed if they are allowed in the underlying or base zone, if any, only if they comply with one of the following conditions:

1. The finish floor grade of any such building will be above the intermediate regional flood level, or

2.

a. All permanent buildings will be protected from flooding by dikes, levees or other flood protection works whose design is approved by the city engineer,

b. Individual sewage systems shall be maintained outside the limits of the FP-S zone, unless protected by flood-control devices approved by the city engineer and shall not be located closer than one hundred feet to any surface water source (domestic, agricultural wells, etc.). (Ord. 2800 § 3, 1983; prior code § 17.46.110)

### **17.44.040** Uses permitted subject to building director permit.

The following uses are permitted in a FP-S zone subject to a permit issued by the building director:

A. Any use permitted under Section <u>17.42.040</u> subject to the regulations and conditions as provided in this section.

B. The building director shall issue a permit for the drilling of an oil, gas, or water well only if, in addition to determining that all other regulations applicable thereto have been or will be complied with, he determines to his satisfaction, after consultation with the director of the city department of water resources, that the proposed well is so located in coordination with other drilling locations so that the combined effect of such wells will not produce a rise in the surface of the one-hundred-year flood in excess of one foot. (Ord. 3477 § 4, 1992; Ord. 2800 §§ 4, 5, 1983; prior code § 17.46.120)

# **17.44.060** Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the FP-S zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. All uses permitted in the underlying or base zone, if any, which are not allowed pursuant to Section <u>17.44.030</u>.

B. All uses which may be permitted subject to planning director approval and conditional use permit in the underlying or base zone, if any.

C. Recreation areas, parks, campgrounds, playgrounds, fishing lakes, hunting and gun clubs, golf courses, golf driving ranges, parking lots.

D. Temporary and readily removable structures accessory to recreational or agricultural uses.

E. Riding stables.

F. Public utility facilities. (Ord. 3943 § 10, 1999; Ord. 3746 § 16, 1997; Ord. 2800 §§ 6, 7, 1983; prior code § 17.46.130)

# 17.44.070 Uses specifically prohibited.

The following uses are specifically prohibited in the FP-S zone:

A. Landfills, improvements, developments or other encroachments which will, in the opinion of the city engineer, endanger life or property or that will significantly obstruct the natural flow of floodwater within the intermediate regional flood elevation;

B. Storage of floatable substances or materials which will add to the debris load of the watercourse;

C. Excavations that will tend to broaden the floodplain or direct flows out of the natural floodplain. (Ord. 2800 § 8, 1983; prior code § 17.46.140)

# Chapter 17.45 AA (AIRPORT APPROACH) ZONE

Sections:

17.45.010	Generally.
17.45.011	Legislative authority.
17.45.012	Definitions.
17.45.020	Types of zones and height limits.
17.45.030	Airport approach zoning map.
17.45.040	Enforcement.
17.45.050	Permits.

# 17.45.010 Generally.

Land classified in an AA zone shall also be classified in another zone, and the provisions set forth in Section <u>17.45.020</u> shall apply in the AA (airport approach) zone unless otherwise provided in this title. (Ord. 2719 § 1, 1982)

# 17.45.011 Legislative authority.

This chapter is adopted pursuant to the Airport Approach Zoning Law of the state (commencing at Section 50485 of the Government Code of the state) and the Planning and Zoning Law of the state (commencing at Section 65000 of the Government Code of the state). (Ord. 2719 § 1, 1982)

# 17.45.012 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

A. "Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes, a map of which has been or is hereinafter included as part of the airport approach zoning map of the city.

B. "Airport elevation" means the elevation of the highest point on the usable or designed runway.

C. "Airport hazard" means any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

D. "Height," used for the purpose of determining height limits in all zones set forth in this chapter, means the vertical elevation in feet above the established airport elevation unless otherwise stated.

E. "Landing" area means the area of an airport used, or to be used, for the landing, taking off or taxiing of aircraft.

F. "Runway" means the paved surface of an airport landing area designated for the landing or taking off of aircraft.

G. "Structure" means any object constructed, installed or placed on or over real property, including, but not limited to, buildings, towers, smokestacks and overhead lines. (Ord. 2719 § 1, 1982)

# **17.45.020** Types of zones and height limits.

Six types of AA subzones, and height limits for such subzones, are established for the purposes of airport approach zoning. Except as otherwise provided in this chapter, no structure or tree, shrub or bush shall be erected, altered, allowed to grow or be maintained in any subzone to a height in excess of the height limit established for such subzone. The datum plan for measurement of such height, except as otherwise specified herein, shall be based on the airport elevation, as defined by subsection <u>B</u> of Section <u>17.45.012</u>. Appropriate subzones for heliports shall be established in accordance with Federal Aviation Regulations Part 77. Such subzones are as follows:

A. *Landing Subzone (L).* A surface, and the airspace above it, rectangular in shape, longitudinally centered on the runway and extending in length two hundred feet beyond the ends of the runway; the landing subzone shall have an elevation, at any point along its longitudinal profile, coincident with the runway centerline or centerline prolongations as appropriate; the landing subzone shall have width established in accordance with Federal Aviation Regulations Part 77 and shall be specified on each map adopted pursuant to Section 17.45.030.

B. *Final Approach Subzone (FA)*. A plane surface, and the airspace above it, trapezoidal in shape, longitudinally centered on the prolongation of the runway centerline, beginning at each end of each landing subzone, coinciding in width with the landing subzone where they join; the height and width of the final approach subzone shall be established in accordance with Federal Aviation Regulations Part 77 and shall be specified on each map adopted pursuant to Section <u>17.45.030</u>.

C. *Landing Transition Subzone (LT)*. A plane surface, and the airspace above it, rectangular in shape, lying adjacent and parallel to each side of each landing subzone, having a length equal to the landing subzone and extending outward and upward, at right angles to the runway centerline, at a slope of seven-to-one to a height of one hundred fifty feet above the established airport elevation.

D. *Approach Transition Subzone (AT).* A plane surface and the airspace above it, triangular in shape, lying adjacent to each side of each approach zone and at each end of each landing transition subzone, coinciding in height with the approach outward and upward, at right angles to the prolongation of the runway centerline, at a slope of seven-to-one to a maximum airport elevation or to the conical subzone surface, whichever is higher.

E. *Horizontal Subzone (H)*. A horizontal plane surface, and the airspace above it, one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii, established in accordance with Federal Aviation Regulations Part 77, from the center of each end of the landing subzone of each runway and connecting the arcs by lines tangent to such arcs; the horizontal subzone does not include the landing subzone or transition subzones.

F. *Conical Subzone (C)*. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet. The conical subzone does not include the final approach subzone at the approach transition subzone. (Ord. 2719 § 1, 1982)

## **17.45.030** Airport approach zoning map.

The several subzones established by Section <u>17.45.020</u> shall be shown and delineated on the airport zoning map of the city which is adopted. Such zoning map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included with the provisions of this chapter. Additional parts of the airport approach zoning map may be adopted from time to time by ordinance. Each part of the airport approach zoning map of the city hereafter adopted by ordinance shall have a descriptive title and shall contain diagrams, including a plot plan of the subject runways, the location and dimensions of all subzones described in accordance with the formulas established for the regulation of any of the aforementioned subzones. (Ord. 2719 § 1, 1982)

# 17.45.040 Enforcement.

The city building director shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by Section 17.45.030 if such construction, reconstruction or structural alteration would result in violation of the provisions of this section. Any building permits so issued shall be null and void. (Ord. 2719 § 1, 1982)

#### 17.45.050 Permits.

Before that portion of any nonconforming structure which exceeds the height limitation established by the airport approach zoning map and Section <u>17.45.020</u> may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the planning director authorizing such structural alteration, replacement, reconstruction or change. These portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein without securing such a permit unless such structural alteration, repair, addition, or enlargement exceeds the applicable height limitation. No such permit shall be granted that would allow the creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the date that this chapter was made applicable to a particular airport. All other applications for such permits may be granted. (Ord. 5020 § 19, 2020; Ord. 2719 § 1, 1982)

# Chapter 17.46 DRILLING ISLAND (DI) DISTRICT\*

Sections:

17.46.010	Purpose and intent.
17.46.020	Permitted uses.
17.46.030	Reserved.
17.46.040	Reserved.
17.46.050	Minimum lot size.
17.46.060	Reserved.
17.46.070	Reserved.
17.46.080	Reserved.
17.46.090	Reserved.
17.46.100	Reserved.
17.46.110	Reserved.
17.46.120	Special review procedures and development standards.

\* Prior ordinance history: Ords. <u>3840</u> and <u>3856</u>.

# **17.46.010 Purpose and intent.**

The purpose of the drilling island (DI) district is to designate single lots and discrete areas within the boundaries of final map subdivisions and mobile home parks that contain productive or potentially productive petroleum resources to allow mineral access to explore for and develop such resources and to promote the development of such resources in a manner compatible with surrounding development. Uses in the DI district are limited to oil and gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto and compatible open space and passive recreational uses. (Ord. 4060 § 2, 2002)

# 17.46.020 Permitted uses.

The following uses are permitted in the DI district:

A. Oil or gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment structure or facilities thereto, pursuant to the provisions herein.

B. Subdivision drainage sump, as part of an application for a tentative tract map, provided that mineral rights owners have given written consent. (Ord. 4060 § 2, 2002)

# 17.46.030 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.040 Reserved.

(Ord. 4060 § 2, 2002)

### 17.46.050 Minimum lot size.

No portion of any lot within the DI district shall contain less than two and one-half gross acres in size, shall have a minimum width of three hundred five feet and shall demonstrate that all set-back requirements can be accommodated internally within such lot. (Ord. 4060 § 2, 2002)

### 17.46.060 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.070 Reserved.

(Ord. 4060 § 2, 2002)

## 17.46.080 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.090 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.100 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.110 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.120 Special review procedures and development standards.

All drilling and other hydrocarbon development activity in the DI district shall be carried out in accordance with the standards and procedures set forth in Section 15.66.040(A). (Ord. 4060 § 2, 2002)

# Chapter 17.47

# (PE) PETROLEUM EXTRACTION COMBINING DISTRICT

Sections:

17.47.010	Purpose and intent.
17.47.020	Permitted uses.
17.47.030	Uses permitted with a conditional use permit.
17.47.040	Reserved.
17.47.050	Minimum lot size.
17.47.060	Minimum lot area per dwelling unit.
17.47.070	Yards and setbacks.
17.47.080	Height limits.
17.47.090	Minimum distance between structures.
17.47.100	Reserved.
17.47.110	Reserved.
17.47.120	Reserved.
17.47.130	Special review procedures and development standards.

\* Prior ordinance history: Ords. <u>3840</u> and Ord. <u>3856</u>.

# **17.47.010 Purpose and intent.**

The purpose of the petroleum extraction (PE) combining district is to designate lands containing productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. The PE district may be applied only to those areas that are zoned estate (E), residential suburban (RS), professional and administrative office zone (CO), neighborhood commercial (C-1), or regional commercial (C-2). The uses allowed and the regulations established by the PE district shall be in addition to the regulations of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

# 17.47.020 Permitted uses.

The following uses are permitted in the PE district:

A. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances, if the well(s) are located more than three hundred feet away from any existing dwelling or existing building

utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.

B. Deepening or redrilling, within the existing well bore, of any well used for the production or development of oil, gas, or other hydrocarbon substances, or the replacement of any production facility which did not require a conditional use permit on the date drilling began or the date the facility was installed.

C. Drilling of a replacement well when the original well did not require a conditional use permit, and when the original well has been abandoned in accordance with Geological Energy Management Division (CalGEM) regulations and drilling of a replacement well commences within one year of the conclusion of abandonment procedures, and the replacement well is located within twenty feet of the original well or is farther from any existing dwelling or commercial building than the original well.

D. Uses permitted by the base district with which the PE district is combined. (Ord. 5093 § 1, 2022; Ord. 4060 § 3, 2002)

### **17.47.030** Uses permitted with a conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the PE zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances if the well(s) are located within three hundred feet of any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.

B. Conditional uses permitted by the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.040 Reserved.

(Ord. 4060 § 3, 2002)

# 17.47.050 Minimum lot size.

Minimum lot size requirements in a PE district are per the requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.060 Minimum lot area per dwelling unit.

Requirements for minimum lot area per dwelling unit in a PE district are per the requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

# 17.47.070 Yards and setbacks.

Yard and setback requirements in a PE district for all uses permitted by the base district, except for drilling, shall conform to the yard and setback requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

### 17.47.080 Height limits.

Height limit requirements in a PE district for all uses permitted by the base district, except for drilling, shall conform to the height limits of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

# 17.47.090 Minimum distance between structures.

Requirements for minimum distance between structures in a PE district for all uses, except for drilling, shall comply with the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

# 17.47.100 Reserved.

(Ord. 4060 § 3, 2002)

# 17.47.110 Reserved.

(Ord. 4060 § 3, 2002)

#### 17.47.120 Reserved.

(Ord. 4060 § 3, 2002)

# **17.47.130** Special review procedures and development standards.

All drilling and hydrocarbon development activities in a PE district shall be carried out in accordance with the standards and procedures set forth in Section 15.66.040(A). (Ord. 4060 § 3, 2002)

# Chapter 17.48 TT TRAVEL TRAILER PARK ZONE

Sections:

17.48.010	Generally.
17.48.020	Definitions.
17.48.030	Conformity to state law.
17.48.040	Uses permitted.
17.48.050	Permit to locate travel trailer park—Application—Hearing—Issuance.
17.48.060	Disposition of moneys collected.
17.48.070	Minimum requirements.
17.48.080	Fire protection.
17.48.090	Setback requirements.

# 17.48.010 Generally.

The regulations set out in this chapter shall apply in the TT travel trailer park zone unless otherwise provided. (Prior code § 17.49.010)

# 17.48.020 Definitions.

For the purpose of this chapter, the general provisions of the <u>Health and Safety Code</u> of the state and the definitions as set forth in Division 13, Parts 2 and 2.1 of the code and Title 25 of the California Administrative Code shall apply to this chapter except that the following special definitions shall apply as set forth hereinafter: Enforcement agency is the city building department, the health department of the county and the Department of Housing and Community Development of the state. (Prior code § 17.49.040)

# 17.48.030 Conformity to state law.

All travel trailer parks within the city shall conform to construction and operation requirements of the California Health and Safety Code, Division <u>13</u>, Parts <u>2</u> and <u>2.1</u>, and the applicable provisions of Title 25 of the California Administrative Code. (Prior code § 17.49.030)

# 17.48.040 Uses permitted.

The following uses are permitted in a TT (travel trailer park) zone:

A. Travel trailer parks, recreational vehicle parks and temporary trailer parks as defined in Sections 18220, 18215 and 18217, respectively, of the <u>California Health and Safety Code</u>. No travel trailer park shall be constructed or located within a mobile home park unless such mobile home park, or a portion thereof, is in the TT zone.

B. The following accessory uses are permitted:

- 1. Travel trailers, recreational vehicles and tents;
- 2. Community recreation facilities;
- 3. Laundry rooms;
- 4. Toilets, showers, lavatories;

5. One mobile home or a one-story, permanent office building to be used only for business or for residence of a manager or caretaker. In no event shall a mobile home or permanent structure be located on a designated travel trailer space.

6. Home occupations, as defined in Section <u>17.04.330</u> and in compliance with the provisions of Chapter <u>17.63</u> of this code. (Ord. 3768 § 2, 1997; Ord. 2720 § 1, 1982; prior code § 17.49.020)

# 17.48.050 Permit to locate travel trailer park—Application—Hearing— Issuance.

A. No travel trailer park shall be located within the city until the location thereof is approved by the planning commission of the city in the manner set forth in this chapter. The person desiring to locate and operate a travel trailer park in the city shall file an application therefor with the planning commission.

B. Such application shall be accompanied with the following:

- 1. True legal description of the grounds and property upon which the park is to be constructed;
- 2. Filing fee;

3. Plot plan showing the recreational vehicle sites and parking spaces for other vehicles, location of proposed buildings or structures, complete plans and specification of the proposed construction and a description of the water supply, ground drainage and method of sewage disposal;

4. Plans showing the location and dimensions of access ways, landscaping, lighting, refuse container locations, connections for use by vehicles of water, sewage and electricity and other improvements required by the planning commission.

C. Upon receipt of the application, the planning director shall set the matter for consideration by the planning commission at the earliest practicable time.

D. The planning commission shall consider the plans and shall approve or conditionally approve the plans, providing the commission determines from the evidence presented that all of the following are true:

1. That the land is classified in a TT travel trailer park zone;

2. That it appears that the plans, as modified, will comply with all standards and requirements of Division 13, Parts 2 and 2.1 of the <u>Health and Safety Code</u> and all rules and regulations promulgated thereunder and with all applicable provisions of city law, including this chapter.

E. The planning commission shall disapprove the plans and deny the application if, in its determination, adequate evidence has not been shown that the plans will conform in all respects to the said standards and requirements.

F. In case the applicant is not satisfied with the action of the planning commission, he may, within thirty days after the action, appeal in writing to the city council. The city council shall hold a public hearing on the appeal and shall render its decision thereon within thirty days after the filing thereof.

G. Upon approval by the planning commission or city council, the building director shall issue the appropriate permits, providing all other requirements of law have been complied with. (Ord. 3964 § 32, 2000; prior code § 17.49.050)

#### **17.48.060** Disposition of moneys collected.

All moneys received under the provisions of this chapter shall be paid into the office of the finance director and credited to the city's general fund. (Prior code § 17.49.060)

#### **17.48.070** Minimum requirements.

Each travel trailer park shall meet the following additional minimum requirements and standards:

A. Sites or lots shall be of a size and shape which will provide reasonable area for the parking of the recreational vehicles next to the utility connections and for the parking of another vehicle (with motive power) side by side. This requirement may be varied by the planning commission to meet the plans of the applicant for parking vehicles other than the recreational vehicles.

B. Each site or space in the park shall be identified with an individual number in logical sequence and shown on the plot plan for the park.

C. A six-foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear property lines of the park at the discretion of the planning commission to protect the existing or future use of the adjacent property.

D. Each lot in a travel trailer park shall have direct access to an abutting roadway. Such roadways may not have less than eighteen feet of clear travel lanes for two-way traffic and twelve feet of clear travel lane for one-way traffic. One-way roadways must originate and terminate at two-way, on-site roadway. A single, isolated lot may have access by a ten-foot width of unobstructed roadway.

E. Access ways shall not be used for parking of vehicles, excepting that parallel parking shall be permitted on one side of an access way that is constructed to city standards for commercial alleys or in compliance with Section <u>18612(a)</u>, (b) of the Health and Safety Code of the state.

F. All travel trailer parks shall have at least two means of ingress or egress leading to a public thoroughfare.

G. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan approved by the planning commission. Such landscaping shall include provision for an interior open space common area and to buffer the park from adjacent uses.

H. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan, approved by the planning commission.

I. If such park contains a public address system or loudspeakers they shall be installed, operated and maintained in such a way that they cannot be heard beyond the boundaries of the travel trailer park.

J. Refuse containers shall be provided in a location meeting the requirements of the public works director.

K. Lighting shall be provided in accordance with plans approved by the planning commission. (Ord. 2720 § 2, 1982; prior code § 17.49.070)

#### **17.48.080** Fire protection.

A. There shall be in each travel trailer park a water system with fire hydrants of sufficient size and delivering sufficient pressure and located within a sufficient distance to provide adequate fire protection for each site in the park.

B. The placement and installation of fire hydrants must be approved by the chief of the fire department. (Prior code § 17.49.080)

# 17.48.090 Setback requirements.

A. Each travel trailer, recreation vehicle or other structure shall meet the minimum setback requirements of Title 25 of the California Administrative Code and all other state regulations.

B. A travel trailer, recreational vehicle or other structure shall not be located closer than three feet from a property line or lot line except that the minimum distance of three feet will not be required from a lot line which borders on-site roadway.

C. All structures located in the TT zone shall have a minimum setback of fifteen feet from a public right-ofway, with the exception of public alleys. (Ord. 2720 § 3, 1982)

# Chapter 17.50 MH MOBILE HOME ZONE

Sections:

17.50.010	Generally.
17.50.020	Uses permitted.
17.50.040	Approval of plan for mobile home park.
17.50.050	Appeal of planning commission action on mobile home park proposal.
17.50.060	Mobile home subdivision—Intent.
17.50.070	Mobile home subdivision—Requirements in MH Zone.
17.50.080	Mobile home park and subdivision—Development standards.
17.50.090	Mobile home park and subdivision—Application of state law.
17.50.100	Mobile home subdivision—Maintenance of common areas and nondedicated
	improvements.
17.50.110	Land previously classified.

# 17.50.010 Generally.

The regulations set out in this chapter shall apply in the MH mobile home zone unless otherwise provided. (Prior code § 17.50.010)

### 17.50.020 Uses permitted.

The following uses are permitted in an MH zone:

A. A mobile home park;

B. A mobile home subdivision;

C. Mobile home accessory buildings or structures for which a building permit is required. In no event shall any accessory building or structure be placed or permitted to remain on any lot in the MH zone unless a mobile home is first placed on said lot. The use of any such accessory building or structure in the MH zone for housekeeping purposes is prohibited;

D. Community recreation facilities for the use of renters of lots within a mobile home park or for use of individual lot owners within a mobile home subdivision;

E. Temporary real estate office to be used only for and during the original sale of lots within a subdivision, but not to exceed a period of one year; such period of time may be extended for one additional year for good cause, upon approval of the planning commission;

F. One-story office building to be used for the business of a mobile home park by the owner or operator of said park or to be used for the business of the legal entity required to be formed for maintenance of common areas of a subdivision;

G. Any use permitted in the R-1 zone. (Ord. 3964 §§ 33, 34, 2000; Ord. 3768 § 3, 1997; prior code § 17.50.020)

# 17.50.040 Approval of plan for mobile home park.

The planning commission shall hold a public hearing on the proposed plan with notice given in accordance with Section <u>17.64.050</u>. Plans and elevations showing the exterior architectural design and appearance of all permanent buildings and structures and plot plans showing locations and dimension of access ways, structures, landscaping, parking areas and other improvements of the individual mobile home park to be established shall be subject to the approval of the planning commission in order that the proposed mobile home park will be in harmony with other structures and improvements in the area and will comply with all standards and requirements as set forth in Section <u>17.50.080</u> and in Chapter <u>15.68</u> of this code. In the event the planning commission determines that the mobile home park as proposed to be developed does not meet the intent of the regulations set forth in such chapters and all laws and regulations adopted pursuant thereto, the planning commission shall deny the permit for the mobile home park. (Ord. 3964 § 35, 2000; Ord. 2721 § 1, 1982; prior code § 17.50.040)

#### 17.50.050 Appeal of planning commission action on mobile home park proposal.

Appeal of the planning commission's decision shall be in accordance with Section <u>17.64.090</u>. (Ord. 3964 § 36, 2000; prior code § 17.50.050)

### 17.50.060 Mobile home subdivision—Intent.

A. It is the intent of this chapter to also provide regulations for the replacement of mobile home on lots within a subdivision filed under the provisions of Chapter 16.36 of this code and not otherwise, which subdivision is designed and designated for the sale, not rental, of lots to accommodate mobile homes as the dwelling unit.

B. The subdivider shall comply with all the provisions of said Chapter 16.36 of this code unless otherwise provided in this chapter. (Ord. 3964 § 37, 2000; prior code § 17.50.060)

# 17.50.070 Mobile home subdivision—Requirements in MH Zone.

The subdivision shall be subject to the requirements set forth in Title <u>16</u>, and the development standards set forth in this chapter; provided, however, that all such requirements and standards may be varied and reasonable exceptions thereto may be granted by the planning commission as may be permitted under these regulations. (Ord. 3964 § 38, 2000; prior code § 17.50.070)

# 17.50.080 Mobile home park and subdivision—Development standards.

Notwithstanding anything to the contrary stated in the subdivision or zoning regulations of the city, the following shall be the minimum standards of development within the MH zone for mobile home parks and subdivisions:

A. *Height*. No building, structure, or vehicle, except a recreation building, erected on or moved onto a lot shall have a height greater than one story or exceed fifteen feet. No recreation vehicles shall be stored in said front yard.

B. *Front Yard*. There shall be a front yard depth of not less than fifteen feet. No recreation vehicle shall be stored in said front yard.

C. Rear Yard. There shall be a rear yard depth of not less than five feet.

D. Side Yards. There shall be a side yard of at least five feet on both sides.

E. *Lot Size*. Every lot shall be of a size and shape which will provide reasonable area for private use and development and for convenient placement of one mobile home and appropriate accessory buildings or structures. The total number of lots provided in any mobile home subdivision shall conform to the maximum density of seven lots per acre.

F. *Roofed Area*. The total roofed area including mobile home and accessory buildings or structures shall not exceed sixty percent of the net area of the lot.

G. *Open Space.* There shall be an overall total of at least five hundred square feet per lot devoted to open space which may be on the individual lot or common areas within the development.

H. *Wall.* A six-foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear perimeter boundaries of the development, where required to protect existing future use of the adjacent property.

I. *Access.* The park or subdivision shall have at least two means of ingress or egress leading to a public street. One of the access points may be restricted to emergency vehicles only, with a breakaway barricade or other removable barrier subject to approval of the police chief and fire chief.

J. *Off-street Parking*. The development shall contain two off-street automobile parking spaces consisting of approved concrete slabs for each mobile home lot. In addition to such parking spaces for lot owners, there shall be established and maintained with the subdivision of an off-street automobile parking area or areas for use of guests. The number of spaces shall be equal to one space for every eight mobile home lots or fraction thereof, each space to be no less than eight and one-half by twenty feet, plus the additional area as is necessary to afford adequate ingress and egress therefrom. (Ord. 2721 § 2, 1982; prior code § 17.50.080)

## 17.50.090 Mobile home park and subdivision—Application of state law.

The provisions of Part 2.1 of Division 13 of the Health and Safety Code (commencing with Section <u>18000</u>) and the rules and regulations promulgated thereunder shall apply to mobile home parks and subdivisions in the MH zone. (Ord. 2721 § 3, 1982; prior code § 17.50.090)

# 17.50.100 Mobile home subdivision—Maintenance of common areas and nondedicated improvements.

A. All common areas, including open or green spaces, community recreation facilities, washrooms, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Chapter <u>16.32</u> of this code of the subdivision regulations which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the planning commission.

B. Such provision may be satisfied by a Declaration of Covenants, Conditions and Restrictions duly signed and acknowledged by the owner; Articles of Incorporation to be filed with the Secretary of State, forming a corporation or association, which shall include clauses empowering the entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of the entity to be fully set forth in the Declaration; bylaws of the entity which shall set forth rules of membership, fees and assessments, membership rights and principles; and forms of deeds incorporating the Declaration by reference to its recording data. C. All documents must be referred to the city attorney for review and have the approval of the planning commission as to their sufficiency to accomplish this purpose.

D. The owners of the individual lots shall, as a condition of ownership of said lots, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 3964 § 39, 2000; prior code § 17.50.100)

# 17.50.110 Land previously classified.

Land heretofore classified in a zone and also classified in an MH mobile home park zone may be developed in accordance with the law in effect at the time of such classification. (Prior code § 17.50.110)

# **Chapter 17.51**

## <u>RESERVED</u>SC (SENIOR CITIZEN) ZONE

Sections:

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 Purpose.

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 Generally.

 17.51.030
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 Restriction.

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 Definitions.

#### 17.51.010 Purpose.

This chapter is enacted pursuant to the authority of the city as set forth in Section <u>12</u> of the Charter of the cityof Bakersfield and is intended to facilitate establishment of new specially designed accessible housing forsenior citizens and preservation of such housing as presently exists. (Ord. 3194 § 1, 1988)

#### **17.51.020** Generally.

Land classified in R-I, R-S, R-2, R-3, R-4 and MH zones may also be classified as an SC (senior citizen) zone and the restrictions set forth in this chapter shall apply; provided, that the following findings are made with respect thereto:

A. The land is developed or is to be developed with a housing development, with not less than one hundredfifty dwelling units. which has been or will be developed for and initially put to use as housing for seniorcitizens or has been substantially rehabilitated or renovated for and immediately afterwards put to use ashousing for senior citizens:

B. For developments commenced after July 1, 1986, the developers have obtained a public report as a seniorcitizen housing development under Section <u>11010.05</u> of the Business and Professions Code. (Ord. 3194 § 1, 1988)

#### 17.51.030 Uses permitted.

The following uses are permitted in an SC (senior citizen) zone:

A. Any use pertained in the R-1, R-S, R-2, R-3, R-4 or MH zone in which the land is classified, subject to all of the regulations applicable within such zone;

B. Yard requirements shall be the same as the underlying zone; and

C. Parking requirements shall be as set forth in Chapter <u>17.58</u> of this code. (Ord. 3964 § 40, 2000; Ord. 3194 § 1, 1988)

#### 17.51.040 Restriction.

All occupied dwelling units within an SC (senior citizen) zone must be occupied by at least one qualifyingresident or qualified permanent resident.

No one other than a senior citizen, qualified permanent resident or houseguest may occupy a dwelling unitwithin an SC (senior citizen) zone unless a senior citizen or qualified permanent resident occupies thatdwelling at the same time. Houseguests may occupy the dwelling unit for no more than sixty days in any oneyear period absent occupation by the senior citizen or qualified permanent resident at the same time. (Ord. 3405-§ 1, 1991; Ord. 3194 § 1, 1988)

#### 17.51.050 Definitions.

A. For purposes of this chapter, senior citizen and qualifying resident mean persons aged fifty-five or older.

B. For the purposes of this chapter, cohabitant means persons who live together as husband and wife.

C. For the purposes of this chapter, housing development means any residential development, whether detached single family residences, condominium residences, or otherwise.

D. For purposes of this chapter, any person occupying a dwelling unit within a SC (senior citizen) zone as of the date that zoning classification is applied to a specific development shall be deemed a qualifying resident for such period as he/she continuously occupies such dwelling.

E. For the purposes of this chapter, qualified permanent resident means a person who meets all of the following requirements:

1. Was residing with the qualifying resident or senior citizen prior to the death, hospitalization, or otherprolonged absence of, or the dissolution of marriage with, the qualifying resident;

2. Was forty five years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident;

3. Has an ownership interest in, or is in expectation of an ownership interest in, the dwelling unit within the housing development.

F. For the purposes of this chapter, house guest means a relative of a senior citizen or a qualified permanent resident who occupies a dwelling unit in an SC zone, or any person occupying such dwelling unit free of charge. (Ord. 3405 § 2, 1991; Ord. 3194 § 1, 1988)

# Chapter 17.52 PUD PLANNED UNIT DEVELOPMENT ZONE\*

Sections:	
17.52.010	Intent and purpose.
17.52.020	Uses permitted.
17.52.030	Application.
17.52.040	Rezoning procedure.
17.52.050	Final development plan.
17.52.060	Latitude of regulations.
17.52.070	Required findings.
17.52.080	Expiration of zone or plans.
17.52.090	Minimum site area.
17.52.100	Residential density.
17.52.110	Modifications to approved preliminary and final development plans.
17.52.120	Maintenance of common areas and non-dedicated improvements and facilities.

\* Prior history: prior code Sections 17.51.010 through 17.51.120.

#### **17.52.010** Intent and purpose.

It is recognized that an integrated development provides an opportunity for creative design when flexible regulations are applied. The planned unit development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open space while ensuring substantial compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict residential development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a residential neighborhood which ensures that the uniqueness of the project design is preserved. These standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of residential neighborhoods. Land may be classified as being solely within a PUD zone (exclusive zone), or the PUD zone may be used as a combining zone in a R-1, R-2, R-3, <u>-or</u>R-4, <u>R-5, or R-6</u> zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.020 Uses permitted.

A. Uses permitted in a PUD zone used as a combining zone are those uses permitted by the base zone with which the PUD zone is combined.

B. Uses for land classified as being within a PUD zone are as follows:

- 1. Single-unitOne-family dwellings;
- 2. Multiple-unitfamily dwellings;
- 3. Condominiums;
- 4. Cluster developments;
- 5. Parks and playgrounds, public and/or private;

6. Commercial uses, when the planning commission finds that such uses are incidental to, and compatible with, the nature and type of development proposed;

- 7. Real estate tract sales offices and model homes pursuant to the provisions of Section 17.10.020(H);
- 8. Uses and structures which are incidental or accessory to any of the uses permitted in PUD zones;
- 9. ChurchesReligious institution;
- 10. Schools, public and/or private;
- 11. Golf courses, including associated clubhouse and driving range;
- 12. Tennis courts, including associated clubhouse;
- 13. Swimming pools;
- 14. Equestrian facilities;
- 15. Hiking, bicycle and equestrian trails;
- 16. Open space areas including natural and wildlife areas;

17. Home occupations, as defined in Section 17.04.330 and in compliance with the provisions of Chapter 17.63 of this code.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the function of the planned unit development. (Ord. 4542 § 1, 2008; Ord. 4304 § 1, 2006; Ord. 4009 § 1, 2001; Ord. 3964 § 41, 2000; Ord. 3768 § 4, 1997; Ord. 3656 § 1, 1995)

#### 17.52.030 Application.

A. When the PUD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation;
- 2. A statement of reasons for including any commercial uses in the development;

3. A statement concerning any proposal to locate public, quasi-public, recreational and educational areas within the development, including size, estimated employment, anticipated financing, development and maintenance;

4. Residential density of the subject area including the estimated population;

5. If commercial uses are proposed, indicate building sizes, signs, and estimated employment;

6. A completed zone change application on such forms as provided by the city, signed by the owner in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if-any;

7. A statement indicating procedures and programming for the development and maintenance of semipublic or public areas, buildings and structures;

8. A statement indicating the stages of development proposed for the entire development;

9. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PUD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(5) and (A)(7) through (A)(9) shall be required prior to approval of a subdivision map pursuant to Section 16.28.170(O) or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modification to approved plans will be subject to the provisions set forth in Section 17.52.100.

C. When the PUD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section <u>17.64.050(B)</u>. (Ord. 4304 § 2, 2006; Ord. 4009 § 1, 2001; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

# 17.52.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter <u>17.64</u> of this code regarding zone changes;

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PUD. If the PUD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PUD (Example: R-2/PUD).

C. The preliminary development plan as approved with a PUD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PUD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 1, 2001; Ord. 3903 § 1, 1999; Ord. 3656 § 1, 1995)

#### 17.52.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure*. The final development plan shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction of all conditions set forth in the city councils final decision. In instances where the planning commission desires to review the final development plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 1, 2001; Ord. 3903 § 3, 1999; Ord. 3874 §4, 1998; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

#### **17.52.060** Latitude of regulations.

In the approval of PUD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities in the subject community, which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements on buildings and structures, lot and yard requirements, and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

E. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;

F. Construction of fences, walls and floodlighting of an approved design;

G. Limitations upon the size, design, number, lighting and location of signs and advertising structures;

H. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

I. Location and size of off-street loading areas and docks;

J. Uses of buildings and structures by general classifications, and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property;

K. Architectural design of buildings and structures;

L. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof;

M. Requiring of performance bonds to insure development as approved;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4304 § 3, 2006; Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# 17.52.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned unit development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a residential environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community; and

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, open space, utilities and other amenities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of persons occupying or utilizing the property. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.080 Expiration of zone or plans.

A. When the PUD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zone change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

2. If a certificate of occupancy has not been issued for a substantial portion of the dwelling units or other structures in the first phase of a PUD zone within five years of the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

3. Where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

B. When the PUD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section <u>17.08.080D</u>.) If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.090 Minimum site area.

The minimum area for a PUD zone shall be <u>one ten gross</u> acres. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.100 Residential density.

Open area and density per dwelling unit shall be as shown on the final development plan for the particular PUD zone as approved by the planning commission and the city council. The permitted number of dwelling units may be distributed within the planned residential development zone in accordance with the conditions and terms established pursuant to this chapter consistent with the density standard of the applicable land use designation of the general plan. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### **17.52.110** Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other districts permitted in any initial approval of a PUD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.52.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of architecture or the landscape architecture as established in the planning commission or city councils approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning directors report, may further modify the planning directors approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 1, 2001; Ord. 3903 §§ 2, 4, 1999; Ord. 3874 § 3, 1998; Ord. 3656 § 1, 1995)

# 17.52.120 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Section 16.32.060 of the subdivision regulations of the city which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the owner: Articles of Incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# Chapter 17.54 PCD PLANNED COMMERCIAL DEVELOPMENT ZONE\*

C	
Ner	tions:
SUC	uons.

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17.54.110 Maintenance of common areas and non-dedicated improve	ements and facilities.

\* Prior code history: prior code §§ 17.47.010—17.47.130

#### **17.54.010** Intent and purpose.

It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as being solely within a PCD zone (exclusive zone), or the PCD zone may be used as a combining zone in a C-O, C-1, C-2, or CC zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4305 § 1, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.020 Uses permitted.

A. Uses permitted in a PCD zone used as a combining zone are those uses permitted by the base zone with which the PCD zone is combined.

B. Uses for land classified as being within a PCD zone are as follows:

1. Any permitted use listed in Chapters <u>17.20</u> (C-O), <u>17.22</u> (C-1) and <u>17.24</u> (C-2) of this code. Any use that is conditional in these zones may be requested as part of the initial zone change and approved as conditional uses subject to the findings, conditions and revocation of rights as set forth in Chapter <u>17.64</u> of this code. Uses which are conditional that are proposed once the PCD zone is effective shall be subject to the provisions of Chapter <u>17.64</u> of this code.

2. Uses and structures which are incidental or accessory to any of the uses permitted in PCD zones.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the intent and purposes of the planned commercial development. (Ord. 4542 § 2, 2008; Ord. 4305 § 2, 2006; Ord. 4009 § 2, 2001; Ord. 3752 § 1, 1997; Ord. 3656 § 2, 1995)

#### 17.54.030 Application.

A. When the PCD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation plan;

2. If the proposed project is to be developed in several stages, indicate the anticipated sequence of development;

3. Show the proposed methods by which the applicant will govern the maintenance and continued protection of the development including any common areas;

4. Indicate all proposed signs for the development;

5. A completed zone change application on such forms as provided by the city, signed by the owner or owners in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if any;

6. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PCD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(4) and (A)(6) shall be required prior to approval of a subdivision map pursuant to Section <u>16.28.170(O)</u> or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modifications to approved plans will be subject to the provisions set forth in Section <u>17.54.100</u>.

C. When the PCD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section <u>17.64.050(B)</u>. (Ord. 4305 § 3, 2006; Ord. 4009 § 2, 2001; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

#### 17.54.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter 17.64 of this code regarding zone changes.

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PCD. If the PCD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PCD (Example: C2/PCD).

C. The preliminary development plan as approved with a PCD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PCD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 2, 2001; Ord. 3903 § 5, 1999; Ord. 3656 § 2, 1995)

## 17.54.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure*. The final development plan for a building permit shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction with all conditions set forth in the city council's final decision. In instances where the planning commission desires to review the final plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 2, 2001; Ord. 3903 § 7, 1999; Ord. 3874 § 2, 1998; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

### 17.54.060 Latitude of regulations.

In the approval of PCD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements of buildings or structures, lot and yard requirements and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. Limitations upon the size, design, number, lighting and location of all signs;

E. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

F. Construction of fences and walls;

G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

H. Location and size of off-street loading areas and docks;

I. Uses of buildings and structures by general classification and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property or of other property in the development;

J. Architectural design of buildings and structures;

K. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof,

L. Requiring of performance bonds to insure development as approved;

M. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscape plan;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4305 § 4, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

# 17.54.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned commercial development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities,

together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.080 Expiration of zone or plans.

A. When the PCD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

2. With the exception of satellite pads, if a certificate of occupancy has not been issued for a substantial portion of the commercial structures in the first phase of a PCD zone within five years of the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

3. With the exception of satellite pads, where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

B. When the PCD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section <u>17.08.080D</u>). If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.090 Minimum site area.

The minimum area for a PCD zone shall be one acre. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

## **17.54.100** Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other zones permitted in any initial approval of a PCD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.54.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alternations, deviations, or substitutions to an approved preliminary development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of the architecture or landscape architecture as established in the planning commission or city council's approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning director's report, may further modify the planning director's approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 2, 2001; Ord. 3903 §§ 6, 8, 1999; Ord. 3874 § 1, 1998; Ord. 3656 § 2, 1995)

# 17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, if any, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and any improvements listed in Section 16.32.060 of the subdivision regulations of the city which are not dedicated and accepted may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Where ownerships are to be separate, such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the original owner or owners; articles of incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

# Chapter 17.55 SPECIFIC PLAN LINES FOR STREETS AND HIGHWAYS

Sections:

17.55.010	Definitions.
17.55.020	Adoption—Procedure.
17.55.030	Construction restriction.

# 17.55.010 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the words set out in this section shall have the following meanings:

A. "Map" means an illustration, including, aerial photograph or photo map, accurately indicating the precise location of a planned right-of-way or portion thereof.

B. "Right-of-way" means all or any part of the entire width of a road, street or highway whether or not such entire area is actually used for road, street or highway purposes.

C. "Specific plan line" means the boundaries and limits of a planned right-of-way, including the future rightof-way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway or other type of public way, which planned right-of-way is based upon the general plan of the city. (Ord. 3356 § 1, 1991)

# 17.55.020 Adoption—Procedure.

Specific plan lines, and all amendments thereto, shall be adopted by resolution in the manner prescribed by law and shall constitute an amendment of this chapter. Each such resolution shall include a map of the street or highway project which is the subject of the specific plan. (Ord. 3356 § 1, 1991)

# 17.55.030 Construction restriction.

A. Except as otherwise allowed by this chapter and by chapter <u>16.41</u>, no building, structure, well, utility or other improvement shall be constructed, erected, enlarged or established within the planned right-of-way of any adopted specific plan line, or within the space between the specific plan line and any required building

setback line; provided, however, no restriction shall apply to any form of agricultural or horticultural plantings or crops, the maintenance of domestic animals or the maintenance of fences.

B. Permitted uses shall not be inadvertently prohibited in the South Beltway specific plan line. Oil and gas related uses located within the specific plan line are specifically exempted from the restrictions contained in this section.

C. The planning director may authorize the construction, erection, enlargement or establishment of a building, structure, well, utility or other improvement within the planned right-of-way of any adopted specific plan line, or within the space between the specific plan line and any required building setback line, if he finds that to prohibit such construction, erection, enlargement or establishment would constitute an economic hardship on the applicant, or would destroy all economic use of the applicant's property. (Ord. 3963 § 1, 2000; Ord. 3356 § 1, 1991)

# Chapter 17.56 FALLOUT SHELTERS

Sections:

17.56.010	Definitions.
17.56.020	Permit required.
17.56.030	Zoning.
17.56.040	Waiver of restrictions.
17.56.050	Shelters within front and side yard areas.
17.56.060	Appeal.
17.56.070	Structural standards.
17.56.080	Time limit for construction pursuant to waiver of restrictions.
17.56.090	Use restricted.
17.56.100	Covenant to remove.

# 17.56.010 Definitions.

A. "Building official" means the chief building inspector of the city.

B. "Fallout shelter" means a structure designed and used exclusively for the purpose of protecting human life from the effects of nuclear weapons.

C. "Yard area" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title surrounding a building. (Ord. 5020 § 20, 2020; prior code § 17.69.010)

# 17.56.020 Permit required.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any fallout shelter in the city or cause the same to be done, without first obtaining a permit from the building official of the city. (Ord. 5020 § 20, 2020; prior code § 17.69.020)

### 17.56.030 Zoning.

A fallout shelter may be constructed in and shall be a permissible accessory use in any land use zone within the city; provided, that the structure is built in compliance with all regulations and restrictions applicable to such zoned area under this title, entitled Zoning, including but not limited to front yard, side yard and setback

regulations, with the exception of those modifications to zoning regulations or restrictions which have been approved within a director review and approval permit or the city council as provided in Section <u>17.56.040</u>. (Ord. 5020 § 20, 2020; prior code § 17.69.030)

#### 17.56.040 Waiver of restrictions.

A. When special circumstances exist which are applicable to a parcel of property upon which any interested person desires to construct a fallout shelter such as size, shape, topography, location, surroundings, access or similar physical factors which make it impossible for the applicant to comply with all zoning regulations or restrictions which would otherwise be applicable to such property, the applicant may file a verified application for a director review and approval with the planning director requesting that such regulations or restrictions be modified or waived.

B. The planning director shall hold a public hearing consistent with Section <u>17.64.050</u> (Hearings—Notices) at which time the planning director may either grant or deny the application.

C. In granting any such application the planning director may impose such conditions as deemed necessary or desirable to protect the neighborhood or adjoining properties. (Ord. 5020 § 20, 2020; prior code § 17.69.040)

#### **17.56.050** Shelters within front and side yard areas.

Notwithstanding any provision in Section 17.56.040 to the contrary, a fallout shelter shall not be permitted by the planning director in any front yard or any side yard as defined in Title 17 of this code unless the following conditions are satisfied:

A. The fallout shelter will not protrude above the existing grade of the lot, with the exception of ventilators and entrance ways;

B. The entrance ways will not exceed twenty-four inches in height above the existing grade of the lot;

C. Projecting vents will not exceed more than thirty-six inches above the existing grade of the lot;

D. The structure will not be located closer than five feet to the front property line, the official plan line or the future street line as defined on official master plans. (Ord. 5020 § 20, 2020; prior code § 17.69.050)

# 17.56.060 Appeal.

A. Any person who is dissatisfied with the decision of the planning director concerning any matter affecting his application for the installation of a fallout shelter may appeal to the planning commission.

B. All decisions of the planning director acting under the authority of this chapter shall be final and conclusive upon the expiration of ten days following the decision of the director unless a written appeal is filed with the planning department within said ten-day period.

C. The planning director shall cause a written notice of the decision to be mailed to the applicant. (Ord. 5020 § 20, 2020; prior code § 17.69.060)

# 17.56.070 Structural standards.

Each fallout shelter must conform to the requirements of Chapter <u>15.13</u> of this code. (Ord. 5020 § 20, 2020; Ord. 2612 § 1, 1980; prior code § 17.69.070)

### **17.56.080** Time limit for construction pursuant to waiver of restrictions.

Any waiver of restrictions granted pursuant to Section 17.56.040 shall be null and void if the applicant does not exercise the privilege of constructing a fallout shelter within six months following the date the application is granted by the planning director or by the planning commission. (Ord. 5020 § 20, 2020; prior code § 17.69.080)

## 17.56.090 Use restricted.

A. Any fallout shelter which has been constructed in a front or side yard area pursuant to Section <u>17.56.040</u> shall not be used for any purposes other than protection from nuclear fallout and the storage of emergency supplies.

B. The use of such a shelter for purposes other than those referred to in this section shall constitute a public nuisance. (Ord. 5020 § 20, 2020; prior code § 17.69.090)

## 17.56.100 Covenant to remove.

Whenever any application for a waiver of restrictions is granted pursuant to Section 17.56.040 the owner of the property upon which the fallout shelter is to be constructed shall record a covenant in the chain of title for the

benefit of the city stating that the owner and his successors in interest will remove said fallout shelter within six months after the adoption by the city council of a resolution declaring that such shelters are no longer necessary for the protection of human life. (Ord. 5020 § 20, 2020; prior code § 17.69.100)

# Chapter 17.57 METAL STORAGE CONTAINERS\*

Sections:

17.57.010	Purpose.
17.57.020	Permitted.
17.57.030	Permitted only by conditional use permit.
17.57.040	Emergency use.
17.57.050	Use in conjunction with construction projects.
17.57.060	General regulations.
17.57.070	Amortization period for and removal of nonconforming uses.

\* Prior ordinance history: Ord. 3012.

### 17.57.010 Purpose.

Placement of metal storage containers on lots within the city for use as permanent storage facilities constitutes a use of such structures other than that for which they were designed and intended. Such placement, except for emergency purposes or in conjunction with construction projects, may negatively impact the aesthetics of neighborhoods in which they are placed, or discourage investment in permanent improvements in such neighborhoods. Metal storage containers may, however, reasonably be utilized to provide alternative permanent storage facilities if their potentially blighting influences and other potential adverse impacts are mitigated. The regulations set forth in this chapter are intended to accomplish such mitigation. (Ord. 3869 § 2, 1998)

### 17.57.020 Permitted.

A. Subject to approval of a plot plan and issuance of building permits, and subject to the regulations set forth in this chapter, metal storage containers, as accessory uses, are permitted in only the zones listed below as follows:

Zone	Parcel or Site Area	Maximum Number of Containers
C-1, C-2, P.C.D.	less than 1/2 acre	1
	1/2 acre or more	2

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Zone	Parcel or Site Area	Maximum Number of Containers
M-1, M-2, M-3	less than 1/2 acre	1
	1/2 acre or more but less than 1 acre	2
	1 acre or more but less than 2 acres	3
	2 acres or more	4

B. Additional containers may be allowed by the planning director in the zone districts listed in subsection <u>A</u> for temporary storage from October 1st to January 1st, each calendar year. The number of additional containers shall be based on a ratio of one container for every twenty thousand square feet of gross floor area of a business or center, not to exceed a maximum of six additional containers on a site. A plot plan of the site or center shall be approved annually for each request of additional containers. These containers shall be subject to all regulations of this chapter, except that no building permit is required. They are also not required to be on a permanent foundation; however, they shall be placed on a paved surface. (Ord. 3869 § 2, 1998)

#### **17.57.030 Permitted only by conditional use permit.**

A. Subject to the limitation that the ratio of square footage of metal storage container(s) to the area of any lot or parcel not exceed one to fifty, metal storage containers, as accessory uses, may be permitted in any other zone district not listed in Section <u>17.57.020</u> by conditional use permit.

B. Subject to the limitation that the ratio of square footage of metal storage container(s) to the area of any lot or parcel not exceed one to fifty, additional square footage of metal storage containers above that permitted by Section 17.57.020 may be permitted by conditional use permit. (Ord. 3869 § 2, 1998)

#### 17.57.040 Emergency use.

Metal storage containers may be permitted on any surface in any zone for a period not to exceed ninety days for emergency storage, subject to approval by the building director. The building director's decision may be

appealed to the planning commission. For purposes of this section, emergency storage is storage necessitated by damage to or destruction of another structure on the same parcel or a contiguous parcel by fire, flood, earthquake, accident or similar occurrence. (Ord. 3869 § 2, 1998)

# **17.57.050** Use in conjunction with construction projects.

Metal storage containers may be permitted on any surface in any zone for use as storage facilities in conjunction with construction projects, subject to approval by the building director. Any such container shall be removed immediately upon issuance of a certificate of occupancy for the constructed project or upon expiration of the building permit issued for such project. In no event shall such use exceed twenty-four months in duration. (Ord. 3869 § 2, 1998)

# **17.57.060** General regulations.

A. Setbacks and Yard Area Restrictions.

1. On property zoned C-1, C-2 and P.C.D., metal storage containers shall be prohibited within any front yard or street side yard.

2. On property zoned M-1, M-2 or M-3, metal storage containers otherwise permitted and in conformance with the requirements of this chapter may be located in a front yard or street side yard; however, they shall be set back a minimum of thirty feet from any property line abutting any public or private street.

3. All other setbacks of the zone district in which the metal storage containers are located shall apply, except that no rear yard setback shall be required if adjacent to a nonresidential zone.

B. Each metal storage container shall be painted a neutral, earth-tone, site-compatible color.

C. Each metal storage container shall be placed on either a minimum four inch thick concrete slab, or a minimum three inch thick asphalt concrete over two inch thick aggregate base, as required by the building director.

D. Under no circumstances shall any metal storage container be used for an office, residence or other purpose involving human occupancy.

E. Signs shall not be permitted on any metal storage container, except those required that contain public safety information for the container.

F. A shopping center or other coordinated development as defined in Section <u>17.04.546</u> shall be considered a single parcel or site.

G. Metal storage containers shall not exceed a height of eight feet.

H. A metal storage container shall not exceed an area of three hundred twenty square feet.

I. Metal storage containers shall not be stacked.

J. Use of truck trailers, shipping boxes, railroad cars, and similar materials are prohibited.

K. Metal storage containers shall not be permitted in required parking areas, drive aisles, landscape areas, or emergency access ways.

L. Metal storage containers shall be screened so that they are not visible from public streets.

M. This chapter does not apply to a business that sells, leases, or stores metal storage containers as legally permitted and conforming to the regulations of the zone district in which the business is located. (Ord. 3869 § 2, 1998)

# 17.57.070 Amortization period for and removal of nonconforming uses.

Any metal storage container which is a legal nonconforming use on January 1, 1999, which is located on an approved foundation and for which a building permit has been issued, shall be removed or brought into conformance with the provisions of this chapter within two years. (Ord. 3869 § 2, 1998)

# Chapter 17.58 PARKING AND LOADING STANDARDS

Sections:

17.58.010	Purpose.
<u>17.58.020</u>	Residential parking exemption.
17.58.02 <u>3</u> 0	Facilities required.
17.58.0 <u>34</u> 0	Minimum dimensions for required parking and freight loading spaces.
17.58.04 <u>5</u> 0	Rules for calculating required parking and freight loading areas.
17.58.0 <u>56</u> 0	General standards as to location and arrangement of parking.
17.58.0 <del>55</del> 70	Transit credit.
17.58.06 <u>8</u> 0	Parking lots.
17.58.07 <u>9</u> 0	Required parking on the same lot as the structure or use served—Exceptions.
17.58. <del>080</del> 100	Shared use of required parking.
17.58. <del>09<u>11</u>0</del>	Reduction of parking where area requirements are satisfied.
17.58.1 <u>02</u> 0	On-street parking credit.
17.58.14 <u>3</u> 0	Parking space requirements by land use.
17.58.1 <u>24</u> 0	Parking space requirements within the "central district," "Old Town Kern," and other
	mixed-use areas.
17.58.1 <u>35</u> 0	Freight loading space requirements.

**Prior legislation:** Ords. 4236, 4104, 3964, 3839, 3835, 3458, 3285, 2891, 2851, 2819, 2722; prior code §§ 17.56.010 through 17.56.030, 17.56.090, 17.56.100 and 17.58.010 through 17.58.080.

# 17.58.010 Purpose.

The purpose of these regulations is to:

A. Allow flexibility in addressing vehicle parking, loading and access issues;

B. Provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities;

C. Ensure access and maneuverability for emergency vehicles;

D. Maintain and enhance a safe and efficient transportation system that is consistent with community and environmental goals;

E. Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;

F. Assist in encouraging mixed-use and pedestrian friendly settings throughout the city;

G. Reduce the amount of parking area within the urban setting to help reduce the heat island affect;

H. Encourage infill and investment into the city's central district;

I. Promote the location of housing and services near transit facilities;

J. Reduce vehicle trip lengths by encouraging mixed use, infill, and transit sensitive uses using shared parking standards as an incentive. (Ord. 4521 § 10, 2008)

### **<u>17.58.020</u>** Residential parking exemption.

A. Parking standards are no longer required for residential construction. If parking facilities are provided for the residential development, the parking development standards outlined in this Chapter apply. Additionally, pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

### 17.58.0230 Facilities required.

A. For each new dwelling, new multiple-family dwelling, new business or new industrial establishment or other new or moved structures, or for any change of use of any existing structure, or for any addition to an existing use, there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles required by the use of the property or structures as set forth in this chapter.

B. All parking for residential uses shall be on the same lot or parcel except where allowed pursuant to Section <u>17.58.070(B)</u>. Parking for all other uses shall be located on the same lot or parcel as the use served or be immediately adjacent to the subject property subject to the provisions of Section <u>17.58.070(A)</u> and <u>(C)</u>. (Ord. 4521 § 10, 2008)

# 17.58.0340 Minimum dimensions for required parking and freight loading spaces.

A. *Parking Spaces.* Each off-street parking space shall be a minimum of nine feet wide by eighteen feet deep. Compact parking spaces may be provided at a minimum of eight feet wide by fifteen feet deep at a ratio of twenty percent of all spaces beyond the first twenty spaces required. All spaces shall be designed according to standards established by the traffic engineer.

B. *Freight Loading Spaces*. Each off-street loading space shall have a minimum length of thirty-five feet, a minimum width of ten feet, and a minimum vertical clearance, including entry and exit, of fourteen feet, except the minimum length for the first such space required for any structure or use shall be twenty-five feet and the minimum vertical clearance, including entry and exit, shall be twelve feet. These dimensions shall be exclusive of platform, driveways, drive aisles, and maneuvering areas.

C. *Motorcycle Spaces*. Each off-street parking space dedicated for motorcycle parking shall be a minimum of four feet wide by eight feet deep and shall be designed according to standards established by the traffic engineer. (Ord. 5121 § 1, 2023; Ord. 4521 § 10, 2008)

# 17.58.0450 Rules for calculating required parking and freight loading areas.

A. In calculating off-street parking and freight loading spaces, the following rules shall apply:

1. Parking computations will be based on the gross floor area of entire buildings and structures unless otherwise stated in this chapter. For buildings and structures being remodeled or to which additional floor area is being added, the parking computations shall also be based on the gross area of the entire building or structure.

2. When after computing the number of parking spaces required for a structure there appears a fractional requirement of one-half or more of a parking space, one additional parking space shall be required. If after such computation the fractional requirement for a given number of spaces is below one-half space, no additional parking will be required for that fractional parking space.

3. Parking for buildings containing three or more stories shall be based on the conditioned or net floor area.

B. The requirements for off-street parking and loading for any use not specifically mentioned shall be the same as for a use specified which is similar, as determined by the planning director.

C. Where a parcel or site contains a use with existing legal nonconforming parking, no additional parking shall be required unless there is a change of use, a new building or use is proposed, or an existing building or use is enlarged. Parking will then be assessed as follows:

- 1. Building additions will only be required to provide new parking based on the added floor area.
- 2. If a new use requires less parking than the previous use, no additional parking shall be required.

3. Parking lots or garages with legal non-conforming design standards may remain subject to approval of the planning director and traffic engineer provided such does not compromise traffic circulation or public safety. (Ord. 4521 § 10, 2008)

# **17.58.0560** General standards as to location and arrangement of parking.

A. Every new off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley that is designed and paved in accordance to adopted city standards. Every required off-street parking or loading space shall be independently accessible, except where tandem parking spaces are allowed. Access to off-street loading spaces shall be provided on private property.

B. The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be clearly marked according to city standards.

C. Parking spaces for people with disabilities shall be provided and designed in accordance with Title 24 of the California Administrative Code and Americans with Disabilities Act (ADA) requirements. These parking stalls shall be allowed to be counted as part of the total number of parking spaces required for the use or building.

D. Off-street parking and loading facilities shall be arranged so as to prevent encroachments upon street rights-of-way, adjacent properties, and landscaping areas required pursuant to Chapter <u>17.61</u> of this code. In approving the design of said parking and loading facilities the approving authority shall consider the maneuvering, standing and storage of vehicles, and layout of the facilities, and may require the use of curbing, bumper or wheel guards, or other such devices as necessary to ensure compliance with this section.

E. Freight and merchandise loading docks or loading areas shall not be visible from any public street. Landscaped buffers and/or walls shall be used to screen these areas from public view.

F. For all multiple-<u>family-unit</u> projects, driveways shall not exceed a width of thirty feet (top-to-top) or the minimum width necessary for two-way travel as determined by the traffic engineer.

G. Driveways crossing sidewalks shall be arranged, to the extent practical, to minimize the width and frequency of curb cuts, and conflicts with pedestrian and transit movements as determined by the traffic engineer.

H. Every off-street parking or loading facility and access thereto shall be suitably graded, paved, drained, and maintained according to standards adopted by the city engineer. Whenever corrosive materials are loaded or unloaded, docks, driveways, off-street loading and parking areas shall be concrete or equivalent as required by the city engineer.

I. New off-street parking facilities, or additions or alterations to existing off-street parking facilities shall be subject to approval pursuant to Chapter 17.08 of this code.

J. No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used for off-street loading. No area credited as all or part of a required loading space shall also be credited as all or part of a required off-street parking space, or used for off-street parking.

K. In no event shall any parking required and provided pursuant to Section 17.58.010 through 17.58.1340 be situated in such way that vehicles entering the parking area be allowed to back onto any street or thorough fare in order to leave said property, except as follows.

1. This provision shall not apply to any single-family-unit residence in an area zoned residential.

2. On streets which have not been designated by the traffic authority as arterial or collector streets, the traffic authority is granted the power to permit backing onto such streets for multiple-<u>family-unit</u> projects containing four units or less on a site that is not part of a multiple-<u>unit family</u>-subdivision project where such backing will not adversely affect traffic, and the design, width and function of the driveway is similar to a single-<u>unit family</u>-residential driveway use.

L. Neither the area of a required side yard abutting a street nor the required front yard shall be used for offstreet parking or drive aisles required by this code except as allowed in Section 17.58.0650(M). In the P zone, off street parking shall be setback a minimum of ten feet along all street frontages. M. Notwithstanding the provisions of Section <u>17.58.1430</u>, the area of a required front yard or street side yard in an R-2, R-3, <u>or</u> R-4, <u>R-5</u>, or <u>R-6</u> zone may be encroached to the extent of four feet for off-street parking required by this chapter, subject to the following limitations and conditions:

1. The encroaching parking space must be an extension of and parallel to a row of parking containing two or more spaces;

2. The prohibition against backing onto streets contained in Section <u>17.58.0560(K)</u> shall apply;

3. On corner lots or lots at intersecting streets, no such encroachment is permitted in a sixty-foot corner cutoff area as measured along the intersecting street curb-lines as extended;

4. Any landscaping or walls required by subsection  $\underline{N}$  of this section in the encroached area or the sixty-foot corner cutoff area must be approved by the city traffic engineer.

N. Where the parking area or lot, including driveways, drive aisles, delivery areas, and loading and unloading areas, is adjacent to property zoned residential, it shall be separated by a continuous solid wall of masonry construction a minimum height of six feet as measured from highest adjacent grade and by a continuous landscaped strip at least seven feet in width; however, this landscape strip shall not be required for projects containing four units or less in any R-2, R-3, or R-4 zone and not adjacent to any single-<u>unit family</u>-residential zone except to satisfy minimum shading requirements in Section <u>17.61.030(H)</u>. Additionally, where common, shared, or joint use of parking or drive aisles exist or will occur between residentially and/or commercially zoned properties and such is recorded according to Section <u>17.58.100080</u>, the wall and landscape separation shall not be required. Any wall located within or along the front yard setback shall not exceed a height of four feet.

O. All delivery, loading and solid waste operations shall be subject to the provisions of Section 17.08.140(G).

P. Within the "central district" and properties zoned C-B and C-C, any off-street freight loading area located within fifty feet of any residential zoned or developed property shall be completely enclosed within a building if such freight loading is used between the hours of 10:00 pm and 7:00 am. (Ord. 4521 § 10, 2008)

# 17.58.0<u>5570</u> Transit credit.

Except for the "central district" and properties zoned C-B and C-C, which already receive a fifty percentreduction under Section <u>17.58.120</u>, required parking may be reduced by ten percent if there exists a transit facility as defined in Section <u>17.04.624</u> within one thousand feet of the front or main customer door of the building that is linked with an improved and paved pedestrian way. (Ord. 4521 § 10, 2008)

# 17.58.0680 Parking lots.

A. All parking lots shall be paved, including driveways, drive aisles and loading areas, with concrete, asphaltic concrete, or any other paved street surfacing material approved by the city engineer. Unless otherwise approved by the city engineer, if asphaltic concrete is used, it shall be a minimum thickness of two inches over three inches of approved base material with adequate drainage provided; if concrete is used, it shall be a minimum thickness of four inches.

B. Lighting shall be installed in all parking lots and parking garages which accommodate passenger vehicles, with the exception of parking areas for residential projects with four units or less, in compliance with the following provisions:

1. Illumination shall be generally distributed across the parking area and operational during business hours. Lighting shall be designed and arranged in such a manner so that light is directed downward and is reflected away from adjacent properties and streets. The building official may at any time require use of glare shields or baffles for glare reduction or control of backlight.

2. Light poles, standards and fixtures, including bases or pedestals, shall not exceed a height of forty feet. Light sources less than fifty feet from the property line of any residentially zoned or designated lot or existing residential development shall not exceed a height of fifteen feet.

3. Lighting sources, fixtures and related structures shall be maintained in sound operating condition at all times. Maintenance shall include but is not limited to replacement of broken lenses, burned out light sources, adjustments to fixture tilt, cleaning of fixtures and lenses, painting of standards and replacement of shields or baffles.

4. All parking lots established prior to the effective date of this subsection shall be exempt from the provisions of this subsection; however, at such time changes or modifications occur on the site that necessitate a site plan review pursuant to Chapter <u>17.08</u> of this code, the planning director or designee shall determine whether some or all said provisions will be implemented under the approved site plan.

C. No parking lot for any number of automobiles shall have conducted upon it any dead storage, dismantling, or sale of vehicles, or any repair or servicing of vehicles other than that of an emergency nature.

D. Sales or storage of materials and merchandise, including seasonal merchandise, shall not be permitted in any required parking or loading area but shall be within a screened area dedicated for such use.

E. Any parking lot with more than ten spaces adjacent to a public street shall be screened via one of the following options: (1) landscaped berms, (2) retaining walls, (3) evergreen hedges or (4) a combination thereof, a minimum height of forty-eight inches at the time of installation, as measured from the adjacent parking lot top of pavement. Option 2 shall include the planting of shrubs between the wall and the sidewalk.

F. Shopping cart corrals, if provided, shall not be located within required parking stalls, drive aisles or loading areas. (Ord. 4943 § 1, 2018; Ord. 4521 § 10, 2008)

# 17.58.07<u>9</u>0 Required parking on the same lot as the structure or use served— Exceptions.

A. The nonresidential parking requirements of <u>this</u> Sections <u>17.58.010</u> through <u>17.58.110</u> may be satisfied by owning adjacent parking facilities or leasing the required parking spaces from properties adjacent to the subject property. If parking is proposed on an adjacent parcel, said parking must be considered readily accessible to the subject property as determined by the planning director. If off-street parking is proposed on an adjacent parcel, said parking shall conform to the requirements in Section <u>17.58.07090(C)</u>. of this code.

B. Off-site parking for uses within the "central district" and properties zoned C-B and C-C shall be subject to the following exceptions and requirements:

1. Required off-street parking spaces for one-family or two-family dwellings in residential zones shall be located on the same lot as the dwellings served.

2. Required off-street parking spaces for all other dwellings shall be located on the same lot as the dwelling served, as an accessory use, or within a walking distance of five hundred feet, as either a permitted or a conditional use, depending upon the use provisions applicable to the zone in which such parking is located, and such parking shall be easily recognized for that project, such as but not limited to, signs, dedicated and improved pedestrian ways, and other identification as approved by the planning director. Required off-street parking spaces for projects designed for senior citizens or the handicapped shall be on site.

3. Required off-street parking spaces for all uses other than dwellings shall be located on the same lot as the use served, as an accessory use, or within a walking distance of one thousand feet, as either a permitted or a conditional use, depending upon the use provisions applicable to the zone in which such parking is located, and such parking shall be easily recognized for that project, such as but not limited to, signs, dedicated and improved pedestrian ways, and other identification as approved by the planning director.

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4. Walking distance for purposes of subsections (B)(2) and (B)(3) above shall mean the distance from the front or main customer door of the building to the nearest point of the off-street parking facility assigned to such structure or use or part thereof, along the shortest and most convenient improved pedestrian walkway open to the user or users of such off-street parking space.

5. Whenever the planning director determines that sufficient spaces are available in a public parking facility within one thousand feet of a new business, he or she may accept a contract pursuant to Section 17.58.07090(C) for such spaces in satisfaction of the off-street parking requirements of this chapter.

C. In order to be credited toward the parking requirements of any development, use, or structure, any offstreet parking space located on a lot other than the lot on which the structure or use to be served is located must meet the following criterion:

1. Assurances as to the availability of remote parking spaces must be provided. Such availability shall be assured either by ownership of both the lot containing the structure or use to be served and the lot containing the off-street parking space by at least one common owner, or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or until a change of use or modification to an existing use occurs. An attested copy of any such instrument shall be filed with the planning department prior to approval of any building permit application affected by this arrangement for provision of required off-street parking. In addition, in either case, a document in a form approved by the city attorney shall be executed by the parties concerned, and recorded in the office of the Kern county recorder, serving as a notice of the restrictions under this code applying both to the lot requiring and the lot containing the off-street parking space, by virtue of this arrangement for provision of required parking space, by virtue of this arrangement for provision of required parking space, by virtue of this arrangement for provision of required parking space.

# 17.58.<u>1</u>080 Shared use of required parking.

A. Shared parking for projects of one acre or less that contains a mix of residential and retail/office commercial uses that maintain the existing scale, architectural character, and general neighborhood character of the area, will be assessed based on the highest single-use demand as determined by the planning director.

B. Shared use of the same off-street parking spaces to meet the requirements of two or more structures or uses may be permitted where the normal hours of operations of such structures or uses are such as to assure the feasibility of such shared use of parking, and where the total quantity of spaces provided is at least equal to the total of the projected parking demand for the structures or uses in operation at any given time. Use of a shared parking model from the Urban Land Institute, International Council of Shopping Centers, or other recognized shared parking model may be used to determine minimum parking requirements in lieu of the standard schedule of parking in Section <u>17.58.1430</u> as approved by the planning director.

C. In order to be credited toward the parking requirements of this chapter, an off-street parking space made available for shared use and located on a lot other than the lot on which the structure or use to be served is located, must be available for the actual lifetime of the structure or use to be served. Such availability shall be assured in the manner provided for in Section <u>17.58.0790</u> of this chapter. In addition, an attested copy of a contract among all the parties concerned setting forth their agreement to such shared use shall be filed with the planning department prior to approval by said department of any building permit application affected by the arrangement for joint use of parking. In any such case a notice of restrictions upon the affected properties shall be executed in a form approved by the city attorney and recorded in the office of the Kern county recorder, making specific reference to said contract and describing the arrangement for shared use of parking. (Ord. 4521 § 10, 2008)

### 17.58.<u>11</u>090 Reduction of parking where area requirements are satisfied.

In instances in which the city council has officially determined that the required off-street parking space requirements for uses in a defined area will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed, off-street parking required for a use may be correspondingly reduced. (Ord. 4521 § 10, 2008)

## 17.58.1020 On-street parking credit.

Along local streets only and where on-street parking is permitted, on-street parking credit will be given along the street frontage of the project site as follows:

A. On-street parking credits will be allowed for all nonresidential uses.

B. For residential uses, only fifty percent of the guest parking that is required by this code will qualify for onstreet parking credit, unless otherwise provided by this chapter.

<u>CB</u>. On-street parking for disabled persons that is required by Section 17.58.0560(C) shall not be credited unless the space is authorized by the building director in accordance with Title 24 referenced in the aforementioned section, and is approved by the traffic engineer.

 $\overrightarrow{PC}$ . Parallel spaces will be credited at one space per twenty-two feet and angled spaces will be credited at one space per fourteen feet of uninterrupted curb along the parcel or site frontage minus driveways, fire hydrant breaks, and other space not permitted for parking by the traffic engineer.

ED. On-street parking credits may be permitted along collector streets at the discretion of the traffic engineer. However, his or her approval will consider such issues that include, but are not limited to, traffic safety, circulation patterns, speed limits, traffic volume, future improvements, and other traffic planning considerations where on-street parking may need to be limited or prohibited.

**FE**. If on-street parking along a street is restricted or prohibited in the future by the city, the use or building will not be required to make up the lost spaces on site and will be deemed legal nonconforming subject to the provisions of Section <u>17.58.0450(C)</u>. (Ord. 5043 § 1, 2021; Ord. 4521 § 10, 2008)

# 17.58.1<u>13</u>0 Parking space requirements by land use.

A. The minimum number of off-street parking spaces shall be provided and maintained for the following specified uses or facilities identified in the table in subsection  $\underline{\mathbf{E}}$  of this section. The number of off-street parking spaces shall not exceed one hundred fifty percent of the minimum requirement-(limit does not apply to residential uses).

B. Parking standards are no longer required for residential construction. If parking facilities are provided for the residential development, the parking development standards outlined in this Chapter apply. Additionally, pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

<u>C</u>B. Tandem parking <u>for non-residential uses</u> will not be counted toward the requirement for legal off-street parking, except one tandem parking space will be permitted for a single-family dwelling, and for each unit of a multiple-family dwelling that contains four units or less on a site that is not part of a multiple-familysubdivision project.

 $\underline{D}\mathbf{C}$ . Motorcycle parking that is provided and clearly identified for such use may be counted as part of the total number of parking spaces required for a nonresidential use or building. However, this credit shall not exceed twenty-five spaces or five percent of the total parking required, whichever is less.

<u>E</u>D. For uses not listed in the parking space requirements table, parking will be determined by the planning director based on the listed use(s) that most closely resembles the proposed use.

**<u>FE</u>**. Parking space requirements by land use table:

# PARKING SPACE REQUIREMENTS BY LAND USE

<del>1.</del>	One-family dwellings	2 spaces per dwelling unit-
<del>2.</del>	Accessory dwelling unit (per Chapter <u>17.65</u> )	<del>1 space per dwelling unit. If the unit is a garage - conversion or within 1/2 mile of public transit, no- parking spaces are required</del>
<del>3.</del>	Multiple family dwelling and condominium (efficiency, studio and 1-bedroom units)	1 space per unit, plus an additional 10% for guest- parking on parcels containing 5 or more units
		Moderate, low, and very low income projects with 5 or- more units and being recorded as such by declaration or- covenant that runs with the land, may reduce required- parking by 25% (moderate, low and very low income is- defined as being at or below 120% of the median income of Kern County as established by the state of California).
4 <del>.</del>	Multiple-family dwelling and condominium (2 or more- bedrooms)	2 spaces per unit, plus an additional 10% for guest - parking on parcels containing 5 or more units
		Moderate, low, and very low income projects with 5 or- more units and being recorded as such by declaration or covenant that runs with the land, may reduce required- parking by 25% (moderate, low and very low income is- defined as being at or below 120% of the median income of Kern County as established by the state of California).
<del>5.</del>	Dwelling designed for senior citizens	62 years and over: 1 space per 2 units 55 years and over: 1 space per unit
	(a recorded covenant is required limiting occupancy of at- least 1 resident per unit by age as noted or is physically- handicapped)	Plus an additional 10% for guest parking on parcels- containing 5 or more units
<u>1</u> 6.	General office	1 space per 250 square feet of gross floor area
	(i.e., real estate, finance companies, architects, engineers, attorneys, C.P.A. and other similar uses)	
<u>2</u> 7.	Medical and dental office, including chiropractic office, specialized medical offices and other similar uses	1 space per 200 square feet of gross floor area
<u>3</u> 8.	Physical and occupational therapy	1 space per 300 square feet of gross floor area
<u>49</u> .	Medical laboratory such as diagnostic dental and x-ray laboratories and other similar uses	1 space per 250 square feet of gross floor area
	Surgery center and other out-patient facilities	

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<u>5</u> 10.	Office park or complex	1 space per 200 square feet of gross floor area up to and
	(single and multiple tenant buildings with both general and medical office uses)	including 15,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 15,000 square feet
<u>6</u> 11.	Neighborhood and regional shopping center	1 space per 200 square feet of gross floor area up to and
	(freestanding satellite pads such as fast food restaurants or banks shall be computed separately unless satellite buildings contain 2 or more tenants)	including 35,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 35,000 square feet
<u>7</u> 12.	General retail	1 space per 300 square feet of gross floor area
	(single tenant only; for multiple tenant buildings, refer to No. 11 above)	
<u>8</u> 13.	Restaurant, including fast food restaurant	1 parking space per 75 square feet of gross floor area (no additional parking is required for outdoor seating)
	(Note: take-out restaurants where food is consumed off premises shall be parked in accordance with general retail in No. 12 above)	If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given
		If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements
		Whenever the planning director determines that any restaurant with less than 3,000 square feet of gross floor area serves primarily those that may be conducting other business within the central district or properties zoned C- B or C-C, he/she may waive all or any portion of the parking requirements.
<u>9</u> 14.	Night club, including live entertainment	1 parking space per 50 square feet of gross floor area (no additional parking is required for outdoor seating)
	(Note: For breweries and wineries, including boutique wineries, parking for food service, retail sales, office, and warehousing/storage shall be computed separately by use)	Whenever the planning director determines that any night club with less than 3,000 square feet of gross floor area is open after 3:00 p.m. within the central district or properties zoned C-B or C-C, he/she may waive all or any portion of the parking requirements.
1 <u>0</u> 5.	Convenience market with or without fueling services	1 space per 200 square feet of gross floor area, minimum of 10 spaces required;
		If use has 1 or more fuel pump islands, credit for 2 parking spaces per pump shall be given
1 <u>1</u> 6.	Bank, savings and loan, credit union	1 space per 300 square feet of gross floor area;

		If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given;
		If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements
1 <u>2</u> 7.	Hotel, motel <del>, roominghouse</del>	1 space per sleeping unit
	(additional parking required for meeting rooms, restaurants, bars, and office space)	
1 <u>3</u> 8.	Furniture store	1 space per 1,000 square feet of gross floor area
	Plus office space for above	1 space per 300 square feet of gross floor area
1 <u>4</u> 9.	Beauty salon and barbershop	1 space per 150 square feet of gross floor area or 2 spaces per barber or styling chair, whichever is less
<u>15</u> 20.	Veterinary hospital and clinic	1 space per 500 square feet of gross floor area
<u>16</u> 21.	Museum	1 space per 500 square feet of gross floor area
	Library	
	Cultural center	
<u>17</u> 22.	Nursery sales	1 space per 4,000 square feet of inside or outside sales
	Vehicle sales area	area
	Trailer and camper sales area	
	Boat and farm machinery sales area	
	(office, retail sales, service department, and repair area shall be computed separately by use)	
<u>18</u> 23.	Health club, such as aerobics and gymnastics studio, private gym, karate and judo club, and similar uses	1 space per 300 square feet of gross floor area
<u>19</u> 24.	Bowling alley	4 spaces per alley
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
2 <u>0</u> 5.	Billiards	2 spaces per table
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	

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2 <u>1</u> 6.	Golf course	6 spaces per tee
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
2 <u>2</u> 7.	Tennis, racquetball, and handball court	3 spaces per court
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
2 <u>3</u> 8.	Stadium, sports arena, exhibition hall	1 space per 6 seats
		Where benches are provided, 18 inches of bench space shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space shall be the equivalent of 1 seat
2 <u>4</u> 9.	Park, outdoor recreational facility	1 space per 6 people that the facility is designed to accommodate
		or
		If seating is provided, 1 space per 4 seats, whichever is greater
<u>25</u> 30.	Lodges, halls	1 space per 4 seats provided in accordance with
	Banquet rooms, including those associated with a restaurant	applicable fire code occupancy standards
	ChurchReligious institution	Where benches are provided, 18 inches of bench space
	Funeral home	shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space
	Mortuary	shall be the equivalent of 1 seat
	Theater	
	Auditorium, including school multi-purpose buildings and similar places of assembly	
	(figure main public meeting areas only)	
<u>26</u> 31.	Hospital	3/4 space per bed
	Medical in-patient clinic and other overnight treatment facilities	
	(additional parking required for administrative offices, out-patient clinic, testing, teaching, research and other similar activities)	

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<u>27</u> <del>32</del> .	Convalescent hospital and extended medical care facility	1/2 space per bed
	Nursing and convalescent home	
	Homes for the aged	
	Conjugate care and extended care facility	
	Residential care or group home	
	(additional parking required for administrative offices, testing, teaching, research and other similar activities)	
<u>28</u> 33.	Child or adult day care center	1 space per 6 clients plus 1 space per staff member of the largest shift, with drop-off and pick-up area approved by the traffic engineer
<u>29</u> 34.	Family day care home	1 space per employee of the largest shift
	(The residential driveway is acceptable if the parking space does not conflict with any child drop-off/pick-up area)	
3 <del>5</del> 0.	Elementary or middle school	1 space for each faculty member and employee (based on the maximum number of faculty and employees on site at any given time)
		ог
		1 space per 4 seats in the primary public assembly area, whichever is greater
3 <u>1</u> 6.	High school, trade, secondary and post secondary school	1 space for each faculty member and employee, and 1 space for every 4 students (based on the maximum number of faculty, employees and students on site at any given time)
		or
		1 space per 4 seats in the primary public assembly area, whichever is greater
3 <u>2</u> 7.	Manufacturing, wholesale, service and automotive repair	1 space per 500 square feet of gross floor area
	Plus office space for above	1 space per 300 square feet of gross floor area
3 <u>3</u> 8.	Warehouse	1 space per 1,000 square feet of gross floor area up to and including 10,000 square feet, plus an additional 1 space per 3,000 square feet in excess of 10,000 square feet

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	Plus office space for above	1 space per 300 square feet of gross floor area
3 <u>4</u> 9.	Self-service storage facility	2 spaces for the manager's living unit and 3 spaces with public access for the office (note: rows between storage buildings shall be at least 20 feet wide to allow for simultaneous vehicle parking and passage, and fire access)
<u>35</u> 40.	Industrial office/warehouse complex	1 space per 400 square feet of gross floor area
	(multi-tenant shell buildings in either an M-1 or M-2 zone containing a mix of office, commercial, industrial and storage uses)	
<u>36</u> 41.	Contractor's storage yard	1 space per company vehicle plus 1 space per 2
	Public buildings and grounds other than administrative offices	employees on the maximum working shift (a person stationed or working out of the storage or service yard)
<u>37</u> 42.	Electric distribution substation	No parking required
	Electric transmission substation	
	Gas regulator station	
	Public utility/water well station	
	Automated/computerized communications equipment buildings (where no permanent employees assigned)	

(Ord. 5054 § 1, 2021; Ord. 5043 § 2, 2021; Ord. 4995 § 1, 2019; Ord. 4754 § 1, 2013; Ord. 4521 § 10, 2008)

# 17.58.1240 Parking space requirements within the "central district," <del>"Old Town-Kern," and other mixed-use areas</del>.

The following supplemental off-street parking standards shall be applicable within the "central district" as defined in Chapter <u>17.04</u> of this code, <u>C-B zone-district</u>, or <u>C-C zone district</u>:

A. *Mixed-Use Development Parking Incentives.* For a mixed-use combined residential and retail/officecommercial project where the design and development function as an integrated unit, the following incentivesshall apply:

1. Off street parking may be reduced by up to fifty percent of the minimum requirement assessed under-Section <u>17.58.110</u>. 2. The amount of reduction shall be scaled to the degree the design and development function as an integrated unit. The greater the balance of residential to commercial/office space, the greater the reduction.

3. The exact amount of reduction shall be determined by the planning director on a case by case basis. The decision of the planning director may be appealed to the planning commission.

4. Where the applicable project requires planning commission approval, the exact amount of reductionshall be determined by the planning commission. Any decision of the planning commission may beappealed to the city council.

B. *Multiple-Family Residential Development Parking Incentives.* For exclusively multiple-family residential development projects, the following incentives shall apply:

1. On-site guest parking shall not be required.

2. Tandem parking will be permitted for each unit containing two or more bedrooms.

3. Only one parking space per unit is required regardless of the number of bedrooms.

AC. Any change of use of an existing building in the "central district" shall not be subject to additional offstreet parking requirements set forth in this chapter, provided there is no expansion of the square footage of the building.

BD. If not specifically addressed within these supplemental standards, the parking and loading standards of this chapter shall apply. (Ord. 5043 § 3, 2021; Ord. 4998 § 1, 2019; Ord. 4754 § 2, 2013; Ord. 4521 § 10, 2008)

# 17.58.1<u>35</u>0 Freight loading space requirements.

A. In addition to off-street parking spaces required by the preceding sections, off-street freight loading spaces shall be provided in the minimum quantities specified in the table in subsection  $\underline{B}$  of this section. Non-accessory parking spaces, driveways and maneuvering areas incidental thereto shall not be counted.

B. Freight loading space requirements by land use table:

Freight Loading Space Requirements by Land Use		
Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Spaces Required
1. Retail, wholesaling and	0—8,500	0
all other uses primarily engaged in the	8,501—60,000	1
handling of goods	60,001—100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
2. Office, hotel, apartments and	0—100,000	0
all other uses not included above	100,001— 200,000	1
	200,001— 500,000	2
	over 500,000	3 plus 1 for each additional 300,000 sq. ft.

(Ord. 4521 § 10, 2008)

# Chapter 17.59 WIRELESS TELECOMMUNICATION FACILITIES NOT IN THE PUBLIC RIGHT-OF-WAY

#### Sections:

17.59.010	Purpose.
17.59.020	Review process.
17.59.030	Development and design standards.
17.59.040	Abandonment and removal.

# 17.59.010 Purpose.

The purpose of this chapter is to establish general guidelines for the siting of wireless telecommunication facilities not in the public right-of-way, including towers and antennas, in accordance with the Telecommunications Act of 1996, as amended. The goals of this chapter are to protect residential areas and land uses from potential adverse impacts of towers and antennas, encourage their location in industrial and commercial areas, encourage the joint use of new and existing facilities, encourage users to configure such facilities in a way that minimizes the adverse visual impacts, and consider the public health and safety in the siting and use of the facilities. In furtherance of these goals, the city shall give due consideration to the general plan, zoning of existing land uses, and environmentally sensitive areas in approving sites for the location of wireless telecommunication facilities. Notwithstanding any other provision of this chapter as provided herein, Chapter <u>12.30</u> of this code shall apply to the placement, construction, or modification of wireless telecommunication facilities within the public right-of-way, as provided therein. (Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

## 17.59.020 Review process.

A. All wireless telecommunication facilities not in the public right-of-way, including antennas, towers, mounted poles, and satellite dishes shall be subject to review as follows:

1. *Exemptions*. The following installations are exempt from the provisions of this chapter:

a. The installation of one ground-mounted satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than ten feet in diameter and less than fifteen feet in height and complies with all applicable accessory structure setbacks.

b. One satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than twenty-four inches in diameter installed on a building providing that such antenna does not extend above the roof-line of the building.

c. One single-pole, tower roof, or ground-mounted television, or amateur radio antenna for the private, personal use of the occupants of a dwelling provided such antenna is no more than sixty-five feet in height from grade and complies with all applicable accessory structure setbacks.

B. *Director Review and Approval.* The following shall be reviewed by the planning director or designee, prior to the issuance of a building permit. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly show how the proposed facilities will meet the required development standards.

1. Antennas mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

2. Antennas architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as clock towers, carillon towers, flagpoles, and steeples. These antennas may be permitted in any zone district.

3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, field lighting and signs (excluding outdoor advertising structures), where the antenna height does not exceed the structure height nor project more than eighteen inches from the structure. The antenna shall also be painted to match the color of the building or structure, and/or be covered or architecturally screened with materials using the latest stealth design features so that it is indistinguishable from the main structure. These antennas may be permitted in any zone district.

4. Antennas mounted on existing electrical transmission towers in any zone district where the antenna height is no more than ten feet above the height of the tower, the antenna blends with the architectural design of the tower, and the utility company has given written permission for such co-location.

5. Co-location of new equipment on an existing legally approved antenna or tower that blends with the architectural design of the existing facility and meets all other requirements of this chapter.

6. Modification of existing telecommunications facilities that existed prior to the effective date of the ordinance codified in this chapter where the physical area of the reconfigured or altered antenna does not exceed twenty-five percent of the original approval, blends with the architectural design of the existing facility, and meets all other requirements of this chapter.

7. Stand-alone monopole camouflaged as a palm tree, pine tree or other natural object.

8. Stand-alone slim-line monopole with flush-mounted vertical antennas employing the latest stealth design features. A slim-line monopole shall measure no more than twenty-four inches in diameter at the base that tapers smaller toward the top. The maximum distance of antenna arrays projecting from the pole shall not exceed eighteen inches.

C. *Director Review and Approval.* The following shall be reviewed by the planning director, subject to a director review and approval permit in accordance with Chapter <u>17.64</u> of this code. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly show how the proposed facilities will meet the required development standards.

1. Facilities that do not meet the requirements of subsection <u>B</u> of this section or the development standards in Section <u>17.59.030</u>.

2. New uncamouflaged monopoles.

3. All other wireless communication facilities not in the public right-of-way, including lattice towers.

4. Placement of a commercial antenna or satellite dish antenna on any building not screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

5. On property zoned or designated residential, residential suburban, agricultural, or open space unless otherwise provided by this chapter. (Ord. 5020 § 21, 2020; Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

## **17.59.030** Development and design standards.

A. Minimum setbacks of any antenna or tower subject to this chapter, including equipment and equipment buildings, shall be as follows:

1. Fifty feet from the property line abutting any public or private street.

2. Where the property line separates the lot from an adjacent lot zoned or designated residential, fifty feet for camouflaged and slim-lined monopoles, three hundred feet for uncamouflaged monopoles and lattice towers, and twenty feet for equipment buildings.

3. All other setbacks of the zone district in which the facilities are located shall apply, except that no rear yard setback shall apply to commercial or industrial zone districts adjacent to same.

B. The maximum height of an antenna or tower, including equipment and equipment buildings, shall be as follows:

1. Sixty-five feet or no more than twenty percent above the existing height of adjacent natural objects, whichever is less, for stand-alone monopoles on property zoned or designated residential, residential suburban, agricultural, or open space. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

2. One hundred twenty-five feet or no more than twenty percent above the existing height of adjacent natural objects, whichever is less, for standalone monopoles on property zoned or designated commercial or industrial. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

3. If the antenna or tower is mounted on a roof, no taller than fifteen feet above the roof or twenty percent of the building height, whichever is less.

4. If the antenna is architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as a clock tower, carillon tower, and steeple, its height is limited by the height of that building or structure.

5. Equipment buildings shall not exceed a height of twelve feet and an area of seven hundred fifty square feet.

C. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. Buildings shall be painted similar nonreflective colors as the antenna or tower structure, and blend with the surrounding area. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping that is installed and maintained in accordance with Chapter <u>17.61</u> of this code. Use of electrified, barbed or razor wire is prohibited. Trees may be required by the approving authority when deemed necessary to ensure compatibility with the surrounding area.

D. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.

E. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080(F).

F. The antenna shall be located to assure visual compatibility with surrounding development and not adversely impact area land uses. Guy wires are prohibited.

G. If an antenna is attached or integrated into a building, it shall be painted to match the color of the building and/or covered with similar materials and use the latest stealth design features.

H. Nonreflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.

I. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7300 latest edition. This may include beacons, sidelights, and/or strobes.

J. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.

K. Uncamouflaged monopoles, slim-lined monopoles, and lattice structures shall be located no closer than one thousand feet apart. Camouflaged monopoles shall be located no closer than three hundred feet apart. Co-location is encouraged to minimize the number of antennas and towers in an area.

L. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything deemed to the appearance of the overall facility.

M. Landscaping may be required to further screen, aesthetically enhance, or blend the facility with adjacent natural features or development when deemed necessary by the approving authority to ensure compatibility with the surrounding area. (Ord. 4876 § 2, 2016; Ord. 4782 § 1, 2014; Ord. 4231 § 1, 2005)

# 17.59.040 Abandonment and removal.

Any wireless telecommunication facility not in the public right-of-way, including antennas, towers and satellite dish antennas, that are not operated for a continuous period of twelve months, shall be considered abandoned and the owner of such facility, or the property owner of the facility site shall remove the same within ninety

days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned facility within such ninety days shall be grounds to declare it a public nuisance and to cause such to be removed at the owner's or property owner's expense. This section shall not limit the city's remedies and city shall have all remedies available at law or equity. (Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

# Chapter 17.60 SIGNS\*

Sections:

17.60.010	Purpose.
17.60.020	Permits.
17.60.030	Comprehensive sign plans.
17.60.040	Sign area computations.
17.60.050	Sign location restrictions.
17.60.060	Sign development standards.
17.60.070	Specialized signs.
17.60.080	Exempt signs.
17.60.090	Prohibited signs.
17.60.100	Nonconforming signs.
17.60.110	Violation and abandonment.
17.60.120	Interpretation and enforcement.

\* Prior history: Ords. <u>2647</u>, <u>2674</u>, <u>2797</u>, <u>2887</u>, <u>2930</u>, <u>2953</u>, <u>2969</u>, <u>2979</u>, <u>3038</u>, <u>3074</u>, <u>3098</u>, <u>3231</u>, <u>3320</u>, <u>3378</u> and prior code §§ 17.54.010—17.54.170, 17.54.190—17.54.230.

### 17.60.010 Purpose.

The purpose of this chapter is to promote the growth of the city in an orderly and attractive manner and to provide standards to safeguard life, health, property and public welfare by regulating and controlling the type, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. The use of signs is regulated by zone. Their placement and physical dimensions are regulated primarily by type and length of street frontage. This chapter is not intended to, nor shall any of its provisions be construed to modify or repeal the Uniform Sign Code, Chapter <u>15.36</u> of this code, except as specified.

The sign regulations of this chapter are intended to accomplish the following results:

A. Protect and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs.

B. Promote and maintain healthy commercial centers and property values for effective identification and communication of the nature of goods and services and avoidance of wasteful and unsightly competition in signs.

C. Attract and direct persons to various activities and enterprises, in order to provide for public convenience.

D. Provide a reasonable system of sign control throughout the city.

E. Encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing.

F. Encourage a desirable urban character.

G. Enhance the economic value of the community and each area thereof through the reasonable regulation of such things as type, number, area, height, location and illumination of signs.

H. Encourage signs which are harmonious with adjacent land uses and to encourage architectural compatibility.

I. Reduce possible traffic and safety hazards through good signing.

J. Provide a reasonable amortization period for the removal of nonconforming signs.

K. Implement the objectives, policies and programs of the general plan. (Ord. 3586 § 2, 1994)

# 17.60.020 Permits.

A. *Permit Required*. No sign shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected, re-erected, installed, altered or otherwise permitted or maintained without first obtaining a permit from the building director in accordance with the requirements of this chapter and Chapter <u>15.36</u> of this code.

B. *Permit Not Required*. Regardless of subsection  $\underline{A}$  of this section, permits from the building director are not required for the following signs:

1. Real estate sales, rent, lease or open house; construction/home improvement, future facility use or tenant signs, and agricultural signs not exceeding sixteen square feet in area and six feet in height, placed on the property subject to such sign;

2. Changing of the advertising copy or message on a theater marquee, readerboard, menuboard, or similar such sign;

3. Repainting or cleaning of an outdoor advertising structure or changing the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;

- 4. Nonilluminated promotional window sign as regulated by the zone district in which it is located;
- 5. Garage/yard sale and estate sale signs, pursuant to the requirements of Section 17.60.060(B);
- 6. Noncommercial signs, pursuant to the requirements of Section 17.60.070(C);
- 7. Flags for model homes as regulated in the residential districts;
- 8. Nameplate, as regulated;
- 9. Signs that are exempt as specified in Section <u>17.60.080</u>;
- 10. Nonprofit special event signs subject to the provisions of Section <u>17.60.070(B)</u>;

11. Pole banners, pennants/streamers in compliance with the provisions of Sections 17.60.060(B)(4) and (5).

C. *Other Actions*. Uses permitted under conditional use permits, wall and landscape plans, zone changes, specific plans, and other such projects may include signage as part of and in accordance with the permit or project. The planning commission or city council may approve, deny, limit or grant modifications to such signage consistent with the provisions of this chapter. If a comprehensive sign plan is required as a condition of approval for such project, a separate application for said plan shall be required pursuant to Section <u>17.60.030</u>.

D. *Exceptions*. The building director may, in writing, grant exceptions to the following sign regulations provided it has been determined that strict application of the provisions of this chapter places an unnecessary hardship in satisfying the purposes of this chapter:

1. Reduction of the minimum sign setbacks or minimum distance between signs of not more than ten feet;

2. Signage on properties having no street frontage; provided, that any such sign permitted shall not exceed the regulations as delineated by the zone district in which they are located;

3. Additional on-site residential project identification signs, not to exceed two additional per project, or an increase in sign area of one residential identification project sign to sixty-four square feet;

4. An increase of a monument sign located within a commercial or industrial zone district to sixty square feet in area and twelve feet in height, provided the total number of monument signs per street frontage shall not exceed two signs and no pylon sign exists along that street frontage or will be permitted.

E. *Modification of Regulations Not Permitted*. Signs shall only be permitted provided they meet the regulations of the zone district in which they are located for that type of sign. With the exception of subsection  $\underline{D}$  of this section or Section  $\underline{17.60.030}$  regarding comprehensive sign plans, no waivers of, exceptions to, or modification of any regulation of this chapter shall be permitted.

F. *Fees.* The city may impose fees to offset the costs associated with permit administration and monitoring pursuant to Chapter <u>3.70</u> of this code. (Ord. 5020 § 22, 2020; Ord. 4953 § 2, 2018; Ord. 4712 § 1, 2012; Ord. 3870 §§ 1, 2, 1998; Ord. 3755 § 4, 1997; Ord. 3586 § 2, 1994)

# **17.60.030** Comprehensive sign plans.

The comprehensive sign plan is a program that may allow developers or business owners of a shopping/business center or other such project to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of this section to be used to request relief of the sign regulations in order to circumvent any requirements or purpose of this chapter.

A. *General Requirements*. Any person may file with the city a comprehensive sign plan application for only the following projects:

1. *Shopping/business center developments as defined in this title, including office and industrial complexes.* The application for the plan shall be signed by more than fifty percent of the property owners, not including royalty interests, of the real property constituting the center.

- 2. PCD (planned commercial development) projects.
- 3. Areas covered by a specific plan where signage was not identified in said plan.

4. Public and semi-public institutional projects.

5. Neighborhood/subdivision identification sign program. This program is limited to developments of one hundred acres or more that have frontage along an arterial and/or collector street of one-half mile or more.

B. *Condition of Project Approval*. Comprehensive sign plans may be required by the city council or planning commission as part of any project approval as specified in Section <u>17.60.020(C)</u>.

C. *Application Information*. Any comprehensive sign plan application shall be submitted to the planning department on a form provided by that department. Information submitted shall include, but is not limited to, location, size, height, color, lighting, number, visual effects, and orientation of all proposed and existing signs as they pertain to the comprehensive sign plan.

D. *Authority and Review*. The planning commission shall have the authority under the conditions provided in this chapter to permit the utilization of comprehensive sign plans and may approve signs that are more or less restrictive than the sign regulations set forth in this chapter.

1. All comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing before the planning commission at least ten days before hearing.

2. Exceptions to the sign regulations in this chapter may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this chapter and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.

3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.

4. The planning commission shall either approve, conditionally approve or disapprove the comprehensive sign plan at the public hearing. All decisions by the planning commission are final and conclusive.

5. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.

6. Where an application for a comprehensive sign plan has been denied by the planning commission, no reapplication or new application for the same or nearly the same such plan on the property shall be considered for a period of one year from the date of the decision. However, where a change has occurred which, in the discretion of the planning commission, indicates that the new application is significantly different and that reconsideration would serve the public interest, this time period may be waived provided the planning commission makes such a finding.

7. The planning director may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

E. *Future Signs*. A comprehensive sign plan may be approved where signs for satellite pads or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of the C-1 zone district.

F. *Existing Signs as Part of a Comprehensive Sign Plan.* If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

G. *Permits Prohibited Until Decision Rendered*. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.

H. *Withdrawal of Plan.* An approved comprehensive sign plan may be withdrawn by the applicant provided:
(1) it is not required as a condition of project approval;
(2) no signs have been installed pursuant to such plan;
(3) all signs installed since approval of said plan comply with the requirements of the zone district in which they are located; or (4) all signs in the center or project comply with the provisions of the zone district in which they are located. The withdrawal shall be submitted in writing to the planning department.

I. *Binding Effect.* After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this chapter. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this chapter, the approved plan shall control. (Ord. 5020 § 23, 2020; Ord. 4729 § 2, 2013; Ord. 4489 § 2, 2008; Ord. 3586 § 2, 1994)

# **17.60.040** Sign area computations.

The following criteria shall control the computation of sign area and sign height:

A. *Area of Individual Signs (Single Face).* The area of a sign face, which is also the area of a wall sign or other sign with only one face, shall be computed by means of the smallest measurable polygon that will encompass the extreme limits of the writing, representation, emblem, color, logo, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the background or structure against which it is placed. If a sign is composed of individual letters or symbols with no added decoration, the total sign area shall be calculated by measuring the area of each individual letter and/or symbol; the combined areas shall be the total sign area.

B. *Area of Multifaced Signs*. The sign area for a sign with more than one face shall be computed by adding together the area of a single sign face pursuant to subsection  $\underline{A}$  of this section. When sign faces are placed back to back or in a way that only one face can be viewed from any point, and when such sign faces are part of the same structure and are not more than two feet apart, the total sign area shall be computed by measuring one of the faces if they are all of equal area or the largest face if they are of unequal area.

C. *Structural Support Area.* The area of a sign does not include any supporting framework, bracing or other support, whether or not it has been architecturally treated, provided said support does not exceed twenty-five percent of the allowable sign area for a pylon sign, and fifty percent of the allowable sign area for a monument sign. If the support area exceeds these percentages, any excess shall be computed as part of the total sign area.

D. *Sign Height*. The height of a sign shall be computed as the distance from the base of the sign including any of its structural support, at grade as defined in this title, to the top of the highest component of the sign. (Ord. 3586 § 2, 1994)

# **17.60.050** Sign location restrictions.

A. Signs shall not be placed on any curb, sidewalk, post, pole, light standard, hydrant, bridge, tree or other surface located on public property, and shall not be located within, over or across any public right-of-way or public parkway including street median islands, except as may otherwise be authorized by this chapter. These restrictions do not apply to signs by a public agency that identify public facilities; such signs shall be subject to the zone district in which the facility is located. Any such sign hereby prohibited constitutes a nuisance, and shall not become a legal nonconforming sign.

B. Signs shall not be permitted near the intersection of any street, pedestrian crosswalks, alley or any vehicle access in such a manner as to obstruct free and clear vision of motor vehicle operators, or at any location where

by reason of its position, shape, illumination or color, it may interfere with or be confused with any authorized sign, signal or device, or which makes use of a work, symbol, phrase illumination, shape or color in such a manner as to interfere with, mislead or confuse traffic. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

C. Permanent freestanding signs, except monument and directional signs, shall be prohibited in the following areas:

1. The Truxtun Avenue corridor between the west right-of way line of State Highway 99 and the east right-of-way line of Coffee Road, a width of five hundred feet from the right-of-way of Truxtun Avenue or between the north right-of-way line of the Cross Valley Canal and the south right-of-way line of the Carrier Canal/Santa Fe Railroad, whichever distance is greater;

2. Along or within one thousand feet of the right-of-way of State Highway 178 east of Oswell Street, commencing at a point five hundred feet east of the centerline of Oswell Street;

3. Along or within one thousand feet of the right-of-way of Alfred Harrell Highway;

4. Along or within one thousand feet of the right-of-way of Stockdale Highway west of the Arvin-Edison canal;

5. Along or within one thousand feet of the right-of-way of Panorama Drive;

6. Along or within one thousand feet of the right-of-way of the Westside Parkway from State Highway 99 to its western terminus.

A map delineating these corridors prohibiting freestanding signs is shown at the end of this chapter. (Ord. 4729 § 3, 2013; Ord. 4489 § 3, 2008; Ord. 3870 § 3, 1998; Ord. 3586 § 2, 1994)

# **17.60.060** Sign development standards.

A. *General Regulations*. The following provisions shall apply to all signs unless otherwise stated in this chapter:

1. Signs or their supporting members shall not be erected, altered, relocated, or maintained so as to interfere with or restrict access to a window or other opening in a building in such manner as to limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door,

ventilator or window, or similar opening. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

2. All signs shall be constructed, installed and maintained to structurally comply with all applicable requirements of the Building Code and Uniform Sign Code, as adopted and amended by the city. Those signs incorporating electrical components shall be constructed and maintained to also comply with the Electrical Code as adopted by the city.

3. Where signs are permitted to be illuminated, the following regulations shall apply:

a. Floodlighting is permitted only when such lighting is installed on private property or property maintained by a maintenance district, and is hooded or shielded so that the light source is not a nuisance or detrimental to persons viewing such area, nor affect or interfere with vehicular traffic, pedestrians, or adjacent properties in any manner.

b. Outlining of a building by means of exposed neon tubing is permitted only where the amperage does not exceed thirty milliamperes. Outlining of a building by means of exposed incandescent lighting is permitted if the wattage does not exceed forty watts per bulb and the units of lights forming the line marking the outer limits or edges of a building, or window or roof of a building, are at least two feet apart.

c. Exposed bulbs forming a part of a sign are permitted, provided they do not exceed fifteen watts per bulb; signs in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts may be allowed up to forty watts per bulb. Neon signs shall not exceed thirty milliamperes. Bulbs providing indirect lighting not visible from off the premises of the sign are not subject to this subsection. Exposed reflector-type lamps forming part of a sign or used to illuminate a sign are prohibited in all instances.

d. Flashing signs are only permitted in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts and shall not exceed a total of sixty milliamperes for neon signs, and ten watts for incandescent signs.

e. Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, cathode ray tubes (CRTs), plasma, or other such lighting devices, shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions, and ensure that the sign is visible but not excessively bright to adversely affect motorists or nearby residents.

4. Placards or posters advertising special community events are permitted as window signs or on public bulletin boards.

5. Public service signs may contain or include trade or professional name identification and logo only.

6. Theater marquee signs are permitted pursuant to the regulations of the Uniform Sign Code as adopted and amended by Chapter 15.36 of this code.

7. Permitted signs for a particular street frontage of a parcel may not be combined with that allowed for another street frontage for the purpose of placing the combined area of signs on one street frontage.

8. Any commercial sign which does not identify or advertise the occupant of a building, lot or premises, or relate to any merchandise or to any business or other activity available or being conducted at the building, lot or premises where the sign is located, except outdoor advertising signs and subdivision directional signs, is prohibited; however, in each instance and under the same conditions under which this chapter permits a sign, a sign containing copy with ideological, political, or other noncommercial message and constructed subject to the standards of the zone district in which it is located shall be permitted.

9. Persons owning or controlling any sign shall keep such sign, together with all supports, braces, guys and anchors in good repair and in proper state of preservation at all times. Signs shall be fully operational and present a satisfactory appearance in regard to painting, cleaning, broken faces, electrical outages, landscaping, or anything deemed related to the appearance of the sign.

10. Any sign structure, can, supports, anchors or other related component of a sign that will not be utilized due to new signs being permitted shall be removed prior to any new sign being installed.

B. *Regulations by Zone District—Sign Matrix.* The following tables identify the signs permitted in each zone district. In addition to the following regulations, all signs shall be in compliance with all other provisions of this chapter:

1. Signs permitted in the residential and agricultural/open space zone districts (R, E, A, OS, MH, TT, FP-P, DI zones):

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Nameplate	Wall or door	1 per residence	1 sq. ft.	Below roofline	Yes	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be attached to and parallel with the front wall or front door.</li></ul>	Shall identify only the name and/or street address of the occupant.
b. Apartment ID (over 4 units)	Wall or monument	1 per street frontage	32 sq. ft. each	20 ft. for wall sign and 6 ft. for monument sign Note: Wall signs may exceed the height max. if building is 3 or more stories per skyline sign standards.	Yes	Setbacks: - 10 ft. from interior property lines - 0 ft. from street rights-of- way	<ul> <li>a. Copy limited to project name and address only.</li> <li>b. Signs shall not be internally lighted.</li> <li>c. Building wall sign shall not exceed a horizontal length greater than 70% of the linear frontage elevation that sign is placed.</li> <li>d. If skyline signs are utilized, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>
c. Neighborhood Subdivision ID (includes parks)	Subdivision wall or monument	2 per major entrance not to exceed signs at 2 entrances	32 sq. ft. each	6 ft.	Yes	Signs shall be located at the entrances where arterial and/or collector streets intersect with local streets into the development.	a. Copy limited to project/neighborhood name only; use of developer/subdivider name or logo, or commercial advertising is prohibited.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							b. City parks div. shall approve of all material used in the sign to assure continued maintenance.
d. Temporary						<u> </u>	
Signs							
i. Residential Project ID (on-site)	Freestanding	2 per subdivision (multiple phases of a tract shall be considered a single subdivision)	32 sq. ft.	12 ft.	No	Shall be within the subdivision or project. Signs shall be prohibited on lots developed with residences.	<ul> <li>a. Limited to new projects only.</li> <li>b. Copy may include direction to model homes/sales office, the developer/builder's name, logo, prices, and any other information related to home sales.</li> <li>c. All signs shall be removed within 30 days after the initial sale/rent of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time extensions not to exceed 1 year each if necessary to complete all sales.</li> </ul>
ii. Residential Sub/Project Directional (off- site)	See Section <u>1</u>	 7.60.070(A).			<u> </u>		<u> </u>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
iii. Real Estate (sales, rent, lease)	Freestanding	1 per parcel	6 sq. ft.	6 ft.	No	<ul> <li>a. Shall be on premises</li> <li>being sold, rented or leased.</li> <li>b10 ft. from interior</li> <li>property lines.</li> <li>- 0 ft. from street rights-of-way.</li> </ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
iv. Real Estate (open house)	Freestanding	6 per residence (1 on-site, 5 off-site directional)	3 sq. ft.	6 ft.	No	Off-site directional signs shall not be located more than 1 mile from the open house.	<ul> <li>a. The maximum duration of the use of these signs shall not exceed 3 consecutive days each week.</li> <li>b. Use of A-frame signs is permitted provided they are not located in the public-right-of-way or maintained parkway/landscape area.</li> <li>c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.</li> </ul>
v. Garage, Yard and Estate Sales	Freestanding	2 per residence (1 on-site, 1 off-site)	3 sq. ft.	6 ft.	No	Off-site sign shall not be placed within right-of-way and shall not be affixed in any manner to any utility pole, street sign, fence, etc.	<ul><li>a. No property shall be allowed signage for more than 2 sales per calendar year.</li><li>b. The maximum duration of the use of these signs shall not exceed 3 consecutive days.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.
vi. Construction/Home Improvement	Freestanding	1 per project or residence	4 sq. ft.	6 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from all property lines.	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
vii. Future Use	Freestanding	1 per undeveloped parcel	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with existing zoning and may include ownership ID.</li><li>b. Sign shall be removed upon initial occupancy of site or building.</li></ul>
viii. Model Home/Tract Sales Office	Freestanding and flags	Signs: 1 per sales office 1 per model home Flags:	Sales office: 24 sq. ft. Model home: 8 sq. ft. Flag: 15 sq. ft.	Sales office: 8 ft. Model home: 4 ft. Flag:	No	Signs for sales office and model homes shall be located on the lot containing said office or model. Flags may be located anywhere on the project site where the new homes are being constructed for appropriate identification of the project, model homes or	<ul> <li>a. Limited to new projects only.</li> <li>b. Copy limited to name of development and/or company name/logo.</li> <li>c. All flags shall be removed within 30 days after the initial sale of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
		20 per subdivision		25 ft. (pole height)		sales office, provided they are not located within any street right-of-way or public parkway. Flags shall be prohibited on developed lots with occupied residences or lots not owned by the builder/developer advertising on said signs.	<ul> <li>extensions not to exceed 1 year each if such flags are necessary to complete all sales.</li> <li>d. Signs shall be removed when model home is sold, sales office closed, or per subsection c above, whichever occurs first.</li> <li>e. Special event permits are not required for balloons (as limited per Section 17.60.070(B)(3)) or banners 6 ft. or less in height if only used on Saturdays and Sundays.</li> </ul>
ix. Special Event	See Section <u>1</u>	7.60.070( <u>B</u> ).	L	L			
x. Noncommercial	See Section <u>1</u>	7.60.070(C).					
e. Agricultural Products	Freestanding	1 per parcel	32 sq. ft.	8 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Shall be set back 10 ft.</li><li>from property lines, except</li><li>those fronting public streets</li><li>where no setback is</li><li>required.</li></ul>	<ul><li>a. Copy limited to products produced on the property or agricultural related affiliation, and may also include name of owner.</li><li>b. Sign is only permitted in the A and R-S zone districts.</li></ul>
f. <u>Churches</u> <u>Religious</u> <u>institutions</u> and Schools	Uses are subje	ect to the <del>CH (c</del>	hurch) combini	i <del>ng zone-</del> sign s	tandards pursua	nt to Section <u>17.60.060(B)(6)</u>	I <u>(C)</u> .

2. Signs permitted in the C-O (professional and administrative office) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the	e residential sign	n standards purs	suant to Section	n <u>17.60.060(B)</u> (	(1).	<u> </u>
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business's elevation sign is located or 100 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business's elevation sign is located or	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

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Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
			32 sq. ft., whichever is less.				
	Pylon or monument	4 per street frontage (see Remarks for additional monument signs)	32 sq. ft. each	8 ft.	Yes	<ul> <li>a. Setbacks</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights-of- way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>a. Business or center is limited to use of either pylon or monument.</li> <li>b. Business or center name is limited to being listed on only one sign per street frontage.</li> <li>c. If center name incorporates the name of an on-site business in any form, said name shall not be allowed on other sign per item b.</li> <li>d. One additional sign per street frontage is permitted that only identifies the center.</li> <li>e. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.</li> </ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 15 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by the public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only, not public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft. each	10 ft.	Yes	Wall only	<ul><li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li><li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li></ul>
d. Temporary Sign	S						·,
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (2)(b).</li> <li>b. Area limitation does not include business identification under (2)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained for a reasonable time during a holiday season.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	on-site light poles.	<ul><li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li><li>Business name/logo is limited to a maximum of 25% of the banner area.</li></ul>
v. Special Event	See Section <u>1</u>	7.60.070( <u>B</u> ).					
vi. Noncommercial	See Section <u>1</u>	7 <u>.60.070(C)</u> .					

3. Signs permitted in the C-1 (neighborhood commercial) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to res	idential sign sta	indards pursuar	nt to Section <u>17</u>	7.60.060(B)(1)		
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 150 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business' elevation sign is located or 75 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

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Sign Type Sign S	Maximum Style Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
Pylor monur	ment	whichever is less. Pylon:	Pylon:	Yes	a. Setbacks:	a. Business is limited to either pylon or monument signs; however if center
	1 per street frontage Monument: 4 per street frontage (see Remarks for additional signs)	150 sq. ft. Monument: 32 sq. ft. each.	25 ft. Monument: 8 ft.		<ul> <li>25 ft. from interior property lines</li> <li>(not part of a center)</li> <li>0 ft. from street rights-of- way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>identification is provided on a pylon then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decoration maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/ menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> <li>c. Minimum 1 ft. between signs.</li> </ul>	Copy limited to indicating prices, merchandise, or services offered; official public services provided on premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							b. Sign is limited to loading entrance only that is not the business' public entrance.
c. Building ID (multiple buildings on site) d. Temporary Sign	Wall	1 per building	10 sq. ft.	10 ft.	Yes	Wall only.	<ul><li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li><li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li></ul>
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Sign shall be set back 10 ft. from property lines.	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back 10</li><li>ft. from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (3)(b).</li> <li>b. Area limitation does not include business identification under (3)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u>.</li> </ul>
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
v. Special Event	See Section <u>1</u>	7.60.070( <u>B)</u> .	<u> </u>	<u> </u>	<u> </u>		

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Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
vi. Noncommercial	See Section 17	7.60.070( <u>C)</u> .					

4. Signs permitted in the C-2 (regional commercial) and manufacturing (M-1, M-2, M-3) zone districts:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the residential	sign standards	pursuant to Sec	ction <u>17.60.06</u>	<u>)(B)(1)</u> .		·
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 2 sq. ft. per linear foot of the business' elevation sign is located or 250 sq. ft., whichever is less. Non-street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 125 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Signs shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
			whichever is less.				
	Pylon or monument	<ul> <li>Pylon:</li> <li>1 per street frontage if pylon;</li> <li>Monument:</li> <li>4 per street frontage if monument.</li> <li>(see Remarks for additional signs)</li> </ul>	Pylon: 250 sq. ft. Monument: 32 sq. ft. each.	Pylon 35 ft. Monument 8 ft.	Yes	<ul> <li>a. Setbacks:</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights- of-way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>a. Business is limited to either pylon or monument signs; however if center identification is provided on a pylon then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign,</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							<ul><li>then 1 for each 200 ft. of additional frontage along that street.</li><li>g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.</li></ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> <li>c. Minimum 1 ft. between signs.</li> </ul>	Copy limited to indicating prices, merchandise, or services offered; official public services provided on-premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance.	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only that is not the business' public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only	<ul> <li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li> <li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li> <li>c. See Section <u>17.60.070(F)</u> if building ID sign is proposed as a skyline building sign.</li> </ul>
d. Temporary Sign	S						
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or</li><li>leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Sign shall be set back</li><li>10 ft. from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Sign shall be set back</li><li>10 ft. from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (4)(b).</li> <li>b. Area limitation does not include business identification except as permitted under (4)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R).</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Pole banners	4 per light pole (2 on each side of pole, back- to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.
v. Special Event	See Section <u>17.60.070(B</u>	<u>)</u> .	I		I	L	
vi. Noncommercial	See Section <u>17.60.070(C</u>	<u>)</u> .					
e. Outdoor Advertising (billboard)	See Section <u>17.60.070(E</u>	<u>)</u> .					

5. Signs permitted in the C-B (central business) and C-C (commercial center) zone districts shall be subject to the C-2 sign standards pursuant to Section 17.60.060(B)(4), except as follows:

a. Agricultural uses permitted by the planning director under Section 17.26.011(B) shall be subject to the residential and agriculture/open space sign standards pursuant to Section 17.60.060(B)(1).

6. Signs permitted where there are overlay or combination zones (P, CH, HOSP, AD, AA, FP-S, SC, PE) shall be subject to the sign standards of the underlying zone district unless otherwise permitted as follows:

a. Signs within the FP-S (floodplain secondary) zone where it is not used as an overlay or combining zone shall be subject to the residential sign standards pursuant to Section 17.60.060(B)(1).

b. Signs within the P (automobile parking) zone where it is not used as an overlay or combining zone shall be subject to the same standards which are applicable to the adjacent zone where the parking use is incidental to and intended to serve the use in such adjacent zone.

c. <u>Religious institutions.</u> Within the CH (church) combining zone, churches, sanctuaries and Sunday schools shall, i<u>I</u>n addition to that permitted by the residential sign standards pursuant to Section <u>17.60.060(B)(1)</u>, shall be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.

d. Within the HOSP (hospital) zone, hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged shall, in addition to that permitted by the residential sign standards pursuant to Section 17.60.060(B)(1), be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one illuminated or nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.

7. Signs permitted in the PUD (planned unit development) and PCD (planned commercial development) zone districts:

a. Residential development shall be subject to the residential sign standards pursuant to Section 17.60.060(B)(1) unless otherwise conditioned by the planning commission or city council.

b. Commercial development shall be subject to the C-1 sign standards pursuant to Section 17.60.060(B)(3) unless otherwise conditioned by the planning commission or city council.

c. When a PCD or PUD zone is used as a combining zone, the sign regulations for the base zone shall apply unless otherwise conditioned by the planning commission or city council.

8. Signs permitted in the Bakersfield auto mall area shall be permitted as follows regardless of the underlying zone district:

(a map delineating the area these regulations apply to is shown at the end of this chapter)

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the residential	sign standards	pursuant to Se	ction <u>17.60.06</u>	<u>)(B)(1)</u> .		
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Each building elevation: 2 sq. ft. per linear foot of the business' elevation sign is located or 450 sq. ft., whichever is less.	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above the roofline of the building.	<ul> <li>a. Each business shall be entitled a minimum of 50 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>
	Pylon or monument	<ul> <li>Pylon:</li> <li>2 per street frontage</li> <li>Monument:</li> <li>4 per street frontage</li> <li>(see Remarks for</li> </ul>	Pylon: 300 sq. ft. Monument: 32 sq. ft. each.	Pylon: 50 ft. Monument: 8 ft.	Yes	<ul> <li>a. Setbacks:</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights- of-way.</li> <li>b. Minimum 50 ft. between signs.</li> </ul>	<ul> <li>a. Business is limited to either pylon or monument signs; however if center identification is provided on 1 pylon and there is no 2nd pylon, then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
		additional signs)				c. 100 ft. from existing outdoor advertising structures.	<ul> <li>maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.</li> </ul>
	Window	l per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul><li>a. Shall not be portable.</li><li>b. Shall not be placed or maintained upon any sidewalk area.</li></ul>	Copy limited to indicating prices, merchandise or services; official public services provided on premises; credit cards honored; directions to customers; and like

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
						c. Minimum 1 ft. between signs.	matters. Use of streamers, pennants and banner is prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only that is not the business' public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only.	<ul> <li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li> <li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li> <li>c. See Section <u>17.60.070(F)</u> if building ID sign is proposed as a skyline building sign.</li> </ul>

d. Temporary Signs

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
i. Real Estate	Freestanding, wall or window	1 per saleable or leaseable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or</li><li>leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertising the sale, renting or leasing and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back</li><li>10 ft. from all property</li><li>lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back</li><li>10 ft. from all property</li><li>lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business identification is prohibited except as permitted under (8)(b).

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							<ul> <li>b. Area limitation does not include business identification except as permitted under (8)(b).</li> <li>c. Area limitation and location does not</li> </ul>
							apply to customary noncommercial holiday decorations maintained pursuant to Section $17.60.080(R)$ .
	Pole banners	4 per light pole (2 on each side of pole, back- to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.
v. Special Event	See Section <u>17.60.070(B</u>	<u>)</u> .	I		I		
vi. Noncommercial	See Section <u>17.60.070(C</u>	<u>)</u> .					

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
e. Outdoor Advertising (billboard)	See Section <u>17.60.070(E</u> )	).					

(Ord. 4953 § 3, 2018; Ord. 4938 § 5, 2018; Ord. 4729 §§ 4—8, 2013; Ord. 4715 § 1, 2012; Ord. 4658 § 1, 2011; Ord. 4605 § 1, 2009; Ord. 4543 § 2, 2008; Ord. 4489 §§ 5, 6, 2008; Ord. 4384 § 1, 2006; Ord. 4306 § 1, 2006; Ord. 3964 § 45, 2000; Ord. 3870 §§ 4, 5, 1998; Ord. 3755 § 2, 1997; Ord. 3624 § 1, 1995; Ord. 3586 § 2, 1994)

# 17.60.070 Specialized signs.

A. *Off-Site Residential Subdivision/Project Directional Kiosk Sign Program.* The following is intended to provide for the administration of a uniform, coordinated sign program of kiosks that offer developers of new residential subdivisions means of providing direction to their projects. The kiosk signs will minimize confusion among prospective purchasers of new homes to find those developments, promote traffic safety by removing competing signs from busy streets, and reduce visual blight of incompatible sign types in residential neighborhoods. No such off-site directional sign other than those in conformance with this chapter shall be erected or maintained within the city.

1. Requirements for Directional Kiosks.

a. Kiosks shall be permitted in all zone districts except on a lot developed with a single-family-unit residence. They may be permitted on private land or public right-of-way that is maintained by the property owner provided the property owner's permission has been granted in writing. Signs may also be permitted within the public right-of-way or parkway that is maintained by the city of Bakersfield or as contracted by the city subject to approval and issuance of an encroachment permit by the city. All other location restrictions in Section <u>17.60.050</u> shall remain in full force and effect.

b. Kiosks shall be constructed of wood or similar product with individual panels provided for placement of subdivision or project names and direction.

c. Kiosk locations shall be approved by the building director or appointed designee. A kiosk shall not be placed closer than one thousand feet from an existing kiosk or approved site where a kiosk is to be constructed. The building director or appointed designee may reduce the distance between kiosks where:

i. Kiosks are located at different corners of an intersection and face different directions.

ii. The street intersection where the kiosk is proposed is less than one thousand feet away from a street intersection that contains a kiosk and it is necessary to provide direction to subdivisions or projects to which that street provides the most direct or only access. iii. Kiosks (two maximum) are necessary to be placed adjacent to one another because the number of subdivisions or projects that are being identified exceeds the number of panels allowed on one kiosk.

d. Architectural design, color, letter style, and any other design elements of the kiosk shall be approved by the planning commission and city council. All kiosks and other off-site residential directional signs allowed by Section 17.60.060(B)(1)(d)(ii) that are installed within the city limits shall be in accordance with adopted design criteria.

e. Kiosks shall not exceed a height of twelve feet and a width of six feet. When a kiosk is sited immediately adjacent to a residential development, it shall not exceed a height of eight feet. An individual panel shall be limited to a maximum width of six feet and a height of ten inches. No more than eight individual name panels shall be permitted on a kiosk.

f. Kiosks may have more than one face. Multiple faces are encouraged where the kiosk can be sited to serve traffic traveling in opposite directions, or where it would reduce the amount of kiosks needed to provide adequate direction to residential subdivisions. Multiple faced kiosks shall be approved by the building director or appointed designee.

g. A name panel shall be limited to a single line of text that may contain only the subdivision, project, builder or developer's name, or combination thereof. All panels shall include a direction arrow pointing in the direction of the identified project. Name panels shall conform to all design elements as approved in accordance with subsection (A)(1)(d) of this section.

h. Tag signs, streamers, banners, balloons, devices, display boards, or other appurtenances shall not be added, placed upon or erected adjacent to or within a one-hundred-foot radius of any existing kiosk.

i. Kiosks shall not be illuminated.

j. Kiosks shall not obstruct the use of sidewalks, walkways, bicycle or hiking trails, and shall not obstruct the free and clear vision of motor vehicle operators, cyclists, pedestrians, or visibility of traffic control signs and lights as determined by the public works director or appointed designee.

k. Kiosks shall be set back a minimum of twenty-five feet from side and rear property lines. No setback shall be required from street frontages or those kiosks located within public rights-of-way.

### 2. Permits.

a. Any builder or developer of a new recorded residential subdivision which contains approved lots or homes which have never been sold, may apply for a permit to install a kiosk or to place a name panel on an existing kiosk to provide direction to their subdivision.

b. Applications for a kiosk or name panel (including name changes to an existing name panel) shall be made on forms provided by the building director or appointed designee, be signed under penalty of perjury by the applicant, and shall require at minimum, the following information:

i. The name, mailing address, title, telephone number of the property owner, subdivider and developer/builder of the specific development;

ii. The name and location of the specific development;

iii. A plot plan showing the exact location of the proposed kiosk, or the existing kiosk(s) where the panel(s) will be attached;

iv. A statement that the development contains approved lots or new homes which have not yet been sold;

v. If the permit is for a new name panel or a name change to an existing name panel, the copy proposed for the panel;

vi. If the permit is for a new kiosk that is proposed to be located within a public road right-ofway, a copy of the approved encroachment permit issued by the city of Bakersfield public works department.

c. The building director or appointed designee may issue a permit if:

i. The application is complete and truthful;

ii. The applicant is the permit or entity selling new lots or new homes;

iii. The development is located entirely within the Metropolitan Bakersfield 2010 General Plan area;

iv. The kiosk or panel meets all of the design criteria within this section;

v. The permit is for a name panel and available space exists on the kiosk(s); or if there is no space available, the applicant has agreed to be placed on a waiting list for future placement on a kiosk(s);

vi. If the permit is for a kiosk, the location criteria in this section has been satisfied;

vii. Appropriate fees have been paid.

3. Program Administration.

a. The city may delegate portions of or the entire administration of the directional kiosk program to another entity by contract that includes, but is not limited to, installation and maintenance of kiosks, and issuance of permits for kiosks and name panels.

b. Kiosks and sign panels permitted in accordance with this section shall be continuously maintained in good condition by the permit holder. Upon approval by the city, sign maintenance may be assumed by a responsible party other than the permit holder.

c. Kiosks shall be sited based on demand and where they will provide the best direction to residential subdivisions where homes/lots are being sold.

d. Sign panels shall be available to all developments selling new homes on a first-come first-served basis. Sign panels shall be placed on a kiosk beginning with the highest position on the kiosk and progressing downward. Panels shall be grouped based on the direction of travel with the priority of placement from top to bottom as follows:

- i. Left turn;
- ii. Right turn;
- iii. Straight ahead.

e. Waiting lists shall be established for each kiosk (existing or proposed) for new name panels on a first-come first-served basis of applications that have met the requirements of subsection (A)(2)(c) of this section.

f. When a panel name is changed or a panel is removed from a kiosk, all lower panels within each directional group as defined in subsection (A)(3)(d) of this section shall be moved upwards so that any new panel is placed on the bottom of its respective directional group on the kiosk.

g. All panel changes shall be approved by the building director or appointed designee through the permit process.

h. A specific project or builder is limited to one panel for each kiosk. Multiple panels shall not be combined to identify or provide information regarding the same specific project or builder. There shall be no limit on the number of kiosks on which a specific project may be identified.

i. Within ten days after selling the last lot or home or within two years after recordation of the final map for the subdivision of which the project is located, whichever occurs first, panel signs that identify said project shall be removed from all kiosks. Two extensions of time may be granted by the administrator of the kiosk program not to exceed one year for each request if the extension is needed to complete any sales in that project. If administration of the program is delegated to an entity other than the city and that entity denies the extension, the permit holder may appeal the denial within five days of the decision in writing to the building director. The building director shall render a decision on the appeal within ten days of receiving the appeal which shall be final and conclusive.

- j. Any kiosk shall be completely removed by the permittee whenever any of the following occur:
  - i. The kiosk is no longer needed at the location;

ii. The permittee has been notified by the city of Bakersfield public works department to remove or relocate the kiosk on the basis of public safety or necessity, or because of planned road improvements.

k. For any kiosk erected within the public road right-of-way, a performance bond in an amount sufficient to remove the structure shall be approved by and posted with the city of Bakersfield public works department.

#### 4. Violations and Abatement.

a. Off-site residential subdivision/project directional signs that were legally permitted as of June 1, 1997, shall continue to remain for a period of six months from said date. After that time, signs not in conformance with this section shall be removed by the owner at the owner's cost. Any signs not removed within the required period shall be subject to summary abatement by the city in accordance

with Section <u>17.60.110</u>. This subsection shall not apply to existing kiosk programs that were legally established and maintained by a private entity where that program contains five or more kiosks.

b. Existing kiosk sign programs that were legally established as of June 1, 1997, that are owned and maintained by a private entity where that program contains five or more kiosks, may continue as a nonconforming kiosk program. These kiosks may be maintained but shall not be replaced except with a kiosk that conforms to this section. A nonconforming kiosk shall be removed if it is no longer necessary at the location, or no longer meets the separation requirements of subsection (A)(1)(c) of this section regarding kiosk separation due to placement of a conforming kiosk. A nonconforming kiosk that is required to be removed shall be done by the owner at the owner's cost. Any nonconforming kiosk not removed as required, shall be subject to summary abatement by the city in accordance with Section <u>17.60.110</u>.

c. Any permit issued in accordance with this section shall be immediately revoked by the building director if it has been found that the permit holder has erected and maintained any sign in violation of this section. The building director shall order any panel currently in place on a kiosk identifying the builder's/developer's specific development to be removed immediately after the appeal period has expired if no appeal has been filed, and that builder/developer shall be prohibited from having any off-site directional signs or name panels on any kiosk for that specific development for a period of one hundred eighty days. After the one-hundred-eighty-day period, the builder/developer may be allowed kiosk panels but they shall be placed at the bottom of any waiting list and/or kiosk hierarchy as described in subsections (A)(3)(d) through (A)(3)(f) of this section.

d. Any order of the building director shall be made in writing, addressed to the permit holder, and shall set forth the findings for revoking any permits and the method to appeal the decision. If no appeal is filed, the decision of the building director shall be final and conclusive.

e. If the city is not the administrator of the kiosk program, the administrator shall immediately notify the building director regarding any violations in accordance with subsection (A)(4)(c) of this section and the building director shall notify the party in violation in accordance with subsection (A)(4)(d) of this section.

#### 5. Appeal.

a. Should any permit holder be dissatisfied with the decision of the building director to revoke a permit, then the permit holder may, no later than ten days after notice of such decision was deposited in the United States mail, make written objection, subject to the required appeal fee, to the board of building appeals in care of the building director, setting forth the grounds for dissatisfaction. The board of building appeals shall hear the objections at a regular meeting no later than thirty days

following the filing of the objection. The permit holder shall be given written notice of the hearing no later than three days prior to the hearing. The building board of appeals may sustain, suspend, or overrule the decision of the building director, which decision shall be final and conclusive.

b. Pending hearing before the building board of appeals, all signs, kiosks and/or name panels in dispute may remain in place until a final decision rendered.

B. *Special Event Signs*. Special event signs may be approved by the building director as a means of publicizing events such as grand openings, carnivals, parades, charitable events, community holiday activities, and other such events. This section does not include events promoted by the city of Bakersfield pursuant to Section <u>17.60.080(O)</u>. Special event signs shall be limited to the following provisions:

1. Signs shall be limited for each business to sixty days a calendar year. This time may be utilized in any combination of durations; however, the number of special events shall not exceed eight a calendar year, and no single event shall exceed a duration of fifteen consecutive days.

2. Balloons and inflated devices provided they do not exceed a height of one hundred feet, search lights, beacons, pennants, flags, banners and streamers may be allowed subject to approval by the building director. Flags for model homes/tract sales offices are not subject to this subsection.

3. Copy on a banner or balloon shall not exceed an area of one hundred square feet, and may include the name, symbol or logo of the business or sponsor, but in no event shall such name or logo exceed one-quarter of the total permitted copy area.

4. Signs may be illuminated and contain movement upon approval by the building director provided they do not adversely affect neighboring properties or motorists.

C. *Noncommercial Signs*. Signs expressing political, social, religious or other noncommercial message. These signs are subject to the following regulations:

1. Signs shall not be placed on private property without the consent of the property owner. No such sign, either freestanding or posted on any object, shall be placed or erected on public property, within the public right-of-way, or any maintained parkway/landscape area.

2. Signs shall not exceed an area of eight square feet and a height of six feet.

3. Signs shall not be illuminated.

4. In residential districts, each parcel of property may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display two signs in compliance with this chapter.

5. In the commercial, industrial, and agricultural districts, each parcel of property or commercial center may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display four signs in compliance with this chapter, except that signs may be up to an area of thirty-two square feet and a height of eight feet.

6. Signs may only be displayed for ninety days and must be removed for at least thirty days before being displayed again.

7. Signs shall not block line of sight for intersections, driveways/entrances, sidewalks and multi-use paths.

D. *Freeway Oriented Signs*. Freeway oriented signs identify premises where food, lodging and places of business engage in supplying goods and services essential to the normal operation of motor vehicles, and which are directly dependent upon an adjacent freeway. These signs shall be subject to the following regulations:

1. Signs shall be within the C-1, C-2, C-C, PCD, M-1, M-2 or M-3 zone districts; and shall also be within one of the rectangular areas two thousand feet in width and three thousand feet in length, the center of which is concentric with the intersection point between the centerline of the freeway and accessible surface street, said intersections identified as follows:

a. State Highway 99 and Olive Drive;

b. State Highway 99 and Airport Drive, except that said rectangular area shall extend south to Gilmore Avenue;

c. State Highway 99 and State Highways 58/178 (Rosedale Highway/24th Street), except that said rectangular area shall extend north to Gilmore Avenue;

d. State Highway 99 and California Avenue;

- e. State Highway 99 and Ming Avenue;
- f. State Highway 99 and White Lane;
- g. State Highway 99 and Panama Lane;
- h. State Highway 99 and Hosking Avenue;
- i. State Highway 99 and State Highway 119 (Taft Highway).

(Note: Refer to the maps at the end of this chapter.)

2. Only one of the allowable on-site pylon signs permitted in the zone districts specified in this section shall be allowed to exceed both the area and height limitations imposed by the particular zone district provided no such sign exceeds an area of three hundred fifty square feet and a height of seventy-five feet. All other sign regulations of the particular zone district shall apply to this sign and the specific business.

3. The building director shall determine if the location of the business and the service offered satisfy the criteria and intent of this section and the definition of a freeway oriented sign.

E. Outdoor Advertising Signs (Billboards). All outdoor advertising signs are regulated as follows:

1. Signs are permitted in the C-2, M-1, M-2 and M-3 zone districts, in addition to that permitted in those respective districts.

2. Signs shall not exceed an area of three hundred square feet, excluding cutouts or extensions provided they do not exceed thirty square feet in area.

3. Signs shall not exceed a height of thirty-five feet in the C-2 district, or fifty feet in the M-1, M-2 and M-3 districts.

4. Signs shall not be located less than one thousand feet from another such sign, or one hundred feet from any other freestanding sign.

5. Signs shall not be located in nor project over public property or public right-of-way.

6. Multifaced signs are allowed, provided the faces are placed back-to-back, are no more than two feet apart, and are equal in size and configuration.

7. Signs shall be set back a minimum of three hundred feet from any property zoned residential or developed with residential uses.

8. Signs shall not project over or be placed upon any building or structure.

9. Signs shall be set back twenty-five feet from adjacent property lines except those fronting public streets where no setback is required.

10. Signs may be illuminated provided no lighting is directed onto adjacent properties or public rightsof-way.

11. Electronic message displays as defined in Section 17.04.547 are permitted.

F. *Skyline Building Signs*. Wall signs for a building that is three or more stories may be permitted that exceed the height limits delineated by the zone district in which it is located, to provide long distance visual identification of a building or its primary tenant, subject to the following regulations:

- 1. Signs are permitted in the C-O, C-1, C-2, C-C, C-B, PCD, M-1, M-2, and M-3 zone districts.
- 2. Signs may be installed on all elevations of the building.
- 3. Signs shall be located on the top story or between the top story and the top of the building.

4. Signs shall be comprised solely of individual letters or logos installed a minimum of three inches and a maximum of twelve inches from the surface of the wall on which they are located. Illumination may be provided by indirect reverse lighting or internal illumination as approved by the building director. Floodlighting shall be prohibited.

5. Signs shall not have a horizontal dimension exceeding one hundred feet or seventy percent of the horizontal dimension of the building elevation where the sign is placed, whichever is less.

6. The property owner shall designate in writing or on the sign plan the primary tenant of the building if such tenant is to be identified by the sign.

7. Signs shall not have letters exceeding the following heights:

Building Height (feet)	Maximum Letter Height <sup>1</sup> (inches)	Capital Letter <sup>2</sup> (inches)	Logo <sup>3</sup> (inches)
35—59	24	36	48
60—69	36	54	72
70—79	48	72	96
80—89	60	90	120
90—99	72	108	144
100—119	84	126	168
120 or more	96	144	192

1 Letter height is if all letters used are capital letters.

2 Maximum height of a capital letter (one and one-half times maximum height) if used in conjunction with lower case letters. Lower case shall not exceed maximum height.

**3** Maximum height of a logo (two times maximum height).

8. All signs shall be limited to two lines of letters and/or logo.

9. Pylon signs shall not be permitted on the site if skyline signs are utilized; only monument signs in this instance would be permitted subject to the regulations of the zone district in which they are located.

10. All other wall signs permitted by this chapter which are placed on a building with a skyline sign pursuant to this section shall not exceed sixty percent of the area which would otherwise be allowed in the particular zone district, a height of twenty feet from grade, and letters that are taller than the skyline letters.

11. Comprehensive sign plans may permit skyline signs to be more or less restrictive than the requirements of this section.

G. Electronic Message Displays.

1. Only retail development exceeding fifty thousand square feet, or shopping centers encompassing five acres or more, are permitted use of an electronic message display on a pylon sign.

2. Only one of the allowed pylon signs permitted along a street frontage may include an electronic display.

3. If a pylon sign contains an electronic message display and monument signs are also permitted for the center, only one of the allowed monument signs along a street frontage may contain an electronic message display. If a pylon sign does not contain an electronic message display and monument signs are permitted for the center, only two of the allowed monument signs along a street frontage may contain an electronic message display.

4. Pylon signs that contain an electronic message display shall be set back a minimum of one hundred fifty feet from any R, PUD, or OS zone, and fifty feet from any interior property line not within that center.

5. Electronic message displays are not permitted on pylon signs located on properties that do not contain retail development exceeding fifty thousand square feet or are shopping centers less than five acres as noted in subsection (G)(1) of this section. However, one of the allowed monument signs along each street frontage is permitted to contain an electronic message display.

6. Electronic message displays shall not be permitted on building walls or in windows.

7. All other sign regulations that pertain to the particular zone district and specific business shall apply.

8. Outdoor advertising signs (billboards) may contain electronic message displays subject to the regulations in subsection  $\underline{E}$  of this section.

H. Projecting Business Identification Signs.

1. Projecting business identification signs are only permitted within the following areas:

a. Central District Area as defined in Section <u>10.08.020(A)</u>, except that projecting signs shall not be permitted along the street frontages of State Route 178, State Route 204, and any street south of the Burlington Northern/Santa Fe Railroad. Where the Central District boundary follows a street, permitted projecting signs shall be allowed for business frontages along both sides of that street.

b. Baker Street Frontage Between Truxtun Avenue and Monterey Street. Projecting signs are also permitted along the frontages of the intersecting streets and alleys with Baker Street one block in either direction, except that projecting signs shall not be permitted along the street frontages of Truxtun Avenue and Monterey Street.

2. In addition to other signs as allowed by this chapter, one projecting sign is permitted for a ground floor business along each street it fronts. A second floor or basement business may have a projecting sign only if it has its own dedicated public street entrance and the sign is located above or within five feet of that entrance.

3. A sign shall not project more than five feet beyond its supporting building. Within an alley where vehicles will pass underneath a sign, that sign shall not project more than three feet beyond its supporting building. An encroachment permit from the city is required for any signs that project into the public right-of-way.

4. A sign shall not be placed higher than fifteen feet on a building wall or above the first floor of a multiple story building. Within an alley where vehicles will pass underneath a sign, that sign shall not be placed higher than twenty feet above the alley surface.

5. A sign shall not exceed an area of sixteen square feet.

6. A sign shall not be closer than ten feet to another projecting sign or to a freestanding sign, or five feet from an interior property line or line dividing two separate business frontages. A sign shall be at least two feet from the face of the street curb.

7. A sign shall not be less than eight feet above the surface over which it projects. Within an alley where vehicles will pass underneath a sign, that sign shall not be less than fifteen feet above the alley surface.

8. A sign shall not exceed a maximum thickness of twelve inches.

9. Internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, and/or symbols appear illuminated at night; use of bulbs or neon for such lettering and symbols is allowed subject to the provisions of this chapter. Electronic message displays and flashing signs are prohibited.

10. A sign shall not project above the roof or an apparent eave or parapet, including the eave of a simulated hipped or mansard roof. A sign shall not be attached to the sloping face of mansard overhangs or other architectural features intended to resemble or imitate roof structures.

11. A two-dimensional fabric banner suspended perpendicular to a wall may be displayed in lieu of a projecting sign provided the banner is anchored to not hang freely and meets all of the requirements of this subsection for a projecting sign.

12. Businesses that occupy a space with public access from only an alley or courtyard may share one directory sign as defined by this code along each public street to direct pedestrians to those businesses. A directory sign shall not exceed a maximum height of eight feet or an area of six square feet; only indirect external illumination is allowed.

13. A single vertical projecting sign may be installed along each street frontage on a building that is three or more stories tall that identifies the building name or use, or that of a major tenant. The sign is subject to all provisions of this subsection except that there is no minimum sign area; it must be mounted at the second floor or higher, and is limited to a single line of text. (Ord. 5095 § 1, 2022; Ord. 5006 § 4, 2020; Ord. 4953 § 4, 2018; Ord. 4829 § 1, 2015; Ord. 4729 §§ 1, 9, 10, 2013; Ord. 4659 § 1, 2011; Ord. 4605 § 2, 2009; Ord. 4489 §§ 7—9, 2008; Ord. 3964 § 46, 2000; Ord. 3870 §§ 6, 7, 1998; Ord. 3835 § 36, 1998; Ord. 3755 § 3, 1997; Ord. 3586 § 2, 1994)

### **17.60.080** Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

A. Address signs used for dwelling unit identification as required by Chapters 15.42 and 15.52 of this code.

B. Advertising signs that are in or on public buses or other public conveyances which may be permitted by the city council.

C. Business or merchant directory provided it does not exceed an area of sixteen square feet and a height of six feet.

D. Commercial vehicle signs on licensed commercial vehicles; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.

E. Directional, warning or information signs, including traffic control and street signs, as authorized by federal, state or municipal authority.

F. Directional or informational signs such as entrance/exit signs, open/closed signs, signs indicating business hours, and similar such signs, provided they contain no commercial advertisement, and not exceed six square feet in area and six feet in height. Business logo is permitted provided it does not exceed twenty-five percent of each total sign area. The building director shall limit the number of such signs on the site based on actual need in order to provide adequate direction or information.

G. Flags of the United States, the state of California and other states of the nation, counties, municipalities, foreign nations, and national/international recognized nonprofit organizations. A site is limited to a total of three flags with no duplication of flags. The building director may approve additional flags if warranted by the type of business or proposal on the site.

H. Holiday decorations, in season, displayed for an aggregate period not to exceed ninety days per calendar year.

I. Interior signs within a public or private structure, including a stadium, ball park or other similar private or public recreational use, not intended to be seen from a public street or adjacent properties.

J. Memorial plaque, table, cornerstone or tombstone.

K. Neighborhood watch and similar type notices.

L. Notices posted on public bulletin boards or public kiosks designed for such notices.

M. No trespassing, solicitation, hunting, minors, and similar such signs, provided they do not exceed four square feet in area and six feet in height.

N. Official and legal notices issued by a court, or governmental agency.

O. Promotional signs by the city of Bakersfield that promote or advertise city-wide celebrations, awards, recognition, or other events. Such signs may be permitted within or project over public right-of-way.

P. Public utility signs placed by public utilities for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cable.

Q. Signs being manufactured, transported and/or stored within the city limits; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage.

R. Taxicab signs as authorized and approved as to size, form and contents by the city manager under Section 5.50.100. (Ord. 4953 § 5, 2018; Ord. 3586 § 2, 1994)

## 17.60.090 Prohibited signs.

The following signs are specifically prohibited:

- A. Animated, moving, revolving and rotating signs, except as specified in this chapter.
- B. Banners, flags, pennants and balloons, except as specified in this chapter.
- C. Bench signs.
- D. Electronic message displays, except as specified in this chapter.
- E. Flashing, blinking, and reflecting signs, except as specified in this chapter.
- F. Outdoor advertising signs, except as specified in this chapter.
- G. Permanent "for sale" signs.
- H. Portable signs including A-frame signs, except as specified in this chapter.
- I. Projecting signs, except as specified in this chapter.
- J. Roof signs.

K. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, as determined by the building director.

L. *Vehicle Signs*. Vehicles including trailers, wagons and similar utility vehicles, shall not be utilized as support for any mobile, portable or stationary signs, or conspicuously parked or left standing so as to constitute a device or sign. There shall not be maintained on any vehicle or trailer parked in a public right-of-way, or on public or private property so as to be visible from a public right-of-way, which is attached to, located on or leaning against such vehicle or trailer, any sign for the purpose of providing advertisement of a business,

service or products, directing people to a business activity located on the same or other property for any purpose. This prohibition shall not apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a commercial or business vehicle used in the conduct of such business provided it is not parked on the site being advertised abutting public right-of-way, to bumper stickers, to placards identifying the vehicle itself as being for sale, or to window stickers or placards on vehicles in any vehicle sales lot. (Ord. 4489 § 10, 2008; Ord. 3586 § 2, 1994)

#### **17.60.100** Nonconforming signs.

A. Signs for a legal nonconforming use are permitted. Such signs shall be deemed to comply with the provisions of this chapter if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as a permitted use. Such sign shall be permitted only as long as the nonconforming use is permitted. Any such sign legally existing on the effective date of the ordinance codified in this chapter, but which does not comply with the regulations of this chapter shall be deemed to be a nonconforming sign.

B. For the purposes of this chapter, a nonconforming sign is one which does not conform with the provisions of this chapter, but which:

1. Was lawfully in existence and in use within the city prior to the effective date of the ordinance first enacting this chapter;

2. Was lawfully in existence and in use on property outside of the city on the date upon which the annexation of such property to the city was completed;

3. Was lawfully in existence and in use within the city on the effective date of any zone change or specific plan or comprehensive sign plan for the property on which the sign is located; or

4. Was lawfully in existence and in use within the city on the effective date of any amendment of this chapter, the zoning regulations contained in this title or other provision of this code, making such sign nonconforming.

C. For the purposes of this section only, a nonconforming sign exceeding the height or area restrictions contained in this chapter by no more than five percent shall be deemed to conform with the provisions of this chapter limiting height and area.

D. A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. This shall not be construed to prevent ordinary maintenance and minor repairs, as determined by the building director.

E. A nonconforming sign destroyed or damaged to an extent exceeding fifty percent of its replacement cost immediately prior to destruction or damage, shall not be continued in use or maintained thereafter and shall be removed or made to conform with the provisions of this chapter within thirty days of the date of such destruction or damage.

F. Each nonconforming sign, other than an outdoor advertising sign subject to the California Outdoor Advertising Act, shall be removed or made to conform with the provisions of this chapter at the sole cost of the owner thereof, whenever any of the following events occur:

1. There is a change in ownership of the property; inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;

2. The business or activity is discontinued or sold;

3. The property is rezoned, subdivided or parceled or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method, device or scheme which would otherwise circumvent the intent of this section;

4. A conditional use permit or modification is granted for the property or use of the property;

5. A sign permit is issued permitting installation or construction of a new or additional sign on the property;

6. Any change in the signage is made, excluding minor repairs and precise repainting;

7. Whenever there is a change in ownership or tenancy of any business or tenant space within a business/shopping center, new wall signage and/or a monument sign conforming to the requirements of this chapter to signify such change is permitted although nonconforming signage exists within such center. However, no change of sign copy to signify such change shall be permitted on any nonconforming sign.

8. If an existing off-premise business identification sign was permitted under a special sign permit by the city and has remained in effect and in compliance with the provisions of that permit, the sign may remain and can be upgraded or altered to reflect a change of business or ownership names even though on-premise signs are being changed or added. However, this sign shall be subject to the following before any new permits are issued:

a. The sign shall continue to only identify the business or services offered, and shall include direction to the property for which the sign was originally permitted by the special sign permit.

b. The area of the sign shall not exceed ninety-six square feet. If the sign is larger, it shall be reduced to not exceed this area. If the sign is smaller, it shall not exceed its present size. If a sign is reduced in area, under no circumstances shall it be enlarged even if previous approvals granted a larger size.

c. The sign shall not be moved or reoriented, except under direction of the building director, to improve traffic visibility or safety, to relocate it outside the public right-of-way, or to increase separation from other legal freestanding signs.

G. Each such sign determined by the building director to be of historical significance, in accordance with criteria established by the city's historical preservation commission, shall be exempt from the removal and conformance requirements of this chapter.

H. Nothing in this chapter shall be construed as authority for the city to remove without just compensation those signs which, under the California Outdoor Advertising Act, are subject m removal with compensation to the owner. (Ord. 3942 § 1, 1999; Ord. 3586 § 2, 1994)

### 17.60.110 Violation and abandonment.

A. Any sign that has been abandoned or installed illegally is hereby declared to be a danger to the health, safety and welfare of the citizens of Bakersfield. Any sign which is partially or wholly obstructed by the growth of dry vegetation or weeds, or by the presence of debris or litter, also presents a danger to the health, safety and welfare of the citizens of Bakersfield.

B. It shall be the duty of the owner and occupant to make immediate repair to any sign deemed by the building director to be imminently dangerous or perilous to the public safety. A sign maintained in violation of this section constitutes a public nuisance. Nothing in this section shall be construed so as to nullify the requirements and remedies as to maintenance established by the Uniform Sign Code or this chapter. Upon a written notice from the building director of a sign deemed unsafe and dangerous to public safety, necessary

repairs shall be made immediately. Otherwise, upon a written notice from the building director, the necessary maintenance, alterations or repairs as required by this chapter pursuant to Section <u>17.60.060</u> A,9 shall be made within ten days after the date of such notice. In the event the owner, or person in lawful possession fails to maintain, alter or repair in accordance with such notices, in addition to any other penalty or remedy provided for in this chapter, such sign may be abated by the building director in accordance with the provisions of this chapter.

C. Any signs which are not removed within the required period specified within this chapter, shall constitute a public nuisance and shall be subject to summary abatement at the expense of the owner and the person in lawful possession of such sign, pursuant to the provisions of Sections 38773-38773.7 of the <u>Government Code</u>; the expenses of abatement of such nuisances are a lien against the property on which they are maintained and a personal obligation against the property owner. Said property owner or person in lawful possession shall first be served with a ten day notice to abate the nuisance by removing the sign and shall be given the opportunity to explain to the building director why such sign has not been removed. If, after such opportunity to explain, the building director orders the removal of the sign, the agents of the city shall have authority to enter upon the private property to remove the sign constituting the nuisance. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

D. In the event any person erects, installs, alters, relocates or maintains any sign after the effective date of the ordinance codified in this chapter, which sign is in violation of any provision of this chapter, and the same is not removed after notice as specified in subsection  $\underline{C}$  of this section, the same is a public nuisance and shall be subject to abatement at the expense of the person creating, causing, committing or maintaining it, pursuant to the provisions of Sections 38773-38773.7 of the <u>Government Code</u>.

E. The building director may, in writing, suspend or revoke a permit issued under the provisions of this chapter, whenever the permit is issued in error on the basis of incorrect information supplied by the applicant which results in there being a violation of any ordinance, regulations, or any provisions of this chapter.

F. With exception to those signs deemed nonconforming and subject to Section <u>17.60.100</u>, the owner or person in lawful possession of any sign which is not operational or not used for a period of ninety days, or which was used to advertise or identify that which has been moved or discontinued for a period of ninety days, shall cover or remove all display copy from such sign immediately upon the expiration of such period. If said display copy is removed, any bulbs or other mechanical equipment that becomes exposed shall be covered or removed. If said display copy is not covered or removed within thirty days after notice by the building director, the city may cause said display copy to be removed or covered and the cost shall become a lien against the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

G. All signs, except nonconforming signs pursuant to Section <u>17.60.100</u>, which do not conform with the provisions of this chapter, are public nuisances and shall be removed at the owner's sole expense within sixty days after the effective date of this chapter. If said sign is not removed within said period, the city may cause said sign to be removed and the cost shall become a lien on the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this code or otherwise provided by law. (Ord. 3586 § 2, 1994)

#### **17.60.120** Interpretation and enforcement.

A. It shall be the duty of the building director to enforce the provisions of this chapter.

B. Any decision or interpretation of this chapter shall be final and conclusive by the planning director or official designee.

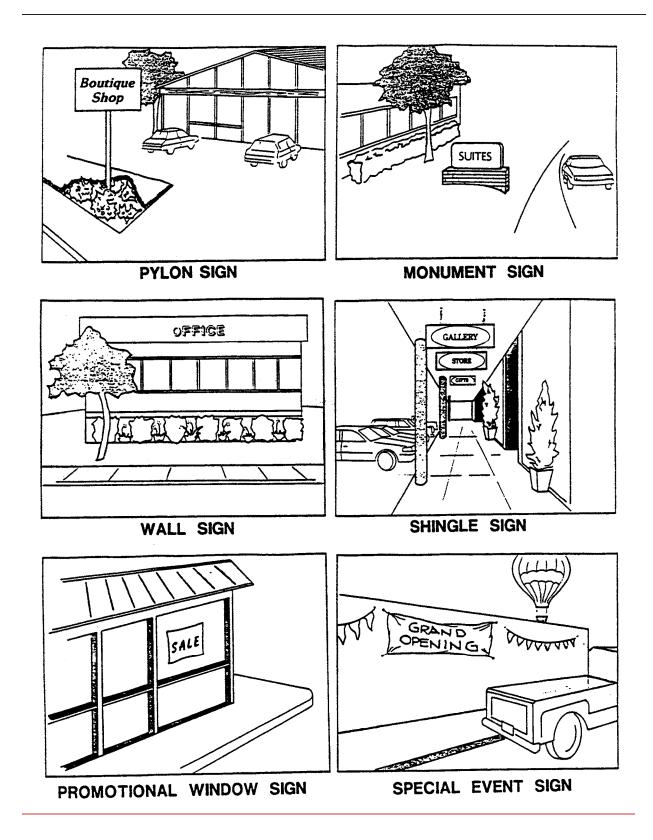
C. Any sign erected or maintained, or any use of signs contrary to the provisions of this chapter shall be, and the same is, unlawful and a public nuisance, and the building director in conjunction with the city attorney may immediately commence actions for the withholding and/or revocation of permits, abatement, and removal in the manner provided by law. Violators will be liable for all enforcement costs by the city.

D. This chapter may also be enforced by injunction issued out of Superior Court upon suit of the city, or the owner or occupant of any real property affected by such action.

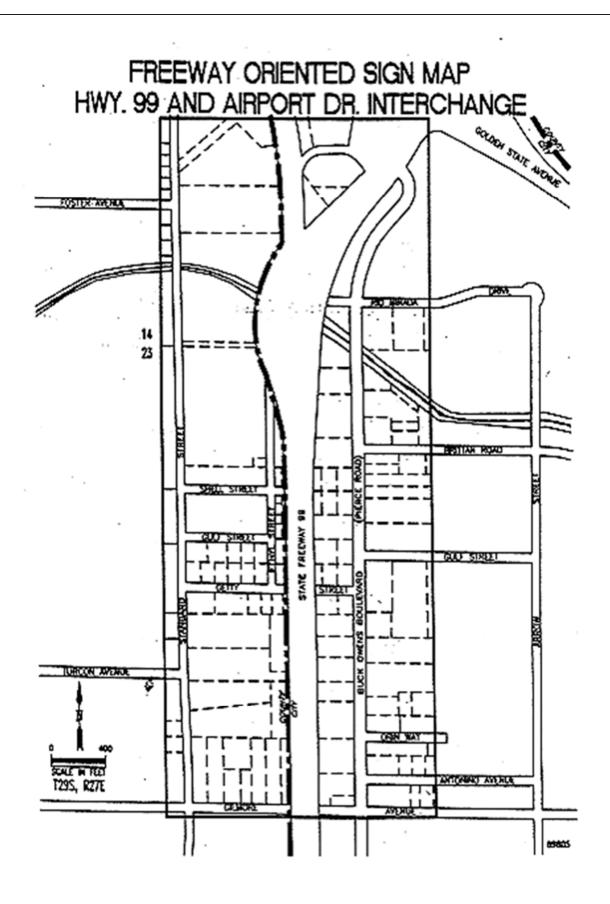
E. Permits issued in conflict with the provisions of this chapter shall be null and void.

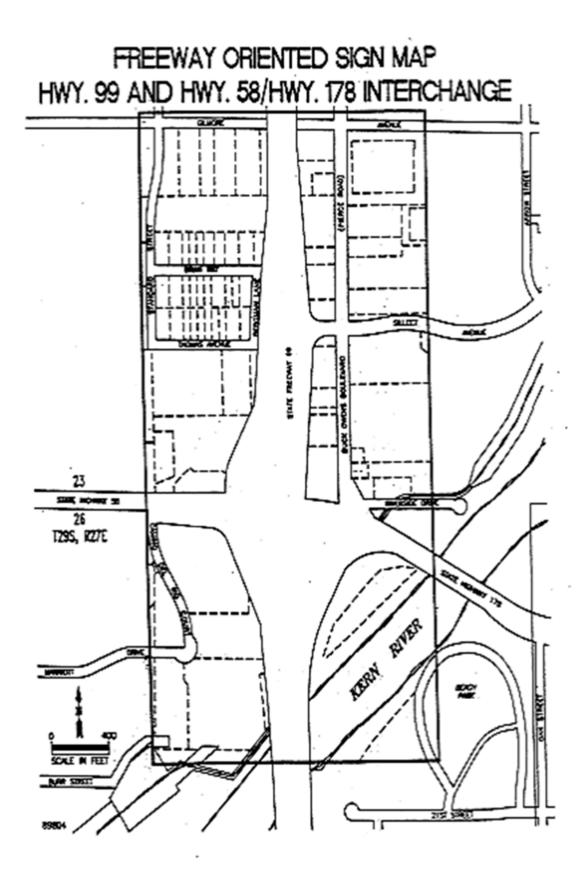
F. Any city official or employee for the purpose of permit review, complaint, or enforcement of this chapter, shall have the right to enter upon the premises for inspection. (Ord. 3586 § 2, 1994)

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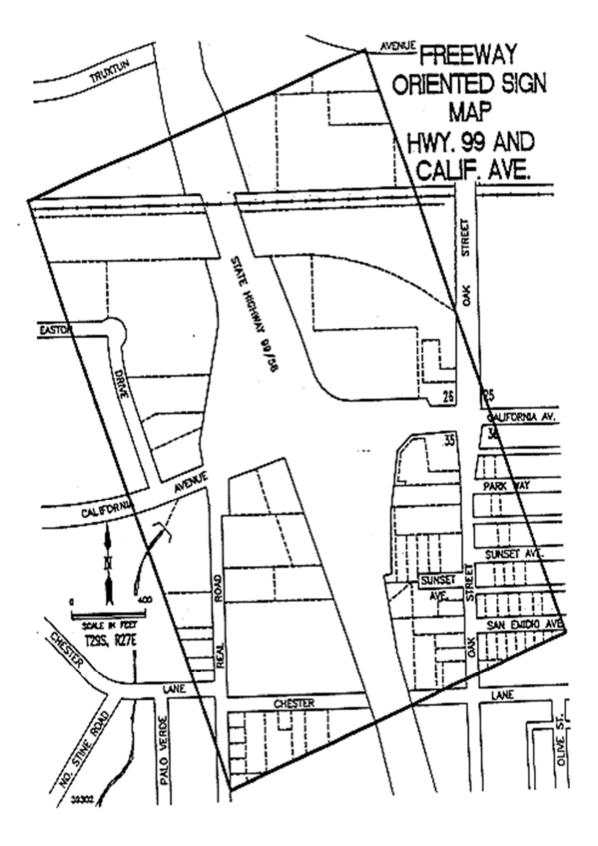


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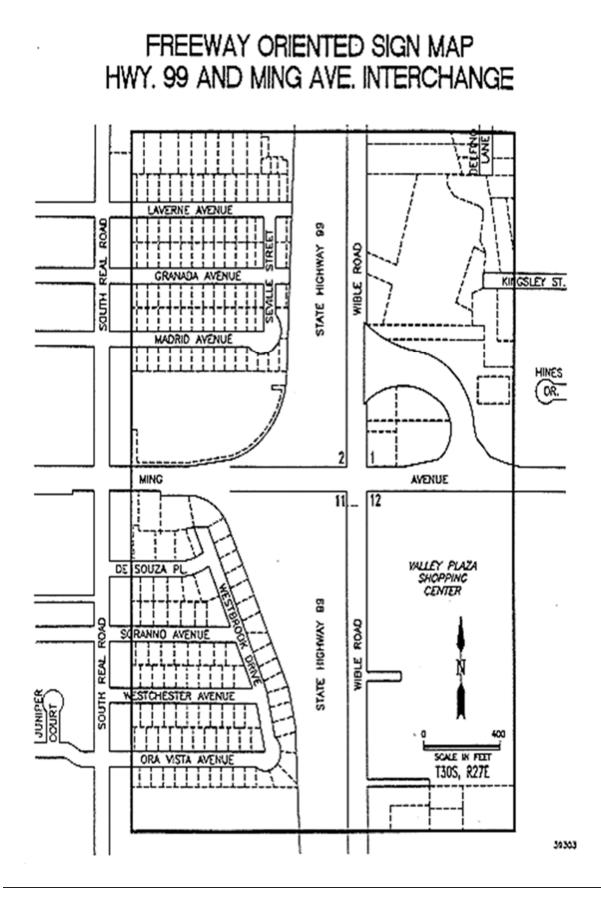




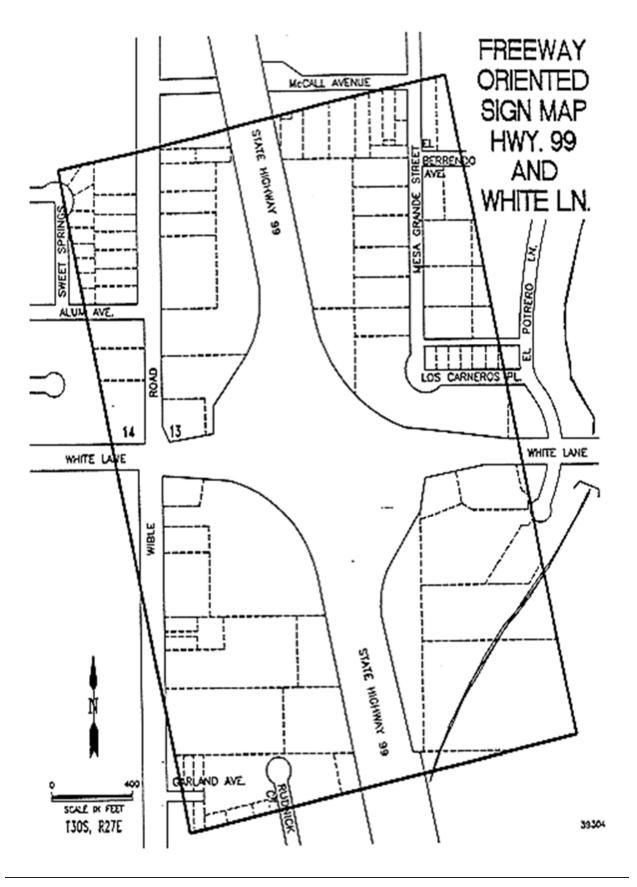
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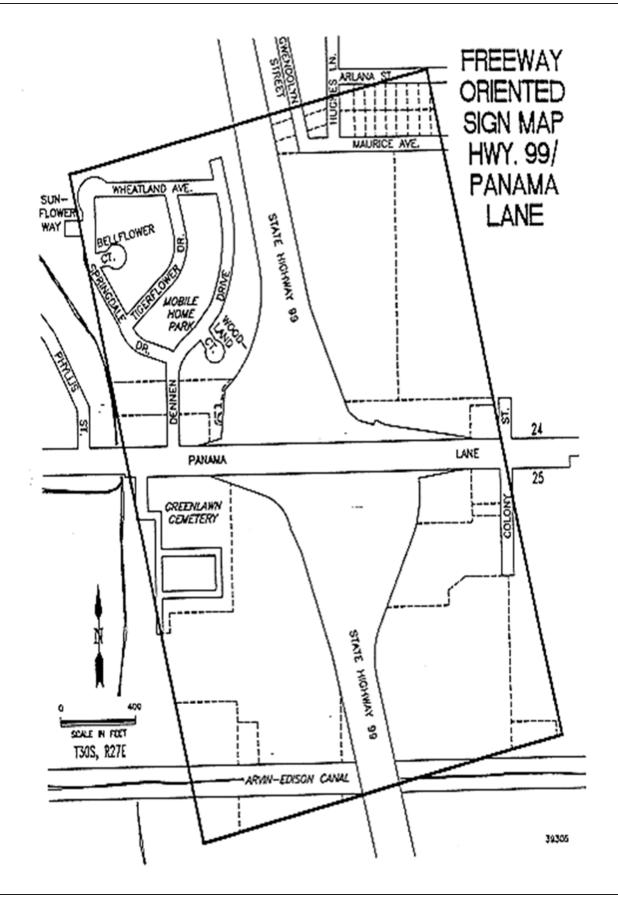




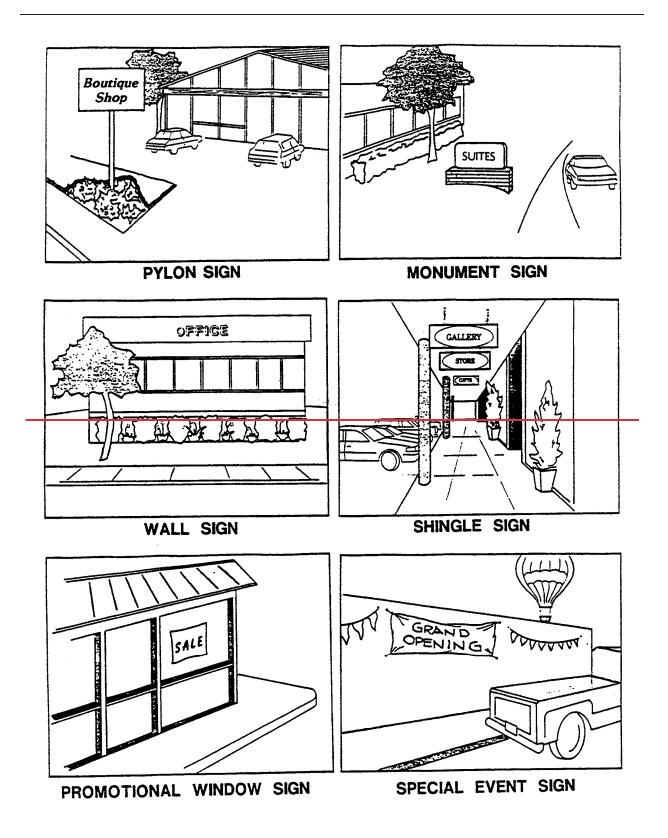




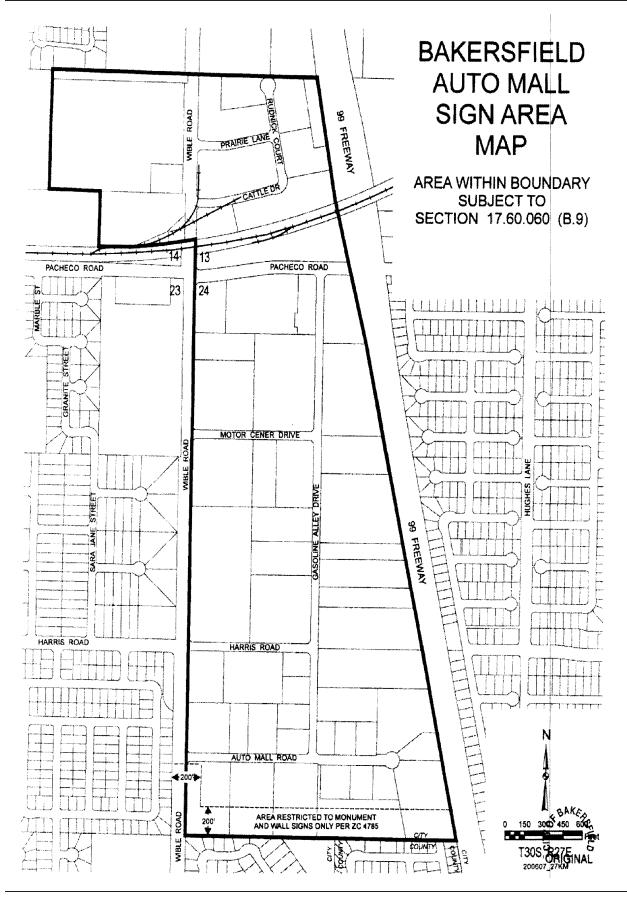




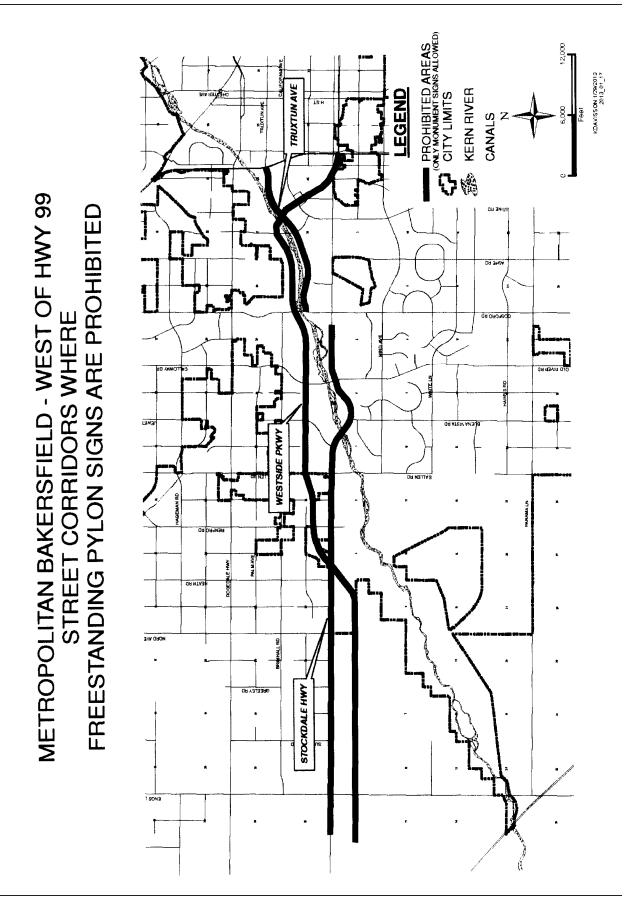
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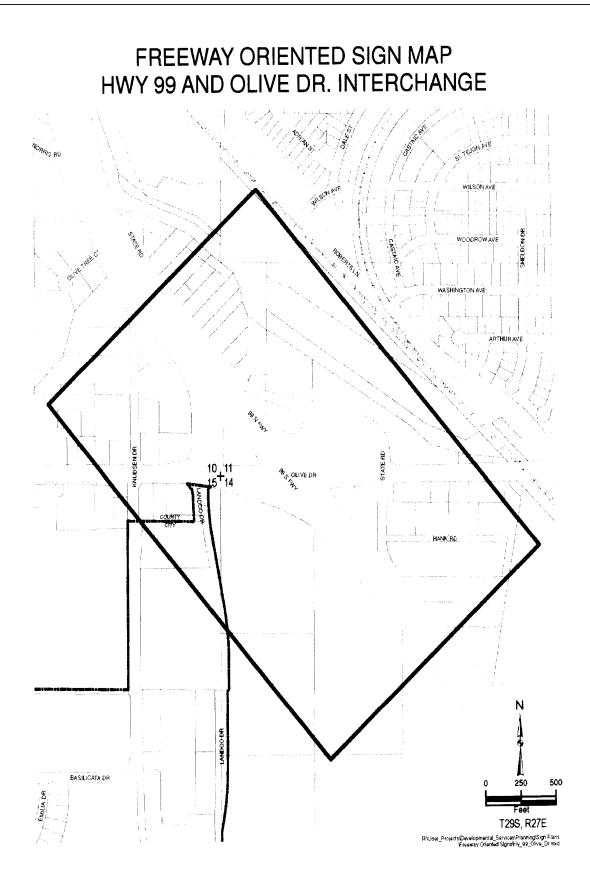


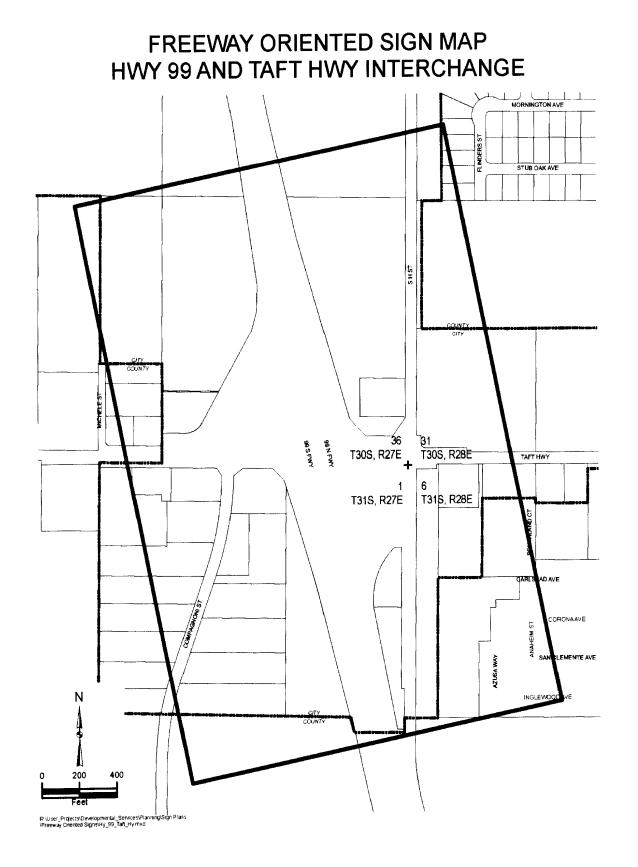
The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.



The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

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# Chapter 17.61 LANDSCAPE STANDARDS\*

Sections:

17.61.010	Generally.
17.61.020	Landscaping required.
17.61.030	Minimum landscape standards.
17.61.032	Additional requirements.
17.61.040	Landscape maintenance.
17.61.050	Tree preservation and protection.
17.61.060	Landscape plan requirements.

\* Prior history: prior code Sections 17.61.010 through 17.61.040 and Ord. 3835.

# 17.61.010 Generally.

The purpose of this chapter is to establish the necessary criteria, standards and limits for landscaping. The provisions of this section are intended to provide a transition between and mitigate conflicts which may arise between adjacent land uses, to promote an attractive visual harmony between the landscape and development, reduce air, noise and visual pollution, produce a healthy, vibrant, sustainable urban forest, decrease temperatures, increase comfort, and promote commerce and socialization, while promoting water use efficiency. Landscaping shall conform to the Model Water Efficient Landscaping Ordinance (MWELO) as adopted in California Code of Regulations, Title 23, Chapter 2.7 as adopted by the state. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

## 17.61.020 Landscaping required.

A. All projects for which site plan approval is required shall install and maintain landscaping in accordance with the requirements of this chapter; provided, however, these landscape requirements shall not apply to projects where a current use is expanded and the valuation of the building permit is less than fifty percent of the replacement value of the existing improvements. If the existing uses are to be expanded greater than fifty percent of their replacement value, the planning director, or designee, shall determine the amount and placement of landscaping needed to comply with this section.

B. Occupancy of a use subject to these standards shall not be permitted until the approved landscaping and irrigation has been installed, or if permitted by the planning director, an agreement and/or surety bond or cash deposit sufficient to cover the cost of installation, which amount has been determined to complete the work plus administration costs by the city, and such has been provided to the city specifying completion of installation within a time specified by the planning director.

C. An approved landscape plan for commercial improvement projects must be revised if the landscape/irrigation is substantially modified. Substantial modification in this section means a change in the character or quantity of the plant material or irrigation that equals or exceeds one hundred square feet of landscape area.

1. A revised landscape plan under this section shall be prepared by a landscape design professional and include all of the following:

- a. A description of the new landscaping and how it complies with this section;
- b. A detailed summary of landscaping removed;
- c. The location of where replacement landscaping will be placed on site;
- d. Shade calculations confirming attainment of shading requirements; and
- e. Identification of any existing missing or underperforming landscaping on site.
- 2. Trees removed as part of a revised landscape plan shall be replaced on a one-to-one basis unless:

a. It would be detrimental to the public health, safety, or welfare or to property or residents in the area; or

b. Special physical circumstances exist limiting additional landscaping of a particular property.

3. No building permit(s) shall be issued or installation of landscaping shall occur, prior to approval of the revised landscape plan by the planning director or designee. All landscaping shall be installed per the approved plans within one hundred twenty days of submittal of the revised landscape plan or as otherwise approved by the planning director or designee. (Ord. 5009 § 1, 2020; Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

### **17.61.030** Minimum landscape standards.

A. Installation of landscape materials and irrigation equipment shall be in accordance with commonly accepted methods of installation as approved by the city.

B. Trees shall be a minimum twenty-four-inch box container size or larger and shall be vigorous and healthy when planted. The minimum diameter of the tree trunk, as measured at a point four feet up the trunk from ground level, shall be one inch for a fifteen-gallon container tree, two inches for a twenty-four-inch box container tree, and three inches for a thirty-six-inch box container tree. These trunk diameters shall apply throughout this chapter where tree container sizes are specified.

C. Shrubs shall be a minimum five-gallon container size or larger and shall be vigorous and healthy when planted. Mass shrub planting for area coverage shall be a mix of five-gallon (forty percent) and one-gallon (sixty percent) container size with an average spacing of eighteen inches on center. Flats shall be used for ground covers with an average spacing of eight inches on center.

D. Shrubs and/or ground cover, including turf, shall cover no less than seventy-five percent of the required landscaped area within four years of planting.

E. A landscaped area fifteen feet in width on arterial and collector streets and eight feet in width on local streets as measured from the right-of-way line, shall be installed along said street. The width of the landscape strip may be reduced when, in the opinion of the planning director, the following conditions are met:

1. The total square footage of required landscaped area remains constant.

2. The reduction in the required width is consistent with the purposes of the landscape regulations of this chapter.

3. In the central district (C-B and C-C zone districts) this reduction may include the planting of street trees only to allow adequate pedestrian access consistent with adjacent development.

F. Along street frontages, a tree shall be planted at a ratio of one tree per twenty lineal feet, or portion thereof. Trees may be clustered or grouped to not conflict with required fire lanes, public entrances/exits, utility easements, and signs provided the minimum tree to frontage ratio is satisfied. A species mix of thirty percent evergreen and seventy percent deciduous shall be maintained.

G. Trees shall be required to be planted within parking lots at a minimum ratio of one tree for each six parking spaces, but shall be sufficient to achieve the minimum shading required in subsection  $\underline{H}$  of this section. The maximum spacing between trees shall not exceed sixty-five feet.

H. Trees shall be installed and thereafter maintained throughout the parking area to ensure that it will be shaded based on calculating the canopy area of each tree at fifteen years from a master tree list approved by the planning director. The landscape plan required by Section <u>17.08.080</u> shall be drawn to show that the tree

canopy will have the potential to attain shading over forty percent of the total area of all uncovered parking stalls, loading areas, drive aisles and maneuvering areas. The property owner or the preparer of the plans shall show all shading calculations on the plan. Truck loading docks in front of overhead doors, truck maneuvering and parking areas unconnected to and exclusive of any required vehicle parking areas, freight yards, and surfaced areas for automobile sales, lumber yards, and vehicle storage are not subject to this shading requirement.

I. Buildings with main entrances facing parking lots shall be landscaped with a minimum of one tree for each fifty feet of linear building frontage or portion thereof. Said trees shall be adjacent to the building and may also be credited for parking lot trees if they comply with the requirements set forth in subsections <u>G</u> and <u>H</u> of this section. Trees may be clustered or grouped to not conflict with required fire lanes, public entrances/exits, and signs provided the minimum tree to building ratio is satisfied. The use of vines and large shrubs is encouraged to enhance the tree planting areas next to the building.

J. Of the total number of trees required in the parking area and for the entire project, a minimum of thirty percent shall be evergreen species.

K. In addition to the trees referenced in subsections <u>G</u>, <u>H</u> and <u>I</u> of this section, trees shall be installed along the property line perimeter, in the required landscape area required by Section <u>17.58.050(N)</u>, of drive aisles, parking lots, loading areas and storage areas as a buffer between office, commercial and industrial uses and property zoned for residential uses. Said trees shall be one hundred percent evergreen species spaced no further apart than twenty feet on center. The minimum tree size shall be a twenty-four-inch box container size if the adjacent residential zoned area is all or partially developed and a fifteen-gallon container size if the adjacent residential zoned area is undeveloped.

L. Landscaping and irrigation shall be installed in compliance with any approved site plan or other project approval prior to final inspection or occupancy.

M. Tree planters within the parking lot shall be a minimum of five feet by five feet (outside dimension). Vehicles may overhang into these planters no more than two and one-half feet provided the tree is protected from damage by a vehicle.

N. If a drive-thru lane is located adjacent to a public street it shall be screened via one of the following options: (1) an evergreen hedge installed at a minimum initial height of four feet; or (2) a wall or berm installed at a minimum height of four feet. This screen shall be located between the drive-thru lane and public street along only that portion of the drive-thru lane that is adjacent to the public street. Option 2 shall include the planting of shrubs between the wall and the sidewalk. The planning director may, at his or her discretion, allow the use of other similar screen if physical constraints preclude the installation of a hedge. A taller screen may also be required at the discretion of the planning director if such additional height is necessary for

adequate screening because of topographic conditions, proximity to residential areas or other factors that would warrant special treatment.

O. An eight-foot landscape area shall be provided between each building and the drive aisle for multifamily projects using a common drive aisle with shared access. This requirement shall not apply to any lot less than ten thousand square feet and that is not part of or adjacent to multifamily subdivisions or other multifamily projects that existed prior to the effective date of the ordinance codified in this chapter.

P. Landscaping shall be designed to minimize overwatering and avoid runoff of irrigation water. Soil type shall be considered in order to reduce runoff and promote healthy plant growth. Plant selection and placement shall match the irrigation provided.

Q. A minimum two-inch layer of mulch shall be applied on all exposed surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding application where mulch cannot be used. Stabilizing mulching products shall be used on slopes. The mulch can be any organic material, including, but not limited to, leaves, bark, straw, or compost; or any inorganic or synthetic material, including, but not limited to, rock, landscape fabric or recycled rubber. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4606 § 1, 2009; Ord. 4104 § 5, 2003; Ord. 4010 § 1, 2001)

### **17.61.032** Additional requirements.

In addition to the minimum standards contained in Section <u>17.61.030</u>, the following shall apply to those specific geographic areas as identified below:

A. *Central City Area*. For the purposes of this subsection, Central City Area is identified as including all lands bounded by 23rd Street to the north, Truxtun Avenue to the south, M Street to the east, and G Street to the west.

1. Street tree species shall be consistent with the Central City Master Street Tree Plan as adopted by city council Resolution No. 195-92.

B. *Northeast Bakersfield*. For the purposes of this subsection, Northeast Bakersfield is identified as including all lands east of Fairfax Road (and any northern extension thereof) and north of the Union Pacific Railroad that parallels Edison Highway.

1. New landscape areas shall consist predominately of native California trees (e.g., oaks and sycamores), shrubs and groundcovers mixed with ornamental species. Planting shall occur in nonlinear clusters to

resemble a natural appearance. Firescape species approved by the planning director shall be used along the perimeter of the project site adjacent to native or slope areas if outside the HD zone district.

2. Use of boulder clusters and other native rock combinations shall be installed with vegetation to resemble a natural distribution blending into the surrounding native areas and/or street parkways that may contain similar design elements.

3. Along slopes, plantings shall be done with more dense and larger species of trees and shrubs closer to streets with a gradual reduction of plantings that are less dense with smaller species as you move further away from the streets to provide a natural transition between the streetscape and native areas.

4. Design content shall retain the natural flora and site character as much as possible with a subtle landscape transition between maintained and native areas.

5. Xeriscape and/or regional native plant selections shall be used to revegetate any disturbed areas outside the project area, unless city ordinances, resolutions, or conditions of approval state otherwise.

6. New landscape areas along slopes and slope easements may be required to be privately maintained as undeveloped areas of native landscaping, greenbelts, or open space, without fencing or other structures, as determined by the planning director, or as may be conditioned by the planning commission or city council.

7. These standards do not apply to residential projects that contain four units or less and that are not part of a larger multiple-family-unit subdivision with more than four lots. (Ord. 4943 § 1, 2018; Ord. 4641 § 2, 2011; Ord. 4624 § 2, 2010; Ord. 4617 § 5, 2010)

# **17.61.040** Landscape maintenance.

A. Landscapes shall be regularly inspected and maintained to ensure water efficiency and keep plants in a healthy condition. Maintenance shall include, but is not limited to, programmed watering, fertilizing and soil amendment applications, weed control, cleaning, pruning, trimming, pest control, replenishing mulch and cultivating. Tree topping shall not be permitted except when necessary for the protection of public safety, property damage or liability.

B. Landscape structural features shall be maintained in sound structural and attractive condition.

C. All plant material shall be serviced by a permanently installed, electrically automated irrigation system. Project sites containing two thousand five hundred square feet or more of landscaped area must have a controller that can be programmed to accommodate different landscape hydrozones and the controller shall be equipped with a battery backup to preserve the controller settings in case of an electrical system interruption.

D. Tree pruning shall follow the International Society of Arboriculture (ISA) pruning guidelines. This subsection does not apply to utility companies trimming trees for the purpose of providing necessary clearance for power lines.

E. All plants and irrigation systems shall be maintained as originally approved unless otherwise approved by the city. The city can, at any time, require landscaping and irrigation to be replaced and/or reinstalled in accordance with the approved plans and requirements of the state's Model Water Efficient Landscaping Ordinance (MWELO).

F. Failure to maintain landscaping and/or irrigation systems as provided in the project's approved landscape plan shall result in the issuance of a citation and, if not abated, may include civil penalties. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

# **17.61.050** Tree preservation and protection.

A. Replacement planting must conform to the original intent of the landscape design and adhere to the state's Model Water Efficient Landscaping Ordinance (MWELO).

B. Trees voluntarily removed from an existing project, except when necessary for the protection of public safety, property damage, or liability, or damage or loss by acts of nature, the willful unlawful acts of persons other than the property owner, or by complying with other federal or state laws or actions, shall be replaced at the average size of what is or was existing not to exceed a forty-eight-inch box container size. Said trees shall be replaced within one hundred twenty days of removal. Trees shall be the same species as shown on the project's approved landscape plan or otherwise meet the provisions of this chapter.

C. Failure to replace existing tress as required by this chapter shall be subject to the issuance of notices of violations, correction orders, citations, and any administrative remedies provided under the Bakersfield Municipal Code or applicable state law. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

# 17.61.060 Landscape plan requirements.

A. A workable scale (preferred—one inch equals twenty feet or larger) and north arrow;

B. Property lines, overhead and underground power easements;

C. Dimensions;

D. Location of all trees and shrubs. Mature tree head diameter shall be depicted to scale;

E. Existing and proposed structures, including anticipated signs (both freestanding and wall);

F. Existing natural features (note on plan to be removed or retained);

G. Irrigation system plan shall include, but not be limited to, main and lateral lines, valves, sprinkler heads, any moisture sensing devices, any rain switches, pressure regulators and backflow prevention device(s), and drainage locations, description of irrigation controller and ability to accommodate different hydrozones.

H. A plant specification list:

- 1. Keyed to the plan;
- 2. Estimated sizes at planting and at maturity;
- 3. Head diameter of trees at fifteen years and whether the tree is evergreen or deciduous;
- 4. Container sizes;
- 5. Quantity of each;

6. Percent of parking lot shading which will result from tree landscaping calculated in accordance with this section;

7. Percent of evergreen trees located in parking lot and percent located along project perimeter;

8. Botanical and common plant names.

I. If grading for slopes occurs within the landscaping area, then grading shall be designed to minimize soil erosion, runoff and water waste.

J. Compliance with the Model Water Efficient Landscaping Ordinance (MWELO) for projects that propose new landscaping as follows are required to submit documentation to the planning director that may include, but not be limited to, the checklist and certification of compliance forms provided by the planning director, and such other information and documentation as may be required by the planning director:

1. New landscaping encompassing equal to or greater than five hundred square feet.

2. Rehabilitation of landscape area encompassing equal to or greater than one thousand square feet.

3. Any project of landscape area encompassing equal to or greater than two thousand five hundred square feet. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

# Chapter 17.62 SURFACE MINING AND RECLAMATION

Sections:

17.62.010	Purpose and intent.
17.62.020	Incorporation by reference of state regulations.
17.62.030	Applicability.
17.62.040	Vested rights.
17.62.050	Permit review procedure.
17.62.060	Reclamation plan.
17.62.070	Financial assurance.
17.62.080	Idle operations—Interim management plan.
17.62.090	Annual report.
17.62.100	Violations.
17.62.110	Fees.

# **17.62.010 Purpose and intent.**

A. The city recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect health and safety. The city also recognizes that the reclamation of mined lands will provide for the protection and subsequent beneficial use of the land. Since surface mining operations may take place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, reclamation operations may also vary accordingly.

B. The purpose and intent of this chapter is to safeguard the continued availability of important mineral resources while regulating surface mining operations as required by the California Surface Mining and Reclamation Act of 1975 (SMARA). These regulations will assure that:

1. Adverse environmental effects are prevented or minimized, and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

2. The production and conservation of minerals are encouraged while giving consideration to value relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

3. Residual hazards to the public health and safety are eliminated. (Ord. 3943 § 5, 1999; prior code § 17.75.010)

## **17.62.020** Incorporation by reference of state regulations.

The provisions of SMARA (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207 (relating to annual reporting requirements), and the California Code of Regulations (Title 14, Division 2, Section 8, Subchapter 1, Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if they were specifically contained in this chapter. Whenever the provisions of this chapter are more restrictive than correlative state provisions, this chapter shall prevail. (Ord. 3943 § 5, 1999; prior code § 17.75.020)

# 17.62.030 Applicability.

A. Except as provided in this chapter, no person shall conduct a surface mining operation unless a conditional use permit, reclamation plan and financial assurance for reclamation have first been approved by the city. Any applicable exemption from this requirement or other provisions of this chapter does not automatically exempt a project or activity from adhering to other regulations, ordinances or policies of the city or state, including but not limited to, the application of the California Environmental Quality Act (CEQA), other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this chapter shall apply to all lands within the city, public and private.

B. This chapter shall not apply to any of the following activities:

1. Excavations or grading conducted for farming, or for the purpose of restoring land following a flood or natural disaster;

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a development that is undertaken to prepare a site for construction of structures, streets, landscaping or other land improvements, including related excavation, grading, compaction or the creation of fills, road cuts and embankments, whether or not surplus materials are exported from the site. These development related improvements must have been approved by the city in accordance with applicable provisions of state law, locally adopted plans and ordinances, and CEQA;

3. Operation of an industrial site used for mineral processing, including associated on-site structures, equipment, machines, tools or other materials, including the on-site stockpiling and on-site recovery of mined materials. This site must be located on lands approved such uses consistent with the city's general plan and zoning ordinance, none of the minerals being processed are being extracted on-site, and all reclamation work, if any was necessary, has been completed according to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976;

4. Surface mining operations where a total of one thousand cubic yards or less of the minerals and/or overburden is removed or involve an area of one acre or less in any one location;

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose;

6. The solar evaporation of water for the production of salt and related minerals;

7. Emergency excavations or grading conducted by or under direction of the city, Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing or restoring damage to property due to imminent or recent floods, disasters or other emergencies;

8. Surface mining operations conducted by, under contract with, or under direction of the State Department of Water Resources or the Reclamation Board for the State Water Resources Development System or flood control meeting the requirements for review and approval of the State Department of Conservation in accordance with PRC Section 2714(i);

9. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (Ord. 3943 § 5, 1999; prior code § 17.75.030)

### 17.62.040 Vested rights.

Any person with an existing surface mining operation who obtained a vested right to conduct such activity prior to January 1, 1976, shall not be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have occurred to the operation. Where a person with vested rights has continued surface mining in the same area after January 1, 1976, he or she shall obtain city approval of a reclamation plan covering any new mined lands disturbed since that date. In those cases where an overlap of the physical disturbance exists in the horizontal and/or vertical sense between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to the disturbance caused by mining after the effective date of the Act (January 1, 1976). All other requirements of state law and this chapter shall apply to vested surface mining operations. (Ord. 3943 § 5, 1999; prior code § 17.76.040)

# 17.62.050 Permit review procedure.

A. *Application*. A conditional use permit shall be required for all applications for a surface mining operation or land reclamation project, including any reclamation plan and financial assurance. The application for the

permit shall be filed with the planning director on forms provided by the director, and shall include all information as necessary to meet city ordinances, CEQA, SMARA and any other information that the director finds necessary to ensure that the project can be adequately evaluated.

B. *Authority*. The planning commission shall have the authority to grant or deny, subject to appeal to the city council, the following:

- 1. A conditional use permit to conduct surface mining operation;
- 2. A reclamation plan;
- 3. Financial assurance for reclamation of mined lands;

4. Amendments to any term, condition or other consideration regarding a surface mining operation, reclamation plan or financial assurance;

- 5. An interim management plan as defined in SMARA for idle surface mining operations;
- 6. Environmental determinations concerning the conditional use permit for surface mining operations;
- 7. Revocation of the conditional use permit.

C. *Review Process*. The procedures contained in Chapter <u>17.64</u> of this code relating to processing a conditional use permit, including, but not limited to, notice, public hearings, permit rights and restrictions, extensions and appeals shall apply to any project regulated by this chapter.

D. *Additional Notice*. In addition to the notice required under the conditional use procedure and CEQA, notice shall also be provided as follows:

1. Within thirty days of acceptance of an application as complete, the Planning Director shall notify the State Department of Conservation of the filing of the application.

2. If mining operations are proposed in the one-hundred-year floodplain of any watercourse as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning director shall notify the State Department of Transportation that the application has been received.

3. The above notifications may be combined with any other notice or consultation necessary to meet CEQA requirements.

E. *Agency Consultation and Comments*. In addition to the consultation and comment period required by city ordinance and CEQA, the State Department of Conservation shall be given thirty days to review and comment on a reclamation plan and forty-five days to review and comment on a financial assurance (PRC Section 2774(d)). The planning commission shall consider all written comments received, if any, from the State Department of Conservation and any other person or agency during the comment period.

F. *Required Findings*. In addition to any findings required by Chapter <u>17.64</u> of this code for conditional use permits, an approval for a surface mining operation, reclamation plan and financial assurance shall include findings that the project complies with the provisions of SMARA and related state regulations.

G. *Distribution of Final Decision*. In addition to the final decision being distributed to interested persons and/or agencies as may be required by city ordinance and CEQA, a copy of each approved and/or amended conditional use permit for a surface mining operation, reclamation plan and/or financial assurance shall also be forwarded to the State Department of Conservation.

H. *Amendments*. Amendments to any approved surface mining operation, reclamation plan and/or financial assurance, shall be processed in the same manner as a new application. (Ord. 5020 § 24, 2020; Ord. 3943 § 5, 1999; prior code § 17.75.050)

# 17.62.060 Reclamation plan.

A. All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (<u>CCR</u> Sections 3500-3505). Reclamation plans approved after January 15,1993, reclamation plans for proposed new mining operations and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (<u>CCR</u> Sections 3700-3713).

B. The city may impose additional performance standards as developed either in review of individual projects through the conditional use permit process, as warranted, or through the formulation and adoption of citywide performance standards.

C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or upon completion of all excavation, removal

or fill, as approved by the city. Each phase of reclamation shall be specifically described in the reclamation plan and shall include the beginning and expected ending dates for each phase, all reclamation activities anticipated and estimated costs for completion of each phase of reclamation.

D. The reclamation plan shall remain in effect until all components are satisfied. It shall be binding to any new operator or owner that may assume control of the surface mining operation. (Ord. 3943 § 5, 1999; prior code § 17.75.060)

## **17.62.070** Financial assurance.

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the city shall require, as a condition of approval, security which will be released upon satisfactory performance of reclaiming mined land. The applicant may pose security in the form of a surety bond, trust fund, an irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Department of Mining and Geology Board as specified in regulation, and which the city reasonably determines is adequate to perform reclamation in accordance with the reclamation plan. Financial assurance shall be made payable to both the city and the State Department of Conservation.

B. Financial assurance shall be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitats, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials and other measures as may be appropriate by the planning commission.

C. Cost estimates for the financial assurance shall be submitted to the planning director as part of the initial application for the surface mining operation. The planning director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the state does not comment within the required review period, it shall be assumed that the cost estimates are adequate. The planning commission shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA and related state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the reclamation plan, including any maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a qualified professional retained by the operator that has been approved by the planning director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the reclamation plan, including administrative costs. Financial assurance to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration

and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurance, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurance shall remain in effect for the duration of the surface mining operation. (Ord. 3943 § 5, 1999; prior code § 17.75.070)

#### **17.62.080** Idle operations—Interim management plan.

A. Within ninety days of a surface mining operation becoming idle, the operator shall submit to the planning director a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and the approved conditional use permit, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review as specified under SMARA.

B. Financial assurances for idle operations shall be maintained as though the operation were active.

C. The IMP may remain in effect for a period not to exceed five years, at which time the planning commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with the approved reclamation plan. (Ord. 3943 § 5, 1999; prior code § 17.75.080)

### 17.62.090 Annual report.

A. *Report Submittal.* Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the planning director on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

B. *Inspections*. The planning director, or his or her designee, shall inspect a surface mining operation within six months of receipt of the annual report to determine whether the surface mining operation is in compliance

with the approved conditional use permit, reclamation plan, financial assurance and state regulations. In no event shall less than one inspection be conducted in any calendar year. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. (Ord. 3943 § 5, 1999; prior code § 17.75.090)

#### **17.62.100** Violations.

If the planning director, based upon an annual inspection or otherwise confirmed by an inspection of the surface mining operation, determines that it is not in compliance with this chapter, the approved conditional use permit or reclamation plan, the city shall follow the procedures set forth in SMARA concerning violations and penalties, as well as those provisions of Chapter <u>17.64</u> of this code concerning revocation of the conditional use permit which are not preempted by SMARA. (Ord. 3943 § 5, 1999; prior code § 17.75.110)

## 17.62.110 Fees.

The applicant, operator or owner shall pay all fees not to exceed the reasonable costs incurred in implementing this chapter and state regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance as set forth in Chapter <u>3.70</u> of this code. (Ord. 3943 § 5, 1999; prior code § 17.75.100)

# Chapter 17.63 HOME OCCUPATIONS

Sections:

17.63.010	Purpose.
17.63.020	Permits.
17.63.030	Operating standards.
17.63.040	<b>Revocation of rights.</b>
17.63.050	Appeal.

# 17.63.010 Purpose.

The purpose of this chapter is to establish standards for home occupations. A home occupation is a residential use that is accessory and incidental allowing the occupants an opportunity to conduct a legal, income producing activity. The use is conducted so that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this chapter are intended to ensure that the proposed business retains the residential environment of the property and is compatible with the residential character of the neighborhood. (Ord. 3768 § 1, 1997)

#### 17.63.020 Permits.

A. *Permit Required*. A home occupation shall not be established, operated or maintained within the city without having a valid permit approved by the city according to the regulations of this chapter.

B. Permit Not Required. A home occupation permit shall not be required for the following:

- 1. Family day care, as defined in Section <u>17.04.160</u>;
- 2. Residential care facility, as defined in Section 1502 of the California Health and Safety Code;

3. A business conducted in a residence within a commercial or industrial zone district where that business complies with the requirements of the commercial or industrial zone in which it is located.

C. *Application*. An application for a home occupation permit shall be on forms furnished by the planning director, shall be filed with the planning department before commencing the business activity, and shall be signed by the applicant. The application shall include the following information:

- 1. The name, mailing address, and telephone number of the owner(s) of the business;
- 2. The street address of the property where the business will be conducted; and
- 3. A description of the type of business proposed.
- D. Permit Issuance. The planning director shall issue a permit if he or she finds:
  - 1. That the application is complete;

2. That such business will be operated consistent with the regulations of this chapter and not interfere with the peace and quiet or be contrary to the residential character of the neighborhood; and

3. The building and the proposed business will be maintained and conducted according to all laws of the city and state, including, but not limited to, health, structural soundness, fire safety, and zoning.

E. *Prohibited Activities*. A home occupation permit shall not be issued for the following activities or activities deemed to be similar as determined by the planning director where such will be conducted on the premises the permit would apply:

- 1. Appliance repair on large items such as washers, refrigerators, dryers.
- 2. Bazaars (involving the sale of crafts or other merchandise open to the public).
- 3. Cabinet making.
- 4. Equipment or vehicle rentals.
- 5. Recycling centers.
- 6. Restaurants.
- 7. Stable or kennels.
- 8. Storage of household goods, equipment, or materials not owned by the resident.

- 9. Upholstering of vehicles or furniture.
- 10. Vehicle repair, including, but not limited to, engine tuneups, body and fender work, and painting.
- 11. Vehicle washing and detailing where power equipment is used.
- 12. Veterinary clinics or hospitals.
- 13. Welding services.

F. *Permit Nontransferable*. Any permits issued according to this chapter shall be nontransferable and shall be valid only as to the applicant and the property address provided on the application.

G. *Fees.* The applicant shall pay a fee not to exceed the cost of processing the permit application and inspecting such business as set forth in Chapter <u>3.70</u> of this code. (Ord. 5041 § 1, 2020; Ord. 3768 § 1, 1997)

# 17.63.030 Operating standards.

Home occupations shall comply with the following operating standards:

A. Signs referring to the business are not permitted; however, signs containing the address of the home or name of the residents are permitted according to the requirements for signs within residential zones.

B. The home occupation may involve the use of commercial mail or freight careers for delivery of materials to or from the premises provided deliveries are no more frequent than twice a day.

C. One commercial vehicle owned by the residents may be used with the home occupation. The vehicle will be deemed in use for the home occupation if it contains advertising and/or any materials including stock, wares, goods, samples, or equipment carried in or on the vehicle. Such vehicle shall not exceed one ton and shall be stored in a garage if one exists. If there is no garage on the premises, the vehicle shall be concealed so as not to be visible from the street, sidewalk or alley when it is parked at the residence.

D. Customers, clients, or prospective customers or clients shall not be invited to the residence except by appointment only, for the purpose of obtaining service, tutoring, or training. The home occupation shall not involve the onsite presence of more than one customer or client at a time. Customers or clients shall not be permitted on the premises between the hours of 10:00 p.m. and 8:00 a.m.

E. Noise, pedestrian or vehicular traffic, or other activity that constitutes a nuisance or disturbance of the peace of any person shall not be produced or made at the residence in connection with the home occupation.

F. Displays, models or samples shall not be exhibited on the premises.

G. The appearance of any structure shall not be altered or the conduct of the occupation within a structure be such that it may be recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.)

H. Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within a building and not visible from the street, sidewalk or alley, and shall not interfere with the residential use or endanger any person.

I. The home occupation shall be conducted only by the occupants of the residence. Employees, salespeople, or other help, including independent contractors, planners or joint ventures hired, engaged, or retained by the permittee, shall not perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

J. There shall be no processing or manufacturing of goods, wares or merchandise on the premises unless the planning director finds that, in addition to meeting all other criteria applicable to the home occupation, the processing or manufacturing can and will be done in such a manner that no noise, sound, vibration, odor, fumes or light are emitted from the premises.

K. The home occupation shall be conducted entirely within an enclosed area of the residence or accessory structure, and shall not encroach into any required parking, setback, or open space areas. It shall not involve the use of more than four hundred square feet of the premises, not including a vehicle meeting the criteria of subsection  $\underline{C}$  of this section.

L. Class I flammable liquids or liquefied flammable gases shall not be used or stored on the premises. Not more than the equivalent of seventy-five cubic feet of other flammable material shall be used or stored on the premises in relation to the home occupation.

M. The permittee for a home occupation shall obtain a business license from the city for the intended business.

N. The home occupation shall not be operated to cause a nuisance or interfere with the peace and quiet, and residential character of the neighborhood. (Ord. 3768 § 1, 1997)

# **17.63.040** Revocation of rights.

The granting of a home occupation permit is conditioned on the faithful compliance with all regulations set forth in this section and does not relieve the permittee from complying with applicable federal, state, and local laws for health and safety. Any permit issued according to this chapter shall immediately be revoked by the planning director whenever he or she finds:

A. That misrepresentations were made on the application; or

B. That any terms or conditions of the permit have been violated, or that the business has been operated in violation of local, state, or federal law; or

C. That the operation of the business is interfering with the peace and quiet of the neighborhood. (Ord. 3768 § 1, 1997)

# 17.63.050 Appeal.

A. Should any applicant be dissatisfied with the decision of the planning director not to grant a permit or for the revocation of a permit, then said applicant or permit holder may, no later than ten days after notice of such decision is deposited in the United States mail addressed to the applicant or permittee at the address provided on the application, appeal the decision to the planning commission by filing such appeal with the planning department.

B. The planning director shall set the date for hearing the appeal at a regular meeting within a reasonable time following filing of the appeal. Notice of the appeal shall be given in the same manner as required in Section <u>17.64.050</u>.

C. The planning commission may sustain, suspend, or overrule the decision of the planning director. Their decision shall be final and conclusive.

D. Pending the hearing before the planning commission, the decision of the planning director shall remain in full force and effect, and any reversal by the planning commission shall not be retroactive but shall take effect as of the date of the planning commission's decision. (Ord. 5020 § 25, 2020; Ord. 3768 § 1, 1997)

# Chapter 17.64 MODIFICATIONS, CONDITIONAL USE PERMITS, AMENDMENTS AND APPEALS\*

Sections:

17.64.010	Scope.
17.64.020	Authority of planning director.
17.64.030	Authority of planning commission.
17.64.040	Initiation.
17.64.042	Fees.
17.64.050	Hearings—Notices.
17.64.060	Director review and approval permits and conditional use permits—Hearing—Decision
	and findings.
17.64.070	Zone changes—Hearing—Decision.
17.64.080	Title 17 text amendments—Hearing—Decision.
17.64.090	Appeals—Conditional use permits and zone changes.
17.64.100	Zone changes—Council action when planning commission decision not appealed.
17.64.110	Conditions for reapplication.

\* Prior history: Prior code §§ 17.60.010—17.60.140 and Ords. <u>2723</u>, <u>2739</u>, <u>2806</u>, <u>2820</u>, <u>2985</u>, <u>3058</u>, <u>3171</u>, <u>3404</u>, <u>3415</u>, <u>3477</u> and <u>3609</u>.

# 17.64.010 Scope.

The regulations set forth in this chapter shall apply to modifications, conditional use permits, the enactment of text amendments to Title <u>17</u> and zone changes (amendments changing property from one zone to another or changing the boundary of any zone.) (Ord. 3746 § 17, 1997)

# 17.64.020 Authority of planning director.

The planning director shall have authority to grant director review and approval permits, subject to appeal to the planning commission under the provisions of this title, subject to the following:

A. Modification or waiver of:

1. Automobile parking space or loading requirements on private property, and

2. The height, yard and lot area regulations on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other typical subdivision development, and

3. Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot.

4. Multi-unit residential objective site design standards as identified in Chapter 17.14 of this Title.

B. Land use approvals as provided for within the various zone districts of this title.

C. Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter <u>12.30</u> of this code. (Ord. 5020 § 1, 2020; Ord. 4876 § 3, 2016; Ord. 3835 § 38, 1998; Ord. 3754 § 1, 1997; Ord. 3746 § 17, 1997)

# 17.64.030 Authority of planning commission.

The planning commission, as the advisory agency, shall have the sole authority to grant modifications of minimum lot size standards on a lot or lots within a subdivision in the course of approval or conditional approval of any tentative map. The hearing on any such modification shall be consolidated with the hearing on the tentative map, shall be noticed with the notice of hearing on such map, and the commission shall not approve such modification unless it makes the findings specified in Section <u>16.28.170(O)</u>. Appeal of the commission decision on such modification shall be governed by the provisions of Chapter <u>16.52</u> of this code. (Ord. 3746 § 17, 1997)

# **17.64.040** Initiation.

A. Applications for director review and approval permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

B. Applications for conditional use permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

C. Proceedings for redistricting of property may be initiated by the city council, planning commission, planning director or by filing with the planning director an application signed by one or more of the record owners of the parcel of property which is the subject of the application or an agent of the owner authorized in writing. In the event that an application by owners involving more than one parcel of land is submitted for

district amendment or adoption, owners of parcels representing at least sixty percent of the area involved must sign the application. The names of all record owners of all land involved must be stated on the application.

D. Proceedings for amendment of any provisions of Title <u>17</u> of this code, other than amendments changing property from one zone to another, may be initiated by city council action, planning commission action or action of the city staff. (Ord. 5020 § 2, 2020; Ord. 3746 § 17, 1997)

## 17.64.042 Fees.

The city council shall by resolution set fees for application for director review and approval, conditional use permits, changes of zones and for appeals from any order, requirement, decision or determination provided for in this chapter. Such fees shall be in amounts necessary and appropriate to reimburse the city for all costs related to the processing of and acting upon each such application or appeal. No application or appeal shall be deemed complete until the prescribed fee has been received by the city. (Ord. 5020 § 3, 2020; Ord. 3746 § 17, 1997)

# 17.64.050 Hearings—Notices.

A. *Procedure for Director Review and Approval Permits*. Any application for a director review and approval permit shall be considered by the planning director after it is publicly noticed in the following manner:

1. Not less than ten days before the planning director decision, a direct mailing shall be sent to the owners and/or occupants of property located within three hundred feet of the boundaries of the project site, as shown on the latest equalized assessment roll.

2. Notice shall also be given by first class mail to any person who has filed a written request with the planning division. The city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

3. Such notice shall include the following information: the name of the applicant, nature of the request, location of the property, the environmental determination, the proposed date of "planning director decision" (ten days from date of notice), and the appropriate method and deadline for written or verbal comments to be submitted to the city for consideration.

4. Substantial compliance with these provisions shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this section.

5. Alternatively, at his/her discretion, the planning director may refer the proposed use directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing, hearing, and planning commission appeal procedures of subsection  $\underline{B}$  of this section shall be followed.

6. For any director review and approval permit application filed in conjunction with any discretionary application (including a conditional use permit, tentative subdivision map, etc.), the applicant shall file the application concurrently, for review with the application requiring discretionary approval.

B. *Procedure for Conditional Use Permits and Zone Changes*. Upon the receipt in proper form of a complete application for a conditional use permit, or zone change, along with the fee adopted pursuant to Section <u>3.70.040</u>, the planning director shall fix a time and place of public hearing thereon in the following manner:

1. Not less than ten days before the date of such public hearing, notice of the date, time and place of hearing, along with the location of the property and the nature of the request shall be given.

2. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property of the owner's duly authorized agent, and to the project applicant.

3. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency (if not the city) expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

4. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection or subsection (B)(2) of this section is greater than one thousand, in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing. Notice of hearing upon each application for a conditional use permit to allow drilling for and production of petroleum pursuant to Chapter <u>15.66</u> of this code shall be mailed to such owners of all property that is the subject of the hearing, and the production operator of record of subject real property as shown in the state of California Department of Conservation, Geologic Energy Management Division (herein CalGEM) records as of thirty days of the date of application of the conditional use permit. The applicant shall be responsible for obtaining the operator's name and address from CalGEM and submitting such documentation from the division with the application for a conditional use permit.

5. Notice shall be published in at least one newspaper of general circulation within the city at least ten days prior to the hearing.

6. Notice shall be mailed to every person filing with the planning director a written request for notice.

7. In addition, not less than twenty days but not more than sixty days prior to the hearing on any general plan amendment, specific plan, zone change, or conditional use permit, the applicant shall post signs on the property indicating the date, time, and place of the hearing on the proposed general plan amendment, specific plan, zone change, or conditional use permit.

a. One sign shall be posted for every three hundred feet of street frontage, or portion thereof, with a maximum of two signs per street frontage. If no portion of the property fronts an existing public street, at least one sign shall be posted on the property nearest the point of legal access from a public street or as otherwise directed by the planning director.

b. For general plan amendment, specific plan, zone change, and conditional use permit on an undeveloped site, the size of the signs shall be eight feet wide by four feet high. Lettering style, formatting, mounting, and materials to be used shall be as set forth in the administrative policy manual approved by the development services director.

c. For a conditional use permit on a developed site in all nonresidential zones, the size of the signs shall be four feet wide by four feet high. The signs shall be posted along the street frontage, but not in the public right-of-way. In addition, a smaller sign (e.g., eleven inches by seventeen inches), at the discretion of the planning director, shall be placed in the window of the facility where the activity will occur. For a conditional use permit on a developed site in a residential zone, the provisions of Section 17.60.070(C) shall apply.

d. The applicant shall file with the planning department, on a form provided by the city, photograph(s) of the posted sign(s) and a declaration, signed under penalty of perjury, that the property has been posted according to the requirements of this section.

e. If the applicant fails to post the signs within the specified time, and if the photographs and declaration are not filed with the planning department within five days of the signs being posted, the public hearing may be postponed until the signs are posted and proof of posting has been submitted.

f. The applicant shall remove all signs posted pursuant to this section within ten days after final city action on the general plan amendment, specific plan, zone change, or conditional use permit. Should the applicant withdraw their application for a general plan amendment, specific plan, zone change, or

conditional use permit, all signs posted shall be removed within ten days of the withdrawing of the application.

g. Should the applicant fail to remove any sign within the specified time, the city may remove any such sign and the costs thereof shall be borne by the applicant.

C. When proceedings are initiated for the amendment of any provision of this title, other than amendments changing property from one zone to another, or changing the boundary of any zone, a public hearing shall be held. Notice of such hearing shall be given once by publication in a newspaper of general circulation in the city, which notice shall state the time, date and place of such hearing and a general description of the nature of the proposed text amendment. (Ord. 5094 § 1, 2022; Ord. 5020 § 4, 2020; Ord. 4939 § 20, 2018; Ord. 4714 § 1, 2012; Ord. 4392 § 2, 2006; Ord. 4060 § 4, 2002; Ord. 3746 § 17, 1997)

# 17.64.060 Director review and approval permits and conditional use permits— Hearing—Decision and findings.

A. *Director Review and Approval Permit.* The planning director shall render a decision on the application within ten days after the proposed date of "planning director decision" included in the public notice, as described in Section <u>17.64.050(A)</u>. The decision shall grant in modified form, conditionally grant, or deny the requested director review and approval permit as follows:

1. *Approval/Conditional Approval*. In the case where no public comments in opposition to the request have been received and the planning director is able to make the appropriate findings as noted in subsection <u>B</u> of this section, the planning director will grant approval or conditional approval. For conditional approvals, the planning director may apply conditions of approval upon the entitlement as noted in subsection <u>D</u> of this section.

2. *Referral to Planning Commission.* In the case where public comments in opposition to the request have been received, the planning director shall either deny or refer the proposed request directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing and hearing procedures in Section <u>17.64.050(B)</u>, Hearings—Notices, shall apply.

3. *Denial*. In the case where public comments in opposition to the request have been received and the planning director is unable to make the appropriate findings as noted in subsection <u>B</u> of this section, the planning director will deny the application. Such denial may be appealed per Section <u>17.64.090</u>.

B. *Findings Required for Director Review and Approval Permit.* A director review and approval permit shall be granted only when it is found that:

1. The granting of such director review and approval permit would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the property is located; and

2. The granting of the director review and approval permit is necessary to permit an appropriate improvement or improvements on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other atypical subdivision development; and

3. The granting of the director review and approval permit would not be inconsistent with the purposes and intent of Title  $\underline{17}$  of this code.

C. *Conditional Use Permit.* Following the public hearing, the planning commission or city council may grant, grant in modified form, conditionally grant, or deny the requested conditional use permit. Such decision shall be reflected in a formal resolution containing the findings and the facts upon which the findings are based.

D. *Findings Required for Conditional Use Permit.* A conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and

2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

E. *Conditions*. The issuance of any director review and approval permit or conditional use permit pursuant to this title may be granted subject to such conditions as may be deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare. Dedications of real property may be required and improvements of public streets shall be in accordance with standard specifications of the city on file in the office of the city engineer.

F. *Exercise of Rights.* The exercise of rights granted by a director review and approval permit or conditional use permit shall be commenced within two years after the date of the final decision.

G. *Termination of Rights.* The director review and approval permit or conditional use permit shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations of Title <u>17</u> of this code applicable to the zone in which such property is classified, when any of the following occur:

1. There is a failure to commence the exercise of rights as required by subsection  $\underline{E}$  of this section, or within any duly granted extension;

2. There is a discontinuance for a continuous period of one year of the exercise of the rights granted.

H. *Extension of Time*. Any time limit contained in this chapter or in any decision, for good cause shown, may be extended by the body issuing the initial conditional use permit or director review and approval permit for a period which shall not exceed one year.

1. The property owner may request an extension of the time limit by written application to the planning director or designee. Such application shall be filed before the expiration date of the conditional use permit or director review and approval permit. The application shall provide reasons for extension of the permit.

2. Upon the receipt in proper form of an application for an extension, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon. The hearing shall be noticed as set forth in Section 17.64.050(B).

3. Following the public hearing, the hearing body shall approve, conditionally approve, or deny extension of the conditional use permit or director review and approval permit.

I. *Revocation of Rights*. The planning commission may revoke the rights granted by such director review and approval permit or conditional use permit and the property affected thereby shall be subject to all of the provisions and regulations of Title <u>17</u> of this code applicable as of the effective date of revocation. Such revocation shall be for good cause, including, but not limited to, the failure to comply with conditions or complete construction as required by subsection  $\underline{G}$  of this section, the failure to comply with any condition contained in the director review and approval permit or conditional use permit, or the violation by the owner or tenant of any provision of the municipal code pertaining to the premises for which such director review and approval permit or conditional use permit was granted.

1. Notice of the intent to revoke shall be given, together with the reasons therefor, either by personal delivery to the occupant of such premises, to the owner of such premises, to any person indicated in the permit as being entitled to exercise the permit, or by deposit in the United States mail, postage prepaid,

addressed to such person(s) at his or her last known business or residence address as the same appears in the records of the director review and approval permit or conditional use permit. Service by mail shall be deemed to have been completed at the time of deposit in the post office, or any United States mailbox.

2. The decision of the planning commission shall be final, subject to appeal to the city council within ten days after notice.

3. When a proper appeal has been filed, public hearing upon the matter shall be set before the city council within a reasonable time after the appeal is filed.

4. Not less than ten days before the date of such public hearing, notice of the time and place of the hearing before the body shall be given as set forth in Section 17.64.050(B).

5. On appeal, the city council may affirm the revocation, overturn the revocation or modify the order of revocation.

6. The decision of the city council shall be final and conclusive.

J. *Date of Issuance*. No permit or license for any use involved in an application for a director review and approval permit or conditional use permit shall be issued until same has become final by reason of the failure of any person to appeal or by reason of the action of the city council. (Ord. 5020 § 5, 2020; Ord. 4913 § 1, 2017; Ord. 4681 § 1, 2012; Ord. 4557 § 1, 2009; Ord. 3746 § 17, 1997)

# **17.64.070** Zone changes—Hearing—Decision.

A. A public hearing shall be held and conducted by the planning commission or city council, notice of which shall be given as set forth in subsection <u>B</u> of Section <u>17.64.050</u>.

B. The planning commission or city council shall either approve and recommend the enactment of the proposed amendment, disapprove it or recommend an alternative zoning district more restrictive than that proposed.

C. If any proposed zoning is disapproved by the planning commission and no appeal is filed, such action by the planning commission shall be final and conclusive. The disapproval of a matter initiated by the planning commission itself shall be final, and not subject to appeal.

D. All approvals and recommendations of zone changes by the planning commission shall be presented to the city council for final action following public hearing by the planning commission. Matters so presented to the city council for final action shall not require a noticed public hearing before the city council except as required by Section <u>17.64.100</u> or unless an appeal is filed pursuant to Section <u>17.64.090</u>. (Ord. 3746 § 17, 1997)

### **17.64.080** Title 17 text amendments—Hearing—Decision.

A. Any text amendments codified herein to this title shall require a public hearing conducted by the planning commission or city council, notice of which shall be given as set forth in Section 17.64.050(C).

B. The planning commission or city council shall either approve and recommend the enactment of the amendment as proposed or as altered, or shall disapprove the amendment. Any final text amendments to this title shall be presented to city council for final action.

C. Any text amendment to this title enacted into ordinance by city council shall be done in accordance with its normal procedure. The action of the council shall be final. (Ord. 5107 § 1, 2022; Ord. 3746 § 17, 1997)

#### 17.64.090 Appeals—Conditional use permits and zone changes.

A. The action of the planning commission shall be final unless, within ten calendar days after the decision, the applicant or any other person shall appeal therefrom in writing to the city council by filing such appeal with the city clerk. A decision of the city council shall be final and conclusive.

B. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed, and specific reasons why the appellant believes the decision or action from which the appeal is taken should not be upheld.

C. The city clerk shall set the date for hearing the appeal. Notice of the appeal hearing shall be given as set forth in Section 17.64.050.

D. For conditional use permits, on appeal following the hearing, the city council may grant, grant in modified form, or deny the requested conditional use permit. The decision of the council shall be final and conclusive.

E. For zone changes, on appeal following a public hearing, the council may enact into ordinance the zoning amendment giving rise to the appeal or any alternative zoning district more restrictive than that proposed, may affirm any conditional approval and recommendation of the planning commission, or may decide against

adoption of the proposed zoning ordinance amendment. The decision of the council shall be final and conclusive. (Ord. 5020 § 6, 2020; Ord. 4086 § 1, 2002; Ord. 3746 § 17, 1997)

# 17.64.100 Zone changes—Council action when planning commission decision not appealed.

A. When no appeal is filed in accordance with Section <u>17.64.090</u>, the city council may enact into ordinance any zone changes as approved and recommended by the planning commission in accordance with its normal procedure as in the case of any other ordinance of the city.

B. If the council decides to disapprove the recommended zone change, approve a district more restrictive than that recommended, or change any of the conditions recommended by the planning commission, the city council shall set the matter for a noticed public hearing at the next available regular meeting for which notice, as required in Section <u>17.64.050</u>, may be published, posted and mailed.

C. At the public hearing, the city council may approve the zone change as recommended by the planning commission, disapprove the zone change, approve a district more restrictive than that recommended or change any of the recommended conditions.

D. No permit or license shall be issued for any use involved in an application for a change of zone until the same has become final on the effective date of an ordinance. (Ord. 3746 § 17, 1997)

## **17.64.110** Conditions for reapplication.

Where an application for a zone change or conditional use permit has been finally determined by the city council or planning commission, no reapplication or new application for the same zone change or conditional use permit shall be considered or heard by the planning commission or city council for a period of one year. However, where a change has occurred which, in the sound discretion of the city council or planning commission (whichever previously made the final determination) indicates that a new hearing should be had on an application for a zone change and where a showing has been made that the public interest would best be served by reconsideration or new consideration, the prohibition of this subsection may be waived after a finding by the body petitioned that the public interest would best be served by a reconsideration of a new hearing. (Ord. 5020 § 7, 2020; Ord. 3746 § 17, 1997)

# Chapter 17.65 ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU)

Sections:

17.65.010	Purpose.
17.65.020	<u>Intent</u> Basis for approval.
17.65.030	ApplicabilitySite plan approval required.
<del>17.65.040</del>	Process.

# 17.65.010 Purpose.

This chapter sets forth the policies and procedures for permitting accessory dwelling units and junior accessory dwelling units as defined in Section <u>17.04.539</u> consistent with the provisions of Section <u>65852.2</u> and relevant sections of the California Government Code as amended from time to time. (Ord. 4996 § 2, 2019; Ord. 3613 § 2, 1994)

# 17.65.020 IntentBasis for approval.

A. It is the intent of the City to allow and streamline the development of accessory dwelling units and junior accessory dwelling units, and encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development. The provisions of this chapter are intended to further implement the provisions of the General Plan Housing Element and State housing law. Furthermore, these provisions are intended to increase the supply of smaller and more affordable housing while ensuring such housing remains compatible with the existing neighborhood. An accessory dwelling unit may be approved by the planning director provided the proposed unit meets all of the following conditions:

1. The lot upon which the accessory dwelling unit is being proposed must contain a proposed or existingdwelling.

2. The floor area of the accessory dwelling unit, if attached to the existing living area, shall not exceed fifty percent of the floor area of the existing dwelling; if detached from the existing living area, shall not exceed one thousand two hundred square feet.

3. The accessory dwelling unit shall conform to all other development requirements of this title exceptminimum lot area per dwelling. 4. The accessory dwelling unit shall conform to the construction requirements of the building code as adopted by the city.

5. The accessory dwelling unit shall be architecturally compatible with the main unit. Architecturalcompatibility shall mean that the exterior building materials and architecture of the accessory dwelling unitshall be the same as the materials used on the main dwelling. Architectural compatibility will be evaluatedduring site plan review. (Ord. 4996 § 2, 2019; Ord. 4715 § 1, 2012; Ord. 3613 § 2, 1994)

# 17.65.030 <u>ApplicabilitySite plan approval required</u>.

A complete application for an accessory dwelling unit or junior accessory dwelling unit shall be processed and approved in compliance with California Government Code Section 65852 et seq. Except as otherwise provided by this Title, accessory dwelling units and junior accessory dwelling units shall be a permitted use in any zone which allows for residential uses. This includes mixed-use zoning districts which allow residential and nonresidential land uses. No person shall construct or cause to be constructed any accessory dwelling unit without having first complied with the provisions of site plan review as provided in Chapter <u>17.08</u> of this code. (Ord. 4996 § 2, 2019; Ord. 3835 § 39, 1998; Ord. 3613 § 2, 1994)

#### 17.65.040 Process.

A. A request for approval of an accessory dwelling unit shall be made by submitting a site plan reviewapplication to the city. The request shall be made by the owner occupant of the existing dwelling unit on the lot upon which the accessory dwelling unit will be constructed.

B. The application shall include payment of the required site plan review fee. Accessory dwelling units are not subject to traffic impact fees or park fees, and shall pay sewer connection fees based upon the number of fixtures.

C. Projects shall comply with all the requirements of Section <u>17.65.020</u> and the conditions of approval placed on the project through site plan review. (Ord. 4996 § 2, 2019; Ord. 3613 § 2, 1994)

# Chapter 17.66 HD (HILLSIDE DEVELOPMENT) COMBINING ZONE\*

Sections:

17.66.010	Purpose and intent.
17.66.020	Applicability.
17.66.030	Maximum grade of access.
17.66.040	Development plan requirements.
17.66.060	Key box requirements.
17.66.070	Driveway requirements.
17.66.080	Fire apparatus access roads.
17.66.090	Emergency secondary access.
17.66.100	Bridges.
17.66.110	Address markers.
17.66.120	Building construction.
17.66.130	Roof repair or replacement.
17.66.135	Fencing.
17.66.140	Fire scape plant selections.
17.66.150	Defensible space.
17.66.155	Landscaping.
17.66.160	Drainage.
17.66.170	Grading.
17.66.180	Appeals.

\* Prior ordinance history: Ord. <u>3919</u>.

# 17.66.010 Purpose and intent.

A. The purpose of this chapter is to define and implement the goals and policies of the Metropolitan Bakersfield 2010 general plan as they relate to the preservation and maintenance of hillsides as a scenic resource of the City and to protect the general public from the threat of wildfire, hillside instability and landslides. The HD (Hillside Development) zone district is an overlay zone. The regulations established by the HD district are in addition to those uses allowed and the regulations of the base zone district.

B. Development projects within the HD zone shall be subject to review to ensure hillside/open space development policies in the general plan are incorporated into the projects. In addition, the city council shall adopt development standards by resolution or ordinance which aid in the implementation of general plan policies and ordinances, and provide detailed written or pictorial depictions regarding policy and/or ordinance intent.

C. The following provisions of this chapter are intended to apply to areas zoned HD. This overlay zone will generally be applicable to those larger contiguous areas generally having average natural slopes of eight percent or more (see Exhibit A which is located at the end of this chapter).

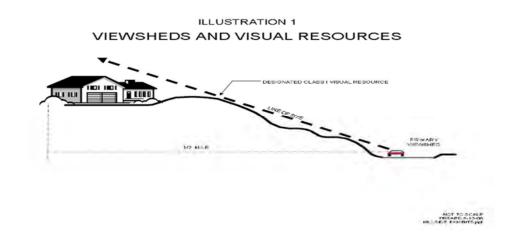
D. These regulations shall be implemented when the city considers applications for grading, building permits, parcel maps, tentative tract maps, conditional use permits, zone changes, general plan amendments and site plan review.

1. Permit development in HD areas that minimizes erosion and geologic hazards and provides for the protection of the public health, safety and welfare.

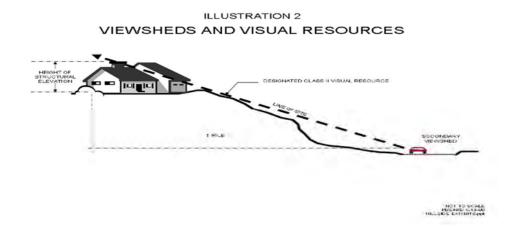
2. Protect views by identifying primary and secondary viewsheds, visual resource areas and slope protection areas within the HD zone (Exhibit B-1 and B-2—Large scale exhibit available for viewing at planning department and on the city of Bakersfield's website: <u>www.bakersfieldcity.us</u> ).

These areas are defined as follows:

a. "Primary viewsheds" are those locations identified along freeways, expressways or arterial roadways from which no structures or portions thereof are visible on a designated Class I visual resource area for a distance of one-half mile (Illustration 1), except as may be allowed under Section 17.66.040(P)(4).



b. "Secondary viewsheds" are those locations identified along freeways, expressways or arterial roadways from which no more than fifty percent of the height of a structural elevation is visible on a Class II visual resource area for a distance of a mile (Illustration 2), except as may be allowed under Section 17.66.040(P)(4).



c. "Class I visual resources areas" are designated ridge and hilltop areas which require a structural setback great enough so that no portion of a structure is visible from a primary viewshed

d. "Class II visual resource areas" are designated ridge and hilltop areas which require a structural setback great enough so that no more than fifty percent of the height of a structural elevation is visible from a secondary viewshed

e. "Slope protection areas" are those mapped slopes of fifteen percent and greater (Exhibits B-1 and B-2) within the HD zone area that, due to physical constraints, aesthetic value and visibility from major roadways, are to be left in their natural state with no structures or fences allowed on the slope face. Areas identified as slope protection areas shall be identified as lettered nonbuildable lots on subdivision maps.

3. Encourage development design that will:

a. Allow for orderly and sensitive development at a density that respects and is reflective of the natural terrain;

b. Encourage grading techniques that blend with the natural terrain, minimize earthmoving activities, minimize visual impacts of large cut and fill slopes, prevent erosion on the face of slopes due to drainage and provide for the preservation of unique and significant natural landforms and ridgelines;

c. Reduce water use in slope replanting and retention by encouraging grading design that minimizes manufactured slopes;

d. Maximize the positive impacts of site design, grading, landscaping, and building design consistent with the goals and policies of the general plan;

e. Maintain the integrity and natural characteristics of major landform, vegetation and wildlife communities, hydrologic features, scenic qualities, and open space. (Ord. 4391 § 1 (Exh. A), 2006)

## 17.66.020 Applicability.

This overlay district shall apply to areas zoned HD (hillside development).

A. The following provisions are intended to apply to parcels or portions thereof within the HD zone. Development subject to these regulations includes grading, building permits, parcel maps, tentative tracts, conditional use permits, site plan reviews, general plan amendments, and zone changes. As areas are annexed to the city and zoned HD, Exhibits A and B shall be amended as appropriate.

B. Encourage developments intending to annex to the city to conform to the standards of this chapter.

C. *Exceptions*. This chapter shall not be applicable to the following activities or projects:

1. Modification of or addition to any pre-existing single<u>-unit-family</u> dwelling or accessory structure that predates this ordinance. This exemption shall not include an increase in the number of units or change in use;

2. Fire breaks and fire roads required by the Bakersfield fire department;

3. Recreation trails for pedestrian, equestrian, or multi-use purposes;

- 4. Lot line adjustments;
- 5. Landscaping on single-unitfamily parcels;
- 6. Modifications to yard, height, lot area and fence/wall regulations;

7. Public works projects determined by the city council to be necessary for the public health, safety or welfare which, by implementation of this ordinance, would create an unfair cost to the community;

8. Where it can be demonstrated that the imposition of the standards in this chapter would render an existing parcel (parcel created prior to adoption of the ordinance codified in this chapter) of land unbuildable and create a loss of all economic use, or where the development exhibits innovation and/or exceptional community benefits which cannot be realized through imposition of the standards contained in this chapter, development consistent with the general plan may be allowed, subject to the following provisions:

a. The proposed development shall serve the intent and purpose of the HD zone and general plan policies regarding hillsides.

b. The proposed development shall be subject to the approval of a planned unit development zone, planned commercial development zone, development agreement, optional design subdivision or specific plan. (Ord. 4391 § 1 (Exh. A), 2006)

## 17.66.030 Maximum grade of access.

Maximum grade of streets, public or private, and other access easements shall be determined in accordance with "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), current edition, for design of maximum grades for arterials, collectors and local streets. (Ord. 4783 § 1, 2014; Ord. 4391 § 1 (Exh. A), 2006)

# **17.66.040** Development plan requirements.

The following, as applicable, shall be shown on all development plans associated with planned commercial developments, planned unit developments, conditional use permits, tentative tracts, site plan reviews, and applications for single-<u>unitfamily</u> dwellings not already reviewed as part of parcel maps or tentative tracts:

A. Topography.

- B. Access road width and percent of grade.
- C. Landscape and vegetation details.
- D. Structure location.
- E. Overhead utilities.

F. Building occupancy class.

G. Type of ignition-resistant construction of structure.

H. Roof classification of buildings.

I. Water supply system.

J. Fuel loading and model, available from city fire department, and data to verify classification of fireresistive vegetation.

K. Proposed sewers.

L. Drainage concept plan.

M. As deemed appropriate by the city, at the time an applicant applies for a tentative map, conditional use permit, site plan review, general plan amendment, zone change or grading plan approval, the applicant shall submit the following:

1. A site or plot plan drawn to scale of one inch equals one hundred feet or larger, reflecting the proposed project, including property lines and recorded and proposed easements, private roads, public rights-of-way, and pad elevation of all lots;

2. A topographic map of the project site which shall also extend off-site a minimum of three hundred feet in distance unless a greater distance is required by the city engineer to incorporate the topography of all abutting properties as it relates to project site. The map shall be drawn at the same scale as the site plan and shall be based on contour intervals no greater than ten feet except where steep terrain warrants a greater contour interval as approved by the planning director;

3. A slope map of the property depicting natural slope categories of ten, fifteen, twenty, thirty and forty percent and over with contour lines shown;

4. A preliminary grading plan prepared by a registered civil engineer which includes the height and width of all manufactured slopes, proposed retaining wall locations and heights, proposed drainage patterns, methods of storm water retention/detention and identification of areas that will remain in a natural state. Off-site contours for adjacent, unimproved areas within three hundred feet of the project's boundaries shall be depicted. If the adjacent property is improved, pad elevations, street grades, wall

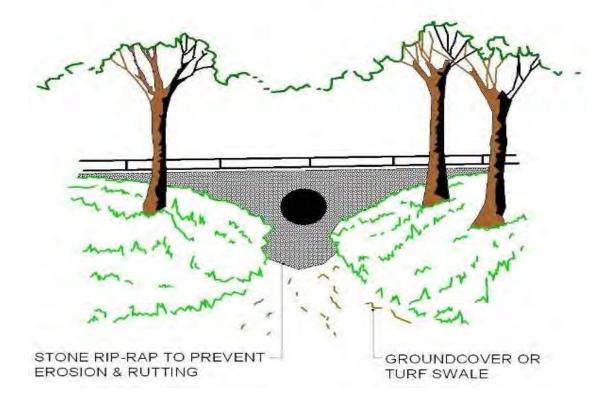
sections and any approved or existing improvements shall be shown. Cross sections will also be required from primary and secondary viewsheds;

5. No less than two cross sections (number to be determined by the planning director) which completely traverse the property at appropriately spaced intervals in locations where topographic variation is the greatest shall be prepared by a registered civil engineer. The cross sections shall clearly depict the vertical variation between natural and finished grade and shall extend three hundred feet beyond the project boundaries;

6. A slope erosion control/revegetation plan shall be provided with all subdivision applications, site plans and grading plans and shall incorporate the provisions of Section <u>17.66.155</u>, Landscaping;

7. In instances where roads cross or traverse natural drainage courses, design shall include natural materials and bank protection (Illustration 3). Design treatment shall be described or diagrammed on plans submitted;

# ILLUSTRATION 3 DRAINAGE CHANNEL ROAD CROSSING



8. If required for fire safety, additional information on the plan beyond the property lines related to slopes, vegetation, fuel breaks, water supply systems and access ways (driveways, secondary access, etc.) shall be shown to the satisfaction of the fire chief.

N. In addition, the planning director, building director or city engineer may require submittal of any or all of the following:

1. A geotechnical report which shall contain, but not be limited to, data regarding the nature, distribution and strengths of existing soils, conclusions and recommendations for grading procedures, design criteria for any identified corrective measures and opinions and recommendations covering the adequacy of sites to be developed. This investigation and report shall be performed by a professional civil engineer who is experienced in the practice of soil mechanics and who is registered with the state of California. Where the site includes slopes exceeding 2:1, the geotechnical report shall include a slope stability analysis. If the proposed development is in an area of concern, the report shall include the method and criteria for mitigation of slope instability.

2. A geology report which shall include, but not be limited to, the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, the potential of slope failure within or adjacent to the site and design criteria to mitigate any identified geologic hazards. This investigation and report shall be completed by a certified engineering geologist who is experienced in the practice of engineering geology and who is registered with the state of California.

3. A drainage concept report which shall include, but not be limited to, the hydrologic conditions on the site, possible flood inundation, downstream flood hazards, natural drainage courses, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, and design criteria to mitigate any identified hydrologic hazards consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed development project. The report shall also take into account all pre- and post-developed flows and shall provide evidence that the proposed project will not burden adjacent and/or downstream properties with flows and/or velocities in excess of the pre-development condition. The report will examine the effects of drainage patterns on the erosion potential that could cause damage to planned or existing structures and ensure that no drainage that could cause erosion will be directed to slope faces. In addition, the drainage concept report shall show the construction phasing for the project and shall show how the drainage through or around the project will be handled on an interim basis, including any proposed temporary facilities. This investigation and report shall be completed by a registered civil

engineer experienced in the science of hydrology and hydrologic investigation. The drainage concept report is subject to the review and approval of the city engineer.

4. A computer generated three-dimensional graphic representation of the project site may be required if deemed necessary for reason of clarity.

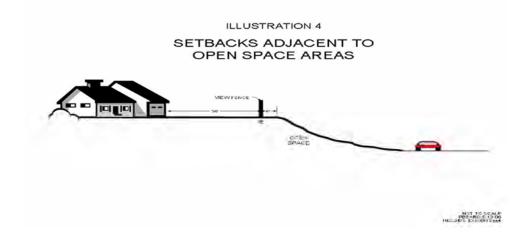
O. Areas identified as slope protection areas shall be identified as lettered nonbuildable lots on subdivision maps.

P. Structures shall be set back from the top of slopes a distance which is consistent with the following:

1. Determined to possess an adequate factor of safety, as determined by the findings of a geotechnical report required in subsection (N)(1) of this section and approved by the city; and

2. If the site is an area identified as a visual resource area, structures shall meet the visibility criteria as established by an identified primary or secondary viewshed;

3. On buildable lots placed at the top of manufactured or natural slopes adjacent to parks or open space, the minimum rear yard setback for above ground structures shall be twenty-five feet unless greater setback is required pursuant to this ordinance or for public health, safety or welfare (Illustration 4);



4. The planning commission may allow a lesser setback at a public hearing associated with a subdivision if it can be shown to the satisfaction of the city that alternative methods of viewshed protection such as mounding, landscaping, etc., can provide for an equivalent solution to the protection of the viewshed. Sight line distance and cross section analysis or other methodologies that provide a true representation of alternative viewshed protection methods will be required to determine the adequacy of alternative

viewshed protection methods. No setback shall be reduced, regardless of any alternative presented, that does not provide an adequate setback as provided in subsection (P)(1) of this section, or as may otherwise potentially endanger the public health, safety or welfare.

Q. To encourage consistent maintenance of slopes for erosion control and aesthetics, property lines are to be placed at the top of manufactured or natural slopes to be left as open space, park area or natural state and shall be located a minimum of five feet back from the top of the slope (Illustration 4). Additional setback may be required for fire safety or to accommodate trails consistent with an adopted trails plan. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.060 Key box requirements.

Driveways and access roads with private security gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3 if any part of a building is more than one hundred fifty feet from the gate entrance. (Ord. 4391 § 1 (Exh. A), 2006)

### 17.66.070 Driveway requirements.

Driveways shall be at least twelve feet wide with a minimum unobstructed height clearance of thirteen feet six inches. Driveways over one hundred fifty feet in length shall have turnarounds with a minimum turn radius not less than thirty feet and an outside turning radius of not less than forty-five feet. Driveways in excess of two hundred feet in length and less than twenty feet in width shall be required to have turnouts, as determined by the fire chief, in addition to turnarounds. Turnouts shall be constructed of an all-weather road surface, acceptable to the fire chief, at least ten feet wide by thirty feet long. In addition, driveways from any private gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

## 17.66.080 Fire apparatus access roads.

When required by the fire chief, all roads subject to fire department apparatus shall have a minimum width of twenty feet and a minimum height clearance of thirteen feet six inches. This will accommodate the loads and turning radius and a grade traversable by fire apparatus not to exceed the maximum as approved by the fire chief. Dead end roads in excess of one hundred fifty feet in length must be provided with turnarounds as approved by the fire chief. Driveways from any private gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.090** Emergency secondary access.

An emergency secondary access shall be required when it is determined by the fire chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit ingress or egress. Plans for emergency secondary access roads shall be submitted to the fire chief for review and approval prior to their construction and shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.100 Bridges.

Vehicle load limits must be posted at both entrances to bridges on driveways and private roads. Bridge design loads shall be established by the public works director. (Ord. 4391 § 1 (Exh. A), 2006)

### 17.66.110 Address markers.

All buildings shall have a permanently posted address readily legible from the public way. Otherwise, the address must be placed at each driveway entrance and be visible from both directions of travel. Address signs along one way streets shall also be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a post, and additional signs shall be posted at locations where driveways divide. Where a roadway provides access solely to a single commercial or industrial business, the address shall be placed at the nearest road intersection providing access to the site. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.120** Building construction.

A. Roofs for buildings in visual resource areas shall be earth toned to blend in with surrounding landscape. In no case shall they be highly reflective. Class A or Class B noncombustible roof covering or roof assembly shall be required. Notwithstanding the aforementioned, no wood shake or wood shingle roofs will be permitted. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers. One-hour rated fire-resistive construction shall be required for eave assemblies or noncombustible assembly approved by the fire chief and building director. Protection shall be required on the exposed underside by materials approved for a minimum of one-hour rated fire-resistive construction. Fascias are required and must be protected on the backside by materials approved for a minimum one-hour rated fire-resistive construction or two-inch nominal dimension lumber. Construction shall meet urban and wildland interface standards established by the state of California as they apply to this area or any area developed and subject to wild land fire conditions.

B. Exceptions: Accessory structures not exceeding one hundred twenty square feet in floor area when located at least fifty feet from any habitable structure. Roofs shall have at least Class C roof covering, Class C roof assembly of an approved noncombustible roof covering. No wood shake or wood shingle roofs will be permitted for roof coverings where the profile allows a space between the roof covering and roof decking; the space at the eave ends shall be fire stopped to preclude entry of flames or embers. Earth toned roofs are required if within a visual resource area. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.130** Roof repair or replacement.

Roof covering on buildings or structures in existence prior to the adoption of the ordinance codified in this chapter that are replaced, or have twenty-five percent or more replaced in a twelve-month period, shall be replaced with a roof covering consistent with Section <u>17.66.120</u>. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.135 Fencing.

Fencing adjacent to parks and open space shall be placed at least five feet back from the top of slope and shall be earth tone or black in color and allow visual penetration (Illustration 4). Materials such as wrought iron and vinyl fencing may be used. Wood fencing is not allowed in this instance. Fence location and design details shall be submitted with development plans including subdivisions and grading plans. Solid walls may be required adjacent to parks when deemed appropriate by the city. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.140** Fire scape plant selections.

Every tract and parcel map shall contain an advisory notice within the conditions of approval recommending that property owners use plant materials which are fire resistant. A comprehensive list is available from the planning director and fire department. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.150** Defensible space.

Maintain around and adjacent to any such building or structure a firebreak made by removing and clearing away for a distance of no less than thirty feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as groundcover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.155 Landscaping.

A. Landscape areas to be maintained by the city shall provide a mix of native

oaks/sycamores/wildflowers/shrubs and boulder clusters installed to resemble a natural distribution blending into the surrounding area (Illustrations 5 through 7). Final plans, including irrigation system, shall be approved by the recreation and parks department. Design content shall retain natural flora and site character as much as possible.

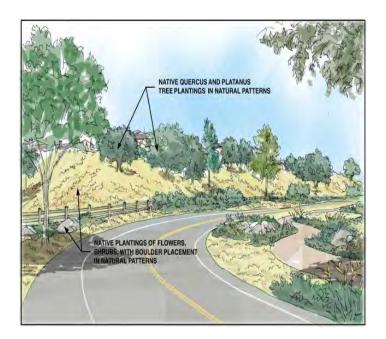
#### **Illustration 5**



**Illustration 6** 



**Illustration 7** 



B. Xeriscape plant selections as approved by the recreation and parks department shall be used to revegetate disturbed areas outside of lots, unless city ordinances, resolutions, or conditions of approval state otherwise.

C. Fire retardant erosion control netting or other material approved by the city recreation and parks department shall be installed as required by the city recreation and parks department to prevent erosion.

D. In order to assist in protecting slopes from soil erosion and to facilitate significant revegetation, an irrigation system approved by the public works department and recreation and parks department shall be installed on all slopes with required planting. Components and operation of the irrigation system shall be designed to maintain slope stability and integrity and provide the ability to monitor and maintain an irrigation system on a slope. In all cases, the emphasis shall be toward using plant materials that will eventually not need to be irrigated. Water and energy conservation techniques shall be utilized including, but not limited to, such items as drip irrigation and alluvial rockscape. (Ord. 4391 § 1 (Exh. A), 2006)

### 17.66.160 Drainage.

All proposed drainage facilities shall respect the natural terrain, preserve existing major drainage channels in their natural state or enhance them to create riparian type systems that provide for drainage and for diversification of plant and animal life and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety and welfare. The following standards shall apply to all lands subject to this chapter in addition to the requirements of Title <u>16</u>, Subdivision.

A. The overall drainage system shall be completed and made operational at the earliest possible time during construction in accordance with the approved drainage concept report.

B. When deemed necessary by the city engineer, the applicant shall enter into a grading improvement agreement, securing each phase of grading and drainage facility construction. Such security shall be sufficient to install the required drainage facility, to restore the grading area to a safe and stable condition, and to revegetate the cut or fill slopes or provide other permanent erosion control measures.

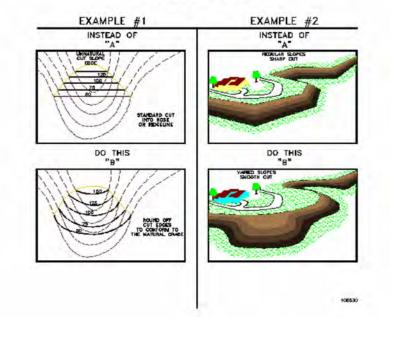
C. Other than for street gutters, all drainage shall be conveyed within closed conduits unless otherwise approved by the city engineer. Analysis and design of erosion control measures shall be approved by the city engineer. (Ord. 4391 § 1 (Exh. A), 2006)

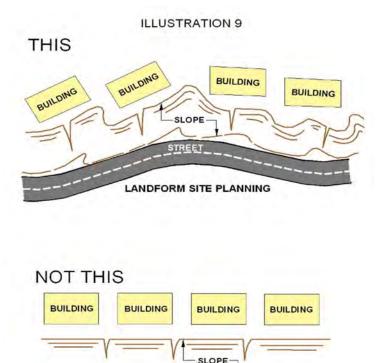
#### 17.66.170 Grading.

A. All new cut and fill slopes exceeding ten feet in height on the perimeter of a subdivision adjacent to parks, open space or arterial and collector streets, and interior to a subdivision adjacent to parks and open space shall be contour graded (Illustrations 8 and 9) so that their ultimate appearance will resemble a natural slope. Contour grading shall consist of a combination of slope curvature, as well as variable slope gradients along the length of the slope. The building director shall have the final determination that the final grading plan retains as much natural slope as possible considering the proposed improvements and other required codes.

#### ILLUSTRATION 8

## CONTOURING





CONVENTIONAL SITE PLANNING

STREET

B. Grading shall reflect the natural contour of the existing terrain. The following grading standards shall apply to all land subject to this article, in addition to the grading requirements of the governing document currently in use:

- 1. Extensive grading shall be discouraged;
- 2. Where grading is necessary, the following principles of contour grading shall be employed:

a. Graded slopes on the exterior of subdivisions shall be rounded and shaped to simulate the natural terrain,

b. Grading shall follow the natural contours as much as possible,

c. Graded slopes shall blend with naturally occurring slopes at a radius compatible with the existing natural terrain,

d. Graded slopes outside the public right-of-way and maintained by a homeowners association shall be revegetated with at least a mixture of native grass seed or shrubs as recommended by the recreation and parks department. Planting may be waived by the recreation and parks department for slopes that, due to the amount of rock material or poor soil, will not support plant growth. In this case, alternative methods of protection and/or aesthetic mitigation may be examined or required at the discretion of the recreation and parks department,

e. For graded slopes within the public right-of-way or publicly maintained landscape easements, an erosion control and landscaping concept plan shall be submitted to the recreation and parks department for approval,

f. Unless a flatter slope is otherwise recommended in a soil investigation, the steepest manufactured slope allowed shall not exceed 2 unit horizontal to 1 unit vertical. All manufactured slopes steeper than 5 unit horizontal to 1 unit vertical shall have a type of slope protection as approved by the city engineer, building official and/or the recreation and parks department (as applicable),

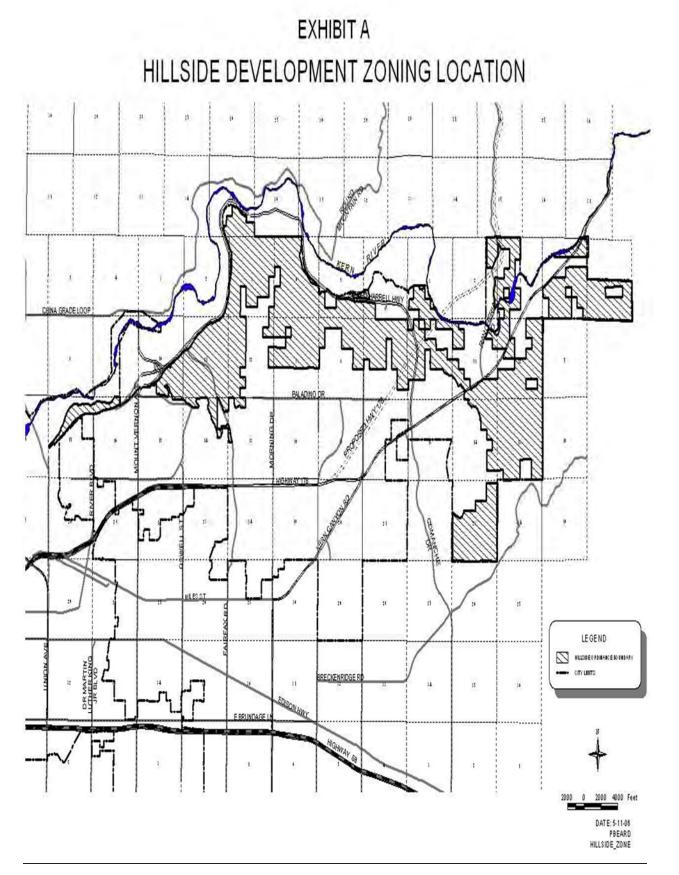
g. Only slopes within public rights-of-way or easements constructed to city standards and accepted for maintenance by the city shall be maintained by a city maintenance district. All other slopes shall be maintained by the property owner or private association unless approved by the recreation and parks department. (Ord. 4391 § 1 (Exh. A), 2006)

### 17.66.180 Appeals.

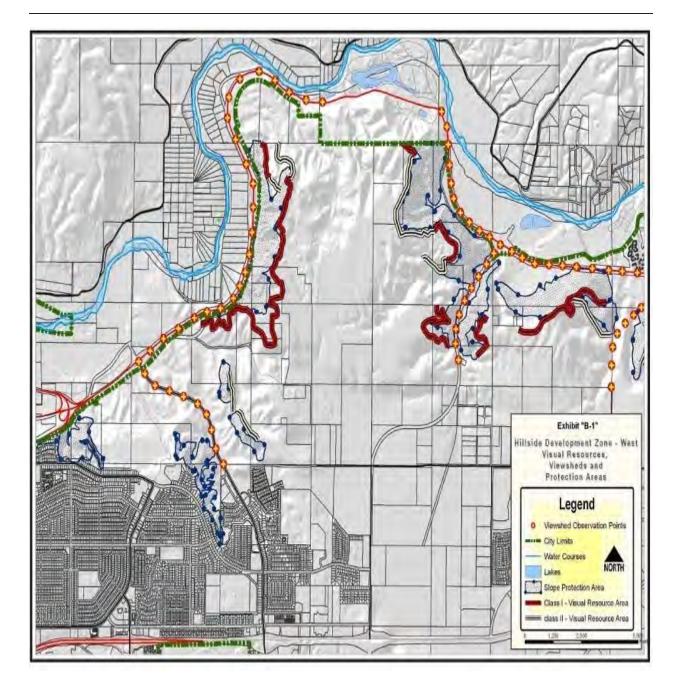
A. A determination by staff of the provisions of this chapter may be appealed to the planning commission. The action of staff shall be final unless, within ten days of their decision, the applicant or any other person appeals in writing to the planning commission by filing such appeal with the planning director and paying appropriate fees.

B. A determination by the planning commission pursuant to this chapter may be appealed to the city council pursuant to the appeals procedures of Chapter <u>16.52</u> of this code in the case of subdivision map approvals, or Chapter <u>17.64</u> of this code, in the case of director review and approval, conditional use permits, or zone changes.

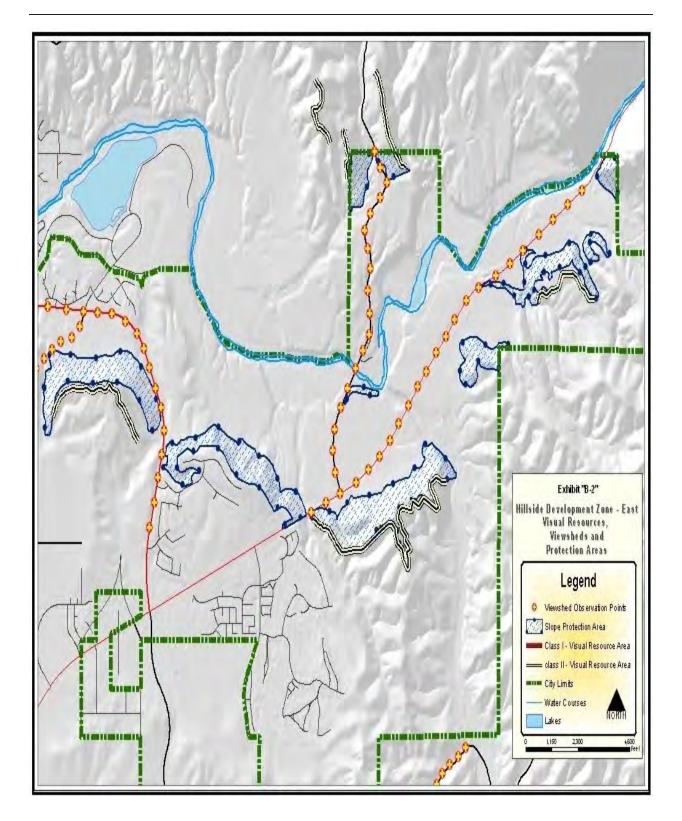
C. On appeal, the city council or planning commission may grant modifications from the provisions of this chapter where the appellant clearly demonstrates a practical difficulty in carrying out a specified provision. In granting the modification, the city council or planning commission shall first find that the strict application of a specified provision is impractical and that the modification is in conformance with the intent of this chapter, that the modification does not lessen any fire protection or other public safety requirements and/or serves to protect views as required by this chapter. (Ord. 5020 § 26, 2020; Ord. 4391 § 1 (Exh. A), 2006)



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## Chapter 17.68 NONCONFORMING USES, STRUCTURES AND LOTS

#### Sections:

17.68.010	Purpose.
17.68.020	Legal nonconforming structures.
17.68.030	Legal nonconforming uses.
17.68.040	Changes or expansion to legal nonconforming uses.
17.68.050	Legal nonconforming lots.
17.68.060	Structures/uses under construction.
17.68.070	Effect of annexation.
17.68.080	Determination of nonconforming status—Burden of proof.
17.68.090	Illegal nonconforming structures and uses.
17.68.100	Nonconforming signs, parking and landscaping.

### 17.68.010 Purpose.

This chapter specifies the manner in which legal nonconforming uses and structures may or may not continue. It is intended to prevent such uses or structures from expanding except under certain circumstances. It also establishes criteria by which such uses or structures may be abated or removed in an equitable, reasonable, and timely manner without infringing on the constitutional rights of property owners. (Ord. 3741 § 4, 1997)

## 17.68.020 Legal nonconforming structures.

A legal nonconforming structure may be continued and maintained as follows:

A. A legal nonconforming structure may be restored if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, up to its pre-damage size and placement. However, the property on which the restored structure is situated shall be subject to all other current ordinances. Building permits for reconstruction shall be obtained within two years and be completed within three years of the date of the damage.

B. A legal nonconforming structure or any part of it that is voluntarily destroyed or removed, shall lose all nonconforming status for any part or parts affected and may not be reconstructed.

C. A legal nonconforming structure may be increased in area or volume if the addition complies with this title and the most recent city adopted Building Code.

D. A legal nonconforming structure may be used for any use that conforms to the zone district in which it is located and complies with the most recent city adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time.

E. A legal nonconforming structure may be repaired or altered, including structural alterations to bearing walls, columns, beams and girders. All work shall meet the requirements of the most recent city adopted Building Code.

F. A legal nonconforming accessory structure may be used or converted to any use consistent with the zoning district in which it is located, and the most recent city adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time. (Ord. 4715 § 1, 2012; Ord. 4559 § 1, 2009; Ord. 3741 § 4, 1997)

### 17.68.030 Legal nonconforming uses.

A legal nonconforming use may be continued and maintained as follows:

A. No increase in intensity, or of the area, space, or volume occupied or devoted to a legal nonconforming use, except as allowed under Section <u>17.68.040</u>, shall be permitted.

B. Change of ownership, tenancy or management of a legal nonconforming use shall not affect its legal nonconforming status, provided the specific use and intensity of use do not change, except as allowed under Section <u>17.68.040</u>.

C. A legal nonconforming use that has ceased or been abandoned for a continuous period of one year or more shall lose its nonconforming status, and the continued use of that property or structure shall conform to the regulations of the zone district in which it is located, except as allowed under Section <u>17.68.040</u>. If the legal nonconforming use is cultivated agricultural land that is fallow for longer than the one-year period but no more than a contiguous period of three years, it is not considered abandoned if it is part of a managed agricultural operation where such land is planned for continued cultivation.

D. If a legal nonconforming use involves the keeping of animals, then the number of animals, types of animals, minimum lot area for animals, or other standards for the keeping of animals not in conformance with the zone district in which they are located, may be continued until the owner or occupant removes them for a continuous period of one year or more.

E. Additional uses are allowed on property that contains a legal nonconforming use provided those uses meet all requirements and regulations of the zone district in which they are located, and do not result in the nonconforming use expanding as restricted in subsection  $\underline{A}$  of this section.

F. If a legal nonconforming use is converted to a conforming use, no previous nonconforming use may be resumed.

G. Repairs and alterations may be made to structures containing legal nonconforming uses, including structural alterations to bearing walls, columns, beams and girders. All work shall meet the requirements of the most recent city adopted Building Code.

H. A structure containing a legal nonconforming use may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. However, the property on which the restored use is situated shall be subject to all current ordinances. Building permits for reconstruction of the structure shall be obtained within two years and be completed within three years of the date of damage if the use is reestablished.

I. A legal nonconforming use where no structure is involved may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. However, the property on which the restored use is situated shall be subject to all other current ordinances. The use shall be reestablished within one year of the date of the damage. (Ord. 4715 § 1, 2012; Ord. 3741 § 4, 1997)

### 17.68.040 Changes or expansion to legal nonconforming uses.

The planning commission or city council may allow changes or expansions to legal nonconforming uses as set forth in subsections <u>A</u> through <u>D</u> of this section. They shall use the procedures adopted for conditional use permits according to Chapter <u>17.64</u> of this code, except that they shall make findings set forth in subsection <u>E</u> of this section.

A. A legal nonconforming use may be changed to another nonconforming use of the same or more restrictive nature.

B. A structure occupied by a legal non-conforming use that has ceased or been abandoned according to Section 17.68.030(C) may be permitted to be used for the same or more restrictive use if the structure cannot be used for any use consistent with the zone district in which it is located.

C. A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products, or services provided.

D. Time restrictions specified in Sections 17.68.020(A), 17.68.030(C), 17.68.030(H), or 17.68.060 may be extended.

E. The planning commission or city council shall make the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

2. The proposed change or expansion of the legal nonconforming use is consistent with the intent and purpose of the ordinance that caused the use to become nonconforming.

3. The change or expansion of the nonconforming use will have a positive impact on the surrounding conforming uses and the area overall.

4. Other property where the use would be conforming is unavailable, either physically or economically.

5. No other appropriate remedies are available to bring the use into conformance, including amending the zone district boundary and/or zoning ordinance text. (Ord. 5020 § 27, 2020; Ord. 3741 § 4, 1997)

#### 17.68.050 Legal nonconforming lots.

A. Any lot that was legally created before the effective date rendering it nonconforming may be used or developed if the use or development conforms to the regulations of the zone district in which it is located.

B. The city shall not issue a permit for any construction on a lot created that violated the subdivision and/or zoning ordinances in effect at the time of the property division, and which continues to be violating present subdivision and/or zoning ordinances. (Ord. 3741 § 4, 1997)

### 17.68.060 Structures/uses under construction.

Any structure for which the city has issued a building permit that is still in effect, or any conforming use or building which was legally under construction before the effective date of any ordinance rendering the structure or use nonconforming, may be completed and used according to approved plans, specifications or permits as follows: A. For nonconforming uses, the use shall be commenced within one year of the effective date of the ordinance rendering such use nonconforming.

B. For nonconforming structures, the structure shall be completed within two years of the effective date of the ordinance rendering such structure nonconforming. (Ord. 3741 § 4, 1997)

#### **17.68.070** Effect of annexation.

Any use, structure, or lot that was lawfully established according to the regulations of Kern County that becomes nonconforming by virtue of annexation into the city, will be considered legal nonconforming. (Ord. 3741 § 4, 1997)

#### **17.68.080** Determination of nonconforming status—Burden of proof.

The party asserting a right to continue a nonconforming use or structure has the burden of proof to establish its lawful and continuing existence. (Ord. 3741 § 4, 1997)

#### 17.68.090 Illegal nonconforming structures and uses.

Nothing in this chapter shall permit the continuation of illegal nonconforming structures or uses. Illegal nonconforming structures or uses are unlawful and a public nuisance, and shall be immediately removed or abated according to Chapter <u>17.72</u> of this code. (Ord. 3741 § 4, 1997)

#### 17.68.100 Nonconforming signs, parking and landscaping.

This chapter does not regulate nonconforming signs, parking requirements, or landscaping standards. These specific standards are found within their respective chapters as follows:

- A. Nonconforming signs—Chapter <u>17.60</u> of this code;
- B. Nonconforming parking—Chapter <u>17.58</u> of this code;
- C. Nonconforming landscaping—Chapter <u>17.61</u> of this code. (Ord. 3835 § 40, 1998; Ord. 3741 § 4, 1997)

## Chapter 17.69 ADULT ENTERTAINMENT BUSINESSES\*

Sections:

17.69.010	Purpose.
17.69.020	Definitions.
17.69.030	Development requirements.
17.69.040	Separation and distance requirements.
17.69.060	Exterior display.
17.69.070	<b>Regulations nonexclusive.</b>

\* Prior ordinance history: Ordinances 2877, 2926 and 2943.

#### 17.69.010 Purpose.

A. It is found, and experience has demonstrated, that certain adult-oriented businesses, because of their very nature, are recognized as having significant deleterious secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancy in residential and commercial areas in the vicinity of the adult-oriented businesses; higher crime rates, noise, debris or vandalism in the vicinity of adult-oriented businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. The concentration of such uses substantially contributes to blighting and downgrading adjacent residential and commercial areas. Special regulation of these businesses is necessary to preserve the integrity of existing commercial areas of the city and of residential areas in close proximity to such commercial uses. In furtherance of the public interest and general welfare, the primary purpose of this chapter is to deconcentrate and to prevent the concentration of these businesses in any one area. It is neither the intent, nor effect of this chapter to impose limitations or restrictions on the content of any communication material. Similarly, it is neither the intent, nor effect of this chapter to restrict or deny access by adults to sexually-oriented materials or merchandise protected by the First Amendment, or deny access by the distributors or exhibitors of adult-oriented business to their intended market.

B. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

### 17.69.020 Definitions.

It is the purpose of this section, together with its subsections, to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the regulations and provisions of this chapter, in order to assist in the uniform interpretation of those regulations and provisions and to ensure uniformity in their application. The following terms shall have the definitions ascribed below:

A. "Adult bookstore" means any establishment, which as a regular and substantial course of conduct, displays and/or distributes sexually-oriented material and sexually-oriented merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

B. "Adult cabaret" means a nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

C. "Adult hotel/motel" means a hotel or motel, which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts and which rents, leases, or lets any room for less than a twelve-hour period and/or rents, leases or lets any room more than once in a twenty-four-hour period and which advertises the availability of any of the above.

D. "Adult model studio" means any premises where as a regular and substantial course of conduct, there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts for the purpose of being observed or viewed by any person or being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped before any person who pays a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. Adult model studio shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section <u>94300</u> et seq. of the Education Code.

E. "Adult motion picture arcade" means any business establishment or concern which as a regular and substantial course of conduct provides, for a fee, the use of manually or electronically controlled still, motion picture or video machines, projectors, computer generated or displayed images or other image producing devices which serve less than 5 persons at any one time and are maintained to display images distinguished or

characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts [machines, devices or other contraptions].

F. "Adult entertainment business" means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio, adult motel/hotel; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. "Adult entertainment business" does not include those uses or activities, the regulation of which is preempted by state law. "Adult entertainment business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in lingerie or similar attire which does not opaquely cover specified anatomical parts. For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting to specified sexual activities or specified anatomical parts. So the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:

1. The area devoted to sexually-oriented merchandise and/or sexually-oriented material exceeds more than twenty-five percent of the total display area or floor space area open to the public;

2. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least four times in any calendar month in any given year,

3. Twenty-five per cent of the businesses revenues are derived from the provisions of services or merchandise characterized by an emphasis on specified sexual activity or specified anatomical parts.

G. "Adult motion picture theater" means a business establishment or concern with one or more viewing rooms with the capacity for fifty or more persons which, as a regular and substantial course of conduct, presents for any form of consideration films, motion pictures, videos, slide photographs, computer generated or displayed images or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

H. "Adult mini-motion picture theater" means a business establishment or concern with one or more viewing rooms with the capacity of more than five, but less that fifty persons, where, for any form of consideration, films, motions pictures, video cassettes, slides, computer generated or displayed images or similar graphic reproductions are shown and material whose dominant or predominant character and theme is the depiction of

specified sexual activities or specified anatomical areas for observation is shown on any ten or more days in a thirty consecutive day period.

I. "Live art class" means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical parts; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least twenty-four hours in advance of participation in the class.

J. "Performer" means any dancer, model, entertainer, and/or other person who publicly performs any specified sexual activities or publicly display any specified anatomical part in adult entertainment businesses.

K. "Sexually-oriented material" means any element of sexually-oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, or other written, oral, or visual representation characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical parts. This definition also includes, but is not limited to sexual novelties depicting, designed or shaped as specified anatomical parts or which depict specific sexual activities.

L. "Sexually-oriented merchandise" means sexually-oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity.

M. "Specified anatomical parts" means:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; or female breast below a point immediately above the top of the areola; or

2. Exposed human male genitals or human male genitals in a discernibly turgid state, regardless of whether they are completely and opaquely covered.

N. "Specified sexual activities" means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the

following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

- 2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- 4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- 5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
- 6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

8. Striptease or any act involving the public removal of clothing to the point where specified anatomical parts are displayed; or the public appearance of any person in a state where specified anatomical parts displayed, or the public appearance of any person where specified anatomical parts are only covered by attire commonly referred to as pasties or a G-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and while covering the natal cleft and public area covers less than one inch on either side of the entire length of the natal cleft and two inches across the public area. For the purposes of this definition, appearance in "public" shall include a situation when a single employee, agent or other non-patron of the adult entertainment business is in the presence of a single patron of the adult oriented business. (Ord. 4108 § 1, 2003; Ord. 3066 § 1, 1986; Ord. 2961 § 1, 1985)

#### **17.69.030** Development requirements.

Uses permitted by this chapter shall be subject to all applicable development standards, requirements and restrictions of the zone district in which it is located. (Ord. 4108 § 1, 2003; Ord. 3835 § 41, 1998; Ord. 2961 § 1, 1985)

### **17.69.040** Separation and distance requirements.

A. In those zoning districts where adult entertainment businesses are regulated by this chapter would otherwise be permitted uses, it shall be unlawful to conduct, establish or relocate any such business:

1. Within one thousand feet of any property zoned for residential use whether or not located within the city;

2. Within one thousand feet of any other adult entertainment business whether or not located within the city;

3. Within one thousand feet of any public or private school whether or not located within the city, excluding any vocational or professional school or any college;

4. Within one thousand feet of any developed park or public playground, of any public library, or of any church or other religious facilityinstitution which people regularly attend to hold religious services or meetings whether or not located within the city.

B. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the parcel of real property upon which the adult entertainment business is, or is to be, located to the nearest point of the parcel of real property or land use zone boundary line from which the proposed land use is to be separated.

C. The above notwithstanding, an adult entertainment business lawfully operated at any particular location on the date of adoption of this Ordinance shall not be required to comply with the requirements of this section <u>17.69.040</u> except to the extent that such business seeks to relocate to another location or seeks to expand the existing business. (Ord. 4108 § 1, 2003; Ord. 3712 § 1, 1996; Ord. 3680 § 1, 1995; Ord. 3677 § 1, 1995; Ord. 3066 § 2, 1986; Ord. 2961 § 1, 1985)

#### 17.69.060 Exterior display.

No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such business. This provision shall apply to any display, decoration, sign, show window, or other opening. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

#### **17.69.070** Regulations nonexclusive.

The regulations set forth in this chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult entertainment businesses set forth elsewhere in this code. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

# Chapter 17.70 CERTIFICATE OF OCCUPANCY

Sections:

17.70.010 Requirements.

### 17.70.010 Requirements.

No vacant land shall be occupied or used, and no building hereafter erected, structurally altered, or moved, shall be occupied or used until a certificate of occupancy has been issued by the building department.

A. After construction and before occupancy of any building or project, the building director or his/her authorized representative shall inspect the development to determine whether the building permit, approved site plan or other project approval and any conditions thereon have been complied with. If so, he/she shall issue a certificate of occupancy; if not, he/she shall order corrections. The development shall not be occupied until the certificate of occupancy is issued.

B. 1. Certificates of occupancy for the use of vacant land, or the change in the use of land as provided in this section, shall be applied for before any such land is occupied or used for any purpose except that of tilling the soil and the growing therein of farm, garden or orchard products, and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of this title.

2. Certificates of occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of this title. A record of all certificates shall be kept on file in the office of the building department and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for an original certificate; for all other certificates or for copies of any original certificates fees shall be as set forth in Chapter 3.70 of this code.

C. Certificates of occupancy for nonconforming uses existing at the time of the passage of the ordinance codified in this title or any amendment thereto shall be issued by the building department, and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this title.

D. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy. (Ord. 3964 § 48, 2000; Ord. 3835 § 42, 1998; prior code § 17.72.010)

# Chapter 17.71 OUTDOOR LIGHTING

#### Sections:

17.71.010	Purpose.
17.71.020	Applicability.
17.71.030	General standards.
17.71.040	Additional standards for specific uses.
17.71.050	Energy conservation.
17.71.060	Exemptions.
17.71.070	Prohibitions.
17.71.080	Fixture diagrams.

#### 17.71.010 Purpose.

The purpose of this chapter is to minimize light trespass, excessive glare and sky glow caused by inappropriate or misaligned light fixtures. Properly designed lighting will provide the proper amount of illumination appropriate for the required task that will not cause unpleasant or adverse effects upon adjacent properties, and will enhance nighttime views of the sky. These standards will:

- A. Promote a safe and pleasant nighttime environment for businesses, residents and visitors;
- B. Protect and improve public safety and security;
- C. Prevent nuisances caused by unnecessary light intensity, glare, and light trespass;
- D. Protect the ability to view the night sky by restricting unnecessary upward projection of light;
- E. Enhance the aesthetics of the built environment and protect the character of the natural environment; and
- F. Promote energy conservation. (Ord. 4617 § 6, 2010)

### 17.71.020 Applicability.

A. The provisions of this chapter apply to the illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

B. All outdoor lighting fixtures installed on private and public property after the effective date of the ordinance codified in this chapter shall comply with these standards.

C. This chapter does not apply to interior lighting. However, overly bright inside light emitted outdoors from any structure, including through the roof, will be subject to control by this chapter if it is determined by the code enforcement manager that it creates a nuisance to adjacent properties, negatively impacts safe travel along streets, or contributes to sky glow.

D. All existing outdoor lighting fixtures legally installed and operative before the effective date of the ordinance codified in this chapter are not subject to these requirements. However, the code enforcement manager may at any time require appropriate action be taken in accordance with this chapter if it is determined that lighting from any outdoor fixtures creates a nuisance to adjacent properties or negatively impacts safe travel along streets.

E. At such time changes or modifications occur on the site that necessitate a site plan review pursuant to Chapter 17.08 of this code or other discretionary approval, the decision-making body shall determine whether some or all the requirements of this chapter will be implemented under said approval.

F. When existing lighting fixtures are replaced, replacement fixtures and light emanating from them shall meet the requirements of this chapter.

G. All governmental agencies, including their security facilities which operate within the city limits, should comply with the provisions of this chapter. (Ord. 5122 § 1, 2023; Ord. 4635 § 1, 2010; Ord. 4617 § 6, 2010)

## 17.71.030 General standards.

The following standards shall apply to all outdoor lighting installed after the effective date of the ordinance codified in chapter:

A. Outdoor lighting must be fully shielded and aimed downward. Fully shielded denotes lighting fixtures that are shielded, focused, or constructed so that light rays do not project horizontally or vertically. The shield must be arranged in such a manner that light rays emitted from the device or fixture, whether directly from the lamp or indirectly from the fixture, are projected below the horizontal plane at the lowest point on the fixture where the light is emitted. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface with no escaping light permitted to contribute to sky glow by shining upward into the sky. Examples of acceptable and unacceptable lighting fixtures are shown in Section <u>17.71.080</u>.

B. Post-top luminaries, which may also be referred to as period lighting or historical lighting, shall have builtin reflectors that effectively eliminate up-lighting.

C. Any outdoor lighting that shines onto adjacent property or streets that produce a nuisance or disabling glare, or that is above the horizontal plane, shall not be permitted.

D. Light trespass that extends beyond the property or project boundaries within or adjacent to residentially zoned and/or designated properties shall not exceed an intensity level of 0.5 foot-candles at the property line as measured three feet above the ground or finished grade. This light intensity maximum shall also apply to lands zoned and/or designated agriculture, parks, and open space.

E. Light fixtures mounted under a canopy shall be recessed so that lighting is fully shielded by either the roof or canopy fascia and is projected below the horizontal plane as stated in subsection  $\underline{A}$  of this section.

F. Up-lighting is only permitted if it is effectively contained and will not shine beyond the intended target into the night sky. Containment of lighting may include, but is not limited to, overhanging architectural elements such as eaves or awnings, or landscaping such as dense shrubs or dense evergreen tree canopies.

G. Outlining of a building by means of neon, LED or other lighting shall be effectively contained to not shine into the night sky. Containment of lighting may include, but is not limited to, overhanging architectural elements such as eaves or awnings, or use of backlighting techniques.

H. Existing fixtures may be adapted to comply with this chapter by adding a properly designed shield or by pointing any upward-mounted, shielded fixture downward towards the ground surface.

I. Lighting sources, fixtures and related structures shall be maintained in sound operating condition at all times. Maintenance shall include, but is not limited to, replacement of broken lenses, burned out light sources, adjustments to fixture tilt, cleaning of fixtures and lenses, painting of standards, and replacement or adjustments to shields and/or baffles.

J. All fixture installations shall meet the most recent applicable regulations of the Building Code, the Electrical Code, Title 24, and any other related health, safety, and energy codes as they pertain to lighting and light fixtures as adopted by the city. (Ord. 5122 § 2, 2023; Ord. 4715 § 1, 2012; Ord. 4617 § 6, 2010)

### **17.71.040** Additional standards for specific uses.

In addition to the general standards contained in Section 17.71.030, the following shall apply to the specific use identified below:

A. Parking Lots and Garages.

1. Lighting shall be in accordance with the provisions in Section <u>17.58.060(B)</u>.

B. Outdoor Performance, Sports, and Recreation Facilities.

1. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings within the project site. Illumination should be no greater than the minimum recommended levels established by the Illuminating Engineering Society of North America (IESNA) for the type of activity. Illumination should also meet, without exceeding, the IESNA recommendations for the IESNA defined illumination class appropriate for the predominant use of the facility.

2. The main lighting shall be turned off within one hour or as soon as possible following the end of an event. Where feasible, a low level lighting system may be used immediately following events to facilitate patrons leaving the facility, cleanup, maintenance, and other closing activities.

3. Because lighted fields and other lighted outdoor facilities may also be subject to discretionary approval, operational regulations, and the standards in this chapter may be further restricted, modified or otherwise conditioned by the planning commission or city council. (Ord. 5020 § 28, 2020; Ord. 4617 § 6, 2010)

### 17.71.050 Energy conservation.

Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes:

A. All nonessential outdoor commercial and residential lighting should be turned off after business hours when it is not necessary for public safety or when an activity needing such light is not in use.

B. Lighting levels may be reduced after hours to provide minimal visibility without compromising security.

C. Where practical, outdoor lighting installations should include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activities off the subject property.

D. When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures and light sources, the lowest wattage for the intended task, and alternative sources of power such as wind or solar, when feasible.

E. Indiscriminate and excessive lighting should be avoided. Light should be directed only where it is needed, when it is needed, with the appropriate intensity. (Ord. 4617 § 6, 2010)

#### **17.71.060** Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Temporary emergency related lighting (e.g. fire, police, utility repair);
- C. Moving vehicle lights;
- D. Navigation lights (e.g., airports, heliports, radio/television towers);
- E. Signs in conformance with Chapter <u>17.60</u> of this code;

F. Seasonal decorations provided they are not in use longer than sixty consecutive days;

G. Temporary or periodic events with temporary lighting as approved by the city (e.g., rodeos, revivals, fairs, fiestas, carnivals). Permanent lighting installations must conform to the requirements of this chapter;

H. Lighting on any single-<u>unitfamily</u> residentially zoned lot, or multiple-<u>unitfamily</u> residentially zoned lot that contains four units or less;

I. All outdoor light fixtures lawfully installed and operating prior to the effective date of the ordinance codified in this chapter. This exemption shall not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged;

J. Decorative low voltage (12V) lighting used to highlight driveways, landscaping, artwork and buildings providing they are properly aimed and shielded to not shine visible glare into the public right-of-way or onto adjacent or nearby properties;

K. Flag poles with the United States, state, foreign or municipal flags displayed by fully shielded topmounted light. If up-lighting is used, it shall be placed as close to the base of the pole as possible with a narrow cone or spread focused to minimize light spill into the night sky or onto adjacent properties;

L. Temporary lighting for television or movie film productions, roadway or utility construction or building construction. Permanent lighting installations must conform to the requirements of this chapter;

M. Emergency exiting or other public safety related lighting under the applicable California Code;

N. Underwater lighting to illuminate swimming pools, and other water features provided they meet all required Building, Electrical and other safety codes as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 4617 § 6, 2010)

#### 17.71.070 Prohibitions.

A. No outdoor lighting fixture may resemble a traffic signal or be operated in such a manner as to constitute a hazard or danger to persons for safe vehicular and pedestrian travel.

B. Lighting that is oriented upward, except as otherwise permitted by this chapter.

C. Searchlights, beacons, and laser source lights, except as permitted by the city under a special event permit in accordance with Section 17.60.070(B).

D. Lights that blink, flash, move, and revolve, except as otherwise permitted by the Bakersfield Municipal Code.

E. Permanent lighting directed at or into the Kern River or natural areas. (Ord. 4617 § 6, 2010)

## 17.71.080 Fixture diagrams.

## Examples of Acceptable / Unacceptable Lighting Fixtures



(Ord. 4617 § 6, 2010)

# Chapter 17.72 ENFORCEMENT

Sections:

17.72.010 Designated.

#### 17.72.010 Designated.

A. It shall be the duty of the code enforcement division, fire department, and/or police department to enforce this title as set forth herein. Pursuant to the provisions of California Penal Code Section <u>836.5</u>, any officer or employee of the building department of the city holding the position of building inspector III or higher may enforce the provisions of Title <u>17</u> of the Bakersfield Municipal Code and Chapter 2, Part 3, Division 13 of the California Health and Safety Code (Section <u>19100</u> et seq.) and may arrest a person without a warrant whenever that officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of any law which he or she has the duty to enforce. All departments, officials and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title and void.

B. The provisions of this title shall be interpreted and administered by the planning commission whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this title for purposes of inspection.

C. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be and the same is unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person, firm or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this title.

D. This title may also be enforced by injunction issued out of the Superior Court upon the suit of the city or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions of this code. (Ord. 4924 § 1, 2017; Ord. 3004 § 2, 1985; prior code § 17.76.010)

## Chapter 17.73 REASONABLE ACCOMMODATION

Sections:

17.73.010	Purpose.
17.73.020	Applicability.
17.73.030	Procedures.
17.73.040	Approval findings.
17.73.050	Conditions of approval.
17.73.060	Appeals.

## 17.73.010 Purpose.

The purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures. (Ord. 5044 § 1, 2021)

#### 17.73.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance. (Ord. 5044 § 1, 2021)

## **17.73.030 Procedures.**

A. A request for reasonable accommodation shall be submitted on an application form provided by the development services department or in the form of a letter to the development services director, and shall contain the following information:

1. The applicant's name, address, and telephone number;

2. Address of the property for which the request is being made;

3. The current use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;

5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and

6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection  $\underline{A}$  of this section for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation shall be reviewed by the development services director. If no approval is sought other than the request for reasonable accommodation, the director shall make a written determination within forty-five days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the planning commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the planning commission in compliance with the applicable review procedure for the discretionary review. (Ord. 5044 § 1, 2021)

## 17.73.040 Approval findings.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing in the request will be used by a person with a disability under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the city;

D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other reasonable accommodations that may provide an equivalent level of benefit. (Ord. 5044 § 1, 2021)

## **17.73.050** Conditions of approval.

In granting a request for reasonable accommodation, the development services director or his/her designee, or the planning commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site. (Ord. 5044 § 1, 2021)

### 17.73.060 Appeals.

A. Any person dissatisfied with any action of the development services director pertaining to this chapter may appeal to the planning commission within ten days after written notice of the director's decision is sent to the applicant by filing a written notice of appeal with the city clerk and shall specify the reasons for the appeal and the grounds asserted for relief.

B. Any person dissatisfied with any action of the planning commission pertaining to this chapter may appeal to the city council within ten days after the rendition of the decision of the planning commission by filing a written notice of appeal with the city clerk and shall specify the reasons for the appeal and the grounds asserted for relief. If any request for a reasonable accommodation is disapproved by the planning commission and no appeal is filed, such action by the planning commission shall be final and conclusive.

C. The city council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

D. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the appeal is made shall be deemed to have been waived.

E. After filing an appeal, the city council shall conduct a public hearing for the purpose of determining whether the appeal of the decision of the planning commission should be granted or denied. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and to any other persons who have filed a written request for notice at least ten days prior to the hearing. Any hearing may be continued from time to time. A decision of the city council shall be final and conclusive. (Ord. 5044 § 1, 2021)

#### The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.bakersfieldcity.us

City Telephone: (661) 326-3000

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# Title 17 ZONING

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## Chapter 17.02 GENERAL PROVISIONS

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17.02.040	Content and scope.

## 17.02.010 Title.

This title shall be known as the "land use zoning ordinance of the city." (Prior code § 17.08.010)

#### 17.02.020 Adoption.

There is adopted a precise zoning plan for the city. (Prior code § 17.04.010)

## 17.02.030 Purpose.

This zoning plan is adopted to implement the goals and policies of the general plan of the city which serve to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the accomplishment thereof is adopted, among other purposes for the following more particularly specified purposes:

A. To assist in providing a definite plan of development for the city and to guide, control and regulate the future growth of the city in accordance with said plan; and

B. To protect the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the city, and to assure the orderly and beneficial development of such areas. (Ord. 2693, 1982; prior code § 17.04.020)

## 17.02.040 Content and scope.

The zoning plan consists of the establishment of various zones within the incorporated territory of the city within some, all, or none of which it is lawful, and within some, all, or none of which it is unlawful to erect, construct, alter, move, locate or maintain certain buildings or to carry on certain trades or occupations or to

conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such zones, all as set forth in this title. (Prior code § 17.04.030)

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## **17.04.010** Generally.

For the purpose of this title, certain words and phrases are defined and certain provisions shall be construed as set forth in this chapter, unless it is apparent from the context that a different meaning is intended. (Prior code § 17.08.010)

## 17.04.020 Accessory building.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. (Prior code § 17.08.030)

## 17.04.022 Accessory parking facility.

"Accessory parking facility" means an attached or detached structure for the purpose of parking passenger vehicles that is secondary in nature and incidental to the primary use of the property. Said structures can be, but are not limited to, residential or commercial garages or carports. (Ord. 4521 § 1, 2008)

## 17.04.030 Accessory use.

"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises. (Prior code § 17.08.020)

## 17.04.032 Acreage, gross.

"Gross acreage" means the entirety of the legal lot.

## 17.04.035 Acreage, net.

"Net acreage" means the calculated area based on buildable area plus local street. Net Acreage does not include dedications of roadway for Freeways, Highways, Arterial and Collector streets, land dedicated for schools, parks, drainage basins, and any land area deemed unbuildable because of easements, such as underground pipelines or overhead powerlines.

## 17.04.040 Alley.

"Alley" means a dedicated right-of-way of twenty-five feet or less in width for public use permanently laid out or reserved by the governing body as a means of secondary access to abutting property. (Ord. 2694 § 1, 1982; prior code § 17.08.040)

#### 17.04.045 Antenna.

"Antenna" means any exterior transmitting or receiving device mounted on the ground, tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals. (Ord. 4231 § 2, 2005)

## **17.04.065** Approving authority.

"Approving authority" means the person, board, commission, council or other body in whom decision making responsibility is vested under the provisions of this code. Whenever action is directed to be taken by a specific person, authority is also granted for that specific person to delegate that action to another. (Ord. 3835 § 1, 1998)

## 17.04.070 Architectural feature or projection.

"Architectural feature or projection" means a marquee, porch, awning, canopy or other similar architectural feature or projection of a building or structure or any projection not intended for occupancy which stands beyond the face of an exterior wall but does not include signs. (Ord. 3586 § 1, 1994)

## 17.04.075 Awning or canopy.

"Awning or canopy" means any structure made of flexible fabric or similar material covering a frame attached or adjacent to a building and projecting over public or private property. (Ord. 3586 § 1, 1994)

## **17.04.077** Brewery or distillery, large.

"Brewery or distillery, large" means the manufacturing of more than fifteen thousand barrels per year of beer, ale, malt beverages, or more than one hundred thousand gallons of distilled spirits; not including wine. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved Wastewater Discharge Plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 4926 § 1, 2018)

#### 17.04.078 Brewery or distillery, small.

"Brewery, small" means the manufacturing of fifteen thousand barrels, or less, per year of beer, ale, or malt beverages.

"Distillery, small" means the manufacturing of one hundred thousand gallons, or less, of distilled spirits; not including wine.

Operations of brewery or distillery, small, shall continuously comply with the following operational standards:

- 1. Maintain an approved Wastewater Discharge Plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5105 § 1, 2022; Ord. 4978 § 1, 2019; Ord. 4926 § 1, 2018)

#### 17.04.080 Building.

"Building" means any structure having a roof supported by columns or walls. (Prior code § 17.08.080)

## 17.04.085 Building façade.

"Building façade" means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. (Ord. 3586 § 1, 1994)

### 17.04.090 Building height.

"Building height" is the vertical distance above grade, as defined in Section <u>17.04.310</u>, to the highest point of the coping of a flat roof, to the deckline of a mansard roof or to average height of the highest gable of a pitched or hipped roof, whichever is applicable. The height of a stepped or terraced building is the maximum height of any segment of the building. (Ord. 2694 § 1, 1982; prior code § 17.08.090)

#### 17.04.100 Building site.

"Building site" means the ground area of a building or group of buildings together with all open spaces as required by this chapter. (Prior code § 17.08.100)

#### **17.04.120** Business or commerce.

"Business or commerce" is the purchase, sale, lease or financing or other transaction involving the handling, final sale, disposition or manufacture of any article or substance, or the rendering of any service. (Ord. 2694 § 1, 1982; prior code § 17.08.120)

#### 17.04.128 Camouflage.

"Camouflage" means man made trees, clock towers, bell steeples, light poles and other similar alternative design of mounting structures that completely screen or conceal the presence of antennas or towers in an effective manner. (Ord. 4231 § 3, 2005)

#### 17.04.129 Cannabis.

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The terms "marijuana" and "cannabis" are interchangeable throughout this code. (Ord. 4918 § 1, 2017)

#### 17.04.130 Carport.

"Carport" means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. (Prior code § 17.08.130)

## 17.04.132 Central district.

"Central district" means the "central traffic district" as described in Section <u>10.08.020(A)</u> of the Bakersfield Municipal Code. (Ord. 4521 § 2, 2008)

#### 17.04.150 Club, private.

"Club, private" is any organization, group or association supported by the members thereof, the primary purpose of which is to render a service or services to its members, their guests or the community, but shall not include any organization, group, or association, the chief activity of which is business or commerce as defined by Section 17.04.120 of this title. (Ord. 2694 § 1, 1982; prior code § 17.08.150)

## **17.04.154** Commercial cannabis activity.

"Commercial cannabis activity" is the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in the Medicinal and Adult-Use Cannabis Regulation and Safety Act as set forth in state law. (Ord. 4918 § 1, 2017)

## 17.04.415.5 Community care facility.

"Community Care facility" means any facility in compliance with California Welfare and Institutions Code Sections 5115 - 5120, any facility, place, or structure which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). Community care facilities include the following:

"Adult Day Care Facility" means a facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

"Child Therapeutic Day Services Facility" means a facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care.

"Community Treatment Facility" means a facility that provides mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health. "Foster Home" means a residential facility that provides 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed.

"Residential Care Facility" means a group care facility for 24-hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Social Rehabilitation Facility" means a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

## 17.04.155 Conditional uses.

"Conditional use" is a use which requires special review and control by the planning commission or the city council to ensure compatibility with other existing or permitted uses in the vicinity. (Ord. 5020 § 17, 2020; Ord. 3746 § 1, 1997; Ord. 2694 § 2, 1982)

#### 17.04.160 Day care home, small family.

See Health and Safety Code Section <u>1596.78</u>. (Ord. 5039 § 1, 2020; Ord. 3964 § 2, 2000; Ord. 3226 § 1, 1989; Ord. 2694 § 1, 1982; prior code § 17.08.152)

## 17.04.165 Day care center.

"Day care center" means a child day care facility other than a family day care home, and includes infant centers, preschools and extended day care facilities. (Ord. 5039 § 2, 2020; Ord. 3377 § 1, 1991)

#### 17.04.168 Driveway.

"Driveway" means a way or place in private ownership which leads to a loading zone or legal parking space, and is used for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public. (Ord. 4521 § 3, 2008)

## **17.04.170 Dwelling, accessory unit (ADU).**

"Accessory Dwelling Unit" means an attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single-unit or multi-unit dwelling, including permanent provisions for living, sleeping, eating, cooking and sanitation. Accessory dwelling unit types include:

"Attached" means an accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or roofline.

"Detached" means an accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the existing or proposed primary dwelling.

"Converted" means an entirely located within the existing or proposed primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure.

## 17.04.180 Dwelling, accessory unit, junior (JADU).

"Junior Accessory Dwelling Unit (JADU)" means an accessory dwelling unit that is located within the living space of an existing or proposed primary single-unit dwelling, as defined in Section 17958.1 of the California Health and Safety Code, and which meets the following requirements:

1. Shall only be allowed on parcels zoned for single-unit residences and that include an existing or proposed single-unit dwelling.

- 2. Is entirely located within a existing or proposed primary single-unit dwelling.
- 3. Has independent exterior access from the primary dwelling.
- 4. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

#### 17.04.190 Dwelling, multi-unit.

"Multi-unit dwelling" is a structure, or portion thereof, designed for or occupied by two or more families, each of which occupies a separate dwelling unit in which each family lives independently of one another. (Ord. 2694 § 1, 1982; prior code § 17.08.200)

## 17.04.195 Dwelling, single-room occupancy unit.

"Single-Room Occupancy Unit" means any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, entertainment area).

#### 17.04.200 Dwelling, single-unit.

"Single-unit dwelling" means a detached building containing only one kitchen, which building is designed and used exclusively for occupancy by one family. (Prior code § 17.08.170)

#### 17.04.220 Dwelling unit.

"Dwelling unit" means a building or portion thereof containing but one kitchen, designed and/or used to house not more than one family, including all necessary employees of such family. (Prior code § 17.08.210)

## **17.04.230** Educational institution, college or university.

"Educational institution, college or university" means an institution of higher learning offering academic instruction equivalent to the standards prescribed by the State Board of Education. (Prior code § 17.08.220)

#### 17.04.235 Emergency Shelter.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to an occupancy of six months or less as defined in California Government Code Section 65582(d) and Health and Safety Code Section 50801(e).

#### 17.04.240 Family.

"Family" means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a motel, hotel, or similar use. (Ord. 3964 § 3, 2000; prior code § 17.08.230)

## 17.04.242 Farmers market.

"Farmers market" means a group of vendors or farmers that form a collective organization and are certified by the Kern County Agricultural Commissioner to sell fresh fruits, vegetables and other farm produce to the general public. This use typically occurs in the parking lot of the main business for limited durations and is considered a secondary use. (Ord. 3695 § 1, 1995)

## 17.04.245 Food vending vehicle.

"Food vending vehicle" includes any vehicle as defined in the <u>California Vehicle Code</u>, from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that "food vending vehicle" does not include a vehicle that only delivers food or beverage products ordered by home delivery customers. (Ord. 4872 § 1, 2016)

#### 17.04.250 Flood, intermediate regional.

"Intermediate regional flood" means the flood having an average frequency of occurrence of once in one hundred years which is determined from an analysis of flood records and computed hydrographs of synthetic floods. This flood is used in this title for determining the lateral boundaries of the floodplain area to be subject to floodplain regulations. (Prior code § 17.08.232)

#### **17.04.260** Floodplain.

"Floodplain" means the relatively flat area adjacent to the Kern River, in the city, which may be subject to periodic inundation by flood. (Prior code § 17.08.234)

#### **17.04.270** Floodplain primary.

"Floodplain primary" means the streambed and that portion of the adjacent floodplain through which the main waterflow is channelized during flood conditions. (Prior code § 17.08.236)

#### **17.04.280** Floodplain secondary.

"Floodplain secondary" means the fringe of the floodplain within the boundaries of the intermediate regional flood which is subject to a less severe and less frequent inundation than found in the floodplain primary in times of flooding, generally where inundation is caused by overflow and backwater which is relatively free of any current. (Prior code § 17.08.238)

#### 17.04.281 Floor area, conditioned or net.

"Conditioned or net floor area" means the total of all gross floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior parking or loading areas, other non-heated space, and all floors below the first or ground level not used for human occupancy. (Ord. 4521 § 4, 2008)

## **17.04.281.5** Floor area, gross.

"Gross floor area" means the sum of the gross horizontal area of all floors of a building from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excludes any space where the floor-to-ceiling height is less than six feet. (Ord. 4521 § 5, 2008)

#### **17.04.282** Floor area ratio.

"Floor area ratio (FAR)" is the gross floor area of all buildings on a parcel or site divided by the net parcel or site area.

FAR = total gross building floor area (sq. ft.) total net parcel/site area (sq. ft.) (Ord. 3631 § 1, 1995)

#### 17.04.285 Food and/or shelter service agency.

"Food and/or shelter service agency " means any entity, whether or not for profit, not operated by the city, county, state, or federal government, and not deemed a "residential use of property" under state law applicable to charter cities, which regularly provides lodging and/or food services providing shelter, food and/or day care free, or intentionally below cost, two or more days per week to persons in need of such assistance. For purposes of this title, the term "food and/or shelter service agency" does not include any incorporated entity providing food or shelter during any duly proclaimed emergency. (Ord. 5048 § 1, 2021; Ord. 3720 § 1, 1996; Ord. 3174 § 1, 1988)

## 17.04.287 Freeway.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access and which is declared to be a freeway as provided by the <u>Streets and Highways Code</u> of the state. (Ord. 3586 § 1, 1994)

## **17.04.288** Front foot of building occupancy.

"Front foot of building occupancy" means a single lineal dimension measured horizontally along the front of the building which defines the limits of a particular occupancy at that location. (Ord. 3586 § 1, 1994)

#### 17.04.290 Garage, private.

"Private garage" is an accessory building or portion of a building designed for and used to store or cover motor vehicles used by occupants of the attached or adjoining dwelling unit. (Ord. 2694 § 1, 1982; prior code § 17.08.240)

#### 17.04.300 Garage, public or commercial.

"Public or commercial garage" is a building other than a private garage used for the care, repair of automobiles, including the storage of such vehicles prior to sale or hire, storage or storage for remuneration. (Ord. 2694 § 1, 1982; prior code § 17.08.250)

### 17.04.305 Garage or yard sale.

"Garage or yard sale " is a sale of personal goods which is undertaken by the occupant of a residence where the garage sale occurs, which is no longer than two consecutive days in duration, nor which occurs more frequently than twice a year. (Ord. 4710 § 1, 2012; Ord. 2694 § 2, 1982)

## 17.04.310 Grade.

"Grade" (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk adjacent to the foundation of the building. If a building is within five feet of a sidewalk, said grade level shall be the finished elevation of the sidewalk surface. (Ord. 2694 § 1, 1982; prior code § 17.08.260)

## 17.04.320 Gross acreage.

Gross acreage" means the entirety of the legal lot.

#### 17.04.322 Height.

"Height" means the vertical distance measured from the finished grade of the parcel to the highest point of a building, tower, or other structure, including the base pad. (Ord. 4231 § 4, 2005)

#### 17.04.330 Home occupation.

"Home occupation" means any use or occupation for the purpose of generating income by the occupant of a dwelling. It is conducted such that it is clearly incidental and secondary to the use of the property for residential purposes and does not change the residential character of the home or neighborhood. (Ord. 3768 § 5, 1997; Ord. 2862 §§ 1—3, 1983; Ord. 2773 § 1, 1982; prior code § 17.08.280)

#### 17.04.340 Hospital, sanitarium.

"Sanitarium hospital" means any institution, place, building or agency which maintains and operates organized facilities for diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy or which maintains and operates organized facilities for any such purpose and to which persons may be admitted for overnight stay or longer. Hospital includes nursing home, maternity home and lying-in asylum. (Prior code § 17.08.290)

#### 17.04.350 Hotel.

"Hotel" means any building containing six or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or an accessory building. (Prior code § 17.08.300)

#### 17.04.352 Housing, employee, agriculture.

"Employee Housing, Agriculture" means housing provided for farmworkers. Housing consists of any living quarters or dwelling, boarding house, barracks, bunkhouse, mobile home, manufactured home, travel trailer, or

other accommodations maintained in one or more structures. Employee housing, agriculture, shall be in compliance with the California Health and Safety Code 17021.5, 17021.6 and 17021.8.

## 17.04.353 Housing, employee.

"Employee Housing" means housing provided for six or fewer employees and shall be deemed a single-unit dwelling. Residents of the employee housing must be employed by the owner of the home.

## 17.04.354 Housing, supportive.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 2, 2021)

## 17.04.355 Housing, transitional.

"Transitional housing" means buildings configured as rental housing, but operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 4, 2021)

#### 17.04.358 Hydrozone.

"Hydrozone" means a portion of a landscaped area having plants with similar water needs that are served by one irrigation valve or set of valves with the same schedule. (Ord. 4624 § 1, 2010)**17.04.360** 

**Junkyard.** "Junkyard" means the use of more than four hundred square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any public street, for the storage, keeping or abandonment of worn or discarded articles; salvageable waste such as paper, glass, wood, or metal; and dismantled or wrecked vehicles, whether self-propelled or not, and their parts. (Ord. 2694 § 1, 1982; prior code § 17.08.310)

## 17.04.365 Kennel, dog.

"Dog kennel" means any premises, building, or structure in or on which more than three dogs, at least twelve weeks of age, are harbored. (Ord. 3882 § 1, 1999; Ord. 2694 § 2, 1982)

## 17.04.367 Retail development.

"Retail development" includes any single or combination of retail establishments and shopping centers, including movie theaters and indoor recreational uses, in a single building or in separate but abutting buildings, being on one or more parcels that is planned, developed, owned, or managed as a single unit. (Ord. 5006 § 1, 2020; Ord. 4427 § 1, 2007)

#### 17.04.370 Lot.

"Lot" means a parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a street (other than an alley) or a private easement determined by the advisory agency to be adequate for purposes of access. (Ord. 3748 § 15, 1997; prior code § 17.08.320)

## 17.04.380 Lot area.

"Lot area" means the total horizontal area within the lot lines of a lot. (Prior code § 17.08.330)

#### 17.04.390 Lot, corner.

"Corner lot" is a lot situated at the junction of two or more streets whose centerlines have an angle or intersection of not more than one hundred thirty-five degrees, with a boundary line thereof bordering on each of the streets. (Ord. 2694 § 1, 1982; prior code § 17.08.340)

#### 17.04.395 Lot, flag.

A "flag lot" means a lot with two discernible portions, one is the flag portion (building site) not fronting on or abutting a street and located behind another lot; and the second is the pole portion which provides private access to and from the flag portion of the lot and the abutting street. (Ord. 4600 § 2, 2009)

#### 17.04.400 Lot, interior.

"Interior lot" means a lot other than a corner lot. (Prior code § 17.08.350)

#### 17.04.410 Lot, key.

"Key lot" is the first interior lot to the rear of a reversed corner lot whether it is separated by an alley or not. (Ord. 3824 § 2, 1998; Ord. 2694 § 1, 1982; prior code § 17.08.360)

#### 17.04.420 Lot line, front.

"Front lot line" means the right-of-way line dividing a lot from a public or private street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line. (Ord. 3837 § 1, 1998; prior code § 17.08.390)

## 17.04.430 Lot line, rear.

"Rear lot line" means the line opposite the front lot line. (Prior code § 17.08.400)

## 17.04.440 Lot line, side.

"Side lot line" means any lot lines other than front lot lines or rear lot lines. (Prior code § 17.08.410)

## 17.04.450 Lot, reversed corner.

"Reversed corner lot" means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear. (Prior code § 17.08.370)

#### 17.04.460 Lot, through.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Prior code § 17.08.380)

## 17.04.460 Low Barrier Navigation Center.

"Low Barrier Navigation Center" means a shelter focused on temporarily housing persons and connecting them with income opportunities, public benefits, and health services prior to moving to permanent housing, in compliance with Government Code Section 65660. Low barrier navigation centers must meet the diverse needs of the population by allowing and accommodating people with disabilities, pets and pet owners, partners, the storage of possessions, and for survivors of domestic violence. means a lot having frontage on two parallel or approximately parallel streets.

## 17.04.461 Marquee.

"Marquee" means a permanent roofed structure attached to and supported by a building and projecting over public or private property. (Ord. 3586 § 1, 1994)

#### 17.04.462 Masonry.

"Masonry" is that form of construction composed of stone, brick, concrete, filled concrete block or other similar building units or materials, or combination of these materials, laid up unit by unit or set in mortar. (Ord. 2694 § 2, 1982)

## 17.04.463 Medical marijuana dispensary.

"Medical marijuana dispensary" means a facility or location where marijuana is made available for medical purposes in accordance with California Health and Safety Code Section <u>11362.5</u> et seq. (Ord. 4731 § 1, 2013)

#### **17.04.464** Metal storage container.

"Metal storage container" means any structure of one hundred twenty square feet or more designed to carry cargo to be shipped by truck or rail and designed to I.S.O. Standard 668-1979(E) or equivalent, or any roll-off storage bin with a fixed cover. (Ord. 3869 § 1, 1998)

## 17.04.465 Mined land.

"Mined land" means the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which results from, or are used in, surface mining operations are located. (Ord. 3943 § 1, 1999)

## 17.04.466 Mixed-Use.

"Mixed-Use" means a development consisting of one or more parcels developed as a cohesive development project and designed with a blend of uses (e.g., commercial retail, retail service, office, residential, civic, and institutional). The uses may be located vertically in the same structure (see "Mixed-Use, Vertical" or horizontally (see "Mixed-Use, Horizontal) in separate structures in compliance with the standards established by this Title.

## 17.04.467 Mixed-use, horizontal.

"Mixed-Use, Horizontal" means any mixed-use development that incorporates two or more different use categories alongside one another, either in one mixed-use structure, or as two or more separate structures on one parcel.

## 17.04.468 Mixed-use, vertical.

"Mixed-Use, Vertical" means any mixed-use development that incorporates two or more different use categories stacked in one multi-story mixed-use structure.

#### **17.04.466** Mobile home.

"Mobile home" means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach or factory-built housing, as defined in Section <u>19971</u> of the California Health and Safety Code. (Ord. 2694 § 2, 1982)

## 17.04.467 Mobile home park.

"Mobile home park" is any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. (Ord. 2694 § 2, 1982)

## 17.04.468 Motel.

"Motel" means a group of buildings designed for use by tourists or transients with living or sleeping rooms, garages, parking spaces and related facilities advertised or offered on a commercial basis, including an auto court, motor court and motor lodge. (Ord. 2694 § 2, 1982)

## 17.04.470 Nonconforming, illegal.

"Illegal nonconforming" means a structure, use, or lot that was unlawful when constructed or established, and which does not conform to present regulations and standards. (Ord. 3741 § 5, 1997; prior code § 17.08.420)

## 17.04.472 Nonconforming lot, legal.

"Legal nonconforming lot" means a lot, its area, frontage, or dimensions, that complied with subdivision and zoning ordinances for the zone district that was in place when the lot was created, but which no longer conforms to the present subdivision and zoning ordinances. (Ord. 3741 § 1, 1997)

#### 17.04.474 Nonconforming structure, legal.

"Legal nonconforming structure" means a structure or building, its size, dimensions, setbacks, proximity to other buildings, or other location, that complied with the zoning ordinance for the zone district that was in place when the structure was constructed, but which no longer conforms to the present zoning ordinance. (Ord. 3741 § 2, 1997)

## 17.04.476 Nonconforming use, legal.

"Legal nonconforming use" means a use or activity that complied with the zoning ordinance for the zone district that was in place when the use was established, but which no longer conforms to the present zoning ordinance. (Ord. 3741 § 3, 1997)

## **17.04.485** Nonprofit organization.

"Nonprofit organization" means any organization that holds a valid nonprofit organization status document for the state or the federal government. (Ord. 3586 § 1, 1994)

#### 17.04.490 Nursery school.

"Nursery school" means the same as day nursery. (Prior code § 17.08.432)

## 17.04.491 Overburden.

"Overburden" means soil, rock or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (Ord. 3943 § 2, 1999)

#### 17.04.492 Parcel of property.

"Parcel of property" means any separate legal lot or parcel of land. (Ord. 3586 § 1, 1994)

## 17.04.493 Parking garage.

"Parking garage" means any structure for the parking of passenger vehicles for short-term or long-term periods. (Ord. 4521 § 7, 2008)

## 17.04.493.5 Parking lot.

"Parking lot" means an off-street open area solely for the parking of passenger vehicles. Such an area or portion thereof shall be considered a parking lot whether on the same lot as another use, whether required by code for any structure or use, and whether classified as an accessory, permitted or conditional use. (Ord. 4521 § 6, 2008)

## 17.04.494 Permitted use.

"Permitted use" is a use listed as such and allowed by right which only requires compliance with the zoning ordinance. (Ord. 3835 § 2, 1998; Ord. 2694 § 2, 1982)

#### 17.04.494.25 Places of assembly, commercial.

"Places of Assembly, Commercial" means a facility for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities; meeting halls for clubs, and other membership organizations.

#### 17.04.494.5 Public and Quasi-Public Uses.

"Public and Quasi-Public Uses" means a facility for public or semipublic use such as civic buildings, community buildings and uses, and public utility uses including substations, governmental buildings, museums, art galleries, fire houses, post offices, police stations, libraries, parks, essential services, and similar uses, any of which may have additional requirements to use set forth herein.

## 17.04.495 Reclamation.

"Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures. (Ord. 3943 § 3, 1999)

## **17.04.496** Recreational vehicle.

"Recreational vehicle" is a motorhome, travel trailer, track camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (Ord. 2694 § 2, 1982)

#### **17.04.498** Religious institution.

"Religious Institution" means a building, its accessory buildings and uses, where persons regularly assemble for worship, which is maintained and controlled by a religious body organized to sustain public worship. Includes Sunday school but excludes schools and other educational institutions.

## **17.04.500** Rest home or convalescent home.

"Rest home or convalescent home" means a building and premises in and on which two or more sick, injured or infirm ambulatory persons are housed or intended to be housed for compensation and which is not equipped or intended to be used as a hospital. (Prior code § 17.08.450)

#### 17.04.502 Retail establishment.

"Retail establishment" is a business engaged in selling goods or merchandise, or providing services or entertainment to the general public for personal or household use. (Ord. 4427 § 2, 2007)

## 17.04.508 Roofline.

"Roofline" means the upper exterior line of a roof or top enclosure surface and includes eaves, fascia, parapets or similar projections or extensions. (Ord. 4657 § 1, 2011; Ord. 3586 § 1, 1994)

## 17.04.515 Sanctuary.

"Sanctuary" means a religious building or room in which general worship services are held as an element of a religious institution. (Ord. 3377 § 1, 1991)

## 17.04.520 School, elementary.

"Elementary school" means all public and private schools in which instruction is given in kindergarten through sixth grade, or in any one or more such grades, or their equivalents, as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 1, 1982; prior code § 17.08.470)

## 17.04.530 School, high.

"High school" means all public and private schools in which instruction is given in the ninth, tenth, eleventh and twelfth grades or in any one or more such grades, or their equivalents as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 1, 1982; prior code § 17.08.480)**17.04.535 School, junior high.** "Junior high school" means all public and private schools in which instruction is given in seventh and eighth grades, or in any one such grade, or their equivalents, as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 2, 1982)

## 17.04.537 School, Sunday.

"Sunday school" means a school held for purposes of religious education. (Ord. 3377 § 1, 1991)

## **17.04.540** Service station.

"Service station" means a retail business establishment primarily supplying gasoline and oil and minor accessories and services for automobiles, excluding steam cleaning of motor vehicles. (Prior code § 17.08.500)

#### 17.04.545 Setback.

"Setback" means the distance measured from any point on a lot line and the main building or a covered or enclosed patio within which no structure or buildings may be placed. (Ord. 4679 § 1, 2012; Ord. 2694 § 2, 1982)

## 17.04.546 Shopping/business center.

"Shopping/business center" means a group of two or more commercial businesses planned, constructed and managed as a total entity, and may be linked together by an architectural, historical or geographic theme, or by a commonality of goods and services. These businesses function as an integral unit on a single parcel or separate parcels of property, and share off-street parking facilities, access and pedestrian ways. (Ord. 3586 § 1, 1994)

#### 17.04.547 Sign.

"Sign" means and includes every message, announcement, device, declaration, demonstration, display, illustration, insignia, advertising statuary, surface or space, including the supporting structure and component parts, erected or maintained for attraction of, attention to, identification of or advertisement of a business, profession, product or service. Exemptions to this definition are listed in Section <u>17.60.080</u>. Specific sign definitions are identified as follows:

"Abandoned sign" means a sign that includes copy that remains in place or is not maintained, for a period of ninety days or more, which no longer advertises or identifies an on-going business, product or service available on the premises where the sign is located.

"Advertising statuary" means a three-dimensional imitation, representation or similitude of a person, animal or object which is sculptured, molded or cast in any solid or plastic substance, materials or fabric and is used for advertising purposes.

"A-frame" means any sign with two or more faces or surfaces usable for advertising display, not attached to the wall of a building or structure, whether portable or affixed to the ground and commonly known as A-frame, T-frame and sandwich board.

"Animated sign" means any sign which uses movement or change of lighting to depict action, or to create a special effect or scene.

"Awning, canopy or marquee sign" means a sign that is mounted on or painted on, or attached to an awning, canopy, marquee, or other such overhang. Such signs shall be considered wall signs for the purpose of calculating allowable sign area.

"Banner, flag, pennant, streamer or balloon" means any fabric, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing or vehicle, including captive balloons and other such inflatable signs, but not including official flags of the United States, state of California and other states of the nation, counties, municipalities, foreign nations and national/international nonprofit organizations.

"Bench sign" means a bench located outdoors with advertising matter thereon.

"Building identification sign" means a sign which serves to identify individual buildings on a site to assist in providing direction to the public. Such sign does not contain commercial advertisement or business identification.

"Business identification sign" means any sign which is used to identify or advertise the occupant of a commercial or industrial business.

"Center identification sign" means any sign which is used to identify or advertise a shopping or business center as defined in this title.

"Commercial sign" means a sign which advertises a product or service for profit or for a business purpose.

"Construction or home improvement sign" means a temporary sign stating the names of those individuals, firms or corporations connected with the construction project and which is placed upon the premises where construction, repair or renovation is in progress. Said sign may include the name of the city in which their business is located and emergency telephone numbers.

"Copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

"Directional sign" means an on-premises, incidental sign designed to guide or direct pedestrian or vehicular traffic.

"Directory" means any sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

"Electric message display" means a sign displaying words, symbols, figures, images or video that is automatically controlled by mechanical, electronic, or computerized means.

"Flashing sign" means any sign which contains or is illuminated by lights which flash, scintillate, blink, travel, go on and off intermittently, change in intensity or color or is illuminated by light not providing constant illumination, also including flashing beacons or flashing arrows and parts of attachments to signs which are illuminated by such lights.

"Freestanding sign" means a sign which is supported by one or more columns, uprights, or braces in or upon the ground and not attached to a building. Monument, pylon and pole signs are considered freestanding signs.

"Freeway-oriented sign" means any pylon sign identifying premises where food, lodging and places of business engaged in supplying goods and services essential to the normal operation of motor vehicles and which are directly dependent upon an adjacent freeway.

"Future facility sign" means a temporary sign which identifies the future use or tenant, consistent with what use is permitted by the existing zoning of the site.

"Garage sale sign" means a temporary sign which announces the sale of personal used goods, furniture, or clothing at a residence by the occupant for a limited period of time. Sign may also be referred to as a yard sale or estate sale.

"Indirectly illuminated sign" means a sign whose illumination is derived entirely from a light source which is arranged so that no direct rays of light are projected from such light source into adjacent properties or public streets.

"Logo" means a symbol, design, or graphic representation which may or may not include text, which identifies a business, activity or company.

"Menuboard" means a sign similar to a readerboard which is a permanent structure upon which is displayed a menu of items for sale and may or may not include prices, of which the copy is of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

"Monument sign" means a low profile freestanding sign supported from grade to the bottom of the sign face with or having the appearance of a solid base. The width of the base shall be at least seventy-five percent of the dimension of the width of the sign face, and the area of said base shall not exceed fifty percent of the allowable area of the sign face.

"Moving sign" means any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by action of wind currents.

"Nameplate" means a small sign that contains the name and/or address of the occupant of a residence or building, and is located near or on the door of the entrance.

"Neighborhood/subdivision identification sign" means a sign which identifies a single-unit development, condominium development, or apartment complex. This type of sign also includes signs identifying public parks.

"Nonconforming sign" means a sign which was legally installed under laws or ordinances in effect prior to the effective date of this title or subsequent revisions as they pertain to signage, but which is currently in conflict with those provisions. This definition does not include signs illegally installed contrary to the laws or ordinances in effect when it was established.

"Off-premises or off-site sign" means a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"On-premises or on-site sign" means a sign that directs attention to a business, profession, product, commodity, or service that is the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"Outdoor advertising sign (billboard)" means a sign that is rented or leased for limited durations as specified by Section 17.60.070(E), has temporary or changeable copy, and is not to be used as permanent off-premises identification sign for a business or activity, and directs attention to a business, profession, product, commodity or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"Outlining of a building" means the placing and maintaining of neon tubing, fluorescent lighting, or incandescent lighting in a line marking the outer limits or edges of a building or window or roof of a building.

Such definition shall not apply to any customary Christmas lighting placed and maintained for a reasonable time during the holiday season.

"Pole banner" means a sign on a rectangular piece of lightweight fabric or similar non-rigid material that is attached on the longest side to a vertical pole, and is framed along the top and/or bottom by a solid structural unit attached to the pole to ensure that it hangs flat.

"Portable sign" means a sign not permanently affixed to the ground or a building or structure on the premises it is intended to occupy.

"Projecting sign" means an identification sign other than a wall sign, which projects more than twelve inches from and is supported by, a wall of a building or structure.

"Promotional sign" means a temporary sign that promotes an individual business's merchandise, services or products on sale, but does not include the business's name.

"Public service sign" means any sign or portion thereof intended to promote items of general interest to the community such as public events or public messages, time, temperature, atmospheric conditions.

"Pylon sign" means a freestanding sign that is supported by pylons, pillars, poles, columns, or similar structures, and that the area between grade and the bottom of the sign face is more than fifty percent open. Such sign may also be referred to as a pole sign.

"Readerboard" means a sign which is a permanent structure upon which is displayed advertising material or copy of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

"Real estate sign" means a temporary sign offering real property, personal property, or a business, or any combination thereof, for sale, lease or exchange and includes signs pertinent to open houses and property management. It does not include merchandise sold in the usual course of business.

"Residential subdivision/project directional kiosk" means an off-site sign structure with individual name panels identifying subdivisions where new home sales are taking place. Each panel informs the viewer as to the specific project and the route or change of direction of travel for potential buyers to visit the project.

"Roof sign" means an identification sign or portion thereof located on, or extending over the roof line of a building and either supported by the roof of a building or by independent structural frame. A sign which is

attached flat against the wall of a penthouse or other similar roof structure which is a part of the enclosed floor area of the building shall be considered a roof sign. Mansard type roof signs or any single-faced sign attached to or mounted upon a roof which has a slope which exceeds forty-five degrees from the horizontal plane and which does not project above the highest sight line of such roof, shall be deemed a wall sign for the purposes of this chapter.

"Rotating sign" means any sign that moves or that portion of any sign which moves or rotates in any manner.

"Shingle sign" means a sign that is suspended from a marquee, canopy, awning, or similar overhang, and is oriented to be viewed by pedestrians.

"Skyline building sign" means a wall sign comprised solely of individual letters or logo that provides long distance visual identification of a building or its primary tenant. Such sign shall only be permitted for a building that is three or more stories and shall be located on the top story or between the top story and top of the building.

"Special event sign" means a temporary sign publicizing a unique happening, action, purpose or occasion. These signs may be promotional; however, the event occurs infrequently or one time such as grand openings, clearance sales, seasonal sales, carnivals, and fund raising events.

"Temporary sign" means a sign usually constructed of cloth or fabric, cardboard, wallboard, wood, aluminum, or other light material intended to be displayed for a limited period of time.

"Vehicle sign" means an advertising display or sign that is exposed to public view, attached to, painted on, or supported from a parked or mobile automobile, truck trailer or other mobile vehicle, for the purpose of advertising a business, service or products, or directing people to a business activity, located on any private or public property, but shall not refer to standard advertising or identification practices where such sign is painted on or permanently attached to a commercial or business vehicle used in the conduct of such business.

"Wall sign" means a sign attached to, embedded in, painted on or erected against the exterior wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of the wall, and does not project more than twelve inches from the wall that is attached. Signs attached to or painted on an awning, canopy, marquee, or other such overhang shall be considered wall signs for the purpose of calculating allowable sign area.

"Window sign" means any sign painted, attached, glued or otherwise affixed to, and visibly displayed on the inside or outside of a ground floor window and facing a public street, walkway, mall or parking lot available for public use. If a window is painted or otherwise covered in that it resembles the building wall or no longer

functions to provide a view within or outside the building, then any signs within or on that space shall be considered as and subject to the minimum area permitted for wall signs. (Ord. 4953 § 1, 2018; Ord. 4489 § 1, 2008; Ord. 3755 § 1, 1997; Ord. 3586 § 1, 1994)

#### 17.04.550 Stables, commercial.

"Commercial stables" means a stable for horses to be let, hired, or used on a commercial basis. (Prior code § 17.08.510)

# 17.04.560 Stables, private.

"Private stables" means a stable for horses to be used by the owners of the property or boarded for noncommercial purposes. (Ord. 2694 § 1, 1982; prior code § 17.08.520)

#### 17.04.570 Story.

"Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or underfloor space is more than six feet above grade as defined in Section <u>17.04.310</u> of this title, for more than fifty percent of the perimeter, or is more than twelve feet above grade as defined herein at any point, such basement, cellar or underfloor space should be considered as a story. (Ord. 2694 § 1, 1982; prior code § 17.08.530)

#### 17.04.580 Story, half.

"Half story" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it. (Prior code § 17.08.540)

#### 17.04.590 Streambed.

"Streambed" means that portion of the floodplain through which the natural flow of water is channelized during normal flows. (Prior code § 17.08.545)

#### 17.04.594 Street.

"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Ord. 3586 § 1, 1994)

## 17.04.595 Street frontage.

"Street frontage" means the linear frontage of a parcel of property abutting a street. (Ord. 4601 § 1, 2009; Ord. 3586 § 1, 1994)

#### 17.04.600 Structure.

"Structure" means anything constructed, or erected, which requires location on the ground or attached to something having a location on the ground, but not including tents, vehicles, trailers or fences or walls used as fences less than six feet in height. (Prior code § 17.08.560)

# **17.04.604** Surface mining operation.

"Surface mining operation" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). (Ord. 3943 § 4, 1999)

# **17.04.606** Tandem parking space.

"Tandem parking space" means a parking space that is adjacent to the end of a legal off-street parking space, opposite the drive aisle. The orientation of the tandem parking space is the same as and only accessible through said legal off-street parking space. (Ord. 4521 § 8, 2008)

#### **17.04.608** Target population.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services

provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section <u>4500</u>) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Ord. 5048 § 3, 2021)

#### **17.04.610** Temporary promotional activity.

"Temporary promotional activity" means an activity such as an arts and/or crafts sale, petting zoo, carnival, amusement ride or rides, or similar activity conducted on the premises of an existing business or shopping center, with the permission of and to promote such business or shopping center, for a period of time not to exceed five consecutive days or ten days in any calendar year. (Ord. 2988 § 1, 1985)

#### 17.04.618 Tower.

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, television, and similar communications purposes. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (Ord. 4231 § 5, 2005)

#### **17.04.620** Trailer court or trailer park.

"Trailer court" or "trailer park" means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or trailer houses. (Prior code § 17.08.590)

## **17.04.624** Transit facility.

"Transit facility" means a public use facility designed to provide access to public transportation services that may consist of single or multimodal functions, including but not limited to, bus, bus rapid transit, trolley, and light rail, and also contains buildings or structures that provide seating and weather protection for the public using said services (Ord. 4521 § 9, 2008)

## **17.04.630** Travel trailer.

"Travel trailer" is a vehicle, other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeurs license, or both, without violating any provision of the State <u>Vehicle Code</u>. (Ord. 2694 § 1, 1982)

#### 17.04.640 Use.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. (Prior code § 17.08.600)

## 17.04.650 Use, change of.

"Change of use" means a change from one to another of the following categories:

- 1. Commercial/retail other than restaurant or convenience store;
- 2. Restaurant or convenience store;
- 3. Industrial;
- 4. Multi-unit residential;
- 5. Office, other than medical office;
- 6. Religious institution;
- 7. Hospital;
- 8. Medical office.

9. Changes from one use to another which is substantially dissimilar, as determined by the planning director. (Ord. 3746 § 1, 1997; prior code § 17.08.610)

# 17.04.653 Winery.

"Winery" means an agricultural processing plant used for the commercial purpose of fermenting and processing of fruit juice into wine, or the refermenting of still wine into sparkling wine in which the manufacturing is greater than ten thousand cases per year. Retail sales and tasting facilities of wine may be permitted as part of the winery operations. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved wastewater discharge plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5052 § 1, 2021)

## 17.04.656 Winery, boutique.

"Winery, boutique" means the manufacturing of ten thousand cases, or less, per year of still wine or sparkling wine. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved wastewater discharge plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5052 § 1, 2021)

#### 17.04.660 Yard.

"Yard" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building. (Prior code § 17.08.620)

## 17.04.670 Yard, front.

"Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shorter street frontage, except in those cases where the latest deed restrictions specify another line as the front lot line. (Prior code § 17.08.630)

### 17.04.680 Yard, rear.

"Rear yard" means an open unoccupied space on the same lot with the main building between the rear line of the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto and the rear line of the lot and extending the full width of the lot. (Prior code § 17.08.640)

#### 17.04.690 Yard, side.

"Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. (Prior code § 17.08.650)

#### 17.04.700 Zone.

"Zone" means reference to residential zones or districts, commercial or industrial zones or districts, or any other such zones or districts as set forth in Chapter <u>17.06</u> of this code. The terms zone and district are used interchangeably. (Ord. 3586  $\S$  1, 1994)

# Chapter 17.06 ZONES ESTABLISHED—ZONING MAP BOUNDARIES

#### Sections:

17.06.010	Establishment of zones—Map adopted.
17.06.020	Zoning map.
17.06.030	Boundaries adopted—Rules of construction when boundaries uncertain.
17.06.040	Uses permitted in zones.
17.06.050	Designation of zones.
17.06.060	Zoning by specific plan.

#### 17.06.010 Establishment of zones—Map adopted.

A. The location and boundaries of various zone districts are established and geographically delineated on an electronic map known as the "Official Zoning Map" of the city of Bakersfield.

B. The map, and all amendments, changes and extensions thereof, and all legends, symbols, notations, references, and other matters shown thereon shall be a part of this title and shall constitute Section <u>17.06.020</u>. (Ord. 4602 § 1, 2009; amended during 1981 codification; prior code § 17.12.010)

## 17.06.020 Zoning map.

The official zoning map of the city and amendments thereto shall be located in and maintained by the planning department. The official zoning map may be printed and available for viewing. The online electronic file is not the official map. (Ord. 4602 § 2, 2009; amended during 1981 codification; prior code § 17.12.020)

# 17.06.030 Boundaries adopted—Rules of construction when boundaries uncertain.

A. The boundaries of such zones as are shown upon the zoning map, or amendments thereto, are adopted and the specific regulations as set forth in this title for each zone and the general regulations applicable in this title are established and declared to be in effect upon all lands included within the boundaries of each and every zone as shown upon said zoning map.

B. Where uncertainty exists as to the boundaries of any zone shown on the map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, as the case may be, such lines shall be construed to be such boundaries;

2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

3. Where these rules are inapplicable, the planning commission shall determine the location of boundaries;

4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley;

5. Where any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned property;

6. All property in the city not otherwise classified and all property hereafter annexed and not zoned upon annexation, is classified as an R-1 zone. (Prior code § 17.12.030)

## **17.06.040** Uses permitted in zones.

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone, as shown upon the zoning map, except in accordance with the regulations established by this title. (Prior code § 17.12.040)

#### **17.06.050 Designation of zones.**

The several classes of zones into which the city is divided are designated as follows:

А	Agricultural zone;
A-20A	Agricultural (twenty-acre minimum lot size) zone;
A-WR	Agriculture—WR (agricultural—water recharge combining) zone;
AA	Airport approach zone;

C-1	Neighborhood commercial zone;
C-2	Regional commercial zone;
C-B	Central business zone;
C-C	Commercial center zone;
C-0	Professional and administrative office zone;
DI	Drilling island district;
FP-P	Floodplain primary zone;
FP-S	Floodplain secondary zone;
HD	Hillside development combining zone;
HOSP	Hospital zone;
M-1	Light manufacturing zone;
M-2	General manufacturing zone;
M-3	Heavy industrial zone;
MH	Mobile home zone;
MX-1	Mixed-Use Neighborhood
MX-2	Mixed-Use Transit
OS	Open space zone;
PCD	Planned commercial development zone;
PE	Petroleum extraction combining zone;
PUD	Planned unit development zone;

R-2	Limited multi-unit dwelling zone;
R-3	Multi-unit dwelling zone;
R-4	High density multi-unit dwelling zone;
R-5	Very high density multi-unit dwelling zone;
R-6	Urban Core zone;
R-S	Residential suburban zone;
RE	Recreation zone;
RH	Residential holding zone;
TT	Travel trailer park zone.

(Ord. 4991 § 1, 2019; Ord. 4938 § 1, 2018; Ord. 4820 § 1, 2015; Ord. 4602 § 3, 2009; Ord. 3477 § 6, 1992; Ord. 2695 § 1, 1982; prior code § 17.12.050)

#### **17.06.060** Zoning by specific plan.

Notwithstanding any other provision of this title or provision of state law, a specific plan adopted pursuant to Article 8 of Chapter 3, Division 1 of Title 7 of the Government Code (Section <u>65450</u> et seq.) and including those matters specified in Section 64451 thereof, may if so designated upon adoption by the city council, constitute zoning standards and regulations for and establish the zone districts, permitted uses and conditional uses for, the area covered by the plan. (Ord. 3046 § 1, 1986)

# Chapter 17.08

# GENERAL REGULATIONS INCLUDING SITE PLAN REVIEW

17.08.010	Applicability.
17.08.020	Conflicting regulations.
17.08.030	Less restrictive uses prohibited.
17.08.040	Determination of use.
17.08.050	Prohibited uses.
17.08.060	Site plan approval required.
17.08.070	Exemptions from site plan review.
17.08.080	Site plan approval process.
17.08.090	Overlooks into residential rear yards.
17.08.100	Dwellings to face access other than alley.
17.08.110	Height of buildings—Roof structures, chimneys and towers.
17.08.125	Street setback exceptions—Front and side yard.
17.08.130	Accessory buildings.
17.08.140	Design standards for retail developments.
17.08.150	Special dwelling setbacks.
17.08.160	Through lots—Designation of front lot line.
17.08.170	Yard encroachments.
17.08.175	Clear sight view.
17.08.180	Fence, walls and hedges—Regulations.
17.08.190	Conditional zoning.
17.08.200	Drilling for and production of petroleum.
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17.08.210 Approval of development entitlement conditioned on indemnification of city.

# 17.08.010 Applicability.

The provisions of this chapter are general provisions that apply to development within the city in accordance with the requirements herein. (Ord. 3835 § 3, 1998; prior code § 17.52.010)

# **17.08.020** Conflicting regulations.

Where any provision of this title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern; provided, however, that where a subdivision has been approved by the planning commission and the city council under the provisions of Chapter <u>16.36</u> of this code, then the approved standards for streets and

highways, alleys, easements, blocks, lots, yards, pedestrian ways and access shall be considered as requirements of the zoning ordinance. (Prior code § 17.52.020)

## 17.08.030 Less restrictive uses prohibited.

The express enumeration and authorization in this title of a particular class or building, structure, premises or use in a designated zone shall be deemed a prohibition of such buildings, structure, premises or use in all zones of more restrictive classification, except as otherwise specified. (Prior code § 17.52.030)

#### **17.08.040** Determination of use.

A. Uses permitted other than those specifically mentioned in this title as: (1) uses permitted; (2) uses permitted subject to a director review and approval; or (3) uses permitted subject to the approval of a conditional use permit, in each of the zone districts may be permitted therein subject to the approval of a determination of use.

B. "Determination of use" in this section refers to establishing whether a use that is not included in the applicable zone district use schedule and is not reasonably similar to uses identified within the applicable use schedule can be allowed nonetheless. In such cases, an applicant shall submit an application for determination of use to the planning department for processing, which will be referred to the planning commission for review and approval.

C. The applicant shall submit a completed application form, a completed operational statement, pay a fee as determined by the council, and such information necessary to discern the exact nature and extent of the requested use as may be required by the planning director.

D. The planning department shall schedule the request for determination of use to the next available regular meeting of the planning commission for public hearing.

E. The decision on the determination of use shall provide the applicant with a written explanation, that includes, at a minimum:

1. A definition of the proposed use, which may include edit of or insertion into previously existing definitions; and

2. A classification of the use within the use schedule of the zoning ordinance for all applicable zone districts; and

3. The classification of the use which can be determined to be a prohibited use, a permitted use, a permitted use subject to a director's review and approval, and/or a permitted use subject to the approval of a conditional use permit; and

4. In all cases where a use is permitted to be established, the planning commission must make the findings that the determination of use is:

a. Consistent with the purpose and intent of the zone district(s) and underlying general plan land use designation(s) as assigned, and

b. Not more detrimental to the public peace, health, safety or welfare of the community than the permitted or conditionally permitted uses specifically mentioned for the respective zone(s), and

c. Similar to and compatible with other uses allowed or conditionally allowed in the designated zone district(s).

- F. The determination of use may require:
  - 1. Additional entitlements be approved prior to the establishment of the use; and/or
  - 2. Operational limits to the use; and/or
  - 3. Development requirements to the use as a component of those entitlements.

G. The planning director shall cause a list of such determinations and entitlements to be maintained and shall periodically initiate an amendment to the zoning ordinance to incorporate such changes into the zoning ordinance.

H. Determination of use shall be processed in accordance with public hearing procedures established by Section 17.64.050 and be subject to the findings required by subsection (E)(4) of this section.

I. The decision of the planning commission may be appealed to the city council consistent with Section <u>17.64.090</u>. (Ord. 5008 § 1, 2020; prior code § 17.52.040)

#### 17.08.050 Prohibited uses.

- A. The following uses are specifically prohibited within any zone district:
  - 1. Medical marijuana dispensary.
  - 2. Commercial cannabis activity.

B. Other uses may also be prohibited, provided such uses are, in the opinion of the planning commission, more detrimental to the public peace, health, safety or welfare of the community than the uses specifically mentioned for respective zone(s). (Ord. 5008 § 2, 2020; Ord. 4918 § 2, 2017; Ord. 4731 § 2, 2013; prior code § 17.52.050)

#### **17.08.060** Site plan approval required.

No person shall undertake, conduct, use or construct, or cause to be undertaken, conducted, used or constructed, any of the following without first obtaining site plan approval: any change in the actual use of land or improvements thereon, including, but not limited to, the construction of any improvements which require a building permit, enlargement, reconstruction or renovation of improvements; provided, however, site plan approval may be consolidated with other discretionary approvals such as conditional use permits and planned commercial developments. (Ord. 3835 § 6, 1998)

#### **17.08.070** Exemptions from site plan review.

The following are specifically exempt from and do not require site plan approval:

A. Uses allowed as permitted uses in the R-1, R-S, RH, A, A-20A, FP-P and FP-S zones;

B. Normal maintenance and repair of improvements and exterior remodeling not requiring a building permit;

C. Interior improvements which do not involve changes to the exterior of a building or a change of use or intensity of use;

D. Subdivision of land;

E. Change of use of an existing building from a permitted use of one class or type to a permitted use of a different class or type not associated with the enlargement of space or modification of development standards, zoning regulations or policies;

- F. Parking lot restriping/redesign;
- G. Outdoor advertising signs;
- H. Wireless telecommunication facilities in accordance with Chapter <u>17.59</u> of this code;
- I. Metal storage containers;
- J. Utility buildings and structures (unoccupied);
- K. Carports;
- L. Paint booth additions;
- M. Classroom additions to religious institutions;
- N. Farmers market;
- O. Used car sales where lot is already improved;
- P. New surface parking lot;
- Q. Additions of accessory buildings on a developed commercial or industrial site;
- R. Equipment/contractor storage yards where there are no buildings or employees;
- S. Fallout shelter. (Ord. 4231 § 6, 2005; Ord. 3835 § 6, 1998)

#### **17.08.080** Site plan approval process.

A. *Application*. The application shall consist of a fee, based upon a schedule adopted by the city council, one legible copy of the application form and two legible copies of a site plan showing the intended use of all buildings to be constructed, elevations and floor plans, and a list of off-site improvements to be constructed in accordance with city ordinances and standards. The application shall also include sufficient information to determine whether the proposed project is consistent with the general plan and zoning ordinance as implemented by adopted city regulations and all information necessary to determine if the project is subject to review pursuant to the California Environmental Quality Act (CEQA), as determined by the planning director. All applications shall consist of the following:

1. *Application Form.* The application form shall be provided by the planning director and shall be filled out to the satisfaction of the planning director;

2. Check List. Hazardous materials compliance check list as required by the city fire marshal;

3. *Site Plan.* The site plan shall be neatly dimensioned and drawn to an appropriate scale (preferred scale is one inch equals twenty feet) with a minimum size of eight-and-one-half inches by eleven inches and shall depict the subject parcel. The site plan shall indicate the location of the site, project address, location of all existing improvements, the type and location of all proposed improvements, type and location of all improvements proposed to be demolished or constructed, all existing and proposed uses on-site and all evidence of a mappable nature which may be required, including:

a. Location, height and material of existing and/or proposed fences and walls,

b. Location of off-street parking, the number of required parking spaces, the number of provided parking spaces, and the number of and location of handicapped spaces, type of paving, direction arrows depicting traffic flow, parking dimensions, and total parking lot square footage,

c. Location and type of parking lot lighting, including pole locations, pole height, light source, illumination level and fixture types,

d. Locations and width of drive approaches,

e. Method of stormwater disposal,

f. Location of existing and/or proposed public improvements (such as curbs, gutters, sidewalks, sewers, utility poles, fire hydrants, street lights, traffic-control signing, traffic signal devices, specific plan lines for streets and highways, etc.),

- g. On-site drainage and method of sewage disposal,
- h. Location of trash refuse area,
- i. Landscaped areas,
- j. Summary of all proposed buildings, including:
  - i. Total gross floor area,
  - ii. Number of floors and square footage per floor,
  - iii. Existing use or uses of the building(s) and their respective square footage,
  - iv. Proposed use or uses of the building(s) and their respective square footage,
  - v. Required and provided parking ratios for each building;

k. Elevations and floor plans, including description of room use, of all proposed or existing buildings or additions to existing buildings. In the case of building additions, the plans shall clearly show existing and proposed areas and any areas proposed for demolition;

4. *Landscape Plan.* The applicant shall provide a landscape plan as set forth in Chapter <u>17.61</u> of this code which demonstrates the project complies with the requirements of that chapter and/or landscaping requirements set out in the zoning ordinance or specific plans for that area;

5. *Environmental Information*. The applicant shall provide such information as may be required by the planning director in satisfaction of the requirements of the California Environmental Quality Act (CEQA);

6. *Additional Information*. The applicant shall provide any other information as required by the planning director that is necessary to ensure that the project can be adequately evaluated;

7. *Fees.* The applicant shall pay a fee not to exceed the cost of processing and reviewing the plan as set forth in Chapter 3.70 of this code.

B. Procedure.

1. *Acceptance*. Applications shall be submitted to the planning director. Within thirty days, the planning director shall determine whether the application is complete and conforms to these requirements. No application shall be deemed complete unless the project is consistent with the general plan and zoning ordinance as implemented by adopted regulations of the city. If the application does not conform to the requirements of this chapter or is inconsistent with the general plan or zoning regulations, the planning director shall notify the applicant what additional requirements or applications may be necessary to comply with this section. If the application is complete, he/she shall accept it for processing.

2. *Referral and Review*. After the application is deemed complete, the planning director shall transmit one copy of the application to the site plan review committee which is established and shall consist of the planning director, building director, fire chief and public works director, or their designated representatives. The site plan review committee shall review and provide comments on such application to the planning director.

3. *Environmental Review*. The planning director shall conduct CEQA review pursuant to CEQA implementation guidelines and state law if the project is subject to CEQA.

4. *Approval.* After considering the recommendations from the site plan review committee and the planning director, and after approving any necessary CEQA documents, the development services director may approve, conditionally approve or deny the site plan. The development services director may impose time limits within which specified improvements shall be installed. Failure to complete installation of such improvements within the specified time limit shall void both the site plan approval and any building permit issued. A site plan may only be denied if the proposed project does not comply with city codes, standards or policies, or CEQA. The action of the development services director approving or denying site plan, if not appealed as provided hereinafter, shall be final.

5. *Building Permit Review*. Upon submittal by the applicant for a building permit for a project for which site plan approval has been given, the building director will transmit a copy of the construction plans to the site plan review committee who will review the plans for compliance with the conditions, requirements and mitigation measures imposed on the site plan. If the committee determines the applicant has not complied with one or more of the applicable codes, standards, mitigation measures or other conditions imposed by the development services director, the planning director shall notify the applicant in writing that the plans will be suspended from further processing until such compliance is satisfied. No certificate of occupancy shall be issued by the building director until all conditions, requirements and mitigation measures imposed on the site plan have been accomplished.

6. *Commencement of Construction.* No development or construction, including grading, for which site plan approval is required, may begin until the process set forth in this chapter has been completed, the time period for appeal has expired, and all other permits and licenses required for the project to commence have been obtained.

#### C. Revisions to Applications.

1. *Revisions Prior to Decision.* The applicant may submit revisions to the site plan application at any time before the site plan is approved or denied. The planning director may determine that the revisions require study by the staff or comment by one or more city departments and/or other public agencies, or further CEQA review, and may therefore reprocess the application as necessary, including recirculating any environmental document for public comment.

2. *Revisions After Denial of the Site Plan.* The applicant may resubmit the proposal with revisions together with any required processing fees. Such resubmittal shall be acted upon in the same manner as the original application.

3. *Revisions After Approval of the Site Plan.* At any time after approval, but before the approved site plan expires, the applicant may submit revisions to the plan. Such revisions shall be acted upon in the same manner as the original application; provided, however, minor revisions resulting from physical obstacles, compliance with conditions or mitigation measures, or other comparable constraints may be approved by the planning director. Revisions as provided in this subsection shall not extend the time the site plan expires.

D. *Expiration of Site Plan.* Approved site plans shall expire unless building permits have been issued on the project, or on projects not requiring a building permit construction has commenced on-site, within two years of the date of approval and the entire project completed not more than five years from the date of approval of the site plan. Time requirements may be extended for a period of one year by the planning director through resubmittal of final plans for check against current code requirements and/or written justification for the requested extension. No fees will be levied for such a compliance check and extension. Changes to the plans originally approved for purposes other than code requirements shall require an application for revisions pursuant to this chapter. Upon expiration of the building permit, a new site plan approval must be obtained. In any event, such site plan shall expire upon the rezoning of the site following approval of the site plan unless the proposed use is a permitted use in the subsequent zone.

#### E. Appeal Procedure.

1. Any person not satisfied with the decision of the development services director may, within ten days of the date of that decision, appeal to the city planning commission by filing a written notice of appeal and payment of fees with the planning director setting forth the precise basis and issues on appeal and requesting a hearing thereon. The planning commission shall, as soon as possible, hold a noticed public hearing thereon. Only appeals of issues subject to review by the planning commission will be accepted for filing.

2. Notice of the date, time and place of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property, the owner's duly authorized agent, the project applicant, and the appellant. Notice shall also be mailed to every person filing with the planning director a written request for notice, and those within the noticed area if the site plan was initially subject to a public hearing.

3. Review by the planning commission of an appealed site plan is limited to a determination of whether or not an adopted development standard, zoning regulation, or policy applied or not applied to the project was done consistent with authority granted by city ordinance. No authority is granted to add, delete, change or modify adopted standards, regulations or policies except as required to comply with conditions necessary to mitigate unavoidable environmental impacts. After hearing the appeal, the planning commission may deny, grant or partially grant the appeal by directing changes to the project or to the CEQA document adopted or to the mitigation measures as necessitated by their findings regarding the issues appealed. All findings, CEQA determinations and conditions made by the development services director not appealed to the planning commission shall remain in full force and effect and shall not be modified by the planning commission. The decision by the planning commission shall be final.

4. Any person not satisfied with the decision of the planning commission may, within ten days of the date of that decision, appeal to the city council. All procedures for notice, review of the appeal, and the holding of the public hearing within subsection  $\underline{\mathbf{E}}$  shall also apply to the city council.

5. Failure to file an appeal within the time period prescribed therefor shall be deemed a waiver of the right of appeal. (Ord. 4939 § 9, 2018; Ord. 4714 § 1, 2012; Ord. 3835 § 6, 1998)

## **17.08.090** Overlooks into residential rear yards.

A. The intent of this section is to provide a reasonable degree of privacy to and screening of residential rear yards adjacent to multistory office, commercial, industrial, apartment or condominium structures. Screening shall only apply to the rear yard of the impacted residential property, being defined as a three-dimensional area measured horizontally between the rear property line and the residential structure, and measured vertically between the grade of the residential structure's foundation and a plane five feet above such grade. This section

does not intend to provide a total screening of the affected yard area, or the affected residence's building walls and windows.

B. Screening shall apply to overlooks from all windows, balconies, and decks from the second floor and above, in office, commercial, industrial, apartment or condominium structures containing three or more units that are within one hundred fifty feet of property zoned for R-1, R-S, MH, PUD projects and condominium projects of a single-unit character with private rear yards. This section shall not apply to overlooks from buildings to yards within the same planned unit development projects.

C. If a building subject to this section begins construction and the property within one hundred fifty feet of it in the above cited residential zones is vacant, then it shall not be required to screen that vacant property from its view.

D. Where a project has a severe overlook problem because of topography, height of structure or other unusual conditions, the building and planning directors may require a landscape plan to provide a long term screening solution (effective within five years) within three hundred feet of property zoned R-1, R-S, MH, PUD projects and condominium projects of a single- unit character with private rear yards.

E. Where a project falls under the provisions of this section, a conceptual screening plan shall be submitted with the site plan review application. Where possible, the screening plan shall incorporate the use of landscaping.

F. The decision as to what is a reasonable degree of privacy and a reasonable plan to accomplish such privacy shall be determined by the building and planning directors. In making such decision, the directors shall consider the following factors:

- 1. Topography and zoning of neighboring properties;
- 2. Design alternatives;
- 3. Cost;
- 4. Timing of development;
- 5. Building code and fire safety regulations;
- 6. Other factors determined to be significant by the directors.

G. Methods which may be used to accomplish screening include, but are not limited to:

- 1. No windows, balconies or decks facing the affected residential property;
- 2. Windows with sills a minimum of five feet above the floor;
- 3. Translucent glass;
- 4. Wing walls;
- 5. Louvers appropriately directed;
- 6. Landscaping;
- 7. Awnings when used as an interim screening in connection with a permanent landscaping plan;
- 8. Other design solutions which accomplish essentially the same results as determined by the directors;

9. Separation of the multistory building from the closest portion of the yard being protected by a minimum distance of one hundred fifty feet measured horizontally. (Ord. 3835 § 6, 1998)

#### **17.08.100** Dwellings to face access other than alley.

A. Except where otherwise provided for in this title, every dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement of passageway other than an alley.

B. Such easements shall be not less than ten feet in width. (Prior code § 17.52.100)

# 17.08.110 Height of buildings—Roof structures, chimneys and towers.

A. No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment; towers, steeples, roof signs or other structures shall exceed the height limit provided in this title.

B. Flagpoles, public utility poles and lines, chimneys and smokestacks may extend not more than thirty feet above the height limit provided in this title; provided, that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. Wireless telecommunication facilities, including antennas, satellite dish antennas, and towers shall be subject to the provisions of Chapter <u>17.59</u> of this code. (Ord. 4231 § 7, 2005; prior code § 17.52.110)

#### **17.08.125** Street setback exceptions—Front and side yard.

Where more than fifty percent of the lots along the same side of a street within the same block contains existing buildings having setbacks from the street less than the required minimum specified by the zone district in which the buildings are located, any new building may be set back a distance equal to the average setback of the existing buildings. However, in no instances, shall any building be required to be located more than the minimum setback specified by the zone district. (Ord. 4753 § 1, 2013; Ord. 3463 § 1, 1992; Ord. 2696 § 2, 1982)

#### 17.08.130 Accessory buildings.

A. Accessory buildings or structures may be located within an interior side or rear yard area in any residential zone district or project of a residential nature provided they do not exceed a height of seven feet and/or an area of one hundred twenty square feet.

B. Accessory buildings or structures exceeding a height of seven feet and/or an area of one hundred twenty square feet in any residential zone district or project of a residential nature, shall not be located nearer than five feet to any interior side or rear property line.

C. Accessory buildings and structures in commercial and industrial zone districts shall be subject to all development standards of that zone district.

D. No accessory buildings or structures shall be located within any required street side yard or front yard area. Fountains, ponds and other decorative water features, and garden/art decorations are exempt from this subsection provided that they do not exceed a height of six feet. Flag-poles are also exempt and are subject to the regulations in subsection <u>B</u> of Section <u>17.08.110</u>. (Ord. 4680 § 1, 2012; Ord. 3964 § 5, 2000; Ord. 2696 § 3, 1982; prior code § 17.52.130)

#### **17.08.140** Design standards for retail developments.

A. *Purpose*. Bakersfield is concerned with the future design of its commercial areas, specifically with the growth of retail developments. At the same time, it is important to encourage economic development. These

standards help mitigate unwanted design, while encouraging developers to incorporate good community architecture that enhances the city's character and quality of life. In addition to the requirements herein, all landscaping projects shall adhere to that certain Model Water Efficient Landscaping Ordinance (MWELO) as adopted in California Code of Regulations, Title 23, Chapter 2.7 of this code as adopted by the state.

#### B. Applicability.

1. These standards shall apply to all retail developments throughout the city within all commercial zone districts, and all nonresidential zones where the development contains retail commercial components, including but not limited to planned unit development zones, industrial zones, and recreation/open space zones. These standards also apply to all specific plan areas unless the plan has standards that are more restrictive. In Northeast Bakersfield, the building design standards in subsection  $\underline{C}$  of this section shall apply to all commercial and industrial projects, regardless of size, which are subject to site plan review.

2. These standards are in addition to any other development requirements as required by this title, including but not limited to zone district regulations, signs, parking, landscaping, and accessory uses.

#### 3. Expansion to Existing Retail Developments.

a. An addition to an existing retail development that was initially subject to these standards shall be required to comply with the requirements of this section.

b. An addition to an existing retail development that was not previously subject to the requirements of this section is required to comply with this section if the gross floor area of such establishment as a single expansion or cumulatively is increased by fifty percent or more, or exceeds fifty thousand square feet.

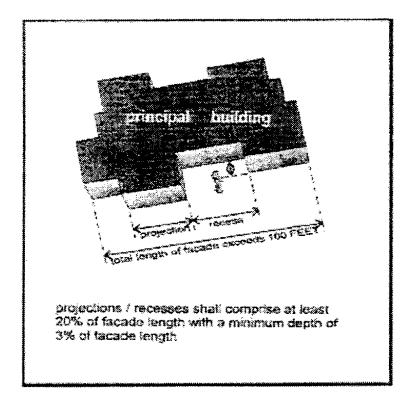
4. Reference may be made in this subsection to specific geographic areas, which are defined as follows:

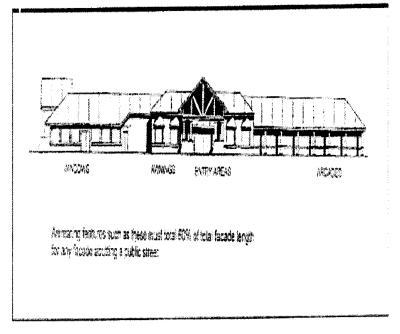
a. Northeast Bakersfield includes all lands east of Fairfax Road (and any northern extension thereof) and north of the Union Pacific Railroad that parallels Edison Highway.

#### C. Building Design Standards.

1. Exterior building walls and facades over one hundred feet in length shall incorporate wall plane projections or recesses with a depth of at least three percent of the length of the facade and extending along at least twenty percent of the length of the facade. No facade shall have an uninterrupted length of

flat wall that exceeds one hundred horizontal feet. Facades that face public streets shall include arcades, display windows, entry areas, or other such permanent features along no less than sixty percent of their horizontal length.



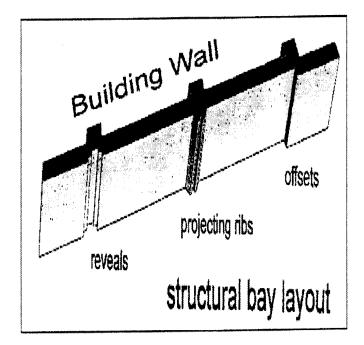


**Building Facades** 

2. All building facades must include no less than three of the following elements. At least one of the elements (subsection (C)(2)(a), (C)(2)(b) or (C)(2)(c) of this section), shall occur horizontally. All elements shall occur at intervals of no more than thirty feet, either horizontally or vertically.

- a. Color change;
- b. Texture change;
- c. Material change;

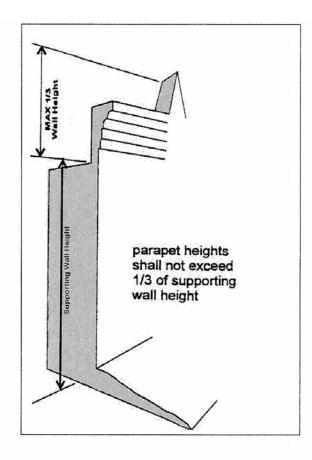
d. An expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib, or other architecturally appropriate feature.



Expression of Architectural or Structural Bay

3. In multiple building developments, each individual building shall include prominent architectural characteristics shared by all buildings in the center so that the development forms a cohesive sense of place.

4. Rooflines shall be varied with a change in height every one hundred linear feet of the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs of the roofline are acceptable. If parapets are used, they shall not at any point exceed one-third of the height of the supporting wall. All parapets shall feature three-dimensional cornice treatment.



Parapet Standards

5. Exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, and other native stone, manufactured stone (realistic), wood, glass, decorative metal elements, and tinted/textured concrete masonry units, including stucco and synthetic stucco-type materials.

a. For projects in Northeast Bakersfield, building materials consisting of river rock, native stone, cobblestone, ledge stone, rough-sawn timbers, and logs, either as a single element or combination thereof, shall be used as the predominant theme throughout the project area.

6. Primary facade colors shall be low reflectance, subtle colors over primary, bold or dramatic colors. The use of reflective metallic or fluorescent colors is discouraged. However, building trim and accent areas may feature brighter colors, including primary colors. Paint applied over brick, stone and concrete is prohibited. a. For projects in Northeast Bakersfield, the predominant color palette shall consist of earth- and natural-toned colors that blend with the surrounding area. A variety of these colors is encouraged to allow individuality but maintain a cohesive sense of place for the entire center.

7. Finished exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels as a major component (more than fifty percent) of each façade or exterior wall.

#### 8. Entryways.

a. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, at least two sides of the retail development shall feature customer entrances. The two required sides shall be those planned to have the highest level of public pedestrian activity. One of the sides shall be that which most directly faces a primary public or private street with pedestrian access. The other may face a second street with pedestrian access or the main parking lot area if there is no second street. All entrances shall be architecturally prominent and clearly visible from the abutting public street.

b. Public entrances must include architectural elements that emphasize the entry. Each retail development on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

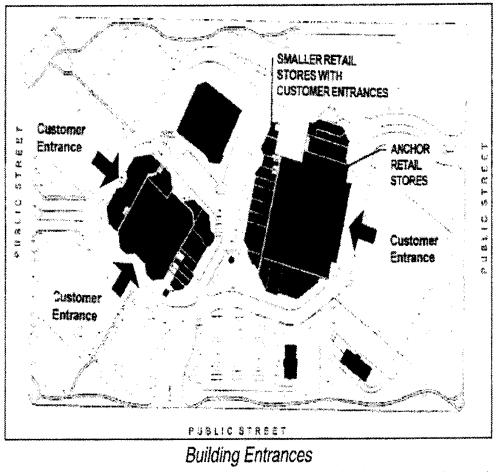
- i. Canopies or porticos;
- ii. Overhangs;
- iii. Recesses/projections;
- iv. Arcades;
- v. Raised corniced parapets over the door;
- vi. Peaked roof forms or towers;
- vii. Arches;
- viii. Plazas or outdoor patios;

ix. Display windows;

x. Fountains or other water features;

xi. Architectural details such as tile work and moldings that are integrated into the building structure and design;

- xii. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- c. Weather protection elements shall be provided at all public entrances.



(example of a development with customer entrances on all sides that face a public street)

D. Parking Lot Design.

1. Where minimum parking requirements are fifty or more spaces, no more than sixty percent of the offstreet parking area for the entire area of land devoted to the retail development shall be located between the front facade of the retail development and the abutting streets unless the parking lots are screened from view by other freestanding pad buildings, or landscaping with trees and incorporating berms, retaining walls, hedges, or combination thereof at least four feet high, plazas, water elements, or other such features that diminish the visual impression of a mass parking lot from the public rights-of-way. Option 2 shall include the planting of shrubs between the wall and the sidewalk.

2. Where minimum parking requirements are fifty or more spaces, parking lots shall be divided into sections of two hundred spaces or less with internal pedestrian walkways, buildings or landscaped open areas. Pedestrian ways shall be subject to the provisions of subsection  $\underline{E}$  of this section.

3. Areas for bicycle parking shall be provided throughout the center and shall not interfere with pedestrian walkways when required by building code.

4. If shopping carts are to be provided, cart corrals shall be installed and generally distributed across parking area.

#### E. Pedestrian Circulation.

1. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, meandering sidewalks at least six feet in width shall be provided along all sides of the retail development that abuts a public street.

2. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, continuous internal pedestrian walkways, no less than six feet in width, shall be provided from a public sidewalk or right-of-way to the principal customer entrances of all retail developments on the site, including all freestanding pad buildings. Pedestrian walkways shall link all buildings in the development. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty percent of the length of the walkway. Use of decorative arbors, freestanding arcades or other weather protection structures is permitted.

3. Sidewalks, no less than six feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

4. All internal pedestrian walkways shall be clearly distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

5. Parked vehicles shall not overhang into any pedestrian walkways.

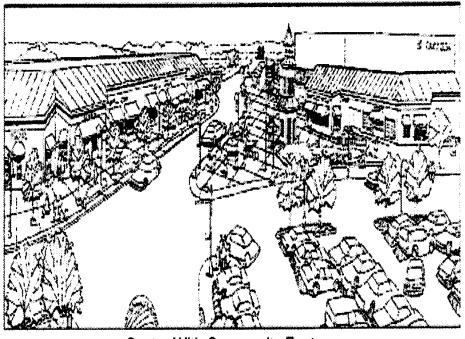
6. Pedestrian access to adjacent residential neighborhoods shall be provided where local streets abut the project. This access shall connect directly to focal points in the project such as, but not limited to, community/public spaces, main building or store entries, or transit stops without traversing through loading areas, buildings rears, etc. These pedestrian walkways shall be clearly distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. *Central Features and Community Space*. For projects exceeding twenty thousand square feet of gross floor area, and/or two and one-half acres of net buildable area, each retail establishment subject to the standards in this section shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- 1. Pedestrian plaza or patio with seating;
- 2. Transportation/transit center;
- 3. Covered window shopping walkway along at least seventy-five percent of primary building;
- 4. Outdoor playground area;
- 5. Water feature;
- 6. Clock tower;

7. Any other such deliberately shaped area and/or focal feature or amenity that enhances the community and public spaces of the center.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Center With Community Features

G. Delivery/Loading and Solid Waste Operations for Projects Exceeding Fifty Thousand Square Feet of Gross Floor Area and/or Five Acres of Buildable Area.

1. No delivery, loading, trash removal or compaction, or other such operations shall be within thirty feet of any properties zoned or developed with residential uses.

2. In addition to compliance with the noise level performance standards table in the noise element of the Metropolitan General Plan for exterior daytime/nighttime exterior noise levels, other than trash removal by the city or its contractors, all loading, unloading, delivery, private refuse collection and related operations shall not be permitted between the hours of ten p.m. and seven a.m. adjacent to any land zoned or developed with residential uses. These activities may occur if the developer submits evidence to the city that sound mitigation will reduce the noise generated by such operations to less than three dBA above the measured background noise level at the same period for any three continuous minutes in any hour during the operation as measured at the property line adjacent to said residential lands. Evidence of compliance must include background data (without the subject equipment operating) at said property line for the subject period, modeling results or test data from the proposed equipment, or noise data gathered from a similar location if approved by the city.

3. Loading docks shall include separate walls for noise attenuation adjacent to residential areas and be screened with landscaping (evergreen trees twenty feet on center) so the loading docks are not visible from residential areas or public streets.

4. Trash pickup areas shall not be visible from public streets unless the enclosure areas are architecturally designed matching the design of the center.

H. Storage, Seasonal Sales, Miscellaneous.

1. Storage of materials and merchandise is prohibited unless screened in accordance with this title, including use of landscaping. Vending equipment and shopping cart storage areas must be screened from public view and not impede pedestrian ways.

2. Seasonal sales of merchandise shall not be permitted in any required parking area but shall be within a screened area dedicated for such use.

3. Truck trailers shall not remain on the site for more than forty-eight hours (loading and unloading only). Truck or trailer storage, or use of trailers for product storage is prohibited.

4. Metal storage containers as defined in Section <u>17.04.464</u> and any other portable storage containers for permanent or temporary use, except for construction and/or remodeling purposes, are prohibited. (Ord. 5006 § 2, 2020; Ord. 4943 § 1, 2018; Ord. 4617 §§ 1, 2, 2010; Ord. 4603 §§ 1, 2, 2009; Ord. 4427 § 3, 2007)

# **17.08.150** Special dwelling setbacks.

A. No dwelling or any part thereof shall be placed or constructed within fifty feet of any lot which adjoins property zoned agricultural or residential suburban, unless the property upon which the dwelling is placed or constructed is itself within one of the said zones.

B. No dwelling or any part thereof shall be placed or constructed within thirty feet of any freeway or railroad right-of-way,

C. The provisions in subsections <u>A</u>. and <u>B</u>. of this section shall not apply to accessory buildings; setbacks of said accessory buildings shall be subject to Section <u>17.08.130</u>. (Ord. 3520 § 2, 1993; prior code § 7.52.145)

## **17.08.160** Through lots—Designation of front lot line.

On through lots, the front lot line shall be designated by the planning director. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the property is located. (Ord. 2696 § 4, 1982; prior code § 17.52.150)

## 17.08.170 Yard encroachments.

Where yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

A. Cornices, canopies, carports, eaves, patio or porch covers, or other similar architectural features not providing additional floor or interior space within the building may extend into a required side yard not to exceed two feet or rear yard not to exceed three feet. This encroachment may include structural supports to the ground, however, the open area of the longest wall and one additional wall of a carport, patio, porch or similar enclosure shall be equal to at least sixty-five percent of the area of each wall. Openings may only be enclosed with insect screening or similar material that allows unrestricted outside air circulation.

B. Open unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, with the exception of guard rails as may be required by the building director, may extend into any front, side or rear yard not more than six feet.

C. Detached accessory buildings may occupy side and rear yards as provided in Section 17.08.130.

D. Carports, patios, porches, or similar enclosures that provide covered space constructed before January 1, 1988 shall be deemed legal nonconforming structures subject to the provisions of Chapter <u>17.68</u> of this code. The building director shall make the final determination as to the age of said structures. (Ord. 3826 § 1, 1998; Ord. 2817 § 1, 1983; Ord. 2696 § 5, 1982; prior code § 17.52.160)

### 17.08.175 Clear sight view.

A. On all corner lots located on uncontrolled intersections, no obstruction to motor vehicle driver views in excess of three feet higher than curb flow line grade shall be placed on any corner or reversed corner lot within a triangular area formed by the intersecting street curblines and a line connecting them at points sixty feet from their intersection point.

B. On all lots abutting an alley or driveway, no obstruction to sight view shall be permitted within the triangular area formed by the alley or driveway edge and edge of the sidewalk closest to the interior property line, or the street right-of-way line in the absence of a sidewalk, and a line connecting them at points ten feet from their intersecting point.

C. Motor vehicle driver site distance at controlled intersections shall be maintained in accord with the following design standards:

Design speed (mph)	20	30	40	50	60
Minimum corner intersection sight distance (feet)	200	300	400	500	600

Corner sight distance measured from a point of the minor road at least fifteen feet from the edge of the major road pavement and measured from a height of eye of three and three-quarters feet on the minor road to a height of object of four and one-half feet on the major road. The location of the object to the left of the minor street is to be measured at twelve feet from the nearside edge of the major road with parking or six feet from the nearside edge of the major road without parking. The location of the object to the right of the minor road is to be measured at one-half the major street width plus three feet from the nearest edge of the major road. (Ord. 3169 § 1, 1988; Ord. 2883 § 1, 1983; Ord. 2696 § 6, 1982)

### 17.08.180 Fence, walls and hedges—Regulations.

A. In the R-1, R-2, R-3, R-4, R-5, R-6, MX-1, and MX-2 zones, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet unless a greater height is required by city or state regulations for noise attenuation or sight screening. On all through lots located in these zones in which the rear lot line abuts a state highway, major highway or secondary highway and is below the grade of the roadway, at the roadway grade, or less than ten feet above the roadway grade, a masonry wall as defined by Section <u>17.04.462</u> shall be provided.

B. In the R-1, R-2, R-3, R-4, R-5, R-6, MX-1, and MX-2 zones, no fence, wall or hedge located in the required front yard shall exceed a height of four feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of six feet:

1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.

2. Where, as determined by the city council, planning commission, or planning director, a higher fence or wall is necessary for purpose of noise attenuation.

C. Reserved.

D. In the R-1, R-2, R-3, R-4, R-5, R-6, MX-1, and MX-2 zones no barbed or electrified wire shall be used or maintained in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. In the C-O, C-C, C-1, C-2, M-1 and M-2 zones no barbed or electrified wire shall be erected, installed, used or maintained or caused to be erected, installed, used or maintained on, in or about any fence, wall or hedge along the front, side or rear lines of any lot, nor shall any barbed wire be erected, installed, used or maintained or caused to be erected, installed, used or maintained, for fencing purposes, or as a barrier across or around any lot, or portion thereof, or around any building or structure upon or along any street, alley or public way, unless the lowest strand of barbed wire is installed not less than six feet three inches above the highest adjoining grade on either side of such fence; where barbed or electrified wire is erected, installed, used or maintained in accordance with this subsection, it shall not extend over or into any abutting property or public right-of-way and shall, in all cases, either extend in toward the owner's side of such fence or directly vertical, subject to approval by the building director.

F. In the A zone barbed or electrified wire for agricultural fencing purposes shall be permitted to be erected, installed, used or maintained at locations at least one thousand three hundred feet from any residential area as defined in Section 17.32.020, and not otherwise, subject to approval by the building director.

G. Fences constructed prior to September 1, 1983, intended to act as protective enclosures and to make canals inaccessible to small children, are exempted from the restrictions of subsections <u>D</u>, <u>E</u> and <u>F</u> of this section. (Ord. 5020 § 18, 2020; Ord. 4781 § 1, 2014; Ord. 3824 § 3, 1998; Ord. 3610 § 2, 1994; Ord. 3021 § 3, 1986; Ord. 2696 § 7, 1982; prior code § 17.52.170)

#### **17.08.190** Conditional zoning.

A. *Definitions*. "Conditional zoning" means an amendment of the zoning ordinance, concerning a specific parcel or parcels of property, which is enacted only after the owner of such real property has met specified conditions or, where appropriate, has entered into a contract with the city agreeing to satisfy specified conditions, performance of which is secured by surety bond.

B. *Conditions*. Requirements which may be made a condition of an amendment to the zoning ordinance as provided in subsection <u>A</u> of this section include, but are not limited to, the dedication of rights-of-way and easements, the waiver of direct access rights of any street abutting the property to be rezoned and construction of reasonable improvements. Such conditions shall relate to problems arising or potentially arising from the property if rezoned and used in accordance with the new zoning, such as vehicular or pedestrian traffic, police and fire services, grading or topography, access, drainage, water supply, sewers, utilities and/or proposed physical development affecting nearby properties. The conditions imposed shall fulfill public needs reasonably expected to result from the allowable uses and/or development of the property and/or avoid circumstances adverse to the public health, safety, convenience or welfare.

C. *Procedure*. In considering a proposed zone change pursuant to Section <u>17.64.110</u> of this code, the planning commission may, by resolution, conditionally approve the proposed zone change and recommend enactment of an ordinance effectuating such change subject to satisfaction of specified conditions and, where appropriate, the contractual commitment of the property owner to satisfy the specified conditions within a specified period of time and a surety bond guaranteeing performance of such contract. The owner of the property to be rezoned shall, within ten days after adoption by the planning commission of such resolution, either:

1. Commence preparation of a contract agreeing to the conditions specified in such resolution, conditioned upon city council enactment of an ordinance effectuating the zone change, and provide the planning director with a surety bond in the amount of one hundred percent of the total estimated cost of any improvements required by the specified conditions as estimated by the public works director;

2. Have satisfied the specified conditions; or

3. Appeal to the city council the recommendation of the planning commission imposing such conditions pursuant to Section <u>17.64.090</u> of this code. Failure of the owner to take any of the three actions specified above shall constitute withdrawal of the application for rezoning of his or her property. (Ord. 3964 §§ 6, 7, 2000; Ord. 2696 § 8, 1982; prior code § 17.52.200)

## 17.08.200 Drilling for and production of petroleum.

Drilling, operation or maintenance of any well or well site for petroleum, natural gas or related drilling, or operation or maintenance of any production operation, are allowed in the city pursuant to the requirements of Chapter <u>15.66</u> of this code. (Ord. 3477 § 2, 1992; prior code § 17.52.250(A))

# 17.08.210 Approval of development entitlement conditioned on indemnification of city.

The applicant and/or property owner and/or subdivider of any development entitlement, including, but not limited to, a zone change, general plan amendment, conditional use permit, modification or site plan review, shall indemnify, defend, and hold harmless the city of Bakersfield, its officers, agents, employees, departments, commissioners, and boards against any and all liability of any kind arising from the terms and provisions of the development entitlement application, including, without limitation, any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions. Terms of the agreement shall be subject to approval by the city attorney. (Ord. 4909 § 1, 2017; Ord. 4711 § 1, 2012; Ord. 4676 § 3, 2012)

## Chapter 17.10 RESIDENTIAL ZONES

Sections:

17.10.010	Purpose and Intent of Residential Zones.
17.10.020	Residential Land Use Regulations and Allowable Uses.
17.10.030	<b>Residential Zone Development Standards.</b>
17.10.040	Other Applicable Standards and Regulations.

### **17.10.010 Purpose and Intent of Residential Zones.**

A. Purpose. The purpose of this Chapter is to describe the character and intent of the City's residential zones, describe allowed land uses and permit requirements in residential zones, identify any supplemental land use regulations applicable to residential zones, and establish development standards for the same.

B. Zoning Map. The boundaries, designations, and locations of the zones established by this Zoning Code shall be in compliance with Chapter 17.06 (Zones Established – Zoning Boundaries) and shown upon the map(s) entitled "Official Zoning Map" of the City of Bakersfield " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws.

C. Zone Purpose Statements.

1. R-S (Residential Suburban) Zone. The purpose of the R-S Zone is to provide land areas for the use and occupancy of single-unit detached dwellings and accessory dwelling units. It is the intent of this zone to promote a range of single-unit products types on larger parcels, as well as the allowance of animal keeping under specifc guidelines and operating standards. The residential density range for this zone is 0 to 2 dwelling units per net acre.

2. R-1 (Single-Unit Dwelling) Zone. The purpose of the R-1 Zone is to provide land areas for the use and occupancy of single-unit detached dwellings and accessory dwelling units. It is the intent of this zone to protect and preserve existing neighborhoods and promote the future development of lower-density residential single-unit neighborhoods that provide a livable, walkable and sustainable residential environment. The residential density range for this zone is 2.1 to 6 dwelling units per net acre.

3. R-2 (Small Lot Single-Unit Dwelling) Zone. The purpose of the R-2 Zone is to provide land areas for the use and occupancy of single-unit dwellings and accessory dwelling units and two-unit duplex dwellings. It is the intent of this zone to promote and encourage single-unit and two-unit neighborhoods

that provide a livable, walkable and sustainable residential environment. The residential density range for this zone is 6.1 to 13 dwelling units per net acre.

4. R-3 (Medium-Density Multi-Unit Dwelling) Zone. The purpose of the R-3 Zone is to provide land areas for the use and occupancy of accessory dwelling units, two-unit dwellings, medium-density singleunit dwellings and medium-density multi-unit dwellings. It is the intent of this zone to provide a livable, walkable and sustainable residential environment similar to that found in small-lot single-unit neighborhoods at densities that promotes medium-density duplexes, condominiums, townhomes and apartments. The residential density range for this zone is 13.1 to 20 dwelling units per net acre.

5. R-4 (High-Density Multi-Unit Dwelling) Zone. The purpose of the R-4 Zone is to provide land areas for the use and occupancy of multi-story, multi-unit dwellings (e.g., rowhouses, flats, condominiums, townhouses and apartments) at higher densities that include on-site recreational amenities. It is the intent of this zone to provide a livable, walkable, and sustainable residential environment that ensures compatibility with surrounding lower-density single-unit and multi-unit dwellings and neighborhood commerce. The residential density range for this zone is 20.1 to 30 dwelling units per net acre.

6. R-5 (Very-High Density Multi-Unit Dwelling) Zone. The purpose of the R5 Zone is to provide land areas for the use and occupancy of multi-unit dwellings (e.g., condominiums, townhouses, and apartments) at very-high densities in proximity to neighborhood commercial centers. It is the intent of this zone to provide a livable, walkable, and sustainable residential environment that encourages development types that use innovative site planning . . The residential density range for this zone is 30.1 to 50 dwelling units per net acre.

7. R-6 (Urban Core) Zone. The purpose of the R-6 Zone is to provide land areas for the use and occupancy of multi-unit dwellings (e.g., condominiums, mid-rise, and high-rise apartments). It is the intent of the R-6 Zone to encourage high-intensity and centralized urban development along major corridors, interchanges, transit hubs, and throughout downtown Bakersfield. Development within this Zone should initiate a transition to a more dense, highly urban, walkable, and transit-oriented environment that serves as the link between residential development and adjacent employment centers. Projects in this Zone should incorporate development standards to increase street activation, provide a variety of onsite recreational amenities for residents, and have direct access to employment centers. The minimum residential density for this zone is 50.1. There is no maximum residential density for the R-6 Zone.

8. R-H (Residential Holding) Zone. The purpose of the R-H Zone to retain large undeveloped land areas for future urban development. Once development is proposed, a General Plan Amendment and change of zoning will be required for consistency with the proposed development. This will ensure that development progresses in an orderly and logical manner consistent with the city's growth policies. The R-H zone is

considered agricultural in nature as it will allow both agricultural and petroleum resource uses to continue their operations until such time urbanization takes place.

## 17.10.020 Residential Land Use Regulations and Allowable Uses.

A. Residential Zones Allowed Uses and Permit Requirements. Table 17.10-1 states the uses allowed within each residential zone and any permits required to establish the use, in compliance with Chapter 17.08 (General Regulations Including Site Plan Review).

B. Additional Regulations. Where the last column in Table 17.10-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code, Municipal Code, and State Law may also apply.

C. Definitions. See Chapter 17.04 (Definitions) for land use definitions and explanations.

D. Uses Not Listed. Uses not listed below may be reviewed by the Planning Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required.

Key:		P = Allowed by Right; DRA = Director Review and Approval; (N) = Not Allowed CUP = Conditional Use Permit								
Land Use	R-S	R-1	R-2	R-3	R-4	R-5	R-6	RH	Additional Regulations	
Agricultural and Resource U	ses				- 					
Accessory Agricultural Structures and Uses	Ν	Ν	N	N	N	N	N	Р		
Agricultural and Horticulture	Ν	Ν	N	N	N	N	N	Р		
Animal Raising and Breeding	Р	Ν	N	Ν	N	N	Ν	Р	17.10.040	
Drilling for and Production of Petroleum	N	Ν	N	N	N	N	N	CUP	15.66	
Recreation, Education, and P	ublic Asse	mbly Uses								
Educational Institutions										
Elementary School	Ν	Р	Р	Р	Р	Р	Р	N		
Junior High School	N	Р	Р	Р	Р	Р	Р	N		
High School	N	Р	Р	Р	Р	Р	Р	N		
College or University	N	N	N	N	N	N	N	N		
Religious Institution	CUP	CUP	CUP	CUP	N	N	N	CUP	17.04.500	
Public and Quasi-Public Uses	DRA	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.10.040	
Residential Uses	-		•	•	•		•	•	-	

 Table 17.10-1

 Residential Zones Allowed Uses and Permit Requirements

Key:		ved by Righ onditional U			Review	and Appr	oval; (N	) = Not .	Allowed
		P	ermit R	equirem	ent by Z	Zone			
Land Use	R-S	R-1	R-2	R-3	R-4	R-5	R-6	RH	Additional Regulations
Accessory Dwelling Unit (detached, attached, junior)	Р	Р	Р	Р	Р	Р	Р	Р	17.65
Accessory Structure	Р	Р	Р	Р	Р	Р	Р	Р	17.10.040
Child Day Care Home	Р	Р	Р	Р	Р	Р	Р	Р	17.04.160 Gov. Code Section 1597.30- 1597.622
Community Care Facility, Large	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.04.499 California Welfare and Institutions Code Sections 5115 – 5120
Community Care Facility, Small	Р	Р	Р	Р	Р	Р	Р	Р	17.04.499 California Welfare and Institutions Code Sections 5115 – 5120
Emergency Shelter	Ν	Ν	Ν	Ν	CUP	CUP	CUP	Ν	
Employee Housing, up to six residents	Р	Р	Р	Р	Р	Р	Р	Р	
Home Occupation	Р	Р	Р	Р	Р	Р	Р	Р	17.04.330 17.63
Low Barrier Navigation Center	Ν	Ν	N	N	N	N	N	N	Assembly Bill 101 (AB 101)
Mobile Home Park	Ν	N	CUP	CUP	Ν	N	N	N	, , ,
Multi-Unit Dwellings	Ν	N	Р	Р	Р	Р	Р	N	17.14
Single-Room Occupancy Units	Ν	N	Ν	Р	Р	Р	Р	Ν	
Single-Unit Dwellings	Р	Р	Р	Р	Ν	N	N	Р	
Supportive Housing	Р	Р	Р	Р	Р	Р	Р	Р	Gov. Code Section 65651
Transitional Housing	Р	Р	Р	Р	Р	Р	Р	Р	Gov. Code Section 65651
Retail, Service, and Office Us	es								
Certified Farmer's Market	Ν	N	Ν	N	DRA	DRA	DRA	N	
Construction Trailer/ Temporary Contractor's Office	DRA	DRA	DRA	DRA	DRA	DRA	DRA	DRA	
Real Estate Tract Sales Office and Model Homes	DRA	Р	Р	Р	Р	Р	Р	N	17.10.040
Private Nurseries and Greenhouses	Р	DRA	DRA	DRA	Ν	N	N	Р	17.10.040
Stable, Commercial	CUP	Ν	N	N	N	N	N	N	

 Table 17.10-1

 Residential Zones Allowed Uses and Permit Requirements

Key:		P = Allowed by Right; DRA = Director Review and Approval; (N) = Not Allowed CUP = Conditional Use Permit							
		Р	ermit Ro	equirem	ent by Z	Zone			
Land Use	R-S	R-1	R-2	R-3	R-4	R-5	R-6	RH	Additional Regulations
Utility, Transportation, and C	Communic	ation Uses							
Domestic Water Wells (private)	Р	Р	Р	Р	Р	Р	Р	Р	
Public Utilities, Structures, and Services	DRA	Ν	Ν	Ν	Ν	Ν	Ν	Ν	

 Table 17.10-1

 Residential Zones Allowed Uses and Permit Requirements

## 17.10.030 Residential Zone Development Standards.

A. Residential Zone Development Standards. The intent of Table 17.10-2 is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking (if included in a project), landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

B. Density. Maximum density standards shall be consistent with this Title and the General Plan (or applicable Master Plan, Specific Plan, or Area Plan).

C. Parking. Parking standards are no longer required for residential construction. Setbacks to garages, carports and/or parking lots as a potential feature of development are addressed herein. Pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

	Development Feature (minimum unless otherwise specified)									
Zone	Parcel Area	Parcel Area per		Distance	e between St (min. ft.)	Setbacks (min. ft.) (to garage/living space/porch)				
	(min square feet or acres)	Dwelling (min square feet)	elling square et) (max. ft.) Between Dwelling Lupits Ac		Between Dwelling/ Accessory Units	Between Accessory Units	Front (ft.)	Side (ft.)	Side- Corner (ft.)	Rear (ft.)
R-S	15,000 sf	15,000	35	10	3	3	25 garage 20 living	5	10	25

Table 17.10-2Residential Zones Development Standards

The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

					velopmen						
					um unless othe		ed)				
Zone	Parcel Area	Parcel Area per		Distanc	e between St (min. ft.)	ructures	Setbacks (min. ft.) (to garage/living space/porch)				
	(min square feet or acres)	square <b>Dwelling</b> Height (max, ft.) Between Between Between		Accessory	Front (ft.)	Side (ft.)	Side- Corner (ft.)	Rear (ft.)			
							15 porch				
R-1	4,500	4,500 sf	35	8	3	3	20 garage 15 living 12 porch	4	10	5	
R-2	Single-Unit: 2,000 sf	Single-Unit: 2,000	35	8	3	3	20 garage 12 living 9 porch	4	10	5	
	Multi-Unit: 6,000 sf	Multi-Unit: 2,000 sf		10			15	4/10	10	10/15	
R-3	Single-Unit 2,000 sf	Single-Unit 2,000	45	8	3	3	20 garage 9 living 6 porch	4	10	5	
	Multi-Unit 6,000 sf	Multi-Unit 1,500 sf		10			15	4/10	10	10/15	
R-4	10,000 sf	N/A	65	8	3	3	10 living 5 porch	4	10	10/15	
R-5	10,000 sf	N/A	80	8	3	3	10 living 5 porch	4	10	10/15	
R-6	10,000 sf	N/A	120	8	3	3	5 living 0 Porch	0	0	0	
R-H	20 ac	N/A	35	100	3	3	110	5	10	25	
Other Applicable Regulations					17.10.0	40					
			l	Additiona	l Regulati	ions					
Regulation					Section or	Chapter					
Accessory Dwe					Chapter 17.						
Accessory Stru					Section 17.						
Fences, Walls, a Height of Build					Section 17.0						
Landscape Star					Section 17.08.110 Chapter 17.61						
Multi-Unit Dwo		ve Design Star	dards		Chapter 17.						
Off-Street Park					Chapter 17.						
Street Setback		<i>U</i>			Section 17.0						
Yard Encroach					Section 17.0	08.170					
Signs					Chapter 17.	60					

Table 17.10-2Residential Zones Development Standards

## 17.10.040 Other Applicable Standards and Regulations .

A. General Applicable Standards for All Residential Zones.

Development Standards.

1. Non-Conforming Lots (Area and Frontage).

a. A lot with less area or frontage than what is required in this Title shall be permitted if the lot was legally created as a separate lot and recorded as such prior to this zoning ordinance being applicable to that lot.

2. Structure Separation.

a. The distance between a dwelling unit and accessory structure and between accessory structures can be a less than three feet, however, the buildings will be considered attached and subject to all regulations as they may pertain to dwelling units and accessory structures based on this combined area, and the regulations of the Building Code as adopted by the City.

B. R-S (Residential Suburban) Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Animal Raising and Breeding. The following animals and numbers of animals are permitted:

a. Breeding, hatching, raising, and keeping of poultry, fowl, rabbits, chinchillas, Vietnamese potbellied pigs, fish, frogs, and bees for the domestic use of the resident/occupant of the lot.

b. Keeping of cattle, sheep, goats, horses, mules, and burros in a ratio not exceeding one adult animal of the foregoing for each one-quarter acre of fenced enclosure area dedicated for the habitation of said animals.

c. A Temporary Animal Permit is required for the raising and breeding of animals that exceed the allowed numbers permitted above in Subsection (1).

2. No fowl or animals, nor any pen, coop, stable, corral or other structure or enclosure housing livestock or poultry shall be kept or maintained within:

a. 50 feet of any dwelling unit or other structure used for human habitation;

b. 100 feet of the front lot line of the lot upon which such animal or structure is located;

- c. 10 feet of the street side of a corner lot; or
- d. 100 feet of any public park, school, hospital, or similar institution.
- e. Raising, killing, or dressing of any such animals or poultry for commercial purposes is prohibited.

3. Temporary Animal Permits. The breeding and raising of animals in numbers greater than those allowed by Subsection (a) above, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization, shall be permitted upon submission of an application for a temporary animal permit to and approval by the planning director in accordance with the procedures set forth in this section.

- a. Application. An application for a temporary animal permit shall include the following:
  - i. The name and address of the applicant;
  - ii. Name and age of minor raising the animal(s);

iii. The name(s) and address(es) of the property owner(s) or legal description of the subject property;

iv. Assessor's parcel number;

v. Name of the organization sponsoring the minor, including name, phone number, and acknowledgement from the sponsor that the minor is engaging in an activity under their program;

vi. A plot plan showing the location of proposed pens, coops or areas for the breeding and raising of animals in relation to existing residences and other buildings and structures within one hundred feet of pens, coops, or areas housing livestock.

b. Conditions of Approval. A Temporary Animal Permit shall be issued by the Planning Director under the following conditions:

i. The minor shall be sponsored by a bona fide organization such as, but not limited to, Future Farmers of America and 4-H Club.

ii. The increase in animal density shall not exceed the density allowed by more than 50 percent; provided, however, that at least two and no more than six additional animals shall be allowed.

iii. The Planning Director may permit the raising of one swine provided all other standards in this Chapter are satisfied.

iv. The written consent of the owners or occupants of all abutting property shall be obtained.

v. The applicant shall allow inspection of animal maintenance facilities by the City and any animal control agencies during the effective period of the permit upon request.

c. Each additional animal authorized by the Temporary Animal Permit over the allowable animal density specified in this Subsection of this Chapter shall be removed upon expiration of the permit.

d. Any permit issued pursuant to this section may be revoked or modified whenever the Planning Director has a reasonable suspicion that any person to whom such permit has been issued has violated any of the provisions of this chapter. Notification of such revocation or modification shall be served by certified mail upon the permit-holder and shall be effective upon mailing. Such revocation or modification may be appealed to the City Council within 10 days of receipt of notification of such revocation or modification.

e. All Temporary Animal Permits shall be effective for a period not to exceed six months from the effective date of the permit. No more than one such permit shall be approved for any lot within a one-year period.

- 4. Private Nurseries and Greenhouses.
  - a. Salesrooms or other structures used for the sales of the products produced are prohibited.

C. R-1 (Single-Unit Dwelling) Zone.

Additional Standards per Allowable Uses in Table 17.10-1.

1. Accessory Structures.

a. Ramps, platforms, basins, pools, or other accessory structure used for the riding of skateboards, roller skates, rollerblades, bicycles, motorcycles, or similar devices, provided the structure does not exceed a vertical height (above or below grade) of four feet, or a horizontal area (one structure or total combined area if multiple structures) of 120 square feet. Such structures made nonconforming by this subsection shall be brought into conformance, obtain conditional use approval, or be removed as directed by the Code Enforcement Manager.

b. Accessory structures, including a private garage, shall not exceed 12 percent of the area of the lot.

2. Private Nurseries and Greenhouses.

a. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees, shall not be used for commercial purposes.

3. Public and Quasi-Public Uses.

a. Parks with passive daytime recreation shall not include lighted fields for nighttime recreation and activities.

4. Real Estate Tract Sales Office and Model Homes.

a. Each subdivision tract is permitted a maximum of six model homes, one of which may include a sales tract office, for each home builder in the tract. Additional model homes may be permitted subject to approval by the Planning Director.

b. Model homes may be constructed prior to recordation of a final map for the tract; however, no such home shall be offered for sale or rent, or be sold or rented, until the final map has been recorded pursuant to Title 16 of this code.

c. Sales offices shall only be used during the original sales of the lots and/or homes within the subdivision tract in which they are located.

d. A sales office shall be located in a model home; however, a separate temporary office which may include a commercial coach is permitted for a period not to exceed ninety days pending completion of construction of the model home.

e. Any sales office located in the garage portion of a model home shall be removed and converted to a garage prior to the building department releasing covenants restricting the model home's sale and issuing a certificate of occupancy.

f. The vehicle route leading to and in front of any sales office shall be paved from an existing improved public street prior to the public being invited to that office regarding sales of lots and/or homes in the tract.

Additional Development Standards per those in Table 17.10-2.

5. Front Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of -20 feet.

b. If a garage or carport (attached or detached) opening is parallel to a public street, the setback shall be a minimum of 15 feet.

c. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

d. Front yard structural setbacks shall be a minimum of 15 feet to living space and 12 feet to architectural extensions, such as porches.

e. Where 50 percent or more of the front lot line is along a cul-de-sac or street knuckle curvature, the front yard setback line shall be a minimum of 15 feet in depth measured from the front lot line; and if a garage or carport (attached or detached from the main structure) opening faces a public or private street, the setback shall be a minimum of 20 feet.

6. Side Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

7. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a private alley, the setback shall be a minimum of 3 feet, provided the alley is a minimum width of 20 feet.

8. Minimum Lot Area.

a. When there is an alley at the rear of the lot, the minimum lot area may be measured to the center of the alley.

D. R-2 (Small-Lot Single-Unit Dwelling) Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Accessory Structures.

a. Accessory structures on lots developed with one single-unit dwelling shall not exceed 12 percent of the area of the lot.

Additional Development Standards per those in Table 17.10-2.

2. Front Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening is parallel to a public or private street, the setback shall be a minimum of 15 feet.

c. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

d. Front yard structural setbacks shall be a minimum of 12 feet to living space and 9 feet to architectural extensions, such as porches.

3. Side Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

c. For multi-unit developments where the side setback separates a lot in an R-2 zone from an adjacent lot zoned R-1, MH, or a PUD development, the side yard shall not be less than 10 feet. For all other adjacent lots, the side yard shall not be less than 4 feet.

4. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a public or private alley or garage court, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet.

b. For multi-unit developments where the rear setback separates a lot in an R-2 zone from an adjacent lot zoned R-1, MH, or a PUD project consisting of single-unit dwellings, the rear yard shall not be less than 10 feet for the first story and 15 feet for the second and additional stories.

E. R-3 (Multi-Unit Dwelling) Zone.

Additional Development Standards per those in Table 17.10-2.

1. Front Setback.

a. For both single units and multi-unit residential development in the R-3 zone, no direct access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

b. If a garage or carport (attached or detached) opening takes access to internal vehicular circulation and/or an alley providing site ingress/egress to a public street, the setback shall be a minimum of 3 feet.

c. All proposed parking shall have a minimum 5-foot setback from public streets.

2. Side Setback.

a. No direct access shall be allowed from a garage and/or carport from a side yard onto a public street.

b. For multi-unit developments where the side setback separates a lot in an R-3 zone from an adjacent lot zoned R-S, R-1, MH, R-2, or a PUD project consisting of single-unit dwellings, the side yard shall not be less than 10 feet. For all other adjacent lots, the side yard shall not be less than 4 feet.

3. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a public or private alley or garage court, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet in width.

b. For multi-unit developments where the rear setback separates a lot in an R-3 zone from an adjacent lot zoned R-S, R-1, , MH, R-2, or a PUD project consisting of single-unit dwellings, the rear yard shall be not less than 10 feet for the first story and 15 feet for any second and additional stories.

4. Minimum Lot Area.

a. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of said alley.

5. Separation of Uses.

a. Multi-unit residential developments where the rear or side property line separates a lot zoned R-1, MH, R-2, or PUD project consisting of single-unit dwellings shall include a solid masonry wall with a minimum height of six feet from highest grade.

b. If the masonry wall is located within the front setback, the maximum height of the wall shall not exceed four feet.

c. This requirement does not apply to any lot less than 10,000 square feet and, that is not part of, or adjacent to, multi-unit subdivisions or other multi-family projects that existed prior to the effective date of the ordinance codified in this section.

F. R-4 (High-Density), R-5 (Very-High Density Multi-Unit Dwelling), and R-6 (Urban Core) Zones.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Residential Facility for Court-Ordered Individuals.

a. Housing for court-ordered individuals is limited to juveniles or adults in custody or court-ordered living restrictions for violations of local, state, and federal law, including, but not limited to, halfway houses and detention centers.

Additional Development Standards per those in Table 17.10-2.

2. Front Setback.

a. No direct front yard access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

b. All proposed parking shall have a minimum 5-foot setback from public streets.

3. Side Setback.

a. No direct side yard access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

4. Rear Setback.

a. For multi-unit developments where the rear setback separates a lot in an R-4 or R-5 zone from an adjacent lot zoned R-S, R-1, MH, R-2, or a PUD project consisting of single-unit dwellings, the rear yard shall be not less than 10 feet for the first story and 15 feet for any second and additional stories.

b. If a garage or carport (attached or detached) opening faces a public or private alley or garage court at the rear of the parcel, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet in width.

5. Minimum Lot Area.

a. 10,000 square feet in the R-4, R-5, and R-6 zones. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of said alley.

b. A lot may be less than the minimum provided the lot is as shown on a recorded subdivision map approved by the City prior to adoption of this ordinance.

6. Sound Attenuation Wall.

a. Multi-unit residential developments where the rear or side property line separates a lot zoned R-S, R-1, MH, R-2, or PUD project consisting of single-unit dwellings shall include a solid masonry wall with a minimum height of six feet from highest grade.

b. If the masonry wall is located within the front setback, the maximum height of the wall shall not exceed four feet.

c. This requirement does not apply to any lot less than 10,000 square feet and, that is not part of, or adjacent to, multi-unit subdivisions or other multi-unit projects that existed prior to the effective date of the ordinance codified in this section.

G. R-H – Residential Holding Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Accessory Agricultural Structures.

a. Accessory agricultural structures and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection with livestock shall be located within 100 feet to the front lot line, nor nearer than 50 feet to any existing dwelling on any contiguous property, nor within than 100 feet to any public park, school, hospital, or similar institution.

2. Agricultural and Horticulture.

a. Allowable agricultural and horticulture include nurseries, greenhouses, orchards, aviaries or the raising of field crops, tree crops, berry or bush crops or vegetable or flower gardening on a commercial scale.

3. Animal Raising and Breeding.

a. The keeping of bovine animals, horses, mules, and sheep; provided that the number thereof shall not exceed a number per acre equal to four adult animals in any combination of the foregoing animals and their immature offspring.

b. Includes the breeding, hatching, and raising of poultry and fowl and breeding and raising of rabbits and other fur-bearing animals.

Additional Development Standards per those in Table 17.10-2.

4. Setback from the Centerline of Roadways.

a. All structures shall be located not less than 110 feet from the centerline of any existing or proposed public street or highway.

## Chapter 17.12 MIXED-USE ZONES

Sections:

17.12.010	Purposes of Mixed-Use Zones.
17.12.020	Mixed-Use Land Use Regulations and Allowable Uses.
17.12.030	Mixed-Use Zone Development Standards.
17.12.040	Other Applicable Regulations and Standards.

#### 17.12.010 Purposes of Mixed-Use Zones.

A. Purpose. The purpose of this Chapter is to describe the character and intent of the City's mixed-use zones, describe allowed land uses and permit requirements in mixed-use zones, identify any supplemental land use regulations applicable to mixed-use zones, and establish development standards for the same.

B. Zoning Map. The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Bakersfield " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws.

C. Zone Purpose Statements. The purpose of the individual mixed-use uses and the way they are applied are as follows:

1. MX-1 (Mixed-Use Neighborhood) Zone. The purpose of the MX-1 Mixed-Use Neighborhood Zone is to provide areas within the city for pedestrian oriented developments that focus on neighborhood-serving commercial uses (e.g., coffee shops, grocery stores, retail establishments). This zone also allows mixed-use development comprised of medium-density multi-unit developments (i.e., cottage court apartments, low-rise apartments, and condominiums), It is the intent of the MX-1 Zone to encourage a mix of residential and commercial uses, with residential on the upper floors and commercial on the lower floors (vertical mixed-use format), as well as, stand-alone uses in certain circumstances (horizontal mixed-use format). The residential density range for this zone is 20-30 dwelling units per acre.

2. MX-2 (Mixed-Use Transit) Zone. The purpose of the MX-2 Mixed-Use Transit Zone is to provide for transit- and pedestrian-oriented mixed-use development comprised of high density multi-unit developments (i.e., low-rise, mid-rise apartments, and condominiums). The focus of such development will be on centralized urban development along major corridors, interchanges, transit hubs, and throughout downtown Bakersfield, in conjunction with existing and planned transit facilities to support and maximize transit use. This zone is intended to encourage high quality integrated development consisting of residential and commercial uses in a horizontal and or vertical arrangement to maximize open space of active and passive

use and provide opportunities for place making. The residential density range for this zone is 30.1 to 100 dwelling units per acre.

### **17.12.020** Mixed-Use Land Use Regulations and Allowable Uses.

A. Mixed-Use Zones Allowed Uses and Permit Requirements. Table 17.12-1 indicates the uses allowed within each mixed-use zone and any permits required to establish the use, in compliance with Chapter 17.08 (General Regulations Including Site Plan Review).

B. Additional Regulations. Where the last column in Table 17.12-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code, Municipal Code, and State Law may also apply.

C. Definitions. See Chapter 17.04 (Definitions) for land use definitions and explanations.

D. Uses Not Listed. Uses not listed below may be reviewed by the Planning Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required.

Key:			A = Director Review and Approval; N = itional Use Permit		
		equirement Zone			
Land Use	MX-1	MX-2	Additional Regulations		
Residential Uses	-	·			
Accessory Dwelling Unit (detached, attached, junior)	Р	Р	17.65		
Accessory Structure	Р	Р	17.12.040		
Assisted Living Facility	CUP	CUP			
Child Day Care Home	Р	Р	17.04.160 Gov. Code Section 1597.30-1597.622		
Community Care Facility, Large (six or more residents)	CUP	CUP	California Welfare and Institutions Code Sections 5115 – 5120		
Community Care Facility, Large (up to six residents)	Р	Р	California Welfare and Institutions Code Sections 5115 – 5120		
Employee Housing, up to six residents	Р	Р			
Home Occupation	Р	Р	17.04.330 17.63		
Low Barrier Navigation Center	Р	Р	Gov. Code Section 65660-65668		
Mobile Home Parks/Travel Trailer Parks	CUP	N			

## Table 17.12-1 Mixed-Use Zones Allowed Uses and Permit Requirements

Key:			A = Director Review and Approval; N = litional Use Permit
		equirement Zone	
Land Use	MX-1	MX-2	Additional Regulations
Multi-Unit Dwellings (standalone or incorporated)	Р	Р	
Single-Room Occupancy Units	Р	Р	
Supportive Housing	Р	Р	Gov. Code Section 65651
Transitional Housing	Р	Р	Gov. Code Section 65651
C-1 Neighborhood Commercial Zone Uses			
C-1 Uses Permitted	Р	n/a	17.22.020
C-1 Uses Permitted Subject to Planning Director Review and Approval	DRA	n/a	17.22.030
C-1 Uses Permitted Only by Conditional Use Permit	CUP	n/a	17.24.040
C-2 Regional Commercial Zone Uses			
C-2 Uses Permitted	n/a	Р	17.24.020
C-2 Uses Permitted Subject to Planning Director Review and Approval	n/a	DRA	17.24.030
C-2 Uses Permitted Only by Conditional Use Permit	n/a	CUP	17.24.040

 Table 17.12-1

 Mixed-Use Zones Allowed Uses and Permit Requirements

## **17.12.030** Mixed-Use Zone Development Standards.

A. Table 17.12-2 Mixed-Use Zone Development Standards. The intent of the mixed-use zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the mixed-use zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

B. Density. Maximum density standards shall be consistent with this Title, the General Plan (or applicable Master Plan, Specific Plan, or Area Plan).

				П	evelopme	nt Feature	م م				
					mum unless of						
7		Parcel		Distanc	e between St (min. ft.)	ructures	Setbacks (min. ft.)				
Zone	Parcel Area (min square feet	Area per Dwelling (min square	Height (max. ft.)	Between	Between Dwelling/	Between	Front	Side (ft.)	Side-Corner (ft.)	Rear (ft.)	
	or acres)	(finit square feet)	11.)	Dwelling Units	Accessory Units	Accessory Units		1	Adjacent to: Commercial Zone / Non-Commercial Zone		
MX-1	N/A	N/A	75	10	3	3	0	5/10	5/10	10/15	
MX-2	N/A	N/A	120	N/A	N/A	N/A	0	5/10	0/10	5/15	
Other Applicable Regulation	able 17.12.040										
				Additio	nal Regula	tions					
Regulation					Section or Chapter						
Accessory Dy	welling Units				Chapter 17.65						
Accessory St					Section 17.08.130						
Fences, Walls	s, and Hedges				Section 17.08.180						
Height of Bui	ildings				Section 17.08.110						
Landscape St					Chapter 17.61						
	welling Objec		tandards		Chapter 17.14						
	rking and Loa	ding			Chapter 17.58						
Street Setbac					Section 17.08.125						
Yard Encroac	hments				Section 17.08.170						
Signs					Chapter 17	.60					

## Table 17.12-2Mixed-Use Zones Development Standards

## 17.12.040 Other Applicable Regulations and Standards.

A. MX-1 – Mixed-Use Neighborhood Zone.

Additional Standards per the Allowable Uses in Table 17.12-2.

1. Accessory Structures.

a. The accessory buildings or structures necessary for such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons and employees of the above stores or businesses.

2. Caretaker Unit.

a. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel.

Additional Development Standards per those in Table 17.10-2.

3. Side Setback.

a. The side and side-corner setback shall be a minimum of 10 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone.

4. Rear Setback.

a. The rear setback shall be a minimum of 15 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone. If the lot abuts a commercial zone the rear setback can be 10 feet.

5. Multi-Story Step-backs.

a. A minimum step-back of three feet is required for all structures greater than two stories on all elevations of the structure on no less than 60 percent of the first story structure's wall length.

6. Separation of Uses.

a. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet.

7. Rooftop Equipment.

a. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of 50 percent or more of the roof structure or an addition of 50 percent or more to the floor area of the commercial structure.

8. Encroachments.

a. An Encroachment Permit is required for any sidewalk uses including, but not limited to those identified in Table 17.12-3.

Regulation	Section or Chapter
Sills, eaves, cornices, canopies, and other similar architectural features 8 feet or more above surface grade	Allowed in setback area
Movable tables, chairs, umbrellas, outdoor heaters (outdoor seating) as allowed with an Encroachment Permit	Allowed in setback area
Movable partitions or planters to define an outdoor seating area	Allowed in setback area
Bicycle racks	Allowed in setback area
Trees and tree wells	Allowed in setback area
Planters and planting beds extending not more than 18 inches into the setback area and not more than 18 inches in height above grade	Allowed in setback area
Bay windows, on a foundation or cantilevered, chimneys, or wells for basement windows or stairs, occupying in the aggregate not more than 20 percent of the length of the side of the structure on which they are located.	Allowed in setback area
Utility structures	Allowed in setback area

## Table 17.12-3Mixed-Use Zone Setback Encroachments

B. MX-2 – Mixed-Use Transit Zone.

Additional Development Standards per those in Table 17.10-2.

#### 1. Side Setback.

a. The side and side-corner setback shall be a minimum of 10 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone.

2. Rear Setback.

a. The rear setback shall be a minimum of 15 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone. If the lot abuts a commercial zone the rear setback can be 5 feet.

## Chapter 17.14

## MULTI-UNIT RESIDENTIAL OBJECTIVE SITE DESIGN STANDARDS

Sections:

17.14.010	Purpose and Intent.	
17.14.020	Required Amenities for All Multi-Unit Dwelling Projects.	
17.14.030	Multi-Unit Objective Standards Applicable to the R-2 and R-3 Zones.	
17.14.040	Multi-Unit Objective Standards Applicable to the R-4, R-5, R-6, MX-1, and MX-2	
	Zones.	

#### **17.14.010** Purpose and Intent.

A. Purpose and Intent. The purpose of Multi-Unit Objective Design Standards is to provide developers with a clear understanding of the City's expectations for all multi-unit residential project design. The design standards are written as objective requirements that use "shall" and "will" statements to confer mandatory compliance, opposed to the more permissive/subjective language. Accordingly, all multi-unit residential projects shall comply with each objective design standard. Importantly, the design standards regulate site and structure design only. All multi-unit residential projects are required to comply with all applicable building permit requirements, zoning ordinance requirements, development standards (e.g., ingress/egress, height and setbacks, drainage, etc.), and all other applicable City regulations.

### 17.14.020 Required Amenities for All Multi-Unit Dwelling Projects.

A. Purpose. All multi-unit dwelling projects shall include a mixture of amenities and open space (private/public) components based on a points system. Projects shall select amenities out of the list provided in Table 17.14-2 below based on the required points for the size of the proposed development as shown in Table 17.14-1.

B. Swimming Pool Requirements. Swimming pools are required for multi-unit residential developments with 51 or more dwelling units, in addition to the required amenities and points associated with each amenity in Tables 17.14-1 and 17.14-2.

Size of Project (number of dwelling units)	Points Value (minimum)
1-10	25
11-25	75
26-50	125
51-100	150
101 and up	200

#### C. Table 17.14-1 Multi-Unit Dwelling Project Size and Required Amenities

Type of Amenity	Points Value per Amenity
	I omits value per Amemity
Courtyard With seating and/or tables for at least 4 people	25
With seating and/or tables for at least 4 people With seating and/or tables for at least 10 people	35
With seating and/or tables for at least 10 people	50
Pergola, shade, trellis, or arbor structure (maximum height of	15
10 feet)	
Tot Lot with at least 3 pieces of play equipment including slides, swings, monkey bars, climbing walls, etc.	35
Community Garden with at least five garden beds measuring	20
25 square feet each	
Permanent affixed barbecue (per barbeque unit)	15
Outdoor kitchen with a countertop, sink, an appliance and	50
seating and tables for at least 10 people	
Sports Courts	-
Tennis Court	50
Pickleball Court	25
Basketball	50
Bocce ball	30
Swimming Pool	80
Hot tub	40
Splash Pad Fountain no smaller than 50 square feet	25
Open Lawn Areas no smaller than 100 sq ft	10
Amphitheater seating for at least 25 people	75
Podium Outdoor Area	40
Rooftop Outdoor Area	65
Community Room	-
Library Room with bookshelves and seating for at least 5 people	20
Media Room with television and seating for at least	25
10 people	
Game Room with a least two game tables or consoles	35
Gathering Room with countertop, cabinets, and sink	50
Gym/Fitness Room with at least 5 pieces of gym equipment	50
Co-working space with wi-fi, tables and seating for	75
at least 8 people, and a bathroom	15
Bicycle Lockers	20
Package Lockers	10
On-site laundry facilities	20
Pet Washing Stations for up to a minimum of two 50 lb dogs	20
Fenced Dog Park with trash can	-
Measuring at least 50 feet by 20 feet	25
Measuring at least 100 feet by 20 feet with a dog	45
waste bag dispenser and dog water fountain.	
Yoga room	10
	••

## Table 17.14-1Multi-Unit Dwelling Amenities Points System

## 17.14.030 Multi-Unit Objective Standards Applicable to the R-2 and R-3 Zones.

- A. Connectivity.
  - 1. Vehicular Circulation.

a. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development. Developments are not required to share driveways with neighboring properties.

b. Parking areas shall not be located in the front setback area.

c. Side and rear parking areas visible from a street shall include a minimum two-foot landscape buffer including a planting strip; a screening feature, such as a hedge, that is three feet high; and trees planted every 30 lineal feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3) in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be of evergreen variety to provide screening throughout the year.

d. Parking Lot Shade.

i.One shade tree shall be planted for every six parking spaces.

ii.A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter.

iii.Covered parking areas with solar capture technology are exempt from this requirement.

2. Pedestrian/Bicycle Circulation.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

- c. Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.
- 3. Fences and Walls.
  - a. The following materials are prohibited for all fences and walls:
    - i.Electrified fencing;
    - ii.Barb wire/razor wire;
    - iii.Fencing using other sharp objects such as spires and glass;
    - iv.Cyclone fencing;
    - v.Vinyl; and
    - vi.Chain link.
  - vii.Materials not originally intended as fencing materials, such as pallets, corrugated metal or fiberglass, plywood or particle board sheeting, plastic tarps, sailcloth etc.
- 4. Glazing.

a. Structures shall incorporate the use of energy efficient glazing on windows and glass doors to reduce heat loss and gain.

- 5. Multi-Unit Dwellings Trash and Recycling Enclosures.
  - a. Trash and recycling enclosures shall include the following:
    - i.Constructed with masonry walls with finished metal doors. Masonry walls and metal doors shall be painted in accordance with the approved color palette for the project.
    - ii.Both a vehicle access gate and pedestrian access gate.
    - iii.Downward lighting for safety and security.
- 6. Multi-Unit Dwelling Storage Spaces.
  - a. A minimum of 10 square feet (80 cubic feet) of outdoor storage space accessible from each unit's ground floor patio or upper floor balcony shall be provided for all units.
  - b. Outdoor storage areas shall be covered and able to be locked.
- 7. Outdoor Lighting.

a. Pedestrian-oriented lighting shall be provided in active pedestrian areas (i.e., paseos, sidewalks, pathways, etc.)

b. Lighting for upper floor unit entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level.

- c. Pedestrian pathway lighting features shall not exceed eight feet in height.
- d. Lighting in parking areas shall not exceed 16 feet in height.
- e. Active pedestrian areas shall incorporate free-standing lighting separate from structures.
- f. Bicycle parking areas shall be illuminated.
- g. Pedestrian pathways shall have illumination levels of 0.5 foot-candles as a maintained minimum at the walking surface to identify any level changes or changes in walking conditions.
- h. Overhead sports court lighting shall illuminate only the intended area.
- i. Light trespass onto neighboring lots is prohibited.
- j. Outdoor lighting shall use energy efficient lighting technology and shall be shielded downward to reduce glare and light pollution.

k. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night.

- 1. Exposed bulbs are prohibited.
- m. Colored bulbs and lenses are prohibited.
- 8. Primary Structure Entrances.
  - a. Entry Lighting.

i.All primary structure entrances shall include dusk to dawn lighting for safety and security.

- b. Interior-Facing Structures.
  - i. The primary entrance of each interior-facing structure shall be oriented to paseos, courtyards, pathways, and active landscape areas.
  - ii.For safety, units not facing the street shall be oriented to provide visual access to entryways, pedestrian pathways, recreation areas, and common facilities from private dwelling units.
- c. Street-Facing Structures.
  - i.Structures at the street shall have a front entry oriented to the street.
- 9. Property Access.

a. If parking facilities are provided, there shall be vehicular access from a dedicated and improved street, easement, or alley to off-street parking facilities.

10. Crime Prevention through Environmental Design (CPTED).

a. To provide "eyes on the street" surveillance, the largest window or group of windows of a minimum of one of the following rooms shall view the street: living room, dining room, family room, or kitchen.

b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and roads.

- 11. Signs.
  - a. Entryways, structure addresses, amenities, and individual units shall be identified with signage.
  - b. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways.
  - c. All signs shall comply with Chapter 17.60 of the Zoning Code.

#### 12. Structure Orientation.

a. Structures shall incorporate parcel design measures that reduce heating and cooling needs by orienting structures (both common facilities and private dwelling units) on the parcel to reduce heat loss and gain depending on the time of day and season of the year.

## 17.14.040 Multi-Unit Objective Standards Applicable to the R-4, R-5, R-6, MX-1, and MX-2 Zones.

#### A. Connectivity.

1. Vehicular Circulation. If parking is proposed for the mulit-unit residential development, the following vehicular standards shall be implemented:

a. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development. Developments are not required to share driveways with neighboring properties.

b. Parking areas shall not be located in the front setback area.

c. Side and rear parking areas visible from a street shall include a minimum two foot landscaped buffer including a planting strip; a screening feature, such as a hedge, that is three feet high; and trees planted every 30 lineal feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3) in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be of evergreen variety to provide screening throughout the year.

d. Parking Lot Shade.

i.One shade tree shall be planted for every six parking spaces. A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter.

ii.Covered parking areas with solar capture technology are exempt from this requirement.

#### 2. Pedestrian circulation.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

c. Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.

3. Glazing.

a. Structures shall incorporate the use of energy efficient glazing on windows and glass doors to reduce heat loss and gain.

4. Ground Floor Commercial Spaces.

a. Mixed-used structures with nonresidential ground floor uses shall design the ground floor with minimum 15-foot ceiling height to accommodate a variety of uses.

- 5. Fences and Walls.
  - a. The following materials are prohibited for all fences and walls:
    - i.Electrified fencing;
    - ii.Barb wire/razor wire;
    - iii.Fencing using other sharp objects such as spires and glass;
    - iv.Cyclone fencing;
    - v.Vinyl; and

vi.Chain link.

- vii.Materials not originally intended as fencing materials, such as pallets, corrugated metal or fiberglass, plywood or particle board sheeting, plastic tarps, sailcloth etc.
- 6. Outdoor Lighting.
  - a. Pedestrian-oriented lighting shall be provided in active pedestrian areas (i.e., paseos, sidewalks, pathways, etc.)

b. Lighting for upper floor unit entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level.

- c. Pedestrian pathway lighting features shall not exceed eight feet in height.
- d. Lighting in parking areas shall not exceed 16 feet in height.
- e. Active pedestrian areas shall incorporate free-standing lighting separate from structures.
- f. Bicycle parking areas shall be illuminated.
- g. Pedestrian pathways shall have illumination levels of 0.5 foot-candles as a maintained minimum at the walking surface to identify any level changes or changes in walking conditions.

h. Overhead sports court lighting shall illuminate only the intended area. Light trespass onto neighboring lots is prohibited.

i. Outdoor lighting shall use energy efficient lighting technology and shall be shielded downward to reduce glare and light pollution.

j. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night.

- k. Exposed bulbs are prohibited.
- 1. Colored bulbs and lenses are prohibited.
- 7. Multi-Unit Dwelling Storage Spaces.
  - a. A minimum of 10 square feet (80 cubic feet) of outdoor storage space accessible from each unit's ground floor patio or upper floor balcony shall be provided for all units.
  - b. Outdoor storage areas shall be covered and able to be locked.
- 8. Parking Structures.

a. If parking structures are proposed as part of the multi-unit residential development, the parking structure openings on each level shall be screened with decorative paneling or vertical vegetation (e.g., vines).

9. Crime Prevention through Environmental Design (CPTED).

a. To provide "eyes on the street" surveillance, the largest window or group of windows of a minimum of one of the following rooms shall view the street: living room, dining room, family room, or kitchen.

b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and roads.

10. Screening.

a. All screening of ground-mounted and roof-mounted equipment shall be painted in accordance with the approved color palette for the project.

11. Signs.

a. Entryways, structure addresses, amenities, and individual units shall be identified with signage. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways.

b. All signs shall comply with Chapter 17.60 of the Zoning Code.

12. Street-facing façade transparency.

a. Mixed-use structures with ground floor commercial uses shall have windows that make up a minimum of 60 percent of the ground floor frontage.

13. Structure Entry.

a. All structures located adjacent to a street shall have at least one primary entry door facing the sidewalk.

- b. All ground floor entrances shall include a direct connection to the sidewalk.
- c. Exterior stairways/stairwells that are not enclosed shall not be visible from the public right-of-way.
- 14. Trash and Recycling Enclosures.
  - a. All trash and recycling enclosures shall include the following:
    - i.Constructed with masonry walls with finished metal doors. Masonry walls and metal doors shall be painted in accordance with the color palette submitted for the project.
    - ii.Both a vehicle access gate and pedestrian access gate.
    - iii.Downward lighting for safety and security.
    - iv.Separated from adjacent parking stalls by a minimum 3-foot-wide planter with low growing native plants.

## Chapter 17.16

RESERVED

# **Chapter 17.18**

RESERVED

# **Chapter 17.19**

RESERVED

## **Chapter 17.20**

## C-O PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE\*

Sections:

17.20.010	Generally.
17.20.020	Uses permitted.
17.20.030	Uses subject to planning director review and approval.
17.20.040	Uses permitted only by conditional use permit.
17.20.050	Additional requirements.
17.20.060	Building height.
17.20.070	Front yard.
17.20.080	Side yards.
17.20.090	Rear yard.
17.20.100	Minimum lot area.
17.20.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.23.010—17.23.070 and Ord. 2703.

#### 17.20.010 Generally.

The regulations set out in this chapter shall apply in the C-O professional and administrative office zone unless otherwise provided in this title. The purpose of this zone is to designate areas suitable for business and professional office development. The C-O zone may also serve as a buffer between regional commercial and residential areas. (Ord. 3395 § 1, 1991)

#### 17.20.020 Uses permitted.

The following uses are permitted in a C-O zone;

- A. Any one or more of the following uses:
  - 1. Accounting, auditing, tax preparation and bookkeeping services.
  - 2. Advertising agencies.
  - 3. Banks, savings and loans, credit unions and other financial institutions.
  - 4. Business and management consulting services.

- 5. Business and professional membership organizations.
- 6. Commercial art and graphic design.
- 7. Commercial photography, including portrait studios.
- 8. Computer programming and data processing services.
- 9. Consumer credit reporting and collection services.
- 10. Day care nursery.
- 11. Detective and security systems services.
- 12. Direct mail advertising services.
- 13. Employment agency and help supply services.
- 14. Engineering, surveying, architectural and environmental planning services.
- 15. Family and social service, clinics and centers.

16. Governmental services and administration, including libraries, museums, galleries and judicial courts; police, fire, and other emergency service alarm centers.

- 17. Insurance services.
- 18. Legal services.
- 19. Management and public relations services.

20. Medical, dental, psychiatric and other health practitioner offices and clinics, including chiropractic, acupuncture, massage therapy and blood banks.

21. Medical and dental laboratories.

- 22. Mortgage, loan and personal credit institutions.
- 23. Palm reading, fortune telling, astrologic and psychic services.
- 24. Pharmacies, in conjunction with medical clinics.
- 25. Places of assembly, commercial
- 26. Post office and other courier or parcel delivery services.
- 27. Public and private utility administration.
- 28. Real estate development, sales and property management services.
- 29. Secretarial and court reporting services.
- 30. Telecommunications administration.
- 31. Television, radio and cable broadcasting stations.
- 32. Title and escrow offices.
- 33. Travel agencies.
- 34. Trusts and investment agencies.

B. Accessory buildings or structures necessary to such use located on the same lot or parcel of land.

C. Temporary offices including portable, modular or prefabricated structures constructed in conformance with the uniform codes adopted by the city (Title <u>15</u> of this code) and not attached to permanent foundations may be allowed for a period not to exceed two years, plus one-year extension subject to the approval of the planning commission.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 3964 § 19, 2000; Ord. 3746 § 4, 1997; Ord. 3395 § 1, 1991)

## 17.20.030 Uses subject to planning director review and approval.

The following uses may be permitted in a C-O zone subject to review and approval by the planning director:

- A. Public utility structures.
- B. Water pump stations. (Ord. 3395 § 1, 1991)

#### 17.20.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-O zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Bail bond services;
- 2. Body art establishment;
- 3. Garment cleaning, pressing, alteration and repair;
- 4. Hair styling shop and beauty salon, including tanning salons;
- 5. Photocopying and duplicating services;

6. Recycling centers, as defined by Public Resources Code Section 14520, that are within a convenience zone, as defined by Public Resources Code Section 14509.4;

- 7. Religious institution;
- 8. School, elementary, junior high, and high;
- 9. Scientific research and testing services;
- 10. Vocational and specialized schools providing technical and cultural training;
- 11. Veterinary services. (Ord. 5008 § 6, 2020; Ord. 4944 § 1, 2018; Ord. 3746 § 5, 1997; Ord. 3395 § 1, 1991)

### **17.20.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure.

I. Retail developments shall comply with design standards listed in Section <u>17.08.140</u>. (Ord. 5006 § 3, 2020; Ord. 4939 § 10, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 20, 2000; Ord. 3835 § 10, 1998; Ord. 3395 § 1, 1991)

#### 17.20.060 Building height.

Building height requirements in a C-O zone shall not exceed sixty feet (approximately four stories). (Ord. 3395 § 1, 1991)

### 17.20.070 Front yard.

Front yard requirements in a C-O zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

(Ord. 3395 § 1, 1991)

#### 17.20.080 Side yards.

Side yard requirements in a C-O zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a professional or administrative office building shall not be required.

(Ord. 3395 § 1, 1991)

## 17.20.090 Rear yard.

Rear yard requirements in a C-O zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

(Ord. 4236 § 1, 2005; Ord. 3395 § 1, 1991)

#### 17.20.100 Minimum lot area.

No minimum lot area shall be required in a C-O zone. (Ord. 3395 § 1, 1991)

## **17.20.110** Distance between buildings on the same lot.

No distance requirements between buildings on the same lot in a C-O zone. (Ord. 3395 § 1, 1991)

# Chapter 17.22 C-1 NEIGHBORHOOD COMMERCIAL ZONE\*

Sections:

17.22.010	Generally.
17.22.020	Uses permitted.
17.22.030	Uses permitted subject to planning director review and approval.
17.22.040	Uses permitted only by conditional use permit.
17.22.050	Additional requirements.
17.22.060	Building height.
17.22.070	Front yard.
17.22.080	Side yards.
17.22.090	Rear yard.
17.22.100	Minimum lot area.
17.22.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.25.010-17.25.080 and Ords. 2704 and 2877.

## 17.22.010 Generally.

The regulations set out in this chapter shall apply in the C-1 neighborhood commercial zone unless otherwise provided in this title. The purpose of this zone is to provide an adequate variation of retail establishments and services that conveniently serve the needs of residents in the immediate neighborhood. It is highly desirable to blend uses into the area thereby protecting the residential character of the area; but not create architectural or traffic conflicts nor permit the commercial development to expand into a regional center of such scope and variety as to attract significant volumes of traffic from outside the neighborhood. (Ord. 3395 § 2, 1991)

#### 17.22.020 Uses permitted.

The following uses are permitted in a C-1 zone:

- A. Any use listed in the uses permitted section in the C-O zone;
- B. Any one or more of the following uses:
  - 1. Apparel and accessory specialty shops, does not include large scale chain department stores;

- 2. Automobile service stations, including convenience markets but excluding truck stops;
- 3. Bakery, retail only;
- 4. Book and stationery store;
- 5. Candy, nut and confectionery store;
- 6. Christmas tree sales, limited between November 15th to December 26th each calendar year;
- 7. Cosmetic store;
- 8. Drugstore, pharmacy;
- 9. Fabric, yardage store;
- 10. Florist;
- 11. Fireworks ("safe and sane") sales, limited between July 1<sup>st</sup> and July 4<sup>th</sup> each calendar year;
- 12. Garment cleaning, pressing, alteration and repair;
- 13. Grocery stores, including meat, fish, fruit, vegetable, delicatessen and convenience stores;
- 14. Hair styling shop and beauty salon, including tanning salons;
- 15. Interior decorating, including drapery, curtain and upholstery sales;
- 16. Jewelry, watch, clocks, silverware, coins and gemstones including repair;
- 17. Laundromat;
- 18. Liquor store;
- 19. Locksmith;

20. Newspaper, magazine store;

- 21. Pet and pet supply store, including grooming services;
- 22. Photocopying and duplicating services;
- 23. Photographic shops and developing services;
- 24. Physical fitness facility;
- 25. Private service clubs, lodges;

26. Restaurants and related eating places, excluding on-site alcohol sales, entertainment or drive-through service;

27. Rest home, convalescent home, adult care facility, residential care facility as defined in California Health and Safety Code Section 1502;

28. Temporary promotional activity as defined in Section <u>17.04.610</u>;

- 29. Tobacco store;
- 30. Video disk/tape rental;
- 31. Veterinary (small animal only), excluding kennel services;
- 32. Shopping centers.

C. Accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel.

E. Temporary offices, including portable, modular or prefabricated structures constructed in conformance with the building codes adopted by the city (Title 15 of this code) and not attached to permanent foundations

may be allowed for a period not to exceed two years, plus one-year extension subject to the approval of the planning commission.

F. The specified store, shops or businesses in subsection  $\underline{B}$  of this section shall be establishments selling new merchandise exclusively, except used merchandise clearly incidental to the regular business conducted on the premises, and shall be permitted only under the following conditions:

1. Such stores, shops or businesses, except automobile service stations and outdoor seating for restaurants, shall be conducted entirely within an enclosed building. No outside storage of materials is permitted.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

3. All public entrances to such stores, shops or businesses shall be from the principal street upon which the property abuts or within one hundred feet thereof, except that a rear or side entrance from the building to a public parking area may be provided.

4. The accessory buildings or structures necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons and employees of the above stores or businesses. (Ord. 5092 § 1, 2022; Ord. 4715 § 1, 2012; Ord. 3964 § 21, 2000; Ord. 3395 § 2, 1991)

#### 17.22.030 Uses permitted subject to planning director review and approval.

The following uses may be permitted in a C-1 zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations. (Ord. 3395 § 2, 1991)

#### 17.22.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Adult day care;

2. Assisted living facility;

3. Automobile accessory or parts store, including stereo, phone, upholstery, and tires;

4. Automobile tuneup specialty shops providing electrical and carburetor tuneup services and related work, when not done as a part of, or incidental to, the operation of an automobile service station;

5. Banquet venue;

- 6. Carwashes, including detailing;
- 7. Food and/or shelter service as defined in Section 17.04.285;
- 8. Funeral services, including a crematory, provided it is incidental to the main use;
- 9. Hotels and motels;
- 10. Kennels;
- 11. Mobilehome or travel trailer parks;
- 12. Movie theaters serving alcohol;
- 13. Nurseries, lawn and garden supplies;

14. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

15. Religious institution;

16. School, elementary, junior high, and high;

17. Restaurant and related eating places with on-site alcohol sales, entertainment or drive-through services;

18. Scientific research and testing services;

- 19. Small appliance and electronic goods repair;
- 20. Theaters, cinemas;

21. Trade, vocational or specialized schools. (Ord. 5106 § 1, 2022; Ord. 5092 § 2, 2022; Ord. 5008 § 7, 2020; Ord. 4945 § 1, 2018; Ord. 3746 § 6, 1997; Ord. 3395 § 2, 1991)

#### **17.22.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 4939 § 11, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 22, 2000; Ord. 3835 § 11, 1998; Ord. 3395 § 2, 1991)

#### 17.22.060 Building height.

Building height requirements in a C-1 zone shall not exceed sixty feet (approximately four stories). (Ord. 3395 § 2, 1991)

#### 17.22.070 Front yard.

Front yard requirements in a C-1 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

(Ord. 3395 § 2, 1991)

#### 17.22.080 Side yards.

Side yard requirements in a C-1 zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a commercial building shall not be required.

(Ord. 3395 § 2, 1991)

#### 17.22.090 Rear yard.

Rear yard requirements in a C-1 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

(Ord. 4236 § 2, 2005; Ord. 3395 § 2, 1991)

### 17.22.100 Minimum lot area.

There shall be no minimum lot area requirements in a C-1 zone. (Ord. 3395 § 2, 1991)

### **17.22.110** Distance between buildings on the same lot.

There shall be no distance requirements between buildings on the same lot in a C-1 zone. (Ord. 3395 § 2, 1991)

# Chapter 17.24 C-2 REGIONAL COMMERCIAL ZONE\*

Sections:

17.24.010	Generally.
17.24.020	Uses permitted.
17.24.030	Uses permitted subject to planning director review and approval.
17.24.040	Uses permitted only by conditional use permit.
17.24.050	Additional requirements.
17.24.060	Building height.
17.24.070	Front yard.
17.24.080	Side yards.
17.24.090	Rear yard.
17.24.100	Minimum lot area.
17.24.110	Distance between buildings on the same lot.

\* Prior history: Prior code §§ 17.27.010-17.27.080 and Ords. 2705, 2752, 2926, 3105 and 3174.

## **17.24.010** Generally.

The regulations set out in this chapter shall apply in the C-2 regional commercial zone unless otherwise provided in this title. The purpose of this zone is to permit development of concentrated large-scale retail operations providing a broad range of goods and services which serve the metropolitan market area. (Ord. 3395 § 3, 1991)

#### 17.24.020 Uses permitted.

The following uses are permitted in the C-2 zone:

A. Any use listed in the uses permitted section in the C-O and C-1 zones.

B. Any of the following uses:

1. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code.

2. Apparel and accessory stores.

3. Appliance store, including stoves, refrigerators, washers, dryers, and other electric or gas appliances, including repair.

4. Automobile accessory or part stores, including stereo, phone, tire, upholstery and tune-up specialty shops but excluding heavy or major mechanical work and all body or paint work, and where all work is conducted inside a building.

- 5. Automobile dealership, new and used.
- 6. Automobile rental agency, including limousine service.
- 7. Bowling center, billiards.
- 8. Brewery or distillery, small.
- 9. Camera and photographic supply.
- 10. Card room, bingo parlor.
- 11. Carpet and upholstery cleaners.
- 12. Carwash, detailing.
- 13. Computers and computer software store.
- 14. Department store.

15. Farmers market; provided it is conducted on a paved surface, shall not be operated more than two days per calendar week, has been certified by the Kern County Agricultural Commissioner, and that adequate parking is available through joint, shared or other arrangement as approved by the planning director pursuant to Chapter <u>17.58</u> of this code.

- 16. Food vending vehicle.
- 17. Floor covering store.

18. Funeral services, including a crematory provided it is incidental to the main use.

- 19. Furniture store, including rental.
- 20. Garage for public or commercial parking.
- 21. Gift, novelty and souvenir store.
- 22. Hardware store, including home building and garden supply.
- 23. Hobby, toy and game store.

24. Home furnishings, including kitchenware, glassware, lamps and lighting, and fireplace inserts.

25. Hospital, sanitarium.

26. Hotel, motel, including restaurants, bars and cocktail lounges, provided they are incidental to the main use.

- 27. Luggage and leather goods.
- 28. Military surplus store.
- 29. Motion picture theater and auditoriums, excluding drive-in.
- 30. Motorcycle dealership, new and used.
- 31. Musical instrument store.
- 32. Nurseries.
- 33. Paint, glass and wallpaper store.
- 34. Pool and spa sales, provided there is no outside storage of material.

35. Radio, television and other consumer electronics store, including repair.

36. Record, tape, disk and other pre-recorded music and video store.

37. Restaurant and related eating places, including drive-through services and on-site alcohol sales when served together with and incidental to the serving of food, or in a cocktail lounge or bar which is an accessory use to the restaurant, including entertainment.

38. School, elementary, junior high, and high;

- 39. Sewing, needlework and piece good store.
- 40. Skating rinks.
- 41. Sporting goods, including bicycles, camping equipment, firearms, skiing and golf.

42. Taxidermist.

- 43. Theater, cinema, excluding drive-in.
- 44. Trade, vocational or specialized school.
- 45. Used merchandise, including antiques, books, furniture, thrift shops, and pawnshops.
- 46. Variety store.
- 47. Video arcade.
- 48. Winery, boutique.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 5053 § 1, 2021; Ord. 4926 § 2, 2018; Ord. 4873 § 1, 2016; Ord. 3695 § 2, 1995; Ord. 3395 § 3, 1991)

### **17.24.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-2 zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations. (Ord. 3395 § 3, 1991)

#### 17.24.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-2 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Adult day care;
- 2. Amusement parks, including miniature golf, water parks, batting cages and miniature car tracks;
- 3. Assisted living facility;
- 4. Automobile body and fender repair and painting;
- 5. Automobile machine shops;
- 6. Banquet venue;

7. Bars, cocktail lounges or other establishments selling alcoholic beverages for on-site consumption where said use is the primary business;

- 8. Boat and recreational vehicle dealership, new and used;
- 9. Bus, train and other transit stations;
- 10. Food and/or shelter service as defined in Section 17.04.285;
- 11. Golf driving ranges;

12. Helipad (in conjunction with a hospital);

- 13. Kennels;
- 14. Mobilehome or travel trailer park;
- 15. Mobilehome sales, new and used;
- 16. Movie theater serving alcohol;
- 17. Pest control services;

18. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- 19. Religious institution;
- 20. Scientific research and testing services;
- 21. Swap meet, flea markets and auction yards;
- 22. Tool, equipment and utility trailer rental establishments;
- 23. Warehouses. (Ord. 5008 § 8, 2020; Ord. 4946 § 1, 2018; Ord. 3746 § 7, 1997; Ord. 3395 § 3, 1991)

#### **17.24.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 4939 § 12, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 23, 2000; Ord. 3835 § 12, 1998; Ord. 3395 § 3, 1991)

### 17.24.060 Building height.

Building height requirements in a C-2 zone shall not exceed ninety feet (approximately six stories). (Ord. 3395 § 3, 1991)

#### 17.24.070 Front yard.

Front yard requirements in a C-2 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

(Ord. 3395 § 3, 1991)

#### 17.24.080 Side yards.

Side yard requirements in a C-2 zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a commercial building shall not be required.

(Ord. 3395 § 3, 1991)

### 17.24.090 Rear yard.

Rear yard requirements in a C-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

(Ord. 4236 § 3, 2005; Ord. 3395 § 3, 1991)

#### 17.24.100 Minimum lot area.

There shall be no minimum lot area in a C-2 zone. (Ord. 3395 § 3, 1991)

#### **17.24.110** Distance between buildings on the same lot.

There shall be no distance requirements between buildings on the same lot in a C-2 zone. (Ord. 3395 § 3, 1991)

# Chapter 17.25 C-B CENTRAL BUSINESS ZONE

Sections:

17.25.010	Generally.
17.25.020	Uses permitted.
17.25.030	Uses permitted subject to planning director review and approval.
17.25.040	Uses permitted only by conditional use permit.
17.25.050	Additional requirements.
17.25.060	Building height.
17.25.070	Front, side and rear yards.
17.25.090	Public benefit features.
17.25.100	Minimum lot area.

## 17.25.010 Generally.

The regulations set out in this chapter shall apply in the C-B central business zone. This zone is intended to be applicable to the central business core area accommodating a diverse mix of medium/high density residential, commercial, financial and institutional uses serving both city-wide and regional needs. In addition to these uses, cultural, entertainment, specialty retail, convention services and lodging are also principal uses in this area. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

## 17.25.020 Uses permitted.

A. Any use listed in the uses permitted section in the C-O, C-1 and C-2 zones;

B. Any of the following uses:

1. Bus, train and other transit station, provided that transit vehicles are not stored on site and no repair work or servicing of transit vehicles is conducted on site,

2. News/magazine stand,

3. Nightclub, bar, cocktail lounge or other establishment selling alcoholic beverages for on-site consumption where such use, including entertainment, is the primary business,

4. Parking garage or surface lot,

5. Police, fire and other emergency service alarm centers,

6. Post office and other courier or parcel delivery service,

7. Sidewalk use, including, but not limited to, outdoor seating, subject to issuance of an encroachment permit;

C. Residential uses provided they are located in the second story or above;

D. Employee housing, up to six residents

E. Mixed combinations of uses allowed in subsections  $\underline{A}$  and  $\underline{B}$  of this section are permitted;

F. Accessory buildings, structures and uses necessary to support the principal use located on the same lot or parcel of land. (Ord. 5120 § 1, 2023; Ord. 4911 § 1, 2017; Ord. 3631 § 2, 1995)

## 17.25.030 Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-B zone subject to review and approval by the planning director:

A. Itinerant merchant, including street vendors, subject to city permit and business license;

- B. Promotional activities as defined in this code;
- C. Public utility structures;
- D. Water pump stations;
- E. Public benefit features pursuant to Section <u>17.25.090</u>. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

#### 17.25.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-B zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Adult day care;

- 2. Any residential use that is located on the first or ground floor;
- 3. Banquet venue;
- 4. Food and/or shelter service as defined in Section <u>17.04.285;</u>
- 5. Movie theater serving alcohol;

6. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

7. Scientific research and testing services;

8. Swap meets, flea markets and auction houses. (Ord. 5120 § 1, 2023; Ord. 5008 § 9, 2020; Ord. 4947 § 1, 2018; Ord. 4311 § 1, 2006; Ord. 3746 § 8, 1997; Ord. 3695 § 4, 1995; Ord. 3631 § 2, 1995)

#### **17.25.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

- C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.
- D. Signs shall be subject to the requirements of Chapter 17.60 of this code.
- E. Storage of material and equipment shall be enclosed entirely within a building.

F. All outside mechanical equipment shall be enclosed or screened from public street view. Bases of towers and antennas shall be screened or enclosed to a height of fifteen feet above grade if not camouflaged.

G. Roof-top areas of structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 5120 § 1, 2023; Ord. 4617 § 3, 2010; Ord. 4311 § 2, 2006; Ord. 3835 § 13, 1998; Ord. 3631 § 2, 1995)

#### 17.25.060 Building height.

There shall be no maximum building height in a C-B zone. (Ord. 5120 § 1, 2023; Ord. 4231 § 8, 2005; Ord. 3631 § 2, 1995)

#### 17.25.070 Front, side and rear yards.

There shall be no minimum front, side or rear yard in a C-B zone; however, where a lot abuts any R, MH zone, or PUD project of a single-unit nature, there shall be a minimum setback from any side or rear property line of twenty feet. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

#### **17.25.090** Public benefit features.

A. The following public benefit features are encouraged:

1. Open Space, Atrium, Plaza, or Garden Available to the Public.

a. These areas are intended to provide public open space which provides quiet retreats from surrounding activity in the intensely developed areas of downtown or a center. While relatively small, they should be flexible in design to accommodate passive recreational activities, as well as allow events and public gatherings. They should also be strategically located to denote important places, create a focus for surrounding development, and increase light and air at the street level. Weather protected areas can serve to function as an interior park to give the public relief from extreme weather conditions.

b. An open space area shall be directly accessible from a public sidewalk with accessibility to the handicapped meeting state handicapped requirements.

c. Permanent art may be incorporated as part of the open areas as set forth in this subsection.

d. Kiosks, displays, art exhibits, and retail vendors are permitted provided they are portable in nature and use of the open area by the public is not precluded. The total area occupied by such uses should not exceed twenty-five percent of the total open area.

- e. Interior pedestrian lighting shall be provided.
- f. Directory or directional signs may be permitted pursuant to Chapter <u>17.60</u> of this code.

#### 2. Sculptured Building Tops.

a. Sculptured building tops are intended to provide visual interest and variety in the downtown or center skyline. They have the greatest impact in the downtown area where the tallest buildings are permitted. A sculptured building top which modifies the silhouette of a building by reducing the area of the top floor, reduces the overall bulk of the building to produce a more interesting building form. As the building increases in height, its upper portion should become more slender and ornamental. Mechanical equipment on the roof would be enclosed and integrated into the design of the building.

#### 3. Public Art Work.

a. There is a broad view of what constitutes art, and it is desired to encourage a high-quality, imaginative interpretation of the various media. Works of art may be merely decorative, or both decorative and functional. Over time, new materials and art forms may be developed. Therefore, art work may include, but is not limited to, two- or three-dimensional works in all media such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Art work may also include fountains, mobiles, special wall or paving surface, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works involving sound, touch and other senses.

b. Art work should be an integral part of the design of the building or public open space, and should be compatible in bulk, scale, design, texture, color, and shape with the space in which it is located. It shall be located so that it is clearly visible to people using the public space, and whenever possible, visible from the street.

c. The setting for art work shall be designed in such a way as to provide comfort and amenity, and accommodate people viewing it by incorporating such features as steps, ledges, benches and other seating, or provide rails or other architectural features to lean against.

d. The property owner shall be responsible for the maintenance of all art features for the life of the building or open space.

#### 4. Voluntary Building Setback.

a. Voluntary building setbacks are intended to expand the landscaped area along streets to encourage additional open space along public streets that link large open space areas, parks and plazas.

b. The additional setback area should provide ample room for landscaping that will complement existing street landscaping and the building.

#### 5. Overhead Weather Protection.

a. Overhead weather protection is intended to improve pedestrian comfort along pedestrian routes.

b. Overhead protections should be permanent and nonretractable with a minimum protection width of six feet.

c. At least one-half of the overhead protections should be over the public sidewalk or walkway. An encroachment permit shall be obtained from the public works department for any overhead protection over the public right-of-way.

d. No covering shall extend more than ten feet or to a point within two feet from the curb flow line, whichever is less. The entire area under the weather protection shall be unobstructed by structural elements such as columns.

e. The lower edge of the overhead protection shall be a minimum of eight feet and a maximum of twelve feet above the sidewalk.

#### 6. Day Care Facilities (Children and Adult).

a. Day care facilities provide a safe and supportive environment for a wide range of educational, social and health related services for both children and adults. Encouraging the integration of these facilities into mixed use developments allows these services to be near both homes and workplaces helping caregivers better manage quality time at both work and home. The location of these facilities near employment centers and residential neighborhoods can also contribute to reducing automobile

congestion, air pollution, and enhance the ability to blend civic, volunteer and work interests into sustainable communities. (Ord. 5120 § 1, 2023; Ord. 4311 § 4, 2006; Ord. 3631 § 2, 1995)

## 17.25.100 Minimum lot area.

There shall be no lot minimum requirement in a C-B zone. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# Chapter 17.26 C-C COMMERCIAL CENTER ZONE\*

Sections:

17.26.010	Generally.
17.26.020	Uses permitted.
17.26.030	Uses permitted subject to planning director review and approval.
17.26.040	Uses permitted subject to conditional use permit.
17.26.050	Additional requirements.
17.26.060	Building height.
17.26.070	Front, rear and side yards.
17.26.090	Public benefit features.
17.26.100	Minimum lot area.
17.26.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.29.010—17.29.060 and Ords. 2706, 2831 and 3395.

## 17.26.010 Generally.

The regulations set out in this chapter shall apply in the C-C (commercial center) zone. This zone is intended for those areas in the city that are planned for large-scale mixed use development centers consisting of commercial and high density residential uses with a minimum density of 20.1 dwelling units an acre. Residential development in the C-C zone will still be subject to the R-4 standards with the exception of the density maximum. (Ord. 5120 § 2, 2023; Ord. 4312 § 1, 2006; Ord. 3631 § 4, 1995)

#### 17.26.020 Uses permitted.

The following uses are permitted in a C-C zone:

- A. Any use listed in the uses permitted section in the C-O, C-1 and C-2 zones.
- B. Any of the following uses:

1. Bus, train and other transit station; provided, that transit vehicles are not stored on site and no repair work or servicing of transit vehicles is conducted on site;

2. Employee housing, up to six residents

- 3. Multiple-unit dwelling;
- 4. Parking garage or surface lot;
- 5. Police, fire and other emergency service alarm centers;
- 6. Post office and other courier or parcel delivery service;

7. Sidewalk use, including but not limited to outdoor seating, subject to issuance of an encroachment permit;

8. Single-room occupancy unit;

C. Mixed combinations of uses allowed in subsections  $\underline{A}$  and  $\underline{B}$  of this section are permitted.

D. Accessory buildings, structures or uses necessary to support the principal use located on the same lot or parcel of land. (Ord. 5120 § 2, 2023; Ord. 4312 § 3, 2006; Ord. 3631 § 4, 1995)

#### **17.26.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-C zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations;
- C. Itinerant merchant, including street vendors, subject to city permit and business license;
- D. Promotional activities as defined in this code;
- E. Public benefit features pursuant to Section <u>17.26.090</u>. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

### **17.26.040** Uses permitted subject to conditional use permit.

A. The following uses are permitted in a C-C zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Adult day care;
- 2. Assisted living facility;
- 3. Banquet venue;

4. Bars, nightclubs, cabarets, cocktail lounges or other establishments selling alcoholic beverages for onsite consumption where such use, including entertainment, is the primary business;

- 5. Food and/or shelter service as defined in Section 17.04.285;
- 6. Kennels;
- 7. Movie theater serving alcohol;

8. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- 9. Scientific research and testing services;
- 10. Swap meets, flea markets and auction houses;

(Ord. 5120 § 2, 2023; Ord. 5008 § 10, 2020; Ord. 4948 § 1, 2018; Ord. 3746 § 9, 1997; Ord. 3695 § 4, 1995; Ord. 3631 § 4, 1995)

#### **17.26.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. All outside mechanical equipment shall be enclosed or screened from public street view. Bases of towers and antennas shall be screened or enclosed to a height of fifteen feet above grade if not camouflaged.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 5120 § 2, 2023; Ord. 4939 § 13, 2018; Ord. 4714 § 1, 2012; Ord. 4617 § 4, 2010; Ord. 4312 § 4, 2006; Ord. 3964 § 24, 2000; Ord. 3835 § 14, 1998; Ord. 3631 § 4, 1995)

#### 17.26.060 Building height.

Building height requirements in a C-C zone shall not exceed one hundred eighty feet (approximately twelve stories). (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

#### **17.26.070** Front, rear and side yards.

There shall be no minimum front, side or rear yard in a C-C zone; however, where a lot abuts any R, MH zone, or PUD project of a single-unit nature, there shall be a minimum setback from any side or rear property line of twenty feet. (Ord. 5120 § 2, 2023; Ord. 4312 § 5, 2006; Ord. 3631 § 4, 1995)

## **17.26.090** Public benefit features.

- A. The following public benefit features are encouraged:
  - 1. Open Space, Atrium, Plaza, or Garden Available to the Public.

a. These areas are intended to provide public open space which provides quiet retreats from surrounding activity in the intensely developed areas of downtown or a center. While relatively small, they should be flexible in design to accommodate passive recreational activities, as well as allow events and public gatherings. They should also be strategically located to denote important places, create a focus for surrounding development, and increase light and air at the street level. Weather protected areas can serve to function as an interior park to give the public relief from extreme weather conditions.

b. An open space area shall be directly accessible from a public sidewalk with accessibility to the handicapped meeting state handicapped requirements.

c. Permanent art may be incorporated as part of the open areas as set forth in this subsection.

d. Kiosks, displays, art exhibits, and retail vendors are permitted provided they are portable in nature and use of the open area by the public is not precluded. The total area occupied by such uses should not exceed twenty-five percent of the total open area.

- e. Interior pedestrian lighting shall be provided.
- f. Directory or directional signs may be permitted pursuant to Chapter <u>17.60</u> of this code.

#### 2. Sculptured Building Tops.

a. Sculptured building tops are intended to provide visual interest and variety in the downtown or center skyline. They have the greatest impact in the downtown area where the tallest buildings are permitted. A sculptured building top which modifies the silhouette of a building by reducing the area of the top floor, reduces the overall bulk of the building to produce a more interesting building form. As the building increases in height, its upper portion should become more slender and ornamental. Mechanical equipment on the roof would be enclosed and integrated into the design of the building.

3. Public Art Work.

a. There is a broad view of what constitutes art, and it is desired to encourage a high-quality, imaginative interpretation of the various media. Works of art may be merely decorative, or both decorative and functional. Over time, new materials and art forms may be developed. Therefore, art work may include, but is not limited to, two- or three-dimensional works in all media such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Art work may also include fountains, mobiles, special wall or paving surfaces, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works involving sound, touch and other senses.

b. Art work should be an integral part of the design of the building or public open space, and should be compatible in bulk, scale, design, texture, color, and shape with the space in which it is located. It shall be located so that it is clearly visible to people using the public space, and whenever possible, visible from the street.

c. The setting for art work shall be designed in such a way as to provide comfort and amenity, and accommodate people viewing it by incorporating such features as steps, ledges, benches and other seating, or provide rails or other architectural features to lean against.

d. The property owner shall be responsible for the maintenance of all art features for the life of the building or open space.

4. Voluntary Building Setback.

a. Voluntary building setbacks are intended to expand the landscaped area along streets to encourage additional open space along public streets that link large open space areas, parks and plazas.

b. The additional setback area should provide ample room for landscaping that will complement existing street landscaping and the building.

#### 5. Overhead Weather Protection.

a. Overhead weather protection is intended to improve pedestrian comfort along pedestrian routes.

b. Overhead protections should be permanent and nonretractable with a minimum protection width of six feet.

c. At least one -half of the overhead protection should be over the sidewalk within the public rightof-way. An encroachment permit shall be obtained from the public works department.

d. No covering shall extend more than ten feet or to a point within two feet from the curb flow line, whichever is less. The entire area under the weather protection shall be unobstructed by structural elements such as columns.

e. The lower edge of the overhead protection shall be a minimum of eight feet and a maximum of twelve feet above the sidewalk.

6. Day Care Facilities (Children and Adult).

a. Day care facilities provide a safe and supportive environment for a wide range of educational, social and health related services for both children and adults. Encouraging the integration of these facilities into mixed use developments allows these services to be near both homes and workplaces helping caregivers better manage quality time at both work and home. The location of these facilities near employment centers and residential neighborhoods can also contribute to reducing automobile congestion, air pollution, and enhance the ability to blend civic, volunteer and work interests into sustainable communities. (Ord. 5120 § 2, 2023; Ord. 4312 § 7, 2006; Ord. 3631 § 4, 1995)

#### 17.26.100 Minimum lot area.

There shall be no lot minimum requirement in a C-C zone; however, all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

#### **17.26.110** Distance between buildings on the same lot.

None; however, all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

# Chapter 17.28 M-1 LIGHT MANUFACTURING ZONE

Sections:

17.28.010	Generally.
17.28.020	Uses permitted.
17.28.030	Uses permitted only by conditional use permit.
17.28.035	Additional requirements.
17.28.040	Building height.
17.28.050	Front yard.
17.28.060	Side yards.
17.28.070	Rear yard.
17.28.080	Minimum lot area.
17.28.090	Distance between buildings on the same lot.

# 17.28.010 Generally.

The regulations set out in this chapter shall apply in the M-1 light manufacturing zone unless otherwise provided in this title. (Prior code § 17.31.010)

### 17.28.020 Uses permitted.

The following uses are permitted in an M-1 zone:

A. Any use permitted in the C-O, C-1 and C-2 zones; provided, however, that no building shall be used as a dwelling except accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building.

B. Any use specified below, provided such use does not produce, cause or emit any fumes, odor, dust, smoke, gas, noise or vibration detrimentally impacting neighboring property and the occupants thereof. Where adopted city or other public agency standards are applicable and available to measure such impacts, such standards shall be used to determine whether a use constitutes or will constitute such a detrimental impact.

1. Adult day care;

2. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code;

- 3. Animal hospitals, kennels and veterinaries;
- 4. Automobile and light truck, two-axle vehicles, parking and storage;

5. Automobile assembling, body and fender works, painting, upholstering, dismantling and used parts storage, when operated or maintained wholly within a building;

- 6. Bakeries;
- 7. Banquet venue;
- 8. Boat buildings;
- 9. Bottling plant;
- 10. Building materials storage yards;
- 11. Cabinet or carpenter shop;
- 12. Carpet, awning, blinds, mattress or upholstery shops, including cleaning and repair;
- 13. Concrete batch plants, portable, not to exceed two-yard capacity;
- 14. Contractor's plants and storage yards;
- 15. Distributing plants;
- 16. Electric welding and electroplating;
- 17. Frozen food lockers;
- 18. Furniture and automobile upholstering operations not confined wholly to a building;

- 19. Ice and cold storage plants;
- 20. Laboratories, experimental research and testing;
- 21. Laundries, cleaning and dyeing plants;
- 22. Lumberyards;

23. Machine shops (except punch presses of over twenty tons rated capacity, drop hammers and automatic screw machines);

24. Paint mixing plants (not employing a boiling process);

- 25. Public utilities service yards, power plants or distributing stations;
- 26. Rubber fabrication or products made from finished rubber;
- 27. Sheet metal shops;
- 28. Stone monument works;
- 29. Storage spaces for transit and transportation equipment;
- 30. Tool rental and equipment;
- 31. Truck repairing and overhauling shops;
- 32. Welding, metal fabricating and blacksmith shops;
- 33. Wholesale businesses, storage buildings and warehouses;
- 34. Manufacturer of:
  - a. Arts and crafts,

- b. Billboards and advertising structures, electric neon signs,
- c. Ceramic products,
- d. Clothing or garments,
- e. Cosmetics, perfumes and toiletries, drugs and pharmaceuticals,
- f. Electronic instruments and devices, radios, televisions, phonographs and business machines,
- g. Food products (except the rendering or refining of fats or oils),
- h. Furniture,
- i. Musical instruments and toys,
- j. Prefabricated buildings,
- k. Shoes,
- 1. Soap (cold mix only),

m. *Textiles*. Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yards and paint, not employing a boiling process.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. The Bakersfield Airpark provides an expanded airport/aircraft landing field for recreation, agricultural, and commercial/industrial uses. Therefore, in addition to the uses allowed in this section, the following additional uses are permitted within the Bakersfield Airpark property:

- 1. Agricultural crop dusting services and related chemical storage;
- 2. Aircraft rental;

- 3. Aircraft repair and maintenance;
- 4. Aircraft runways and landing fields;
- 5. Aviation related businesses;
- 6. Aviation fuel sales;
- 7. Aviation related manufacturing;
- 8. Flight training schools;
- 9. Freight and package delivery services;

10. Hangars and aircraft tie-downs. (Ord. 5008 § 11, 2020; Ord. 3995 § 1, 2001; Ord. 3059 § 1, 1986; Ord. 2926 § 2, 1984; Ord. 2707 § 1, 1982; prior code § 17.31.020)

# 17.28.030 Uses permitted only by conditional use permit.

A. The following uses are permitted in the M-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Agricultural packing plants;
- 2. Aircraft and automobile factories;
- 3. Automobile parts manufacturer;
- 4. Battery manufacturer;
- 5. Breweries or distilleries, large;

6. Clinics, hospitals, sanitariums or other buildings for contagious, mental, drug or liquor addiction cases;

- 7. Equestrian establishments, stables, riding academies, schools or amusements;
- 8. Food and/or shelter service as defined in Section <u>17.04.285;</u>
- 9. Freighting or trucking yards or terminals;
- 10. Helipad (in conjunction with a hospital);
- 11. Livestock slaughtering and processing, wholly within a building;
- 12. Machine shops, including punch presses and automatic screw machines;
- 13. Movie theater serving alcohol;
- 14. Planing mills;

15. Recycling centers, as defined by Public Resources Code Section  $\underline{14520}$ , that are within a convenience zone, as defined by Public Resources Code Section  $\underline{14509.4}$ ;

16. Tire rebuilding, recapping and retreading plants;

17. Truck stop. (Ord. 5008 § 12, 2020; Ord. 4949 § 1, 2018; Ord. 4926 § 2, 2018; Ord. 4912 § 1, 2017; Ord. 3746 § 10, 1997; Ord. 3174 § 5, 1988; Ord. 2707 § 2, 1982; prior code § 17.31.026)

# 17.28.035 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Industrial and commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 14, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 25, 2000; Ord. 3835 § 16, 1998; Ord. 2707 § 3, 1982)

## 17.28.040 Building height.

Building height in an M-1 zone shall be six stories and not exceed seventy-five feet. (Prior code § 17.31.030)

### 17.28.050 Front yard.

Front yard requirements in an M-1 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

(Ord. 4236 § 4, 2005; prior code § 17.31.040)

#### 17.28.060 Side yards.

Side yard requirements in an M-1 zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

(Ord. 4236 § 5, 2005; prior code § 17.31.050)

## 17.28.070 Rear yard.

Rear yard requirements in an M-1 zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

(Ord. 4236 § 6, 2005; prior code § 17.31.070)

# 17.28.080 Minimum lot area.

There shall be no minimum lot area in an M-1 zone.

# **17.28.090** Distance between buildings on the same lot.

There shall be no distance requirements between buildings on the same lot in an M-1 zone. (Prior code § 17.31.080)

# Chapter 17.30 M-2 GENERAL MANUFACTURING ZONE

Sections:

17.30.010	Generally.
17.30.020	Uses permitted.
17.30.030	Uses permitted only by conditional use permit.
17.30.035	Additional requirements.
17.30.040	Building height.
17.30.050	Front yard.
17.30.060	Side yards.
17.30.070	Rear yard.
17.30.080	Minimum lot area.
17.30.090	Distance between buildings on the same lot.

# 17.30.010 Generally.

The regulations set out in this chapter shall apply in the M-2 general manufacturing zone unless otherwise provided in this chapter. (Prior code § 17.32.010)

### 17.30.020 Uses permitted.

The following uses are permitted in an M-2 zone:

A. Any use permitted in the M-1 zone; provided, however, that no building shall be used as a dwelling except accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building.

B. Any of the following uses:

1. Acetylene gas manufacture or storage;

2. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code;

3. Aircraft and automobile factories;

- 4. Agricultural packing plants (vegetables and fruits);
- 5. Alcohol and alcoholic beverages manufacture;
- 6. Ammonia, chlorine and bleaching powder manufacture;
- 7. Automobile and truck manufacture;
- 8. Automobile and truck parts manufacturer;
- 9. Bag cleaning;
- 10. Battery manufacturer;
- 11. Blast furnaces;
- 12. Boiler or tank works;
- 13. Breweries or distilleries, large;
- 14. Brick, tile or terra cotta products manufacture;
- 15. Building materials manufacture;
- 16. Carpet and rug manufacture;

17. Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases;

- 18. Clay product manufacture;
- 19. Coke ovens;
- 20. Cotton gins or oil mills;

- 21. Creameries;
- 22. Crematories;
- 23. Creosote treatment or manufacture;
- 24. Disinfectant manufacture;
- 25. Distillation of coal, wood or tar;
- 26. Dyestuffs manufacture;
- 27. Exterminator or insect poison manufacture;
- 28. Feed, flour and grains mills;
- 29. Firearms manufacture;
- 30. Food and/or shelter service as defined in Section 17.04.285;
- 31. Forge plants;
- 32. Freighting and trucking yards and terminals;
- 33. Freight classification yards;
- 34. Glass and glass product manufacture;
- 35. Grain elevator;
- 36. Helipad (in conjunction with a hospital);
- 37. Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting;
- 38. Lamp black manufacture;

- 39. Linoleum or oiled products manufacture;
- 40. Machine shops including punch presses and automatic screw machines;
- 41. Metal container manufacturer;
- 42. Ore reduction;
- 43. Paint, oil, shellac, turpentine or varnish manufacture;
- 44. Paper or pulp manufacture;
- 45. Petroleum refining and reclaiming plants;
- 46. Planing mills;
- 47. Plastic manufacture;
- 48. Potash works;
- 49. Railroad roundhouses and repair shops;
- 50. Rolling mills;
- 51. Rubber processing and manufacture;
- 52. Sawmills;
- 53. Soap manufacture;
- 54. Sodium compounds manufacture;
- 55. Starch manufacture;
- 56. Tar roofing or waterproofing or other tar products manufacture;

57. Tire rebuilding, recapping, and retreading plants;

58. Truck stop.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Ord. 5008 § 13, 2020; Ord. 4926 § 2, 2018; Ord. 4604 § 1, 2009; Ord. 2926 § 3, 1984; Ord. 2708 § 1, 1982; prior code § 17.32.020)

# 17.30.030 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to Section 17.64.020(B), the following uses are not permitted in the M-2 zone except by conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- A. Acid manufacture;
- B. Ammunition manufacture;
- C. Cement, lime, gypsum or plaster of Paris manufacture;
- D. Chemical manufacture;
- E. Curing, tanning and storage of rawhide or skins;
- F. Distillation of bones;
- G. Drop forge industries manufacturing forgings with power hammers;
- H. Dumps and refuse disposal areas;
- I. Explosives, manufacture or storage;
- J. Fat rendering;
- K. Feed and fuel yards;

- L. Fertilizer manufacture;
- M. Garbage, offal or dead animal reduction or dumping;
- N. Gas manufacture;
- O. Gelatin or size manufacture;
- P. Glucose or dextrine manufacture;
- Q. Glue manufacture;
- R. Nonmineral oil extraction plants;

S. Recycling center, as defined by Public Resources Code Section <u>14520</u>, that is within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- T. Sewer farms or sewage disposal plants;
- U. Smelting of tin, copper, zinc or iron ores;
- V. Slaughterhouse;
- W. Scrap metal yards, junkyards;

X. Wineries. (Ord. 4950 § 1, 2018; Ord. 4604 § 2, 2009; Ord. 4044 § 1, 2002; Ord. 3746 § 11, 1997; Ord. 3174 § 6, 1988; prior code § 17.32.026)

# 17.30.035 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Industrial and/or commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 15, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 26, 2000; Ord. 3835 § 16, 1998; Ord. 2708 § 2, 1982)

## 17.30.040 Building height.

Building height in an M-2 zone shall be thirteen stories and shall not exceed one hundred fifty feet. (Prior code § 17.32.030)

#### 17.30.050 Front yard.

Front yard requirements in an M-2 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

(Ord. 4236 § 7, 2005; prior code § 17.32.040)

#### 17.30.060 Side yards.

Side yard requirements in an M-2 zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

(Ord. 4236 § 8, 2005; prior code § 17.32.050)

#### 17.30.070 Rear yard.

Rear yard requirements in an M-2 zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

(Ord. 4236 § 9, 2005; prior code § 17.32.060)

### 17.30.080 Minimum lot area.

There shall be no minimum lot area in an M-2 zone. (Prior code § 17.32.070)

# **17.30.090** Distance between buildings on the same lot.

There shall be no distance requirements between buildings on the same lot in an M-2 zone. (Prior code § 17.32.080)

# Chapter 17.31 M-3 (HEAVY INDUSTRIAL) ZONE

Sections:

17.31.010	Generally.
17.31.020	Uses permitted.
17.31.030	Uses permitted only by conditional use permit.
17.31.040	Additional requirements.
17.31.050	Building height.
17.31.060	Front yard.
17.31.070	Side yards.
17.31.080	Rear yard.
17.31.090	Minimum lot area.
17.31.100	Distance between buildings on the same lot.

# 17.31.010 Generally.

The regulations set out in this chapter shall apply in the M-3 (heavy industrial) zone unless otherwise provided in this chapter. The M-3 zone is intended to provide areas suitable for the development of heavy manufacturing and industrial uses, processing of animals for food or byproducts, waste recycling or disposal processing, and processing or manufacture of undesirable products. Uses allowed in the M-3 zone are incompatible with other land uses and should be located in places substantially removed from uses which may be impacted from M-3 uses. (Ord. 3383 § 1, 1991)

# 17.31.020 Uses permitted.

The following uses are permitted in an M-3 zone:

- A. Acetylene gas manufacture and storage,
- B. Acid manufacture,
- C. Alcohol and alcoholic beverage manufacturing and distillation,
- D. Beef, swine, poultry or rabbit slaughter,

E. Blast furnaces,

F. Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases,

G. Chemical manufacture,

- H. Clay product manufacture,
- I. Coke ovens,
- J. Cotton gins or oil mills,
- K. Creosote treatment or manufacture,
- L. Curing, tanning, and storage of raw hide or skins,
- M. Disinfectant manufacture,
- N. Distillation of coal, wood, bones, or tar,
- O. Drop forge industries manufacturing forgings with power hammers,
- P. Explosives, manufacture or storage,
- Q. Exterminator or insect poison manufacture,
- R. Fat rendering,
- S. Feed and fuel yards,
- T. Fertilizer manufacture,
- U. Forge plants,

- V. Gelatin or size manufacture,
- W. Glass or glass product manufacture,
- X. Glucose or dextrine manufacture,
- Y. Glue manufacture,
- Z. Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting,
- AA. Nonmineral oil extracting plants,
- BB. Ore reduction,
- CC. Paint, oil, shellac, turpentine or varnish manufacture,
- DD. Paper or pulp manufacture,
- EE. Petroleum refining, reclaiming plants, and associated uses,
- FF. Rolling mills,
- GG. Rubber processing and manufacture,
- HH. Sawmills,
- II. Smelting of tin, copper, zinc, or iron ores,
- JJ. Scrap metal yards, junkyards,
- KK. Tar roofing or waterproofing or other tar products manufacture,
- LL. Accessory buildings or structures necessary to such use located on the same lot or parcel of land,

MM. Dwelling for use by a caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 3383 § 1, 1991)

#### 17.31.030 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the M-3 zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

- A. Coal-fired cogeneration facility or steam generators;
- B. Community septic disposal systems;
- C. Electrical power generator plants;
- D. Hazardous waste disposal facilities;
- E. Mining and mineral extraction;
- F. Nonhazardous oily waste disposal facilities;
- G. Sanitary landfills;
- H. Septage disposal sites;
- I. Sewage treatment plants;
- J. Transfer station;
- K. Waste-to-energy facilities. (Ord. 3746 § 12, 1997; Ord. 3383 § 1, 1991)

## **17.31.040** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Industrial and/or commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 16, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 27, 2000; Ord. 3835 § 17, 1998; Ord. 3383 § 1, 1991)

### 17.31.050 Building height.

Building height in an M-3 zone shall not exceed two hundred ten feet (approximately fourteen stories). (Ord. 3383 § 1, 1991)

## 17.31.060 Front yard.

Front yard requirements in an M-3 zone shall be as follows:

A. All buildings shall be located not nearer than ten feet from the front property line.

(Ord. 3383 § 1, 1991)

#### 17.31.070 Side yards.

Side yard requirements in an M-3 zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

(Ord. 4236 § 10, 2005; Ord. 3383 § 1, 1991)

#### 17.31.080 Rear yard.

Rear yard requirements in an M-3 zone shall be as follows:

A. Where the lot abuts any R, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

(Ord. 4236 § 11, 2005; Ord. 3383 § 1, 1991)

# 17.31.090 Minimum lot area.

There shall be no minimum lot area in an M-3 zone. (Ord. 3383 § 1, 1991)

# **17.31.100** Distance between buildings on the same lot.

There shall be no distance required between buildings on the same lot in an M-3 zone. (Ord. 3383 § 1, 1991)

# Chapter 17.32 A AGRICULTURE ZONE

Sections:

17.32.010	Generally.
17.32.020	Uses permitted.
17.32.030	Uses permitted subject to planning director review and approval.
17.32.040	Building height, yards and distance between buildings on same lot.
17.32.050	A-20A (agricultural twenty-acre minimum lot size) zone.
17.32.060	A-WR (agricultural – water recharge combining) zone.

#### 17.32.010 Generally.

The regulations set out in this chapter shall apply in the A agricultural zone unless otherwise provided in this title. (Ord. 4970 § 1, 2019; prior code § 17.36.010)

#### 17.32.020 Uses permitted.

The following uses are permitted in an A zone:

A. One single-unit dwelling;

B. Accessory agricultural buildings and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection with livestock shall be located nearer than one hundred feet to the front lot line, nor nearer than fifty feet to any existing dwelling on any contiguous property, nor nearer than one hundred feet to any public park, school, hospital or similar institution;

C. Hatching, raising and fattening of chickens, turkeys, or other fowl, or poultry or rabbits, fish or frogs for domestic or commercial use; provided, that no commercial poultry pen or coop or commercial rabbitry shall be maintained on a building site containing an area of less than one acre;

D. Agricultural and horticultural uses including nurseries, greenhouses, orchards, the keeping of one or more beehives or the raising of field crops, tree crops, berry or bush crops, or vegetable or flower gardening on a commercial scale;

E. The keeping of bovine animals, horses, mules, sheep, goats and hogs (none garbage fed); provided, that the number thereof shall not exceed a number per acre equal to four adult animals in any combination of the foregoing animals and their immature offspring; and provided, that in no event shall there be more than five hogs kept on any premises. (Ord. 4970 § 1, 2019; Ord. 2985 § 4, 1985; Ord. 2709 § 1, 1982; prior code § 17.36.020)

#### **17.32.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted subject to review and approval by the planning director:

Private or public open recreational or sporting uses or events for a period of not to exceed one week at a time. (Ord. 4970 § 1, 2019; Ord. 3964 § 28, 2000; Ord. 2709 § 2, 1982; prior code § 17.36.025)

## 17.32.040 Building height, yards and distance between buildings on same lot.

None, except that on parcels or lots of less than fifteen thousand square feet in area and recorded as a separate lot in the office of the county recorder prior to the enactment of Ordinance No. <u>1010</u> (1954), the parcel or lot may be occupied by not more than one dwelling unit. Regulations shall be the same as required in the R-1 zone; provided, that all buildings shall be located not nearer than one hundred ten feet from the centerline of any existing or planned public street or highway. (Ord. 4970 § 1, 2019; Ord. 2709 § 3, 1982; prior code § 17.36.030)

## 17.32.050 A-20A (agricultural twenty-acre minimum lot size) zone.

All permitted uses and regulations in the A-20A (agricultural twenty-acre minimum lot size) zone shall be the same as for the A zone, except that the minimum lot size shall not be less than twenty acres. (Ord. 4970 § 1, 2019; Ord. 2709 § 4, 1982)

### **17.32.060** A-WR (agricultural – water recharge combining) zone.

All permitted uses and regulations in the A-WR zone shall be the same as for the A zone, except that "surface water spreading grounds" may also occur as a permitted use. (Ord. 4970 § 1, 2019)

# **Chapter 17.34**

# RESERVED

# Chapter 17.35 RE (RECREATION) ZONE

Sections:

17.35.010 Generally.
17.35.020 Uses permitted.
17.35.030 Conditional uses.
17.35.040 Additional requirements.

# **17.35.010** Generally.

The following regulations shall apply in the RE (recreation) zone unless otherwise provided in this title. (Ord. 2711 § 1, 1982)

### 17.35.020 Uses permitted.

Any of the following uses:

- A. Archery ranges;
- B. Baseball, football, soccer, track, field or basketball stadiums or facilities;
- C. Equestrian facilities;
- D. Golf courses;
- E. Gun clubs or shooting ranges;
- F. Automotive, cycle or horse racetracks;
- G. Racquetball facilities;

H. Swimming pools;

I. Tennis clubs or courts;

J. Support uses to commercial recreation listed herein, including, but not limited to, offices, restaurants, motels and gift and apparel shops. (Ord. 2711 § 1, 1982)

#### 17.35.030 Conditional uses.

Establishments or enterprises designed or used for large assemblages of people, with the exception of those uses identified in Section <u>17.35.020</u>, may be permitted upon the granting of a conditional use permit. (Ord. 2711 § 1, 1982)

#### **17.35.040** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be determined by the appropriate approving authority for each use based on established city ordinances and policies to ensure compatibility with adjoining land uses and promote the public health, safety and welfare of the neighborhood and community.

C. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

G. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

H. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

I. Roof-top areas of structures adjacent to property zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 17, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 29, 2000; Ord. 3835 § 20, 1998; Ord. 2711 § 1, 1982)

# Chapter 17.36

# RESERVED

# Chapter 17.37 OS (OPEN SPACE) ZONE

Sections:

17.37.010	Generally.
17.37.020	Purpose.
17.37.030	Uses permitted.
17.37.040	Uses permitted subject to planning director permit.
17.37.050	Uses permitted only by conditional use permit.
17.37.060	Additional requirements.

# 17.37.010 Generally.

The regulations set out in this chapter shall apply in the OS (open space) zone unless otherwise provided. (Ord. 2713 § 1, 1982)

#### 17.37.020 Purpose.

The purpose of the OS (open space) zone is to provide for permanent open spaces and recreational uses and to safeguard the health, safety and welfare of the people by limiting developments in areas where protection from unstable soils, flooding, seismic activity or other special circumstances is required. (Ord. 2713 § 1, 1982)

# 17.37.030 Uses permitted.

The following uses are permitted in the OS zone:

A. Agricultural use;

- B. Parks for passive recreational use;
- C. Wildlife preserves;
- D. Riding and hiking trails;

E. Permanent unlighted recreation facilities for small-scale, unorganized use such as softball diamonds, soccer or football fields, playground equipment and tennis courts. (Ord. 3835 § 23, 1998; Ord. 2713 § 1, 1982)

# 17.37.040 Uses permitted subject to planning director permit.

The following uses are permitted subject to a permit issued by the planning director:

Private or public open recreational or sporting uses or events for a period not to exceed one week at a time. (Ord. 3835 § 24, 1998; Ord. 2713 § 1, 1982)

### 17.37.050 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the OS zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

- A. Single-unit residential uses;
- B. Public and private campgrounds and recreational vehicle parks;
- C. Public utility structures;
- D. Archery ranges;
- E. Equestrian facilities;
- F. Golf courses and driving ranges;
- G. Gun clubs or shooting ranges;
- H. Racetracks;
- I. Baseball batting ranges;
- J. Wholesale nurseries. (Ord. 3746 § 14, 1997; Ord. 2713 § 1, 1982)

#### **17.37.060** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be determined by the appropriate approving authority for each use based on established city ordinances and policies to ensure compatibility with adjoining land uses and promote the public health, safety and welfare of the neighborhood and community.

C. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director. (Ord. 3835 § 25, 1998; Ord. 2832 § 1, 1983; Ord. 2713 § 1, 1982)

# Chapter 17.38 HOSPITAL (HOSP) ZONING

Sections:

17.38.010	Generally.
17.38.020	Uses permitted.
17.38.030	Additional requirements.

# 17.38.010 Generally.

Land classified as a hospital zone and shall comply with the restrictions set out in this chapter unless otherwise provided in this title. (Ord. 3376 § 1, 1991; prior code § 17.43.010)

#### 17.38.020 Uses permitted.

The following uses are permitted in a hospital zone:

A. Hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged, except animal hospitals, clinics, hospitals or sanitariums for mental, drug or liquor addict cases. (Ord. 3835 § 26, 1998; Ord. 3376 § 1, 1991; prior code § 17.43.020)

#### **17.38.030** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be the same as the other zone in which the land is classified.

C. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u>.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Hospitals and related development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

G. Roof-top areas of hospitals and related development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 19, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 31, 2000; Ord. 3835 § 27, 1998; Ord. 3376 § 1, 1991; Ord. 2714 § 1, 1982; prior code § 17.43.030)

# Chapter 17.41

# RESERVED

# Chapter 17.42 FP-P FLOODPLAIN PRIMARY ZONE

Sections:

17.42.010	Generally.
17.42.020	Purpose and application.
17.42.030	Uses permitted.
17.42.040	Uses permitted subject to building director permit.
17.42.060	Uses permitted only by conditional use permit.
17.42.070	Uses specifically prohibited.

#### 17.42.010 Generally.

The regulations set out in this chapter shall apply in the FP-P floodplain primary zone unless otherwise provided in this chapter. (Prior code § 17.46.010)

## **17.42.020 Purpose and application.**

A. *Purpose.* The purpose of the FP-P zone, primary floodplain zone shall be the prevention of loss of life, the minimization of property damage, and the maintenance of satisfactory conveyance capacities of waterways through the prevention of obstructions in the floodplain which diminish the ability of the floodplain to carry overloads during periods of flooding and to permit economic recovery of oil, gas and hydrocarbon substances, to the end that such economically vital development will offer a minimum obstruction to flood-flow, will not cause peripheral flooding of other properties, will not materially impair the ability of the primary floodplain to discharge the waters resulting from an intermediate regional flood, will either be resistant to flotation or immune to extensive damage by flooding. This zone is intended for application in those areas of the city which lie within natural streambeds and those portions of adjacent floodplains through which high velocity waterflows are channelized in times of flood.

B. *Exclusive Zone*. This zone is an exclusive zone and may be applied only to those areas within the boundaries of the intermediate regional flood which have been determined to be the primary floodplain area. (Prior code § 17.46.020)

#### 17.42.030 Uses permitted.

The following uses are permitted in the FP-P zone:

A. Remedial work, improvements and floodproofing which will permit development within such zone in accordance with this chapter so that any such development will offer no more obstruction to flood flow than that which will cause a zero rise in the surface of the intermediate regional flood in any section of the river, will not cause peripheral flooding of other properties, will not materially impair the ability of the primary floodplain to discharge the waters resulting from an intermediate regional flood, will either be resistant to flotation or immune to extensive damage by flooding and will not endanger life or property;

B. Flood control channels, surface water spreading grounds, streambed retarding basins and other similar facilities;

C. Grazing, field crops, truck gardening, wildlife preserves, horticultural specialties, excluding trees, and similar agricultural or open space uses, riding and hiking trails;

D. Public utility facilities excepting those structures for which a conditional use permit is required under Section <u>17.42.060</u>. (Ord. 5064 § 1, 2021; prior code § 17.46.030)

#### 17.42.040 Uses permitted subject to building director permit.

The following uses are permitted in an FP-P zone subject to a permit issued by the building director:

A. Private or public open recreational or sporting uses or events for a period of not to exceed one week at a time;

B. Water wells, drilled not less than ten feet of the toe of the bank of the river. (Ord. 3477 § 7, 1992; Ord. 2800 § 1, 1983; prior code § 17.46.040)

#### 17.42.060 Uses permitted only by conditional use permit.

Notwithstanding subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are the only uses permitted by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. Public and private open recreational or sporting uses, including parks, aquatic facilities, playgrounds, campgrounds, golf courses, golf driving ranges, fishing and hunting clubs.

B. Parking lots.

C. Public utility structures;

D. Temporary and readily removable structures accessory to uses permitted under Sections <u>17.42.030</u> and <u>17.42.040</u>. (Ord. 3746 § 15, 1997; Ord. 2981 § 4, 1985; Ord. 2717 § 2, 1982; prior code § 17.46.050)

#### 17.42.070 Uses specifically prohibited.

The following uses are specifically prohibited in the FP-P zone:

A. All uses not permitted by Sections <u>17.42.030</u>, <u>17.42.040</u> and <u>17.42.060</u>;

B. Human habitations;

C. Excavations that will tend to direct flood-flows out of the natural floodplain;

D. Storage of floatable substances or materials which will add to the debris load of a stream or watercourse;

E. Improvements, developments or encroachments which will endanger life or property or that will obstruct the natural flow of floodwater or impair the ability of the streambed and that portion of the floodplain that would be used to carry flood-flows, to carry and discharge the waters resulting from the intermediate regional flood;

F. Any use which endangers temporary safeguards erected until such time as flood protection or control works have been constructed;

G. Drilling for and production of petroleum, except that area located within the state approved boundary of the Kern River oil field as delineated on Map 457 of the D.O.G. (Ord. 3477 § 3, 1992; prior code § 17.46.060)

# Chapter 17.44 FP-S FLOODPLAIN SECONDARY ZONE

Sections:

17.44.010	Generally.
17.44.020	Purpose and application.
17.44.030	Uses permitted.
17.44.040	Uses permitted subject to building director permit.
17.44.060	Uses permitted only by conditional use permit.
17.44.070	Uses specifically prohibited.

#### **17.44.010** Generally.

The regulations set out in this chapter shall apply in the FP-S floodplain secondary zone unless otherwise provided in this chapter. (Prior code § 17.46.090)

## **17.44.020 Purpose and application.**

A. *Purpose*. The purpose of the FP-S, secondary floodplain combining zone shall be the protection of life and property from the hazards and damages which may result from floodwaters of the intermediate regional flood and to permit economic recovery of oil, gas and hydrocarbon substances.

B. *Application*. This zone is intended for application to those areas of the city which lie within the fringe area of the floodplain and are subject to less severe inundation during flooding conditions than occurs in the FP-P zone. This zone may be applied only to those areas located within boundaries of the intermediate regional flood which lie outside the FP-P primary floodplain zone. Land may be classified as being solely in the FP-S zone and subject to the development standards and regulations set forth in this chapter or the FP-S zone may be used as an overlay to modify an underlying zone and provide more restrictive standards and regulations than would otherwise apply in such underlying zone. (Ord. 2800 § 2, 1983; prior code § 17.46.100)

#### 17.44.030 Uses permitted.

Subject to the prohibitions of Section <u>17.44.070</u>, the following uses are permitted in the FP-S zone:

A. All uses permitted by Section <u>17.42.030</u>;

B. Single-unit dwellings and accessory residential, recreational and agricultural structures shall be allowed if they are allowed in the underlying or base zone, if any, only if they comply with one of the following conditions:

1. The finish floor grade of any such building will be above the intermediate regional flood level, or

2.

a. All permanent buildings will be protected from flooding by dikes, levees or other flood protection works whose design is approved by the city engineer,

b. Individual sewage systems shall be maintained outside the limits of the FP-S zone, unless protected by flood-control devices approved by the city engineer and shall not be located closer than one hundred feet to any surface water source (domestic, agricultural wells, etc.). (Ord. 2800 § 3, 1983; prior code § 17.46.110)

#### **17.44.040** Uses permitted subject to building director permit.

The following uses are permitted in a FP-S zone subject to a permit issued by the building director:

A. Any use permitted under Section <u>17.42.040</u> subject to the regulations and conditions as provided in this section.

B. The building director shall issue a permit for the drilling of an oil, gas, or water well only if, in addition to determining that all other regulations applicable thereto have been or will be complied with, he determines to his satisfaction, after consultation with the director of the city department of water resources, that the proposed well is so located in coordination with other drilling locations so that the combined effect of such wells will not produce a rise in the surface of the one-hundred-year flood in excess of one foot. (Ord. 3477 § 4, 1992; Ord. 2800 §§ 4, 5, 1983; prior code § 17.46.120)

#### **17.44.060** Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the FP-S zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. All uses permitted in the underlying or base zone, if any, which are not allowed pursuant to Section <u>17.44.030</u>.

B. All uses which may be permitted subject to planning director approval and conditional use permit in the underlying or base zone, if any.

C. Recreation areas, parks, campgrounds, playgrounds, fishing lakes, hunting and gun clubs, golf courses, golf driving ranges, parking lots.

D. Temporary and readily removable structures accessory to recreational or agricultural uses.

E. Riding stables.

F. Public utility facilities. (Ord. 3943 § 10, 1999; Ord. 3746 § 16, 1997; Ord. 2800 §§ 6, 7, 1983; prior code § 17.46.130)

# 17.44.070 Uses specifically prohibited.

The following uses are specifically prohibited in the FP-S zone:

A. Landfills, improvements, developments or other encroachments which will, in the opinion of the city engineer, endanger life or property or that will significantly obstruct the natural flow of floodwater within the intermediate regional flood elevation;

B. Storage of floatable substances or materials which will add to the debris load of the watercourse;

C. Excavations that will tend to broaden the floodplain or direct flows out of the natural floodplain. (Ord. 2800 § 8, 1983; prior code § 17.46.140)

# Chapter 17.45 AA (AIRPORT APPROACH) ZONE

Sections:

17.45.010	Generally.
17.45.011	Legislative authority.
17.45.012	Definitions.
17.45.020	Types of zones and height limits.
17.45.030	Airport approach zoning map.
17.45.040	Enforcement.
17.45.050	Permits.

#### 17.45.010 Generally.

Land classified in an AA zone shall also be classified in another zone, and the provisions set forth in Section <u>17.45.020</u> shall apply in the AA (airport approach) zone unless otherwise provided in this title. (Ord. 2719 § 1, 1982)

## 17.45.011 Legislative authority.

This chapter is adopted pursuant to the Airport Approach Zoning Law of the state (commencing at Section 50485 of the Government Code of the state) and the Planning and Zoning Law of the state (commencing at Section 65000 of the Government Code of the state). (Ord. 2719 § 1, 1982)

## 17.45.012 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

A. "Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes, a map of which has been or is hereinafter included as part of the airport approach zoning map of the city.

B. "Airport elevation" means the elevation of the highest point on the usable or designed runway.

C. "Airport hazard" means any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

D. "Height," used for the purpose of determining height limits in all zones set forth in this chapter, means the vertical elevation in feet above the established airport elevation unless otherwise stated.

E. "Landing" area means the area of an airport used, or to be used, for the landing, taking off or taxiing of aircraft.

F. "Runway" means the paved surface of an airport landing area designated for the landing or taking off of aircraft.

G. "Structure" means any object constructed, installed or placed on or over real property, including, but not limited to, buildings, towers, smokestacks and overhead lines. (Ord. 2719 § 1, 1982)

## **17.45.020** Types of zones and height limits.

Six types of AA subzones, and height limits for such subzones, are established for the purposes of airport approach zoning. Except as otherwise provided in this chapter, no structure or tree, shrub or bush shall be erected, altered, allowed to grow or be maintained in any subzone to a height in excess of the height limit established for such subzone. The datum plan for measurement of such height, except as otherwise specified herein, shall be based on the airport elevation, as defined by subsection <u>B</u> of Section <u>17.45.012</u>. Appropriate subzones for heliports shall be established in accordance with Federal Aviation Regulations Part 77. Such subzones are as follows:

A. *Landing Subzone (L).* A surface, and the airspace above it, rectangular in shape, longitudinally centered on the runway and extending in length two hundred feet beyond the ends of the runway; the landing subzone shall have an elevation, at any point along its longitudinal profile, coincident with the runway centerline or centerline prolongations as appropriate; the landing subzone shall have width established in accordance with Federal Aviation Regulations Part 77 and shall be specified on each map adopted pursuant to Section 17.45.030.

B. *Final Approach Subzone (FA)*. A plane surface, and the airspace above it, trapezoidal in shape, longitudinally centered on the prolongation of the runway centerline, beginning at each end of each landing subzone, coinciding in width with the landing subzone where they join; the height and width of the final approach subzone shall be established in accordance with Federal Aviation Regulations Part 77 and shall be specified on each map adopted pursuant to Section <u>17.45.030</u>.

C. *Landing Transition Subzone (LT)*. A plane surface, and the airspace above it, rectangular in shape, lying adjacent and parallel to each side of each landing subzone, having a length equal to the landing subzone and extending outward and upward, at right angles to the runway centerline, at a slope of seven-to-one to a height of one hundred fifty feet above the established airport elevation.

D. *Approach Transition Subzone (AT)*. A plane surface and the airspace above it, triangular in shape, lying adjacent to each side of each approach zone and at each end of each landing transition subzone, coinciding in height with the approach outward and upward, at right angles to the prolongation of the runway centerline, at a slope of seven-to-one to a maximum airport elevation or to the conical subzone surface, whichever is higher.

E. *Horizontal Subzone (H)*. A horizontal plane surface, and the airspace above it, one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii, established in accordance with Federal Aviation Regulations Part 77, from the center of each end of the landing subzone of each runway and connecting the arcs by lines tangent to such arcs; the horizontal subzone does not include the landing subzone or transition subzones.

F. *Conical Subzone (C)*. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet. The conical subzone does not include the final approach subzone at the approach transition subzone. (Ord. 2719 § 1, 1982)

#### **17.45.030** Airport approach zoning map.

The several subzones established by Section <u>17.45.020</u> shall be shown and delineated on the airport zoning map of the city which is adopted. Such zoning map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included with the provisions of this chapter. Additional parts of the airport approach zoning map may be adopted from time to time by ordinance. Each part of the airport approach zoning map of the city hereafter adopted by ordinance shall have a descriptive title and shall contain diagrams, including a plot plan of the subject runways, the location and dimensions of all subzones described in accordance with the formulas established for the regulation of any of the aforementioned subzones. (Ord. 2719 § 1, 1982)

#### 17.45.040 Enforcement.

The city building director shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by Section 17.45.030 if such construction, reconstruction or structural alteration would result in violation of the provisions of this section. Any building permits so issued shall be null and void. (Ord. 2719 § 1, 1982)

#### 17.45.050 Permits.

Before that portion of any nonconforming structure which exceeds the height limitation established by the airport approach zoning map and Section <u>17.45.020</u> may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the planning director authorizing such structural alteration, replacement, reconstruction or change. These portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein without securing such a permit unless such structural alteration, repair, addition, or enlargement exceeds the applicable height limitation. No such permit shall be granted that would allow the creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the date that this chapter was made applicable to a particular airport. All other applications for such permits may be granted. (Ord. 5020 § 19, 2020; Ord. 2719 § 1, 1982)

# Chapter 17.46 DRILLING ISLAND (DI) DISTRICT\*

Sections:

17.46.010	Purpose and intent.
17.46.020	Permitted uses.
17.46.030	Reserved.
17.46.040	Reserved.
17.46.050	Minimum lot size.
17.46.060	Reserved.
17.46.070	Reserved.
17.46.080	Reserved.
17.46.090	Reserved.
17.46.100	Reserved.
17.46.110	Reserved.
17.46.120	Special review procedures and development standards.

\* Prior ordinance history: Ords. <u>3840</u> and <u>3856</u>.

#### **17.46.010 Purpose and intent.**

The purpose of the drilling island (DI) district is to designate single lots and discrete areas within the boundaries of final map subdivisions and mobile home parks that contain productive or potentially productive petroleum resources to allow mineral access to explore for and develop such resources and to promote the development of such resources in a manner compatible with surrounding development. Uses in the DI district are limited to oil and gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto and compatible open space and passive recreational uses. (Ord. 4060 § 2, 2002)

#### 17.46.020 Permitted uses.

The following uses are permitted in the DI district:

A. Oil or gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment structure or facilities thereto, pursuant to the provisions herein.

B. Subdivision drainage sump, as part of an application for a tentative tract map, provided that mineral rights owners have given written consent. (Ord. 4060 § 2, 2002)

#### 17.46.030 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.040 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.050 Minimum lot size.

No portion of any lot within the DI district shall contain less than two and one-half gross acres in size, shall have a minimum width of three hundred five feet and shall demonstrate that all set-back requirements can be accommodated internally within such lot. (Ord. 4060 § 2, 2002)

#### 17.46.060 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.070 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.080 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.090 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.100 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.110 Reserved.

(Ord. 4060 § 2, 2002)

# **17.46.120** Special review procedures and development standards.

All drilling and other hydrocarbon development activity in the DI district shall be carried out in accordance with the standards and procedures set forth in Section 15.66.040(A). (Ord. 4060 § 2, 2002)

# Chapter 17.47

# (PE) PETROLEUM EXTRACTION COMBINING DISTRICT

Sections:

17.47.010	Purpose and intent.
17.47.020	Permitted uses.
17.47.030	Uses permitted with a conditional use permit.
17.47.040	Reserved.
17.47.050	Minimum lot size.
17.47.060	Minimum lot area per dwelling unit.
17.47.070	Yards and setbacks.
17.47.080	Height limits.
17.47.090	Minimum distance between structures.
17.47.100	Reserved.
17.47.110	Reserved.
17.47.120	Reserved.
17.47.130	Special review procedures and development standards.

\* Prior ordinance history: Ords. <u>3840</u> and Ord. <u>3856</u>.

#### **17.47.010 Purpose and intent.**

The purpose of the petroleum extraction (PE) combining district is to designate lands containing productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. The PE district may be applied only to those areas that are zoned residential suburban (RS), professional and administrative office zone (CO), neighborhood commercial (C-1), or regional commercial (C-2). The uses allowed and the regulations established by the PE district shall be in addition to the regulations of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

# 17.47.020 Permitted uses.

The following uses are permitted in the PE district:

A. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances, if the well(s) are located more than three hundred feet away from any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.

B. Deepening or redrilling, within the existing well bore, of any well used for the production or development of oil, gas, or other hydrocarbon substances, or the replacement of any production facility which did not require a conditional use permit on the date drilling began or the date the facility was installed.

C. Drilling of a replacement well when the original well did not require a conditional use permit, and when the original well has been abandoned in accordance with Geological Energy Management Division (CalGEM) regulations and drilling of a replacement well commences within one year of the conclusion of abandonment procedures, and the replacement well is located within twenty feet of the original well or is farther from any existing dwelling or commercial building than the original well.

D. Uses permitted by the base district with which the PE district is combined. (Ord. 5093 § 1, 2022; Ord. 4060 § 3, 2002)

# **17.47.030** Uses permitted with a conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the PE zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances if the well(s) are located within three hundred feet of any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.

B. Conditional uses permitted by the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.040 Reserved.

(Ord. 4060 § 3, 2002)

## 17.47.050 Minimum lot size.

Minimum lot size requirements in a PE district are per the requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.060 Minimum lot area per dwelling unit.

Requirements for minimum lot area per dwelling unit in a PE district are per the requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

## 17.47.070 Yards and setbacks.

Yard and setback requirements in a PE district for all uses permitted by the base district, except for drilling, shall conform to the yard and setback requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.080 Height limits.

Height limit requirements in a PE district for all uses permitted by the base district, except for drilling, shall conform to the height limits of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### **17.47.090** Minimum distance between structures.

Requirements for minimum distance between structures in a PE district for all uses, except for drilling, shall comply with the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.100 Reserved.

(Ord. 4060 § 3, 2002)

#### 17.47.110 Reserved.

(Ord. 4060 § 3, 2002)

## 17.47.120 Reserved.

(Ord. 4060 § 3, 2002)

#### **17.47.130** Special review procedures and development standards.

All drilling and hydrocarbon development activities in a PE district shall be carried out in accordance with the standards and procedures set forth in Section 15.66.040(A). (Ord. 4060 § 3, 2002)

# Chapter 17.48 TT TRAVEL TRAILER PARK ZONE

Sections:

17.48.010	Generally.
17.48.020	Definitions.
17.48.030	Conformity to state law.
17.48.040	Uses permitted.
17.48.050	Permit to locate travel trailer park—Application—Hearing—Issuance.
17.48.060	Disposition of moneys collected.
17.48.070	Minimum requirements.
17.48.080	Fire protection.
17.48.090	Setback requirements.

## 17.48.010 Generally.

The regulations set out in this chapter shall apply in the TT travel trailer park zone unless otherwise provided. (Prior code § 17.49.010)

#### 17.48.020 Definitions.

For the purpose of this chapter, the general provisions of the <u>Health and Safety Code</u> of the state and the definitions as set forth in Division 13, Parts 2 and 2.1 of the code and Title 25 of the California Administrative Code shall apply to this chapter except that the following special definitions shall apply as set forth hereinafter: Enforcement agency is the city building department, the health department of the county and the Department of Housing and Community Development of the state. (Prior code § 17.49.040)

#### **17.48.030** Conformity to state law.

All travel trailer parks within the city shall conform to construction and operation requirements of the California Health and Safety Code, Division <u>13</u>, Parts <u>2</u> and <u>2.1</u>, and the applicable provisions of Title 25 of the California Administrative Code. (Prior code § 17.49.030)

#### 17.48.040 Uses permitted.

The following uses are permitted in a TT (travel trailer park) zone:

A. Travel trailer parks, recreational vehicle parks and temporary trailer parks as defined in Sections 18220, 18215 and 18217, respectively, of the <u>California Health and Safety Code</u>. No travel trailer park shall be constructed or located within a mobile home park unless such mobile home park, or a portion thereof, is in the TT zone.

B. The following accessory uses are permitted:

- 1. Travel trailers, recreational vehicles and tents;
- 2. Community recreation facilities;
- 3. Laundry rooms;
- 4. Toilets, showers, lavatories;

5. One mobile home or a one-story, permanent office building to be used only for business or for residence of a manager or caretaker. In no event shall a mobile home or permanent structure be located on a designated travel trailer space.

6. Home occupations, as defined in Section <u>17.04.330</u> and in compliance with the provisions of Chapter <u>17.63</u> of this code. (Ord. 3768 § 2, 1997; Ord. 2720 § 1, 1982; prior code § 17.49.020)

# 17.48.050 Permit to locate travel trailer park—Application—Hearing— Issuance.

A. No travel trailer park shall be located within the city until the location thereof is approved by the planning commission of the city in the manner set forth in this chapter. The person desiring to locate and operate a travel trailer park in the city shall file an application therefor with the planning commission.

B. Such application shall be accompanied with the following:

- 1. True legal description of the grounds and property upon which the park is to be constructed;
- 2. Filing fee;

3. Plot plan showing the recreational vehicle sites and parking spaces for other vehicles, location of proposed buildings or structures, complete plans and specification of the proposed construction and a description of the water supply, ground drainage and method of sewage disposal;

4. Plans showing the location and dimensions of access ways, landscaping, lighting, refuse container locations, connections for use by vehicles of water, sewage and electricity and other improvements required by the planning commission.

C. Upon receipt of the application, the planning director shall set the matter for consideration by the planning commission at the earliest practicable time.

D. The planning commission shall consider the plans and shall approve or conditionally approve the plans, providing the commission determines from the evidence presented that all of the following are true:

1. That the land is classified in a TT travel trailer park zone;

2. That it appears that the plans, as modified, will comply with all standards and requirements of Division 13, Parts 2 and 2.1 of the <u>Health and Safety Code</u> and all rules and regulations promulgated thereunder and with all applicable provisions of city law, including this chapter.

E. The planning commission shall disapprove the plans and deny the application if, in its determination, adequate evidence has not been shown that the plans will conform in all respects to the said standards and requirements.

F. In case the applicant is not satisfied with the action of the planning commission, he may, within thirty days after the action, appeal in writing to the city council. The city council shall hold a public hearing on the appeal and shall render its decision thereon within thirty days after the filing thereof.

G. Upon approval by the planning commission or city council, the building director shall issue the appropriate permits, providing all other requirements of law have been complied with. (Ord. 3964 § 32, 2000; prior code § 17.49.050)

#### **17.48.060** Disposition of moneys collected.

All moneys received under the provisions of this chapter shall be paid into the office of the finance director and credited to the city's general fund. (Prior code § 17.49.060)

#### **17.48.070** Minimum requirements.

Each travel trailer park shall meet the following additional minimum requirements and standards:

A. Sites or lots shall be of a size and shape which will provide reasonable area for the parking of the recreational vehicles next to the utility connections and for the parking of another vehicle (with motive power) side by side. This requirement may be varied by the planning commission to meet the plans of the applicant for parking vehicles other than the recreational vehicles.

B. Each site or space in the park shall be identified with an individual number in logical sequence and shown on the plot plan for the park.

C. A six-foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear property lines of the park at the discretion of the planning commission to protect the existing or future use of the adjacent property.

D. Each lot in a travel trailer park shall have direct access to an abutting roadway. Such roadways may not have less than eighteen feet of clear travel lanes for two-way traffic and twelve feet of clear travel lane for one-way traffic. One-way roadways must originate and terminate at two-way, on-site roadway. A single, isolated lot may have access by a ten-foot width of unobstructed roadway.

E. Access ways shall not be used for parking of vehicles, excepting that parallel parking shall be permitted on one side of an access way that is constructed to city standards for commercial alleys or in compliance with Section <u>18612(a)</u>, (b) of the Health and Safety Code of the state.

F. All travel trailer parks shall have at least two means of ingress or egress leading to a public thoroughfare.

G. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan approved by the planning commission. Such landscaping shall include provision for an interior open space common area and to buffer the park from adjacent uses.

H. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan, approved by the planning commission.

I. If such park contains a public address system or loudspeakers they shall be installed, operated and maintained in such a way that they cannot be heard beyond the boundaries of the travel trailer park.

J. Refuse containers shall be provided in a location meeting the requirements of the public works director.

K. Lighting shall be provided in accordance with plans approved by the planning commission. (Ord. 2720 § 2, 1982; prior code § 17.49.070)

#### **17.48.080** Fire protection.

A. There shall be in each travel trailer park a water system with fire hydrants of sufficient size and delivering sufficient pressure and located within a sufficient distance to provide adequate fire protection for each site in the park.

B. The placement and installation of fire hydrants must be approved by the chief of the fire department. (Prior code § 17.49.080)

#### 17.48.090 Setback requirements.

A. Each travel trailer, recreation vehicle or other structure shall meet the minimum setback requirements of Title 25 of the California Administrative Code and all other state regulations.

B. A travel trailer, recreational vehicle or other structure shall not be located closer than three feet from a property line or lot line except that the minimum distance of three feet will not be required from a lot line which borders on-site roadway.

C. All structures located in the TT zone shall have a minimum setback of fifteen feet from a public right-ofway, with the exception of public alleys. (Ord. 2720 § 3, 1982)

# Chapter 17.50 MH MOBILE HOME ZONE

Sections:

17.50.010	Generally.
17.50.020	Uses permitted.
17.50.040	Approval of plan for mobile home park.
17.50.050	Appeal of planning commission action on mobile home park proposal.
17.50.060	Mobile home subdivision—Intent.
17.50.070	Mobile home subdivision—Requirements in MH Zone.
17.50.080	Mobile home park and subdivision—Development standards.
17.50.090	Mobile home park and subdivision—Application of state law.
17.50.100	Mobile home subdivision—Maintenance of common areas and nondedicated
	improvements.
17.50.110	Land previously classified.

# 17.50.010 Generally.

The regulations set out in this chapter shall apply in the MH mobile home zone unless otherwise provided. (Prior code § 17.50.010)

#### 17.50.020 Uses permitted.

The following uses are permitted in an MH zone:

A. A mobile home park;

B. A mobile home subdivision;

C. Mobile home accessory buildings or structures for which a building permit is required. In no event shall any accessory building or structure be placed or permitted to remain on any lot in the MH zone unless a mobile home is first placed on said lot. The use of any such accessory building or structure in the MH zone for housekeeping purposes is prohibited;

D. Community recreation facilities for the use of renters of lots within a mobile home park or for use of individual lot owners within a mobile home subdivision;

E. Temporary real estate office to be used only for and during the original sale of lots within a subdivision, but not to exceed a period of one year; such period of time may be extended for one additional year for good cause, upon approval of the planning commission;

F. One-story office building to be used for the business of a mobile home park by the owner or operator of said park or to be used for the business of the legal entity required to be formed for maintenance of common areas of a subdivision;

G. Any use permitted in the R-1 zone. (Ord. 3964 §§ 33, 34, 2000; Ord. 3768 § 3, 1997; prior code § 17.50.020)

## 17.50.040 Approval of plan for mobile home park.

The planning commission shall hold a public hearing on the proposed plan with notice given in accordance with Section <u>17.64.050</u>. Plans and elevations showing the exterior architectural design and appearance of all permanent buildings and structures and plot plans showing locations and dimension of access ways, structures, landscaping, parking areas and other improvements of the individual mobile home park to be established shall be subject to the approval of the planning commission in order that the proposed mobile home park will be in harmony with other structures and improvements in the area and will comply with all standards and requirements as set forth in Section <u>17.50.080</u> and in Chapter <u>15.68</u> of this code. In the event the planning commission determines that the mobile home park as proposed to be developed does not meet the intent of the regulations set forth in such chapters and all laws and regulations adopted pursuant thereto, the planning commission shall deny the permit for the mobile home park. (Ord. 3964 § 35, 2000; Ord. 2721 § 1, 1982; prior code § 17.50.040)

#### 17.50.050 Appeal of planning commission action on mobile home park proposal.

Appeal of the planning commission's decision shall be in accordance with Section <u>17.64.090</u>. (Ord. 3964 § 36, 2000; prior code § 17.50.050)

#### 17.50.060 Mobile home subdivision—Intent.

A. It is the intent of this chapter to also provide regulations for the replacement of mobile home on lots within a subdivision filed under the provisions of Chapter 16.36 of this code and not otherwise, which subdivision is designed and designated for the sale, not rental, of lots to accommodate mobile homes as the dwelling unit.

B. The subdivider shall comply with all the provisions of said Chapter 16.36 of this code unless otherwise provided in this chapter. (Ord. 3964 § 37, 2000; prior code § 17.50.060)

# 17.50.070 Mobile home subdivision—Requirements in MH Zone.

The subdivision shall be subject to the requirements set forth in Title <u>16</u>, and the development standards set forth in this chapter; provided, however, that all such requirements and standards may be varied and reasonable exceptions thereto may be granted by the planning commission as may be permitted under these regulations. (Ord. 3964 § 38, 2000; prior code § 17.50.070)

## 17.50.080 Mobile home park and subdivision—Development standards.

Notwithstanding anything to the contrary stated in the subdivision or zoning regulations of the city, the following shall be the minimum standards of development within the MH zone for mobile home parks and subdivisions:

A. *Height*. No building, structure, or vehicle, except a recreation building, erected on or moved onto a lot shall have a height greater than one story or exceed fifteen feet. No recreation vehicles shall be stored in said front yard.

B. *Front Yard*. There shall be a front yard depth of not less than fifteen feet. No recreation vehicle shall be stored in said front yard.

C. Rear Yard. There shall be a rear yard depth of not less than five feet.

D. Side Yards. There shall be a side yard of at least five feet on both sides.

E. *Lot Size*. Every lot shall be of a size and shape which will provide reasonable area for private use and development and for convenient placement of one mobile home and appropriate accessory buildings or structures. The total number of lots provided in any mobile home subdivision shall conform to the maximum density of seven lots per acre.

F. *Roofed Area*. The total roofed area including mobile home and accessory buildings or structures shall not exceed sixty percent of the net area of the lot.

G. *Open Space.* There shall be an overall total of at least five hundred square feet per lot devoted to open space which may be on the individual lot or common areas within the development.

H. *Wall.* A six-foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear perimeter boundaries of the development, where required to protect existing future use of the adjacent property.

I. *Access.* The park or subdivision shall have at least two means of ingress or egress leading to a public street. One of the access points may be restricted to emergency vehicles only, with a breakaway barricade or other removable barrier subject to approval of the police chief and fire chief.

J. *Off-street Parking*. The development shall contain two off-street automobile parking spaces consisting of approved concrete slabs for each mobile home lot. In addition to such parking spaces for lot owners, there shall be established and maintained with the subdivision of an off-street automobile parking area or areas for use of guests. The number of spaces shall be equal to one space for every eight mobile home lots or fraction thereof, each space to be no less than eight and one-half by twenty feet, plus the additional area as is necessary to afford adequate ingress and egress therefrom. (Ord. 2721 § 2, 1982; prior code § 17.50.080)

#### 17.50.090 Mobile home park and subdivision—Application of state law.

The provisions of Part 2.1 of Division 13 of the Health and Safety Code (commencing with Section <u>18000</u>) and the rules and regulations promulgated thereunder shall apply to mobile home parks and subdivisions in the MH zone. (Ord. 2721 § 3, 1982; prior code § 17.50.090)

# 17.50.100 Mobile home subdivision—Maintenance of common areas and nondedicated improvements.

A. All common areas, including open or green spaces, community recreation facilities, washrooms, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Chapter <u>16.32</u> of this code of the subdivision regulations which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the planning commission.

B. Such provision may be satisfied by a Declaration of Covenants, Conditions and Restrictions duly signed and acknowledged by the owner; Articles of Incorporation to be filed with the Secretary of State, forming a corporation or association, which shall include clauses empowering the entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of the entity to be fully set forth in the Declaration; bylaws of the entity which shall set forth rules of membership, fees and assessments, membership rights and principles; and forms of deeds incorporating the Declaration by reference to its recording data. C. All documents must be referred to the city attorney for review and have the approval of the planning commission as to their sufficiency to accomplish this purpose.

D. The owners of the individual lots shall, as a condition of ownership of said lots, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 3964 § 39, 2000; prior code § 17.50.100)

# 17.50.110 Land previously classified.

Land heretofore classified in a zone and also classified in an MH mobile home park zone may be developed in accordance with the law in effect at the time of such classification. (Prior code § 17.50.110)

#### **Chapter 17.51**

#### RESERVED

# Chapter 17.52 PUD PLANNED UNIT DEVELOPMENT ZONE\*

Sections:

17.52.010	Intent and purpose.
17.52.020	Uses permitted.
17.52.030	Application.
17.52.040	Rezoning procedure.
17.52.050	Final development plan.
17.52.060	Latitude of regulations.
17.52.070	Required findings.
17.52.080	Expiration of zone or plans.
17.52.090	Minimum site area.
17.52.100	Residential density.
17.52.110	Modifications to approved preliminary and final development plans.
17.52.120	Maintenance of common areas and non-dedicated improvements and facilities.

\* Prior history: prior code Sections 17.51.010 through 17.51.120.

#### **17.52.010** Intent and purpose.

It is recognized that an integrated development provides an opportunity for creative design when flexible regulations are applied. The planned unit development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open space while ensuring substantial compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict residential development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a residential neighborhood which ensures that the uniqueness of the project design is preserved. These standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of residential neighborhoods. Land may be classified as being solely within a PUD zone (exclusive zone), or the PUD zone may be used as a combining zone in a R-1, R-2, R-3, R-4, R-5, or R-6 zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.020 Uses permitted.

A. Uses permitted in a PUD zone used as a combining zone are those uses permitted by the base zone with which the PUD zone is combined.

- B. Uses for land classified as being within a PUD zone are as follows:
  - 1. Single-unit dwellings;
  - 2. Multi-unit dwellings;
  - 3. Condominiums;
  - 4. Cluster developments;
  - 5. Parks and playgrounds, public and/or private;

6. Commercial uses, when the planning commission finds that such uses are incidental to, and compatible with, the nature and type of development proposed;

- 7. Real estate tract sales offices and model homes pursuant to the provisions of Section 17.10.020(H);
- 8. Uses and structures which are incidental or accessory to any of the uses permitted in PUD zones;
- 9. Religious institution;
- 10. Schools, public and/or private;
- 11. Golf courses, including associated clubhouse and driving range;
- 12. Tennis courts, including associated clubhouse;
- 13. Swimming pools;
- 14. Equestrian facilities;

15. Hiking, bicycle and equestrian trails;

16. Open space areas including natural and wildlife areas;

17. Home occupations, as defined in Section 17.04.330 and in compliance with the provisions of Chapter 17.63 of this code.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the function of the planned unit development. (Ord. 4542 § 1, 2008; Ord. 4304 § 1, 2006; Ord. 4009 § 1, 2001; Ord. 3964 § 41, 2000; Ord. 3768 § 4, 1997; Ord. 3656 § 1, 1995)

#### 17.52.030 Application.

A. When the PUD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation;

2. A statement of reasons for including any commercial uses in the development;

3. A statement concerning any proposal to locate public, quasi-public, recreational and educational areas within the development, including size, estimated employment, anticipated financing, development and maintenance;

- 4. Residential density of the subject area including the estimated population;
- 5. If commercial uses are proposed, indicate building sizes, signs, and estimated employment;

6. A completed zone change application on such forms as provided by the city, signed by the owner in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if-any;

7. A statement indicating procedures and programming for the development and maintenance of semipublic or public areas, buildings and structures;

8. A statement indicating the stages of development proposed for the entire development;

9. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PUD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(5) and (A)(7) through (A)(9) shall be required prior to approval of a subdivision map pursuant to Section 16.28.170(O) or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modification to approved plans will be subject to the provisions set forth in Section 17.52.100.

C. When the PUD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section <u>17.64.050(B)</u>. (Ord. 4304 § 2, 2006; Ord. 4009 § 1, 2001; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

#### 17.52.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter <u>17.64</u> of this code regarding zone changes;

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PUD. If the PUD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PUD (Example: R-2/PUD).

C. The preliminary development plan as approved with a PUD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PUD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 1, 2001; Ord. 3903 § 1, 1999; Ord. 3656 § 1, 1995)

#### **17.52.050** Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure*. The final development plan shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction of all conditions set forth in the city councils final decision. In instances where the planning commission desires to review the final development plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 1, 2001; Ord. 3903 § 3, 1999; Ord. 3874 §4, 1998; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

#### **17.52.060** Latitude of regulations.

In the approval of PUD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities in the subject community, which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements on buildings and structures, lot and yard requirements, and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

E. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;

F. Construction of fences, walls and floodlighting of an approved design;

G. Limitations upon the size, design, number, lighting and location of signs and advertising structures;

H. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

I. Location and size of off-street loading areas and docks;

J. Uses of buildings and structures by general classifications, and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property;

K. Architectural design of buildings and structures;

L. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof;

M. Requiring of performance bonds to insure development as approved;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4304 § 3, 2006; Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# 17.52.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned unit development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a residential environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community; and

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, open space, utilities and other amenities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of persons occupying or utilizing the property. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.080 Expiration of zone or plans.

A. When the PUD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zone change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

2. If a certificate of occupancy has not been issued for a substantial portion of the dwelling units or other structures in the first phase of a PUD zone within five years of the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

3. Where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

B. When the PUD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section <u>17.08.080D</u>.) If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.090 Minimum site area.

The minimum area for a PUD zone shall be ten gross acres. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# 17.52.100 Residential density.

Open area and density per dwelling unit shall be as shown on the final development plan for the particular PUD zone as approved by the planning commission and the city council. The permitted number of dwelling units may be distributed within the planned residential development zone in accordance with the conditions and terms established pursuant to this chapter consistent with the density standard of the applicable land use designation of the general plan. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# **17.52.110** Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other districts permitted in any initial approval of a PUD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.52.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of architecture or the landscape architecture as established in the planning commission or city councils approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning directors report, may further modify the planning directors approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 1, 2001; Ord. 3903 §§ 2, 4, 1999; Ord. 3874 § 3, 1998; Ord. 3656 § 1, 1995)

# 17.52.120 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Section 16.32.060 of the subdivision regulations of the city which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the owner: Articles of Incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# Chapter 17.54 PCD PLANNED COMMERCIAL DEVELOPMENT ZONE\*

Sections:	

17.54.010	Intent and purpose.
17.54.020	Uses permitted.
17.54.030	Application.
17.54.040	Rezoning procedure.
17.54.050	Final development plan.
17.54.060	Latitude of regulations.
17.54.070	Required findings.
17.54.080	Expiration of zone or plans.
17.54.090	Minimum site area.
17.54.100	Modifications to approved preliminary and final development plans.
17.54.110	Maintenance of common areas and non-dedicated improvements and facilities.

\* Prior code history: prior code §§ 17.47.010—17.47.130

### 17.54.010 Intent and purpose.

It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as being solely within a PCD zone (exclusive zone), or the PCD zone may be used as a combining zone in a C-O, C-1, C-2, or CC zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4305 § 1, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.020 Uses permitted.

A. Uses permitted in a PCD zone used as a combining zone are those uses permitted by the base zone with which the PCD zone is combined.

B. Uses for land classified as being within a PCD zone are as follows:

1. Any permitted use listed in Chapters <u>17.20</u> (C-O), <u>17.22</u> (C-1) and <u>17.24</u> (C-2) of this code. Any use that is conditional in these zones may be requested as part of the initial zone change and approved as conditional uses subject to the findings, conditions and revocation of rights as set forth in Chapter <u>17.64</u> of this code. Uses which are conditional that are proposed once the PCD zone is effective shall be subject to the provisions of Chapter <u>17.64</u> of this code.

2. Uses and structures which are incidental or accessory to any of the uses permitted in PCD zones.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the intent and purposes of the planned commercial development. (Ord. 4542 § 2, 2008; Ord. 4305 § 2, 2006; Ord. 4009 § 2, 2001; Ord. 3752 § 1, 1997; Ord. 3656 § 2, 1995)

#### 17.54.030 Application.

A. When the PCD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation plan;

2. If the proposed project is to be developed in several stages, indicate the anticipated sequence of development;

3. Show the proposed methods by which the applicant will govern the maintenance and continued protection of the development including any common areas;

4. Indicate all proposed signs for the development;

5. A completed zone change application on such forms as provided by the city, signed by the owner or owners in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if any;

6. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PCD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(4) and (A)(6) shall be required prior to approval of a subdivision map pursuant to Section <u>16.28.170(O)</u> or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modifications to approved plans will be subject to the provisions set forth in Section <u>17.54.100</u>.

C. When the PCD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section <u>17.64.050(B)</u>. (Ord. 4305 § 3, 2006; Ord. 4009 § 2, 2001; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

## 17.54.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter 17.64 of this code regarding zone changes.

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PCD. If the PCD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PCD (Example: C2/PCD).

C. The preliminary development plan as approved with a PCD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PCD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 2, 2001; Ord. 3903 § 5, 1999; Ord. 3656 § 2, 1995)

### 17.54.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure*. The final development plan for a building permit shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction with all conditions set forth in the city council's final decision. In instances where the planning commission desires to review the final plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 2, 2001; Ord. 3903 § 7, 1999; Ord. 3874 § 2, 1998; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

### 17.54.060 Latitude of regulations.

In the approval of PCD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements of buildings or structures, lot and yard requirements and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. Limitations upon the size, design, number, lighting and location of all signs;

E. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

F. Construction of fences and walls;

G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

H. Location and size of off-street loading areas and docks;

I. Uses of buildings and structures by general classification and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property or of other property in the development;

J. Architectural design of buildings and structures;

K. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof,

L. Requiring of performance bonds to insure development as approved;

M. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscape plan;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4305 § 4, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned commercial development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities,

together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### **17.54.080** Expiration of zone or plans.

A. When the PCD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

2. With the exception of satellite pads, if a certificate of occupancy has not been issued for a substantial portion of the commercial structures in the first phase of a PCD zone within five years of the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

3. With the exception of satellite pads, where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

B. When the PCD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section <u>17.08.080D</u>). If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.090 Minimum site area.

The minimum area for a PCD zone shall be one acre. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

# **17.54.100** Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other zones permitted in any initial approval of a PCD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.54.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alternations, deviations, or substitutions to an approved preliminary development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of the architecture or landscape architecture as established in the planning commission or city council's approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning director's report, may further modify the planning director's approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 2, 2001; Ord. 3903 §§ 6, 8, 1999; Ord. 3874 § 1, 1998; Ord. 3656 § 2, 1995)

# 17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, if any, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and any improvements listed in Section 16.32.060 of the subdivision regulations of the city which are not dedicated and accepted may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Where ownerships are to be separate, such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the original owner or owners; articles of incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

# Chapter 17.55 SPECIFIC PLAN LINES FOR STREETS AND HIGHWAYS

Sections:

17.55.010	Definitions.
17.55.020	Adoption—Procedure.
17.55.030	Construction restriction.

## 17.55.010 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the words set out in this section shall have the following meanings:

A. "Map" means an illustration, including, aerial photograph or photo map, accurately indicating the precise location of a planned right-of-way or portion thereof.

B. "Right-of-way" means all or any part of the entire width of a road, street or highway whether or not such entire area is actually used for road, street or highway purposes.

C. "Specific plan line" means the boundaries and limits of a planned right-of-way, including the future rightof-way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway or other type of public way, which planned right-of-way is based upon the general plan of the city. (Ord. 3356 § 1, 1991)

# 17.55.020 Adoption—Procedure.

Specific plan lines, and all amendments thereto, shall be adopted by resolution in the manner prescribed by law and shall constitute an amendment of this chapter. Each such resolution shall include a map of the street or highway project which is the subject of the specific plan. (Ord. 3356 § 1, 1991)

# 17.55.030 Construction restriction.

A. Except as otherwise allowed by this chapter and by chapter <u>16.41</u>, no building, structure, well, utility or other improvement shall be constructed, erected, enlarged or established within the planned right-of-way of any adopted specific plan line, or within the space between the specific plan line and any required building

setback line; provided, however, no restriction shall apply to any form of agricultural or horticultural plantings or crops, the maintenance of domestic animals or the maintenance of fences.

B. Permitted uses shall not be inadvertently prohibited in the South Beltway specific plan line. Oil and gas related uses located within the specific plan line are specifically exempted from the restrictions contained in this section.

C. The planning director may authorize the construction, erection, enlargement or establishment of a building, structure, well, utility or other improvement within the planned right-of-way of any adopted specific plan line, or within the space between the specific plan line and any required building setback line, if he finds that to prohibit such construction, erection, enlargement or establishment would constitute an economic hardship on the applicant, or would destroy all economic use of the applicant's property. (Ord. 3963 § 1, 2000; Ord. 3356 § 1, 1991)

# Chapter 17.56 FALLOUT SHELTERS

Sections:

17.56.010	Definitions.
17.56.020	Permit required.
17.56.030	Zoning.
17.56.040	Waiver of restrictions.
17.56.050	Shelters within front and side yard areas.
17.56.060	Appeal.
17.56.070	Structural standards.
17.56.080	Time limit for construction pursuant to waiver of restrictions.
17.56.090	Use restricted.
17.56.100	Covenant to remove.

# 17.56.010 Definitions.

A. "Building official" means the chief building inspector of the city.

B. "Fallout shelter" means a structure designed and used exclusively for the purpose of protecting human life from the effects of nuclear weapons.

C. "Yard area" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title surrounding a building. (Ord. 5020 § 20, 2020; prior code § 17.69.010)

# 17.56.020 Permit required.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any fallout shelter in the city or cause the same to be done, without first obtaining a permit from the building official of the city. (Ord. 5020 § 20, 2020; prior code § 17.69.020)

### 17.56.030 Zoning.

A fallout shelter may be constructed in and shall be a permissible accessory use in any land use zone within the city; provided, that the structure is built in compliance with all regulations and restrictions applicable to such zoned area under this title, entitled Zoning, including but not limited to front yard, side yard and setback

regulations, with the exception of those modifications to zoning regulations or restrictions which have been approved within a director review and approval permit or the city council as provided in Section <u>17.56.040</u>. (Ord. 5020 § 20, 2020; prior code § 17.69.030)

#### 17.56.040 Waiver of restrictions.

A. When special circumstances exist which are applicable to a parcel of property upon which any interested person desires to construct a fallout shelter such as size, shape, topography, location, surroundings, access or similar physical factors which make it impossible for the applicant to comply with all zoning regulations or restrictions which would otherwise be applicable to such property, the applicant may file a verified application for a director review and approval with the planning director requesting that such regulations or restrictions be modified or waived.

B. The planning director shall hold a public hearing consistent with Section <u>17.64.050</u> (Hearings—Notices) at which time the planning director may either grant or deny the application.

C. In granting any such application the planning director may impose such conditions as deemed necessary or desirable to protect the neighborhood or adjoining properties. (Ord. 5020 § 20, 2020; prior code § 17.69.040)

#### **17.56.050** Shelters within front and side yard areas.

Notwithstanding any provision in Section 17.56.040 to the contrary, a fallout shelter shall not be permitted by the planning director in any front yard or any side yard as defined in Title 17 of this code unless the following conditions are satisfied:

A. The fallout shelter will not protrude above the existing grade of the lot, with the exception of ventilators and entrance ways;

B. The entrance ways will not exceed twenty-four inches in height above the existing grade of the lot;

C. Projecting vents will not exceed more than thirty-six inches above the existing grade of the lot;

D. The structure will not be located closer than five feet to the front property line, the official plan line or the future street line as defined on official master plans. (Ord. 5020 § 20, 2020; prior code § 17.69.050)

# 17.56.060 Appeal.

A. Any person who is dissatisfied with the decision of the planning director concerning any matter affecting his application for the installation of a fallout shelter may appeal to the planning commission.

B. All decisions of the planning director acting under the authority of this chapter shall be final and conclusive upon the expiration of ten days following the decision of the director unless a written appeal is filed with the planning department within said ten-day period.

C. The planning director shall cause a written notice of the decision to be mailed to the applicant. (Ord. 5020 § 20, 2020; prior code § 17.69.060)

## 17.56.070 Structural standards.

Each fallout shelter must conform to the requirements of Chapter <u>15.13</u> of this code. (Ord. 5020 § 20, 2020; Ord. 2612 § 1, 1980; prior code § 17.69.070)

### **17.56.080** Time limit for construction pursuant to waiver of restrictions.

Any waiver of restrictions granted pursuant to Section 17.56.040 shall be null and void if the applicant does not exercise the privilege of constructing a fallout shelter within six months following the date the application is granted by the planning director or by the planning commission. (Ord. 5020 § 20, 2020; prior code § 17.69.080)

## 17.56.090 Use restricted.

A. Any fallout shelter which has been constructed in a front or side yard area pursuant to Section <u>17.56.040</u> shall not be used for any purposes other than protection from nuclear fallout and the storage of emergency supplies.

B. The use of such a shelter for purposes other than those referred to in this section shall constitute a public nuisance. (Ord. 5020 § 20, 2020; prior code § 17.69.090)

## 17.56.100 Covenant to remove.

Whenever any application for a waiver of restrictions is granted pursuant to Section 17.56.040 the owner of the property upon which the fallout shelter is to be constructed shall record a covenant in the chain of title for the

benefit of the city stating that the owner and his successors in interest will remove said fallout shelter within six months after the adoption by the city council of a resolution declaring that such shelters are no longer necessary for the protection of human life. (Ord. 5020 § 20, 2020; prior code § 17.69.100)

# Chapter 17.57 METAL STORAGE CONTAINERS\*

Sections:

17.57.010	Purpose.
17.57.020	Permitted.
17.57.030	Permitted only by conditional use permit.
17.57.040	Emergency use.
17.57.050	Use in conjunction with construction projects.
17.57.060	General regulations.
17.57.070	Amortization period for and removal of nonconforming uses.

\* Prior ordinance history: Ord. 3012.

### 17.57.010 Purpose.

Placement of metal storage containers on lots within the city for use as permanent storage facilities constitutes a use of such structures other than that for which they were designed and intended. Such placement, except for emergency purposes or in conjunction with construction projects, may negatively impact the aesthetics of neighborhoods in which they are placed, or discourage investment in permanent improvements in such neighborhoods. Metal storage containers may, however, reasonably be utilized to provide alternative permanent storage facilities if their potentially blighting influences and other potential adverse impacts are mitigated. The regulations set forth in this chapter are intended to accomplish such mitigation. (Ord. 3869 § 2, 1998)

### 17.57.020 Permitted.

A. Subject to approval of a plot plan and issuance of building permits, and subject to the regulations set forth in this chapter, metal storage containers, as accessory uses, are permitted in only the zones listed below as follows:

Zone	Parcel or Site Area	Maximum Number of Containers
C-1, C-2, P.C.D.	less than 1/2 acre	1
	1/2 acre or more	2

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Zone	Parcel or Site Area	Maximum Number of Containers
M-1, M-2, M-3	less than 1/2 acre	1
	1/2 acre or more but less than 1 acre	2
	1 acre or more but less than 2 acres	3
	2 acres or more	4

B. Additional containers may be allowed by the planning director in the zone districts listed in subsection <u>A</u> for temporary storage from October 1st to January 1st, each calendar year. The number of additional containers shall be based on a ratio of one container for every twenty thousand square feet of gross floor area of a business or center, not to exceed a maximum of six additional containers on a site. A plot plan of the site or center shall be approved annually for each request of additional containers. These containers shall be subject to all regulations of this chapter, except that no building permit is required. They are also not required to be on a permanent foundation; however, they shall be placed on a paved surface. (Ord. 3869 § 2, 1998)

#### **17.57.030 Permitted only by conditional use permit.**

A. Subject to the limitation that the ratio of square footage of metal storage container(s) to the area of any lot or parcel not exceed one to fifty, metal storage containers, as accessory uses, may be permitted in any other zone district not listed in Section <u>17.57.020</u> by conditional use permit.

B. Subject to the limitation that the ratio of square footage of metal storage container(s) to the area of any lot or parcel not exceed one to fifty, additional square footage of metal storage containers above that permitted by Section 17.57.020 may be permitted by conditional use permit. (Ord. 3869 § 2, 1998)

#### 17.57.040 Emergency use.

Metal storage containers may be permitted on any surface in any zone for a period not to exceed ninety days for emergency storage, subject to approval by the building director. The building director's decision may be

appealed to the planning commission. For purposes of this section, emergency storage is storage necessitated by damage to or destruction of another structure on the same parcel or a contiguous parcel by fire, flood, earthquake, accident or similar occurrence. (Ord. 3869 § 2, 1998)

#### **17.57.050** Use in conjunction with construction projects.

Metal storage containers may be permitted on any surface in any zone for use as storage facilities in conjunction with construction projects, subject to approval by the building director. Any such container shall be removed immediately upon issuance of a certificate of occupancy for the constructed project or upon expiration of the building permit issued for such project. In no event shall such use exceed twenty-four months in duration. (Ord. 3869 § 2, 1998)

#### **17.57.060** General regulations.

A. Setbacks and Yard Area Restrictions.

1. On property zoned C-1, C-2 and P.C.D., metal storage containers shall be prohibited within any front yard or street side yard.

2. On property zoned M-1, M-2 or M-3, metal storage containers otherwise permitted and in conformance with the requirements of this chapter may be located in a front yard or street side yard; however, they shall be set back a minimum of thirty feet from any property line abutting any public or private street.

3. All other setbacks of the zone district in which the metal storage containers are located shall apply, except that no rear yard setback shall be required if adjacent to a nonresidential zone.

B. Each metal storage container shall be painted a neutral, earth-tone, site-compatible color.

C. Each metal storage container shall be placed on either a minimum four inch thick concrete slab, or a minimum three inch thick asphalt concrete over two inch thick aggregate base, as required by the building director.

D. Under no circumstances shall any metal storage container be used for an office, residence or other purpose involving human occupancy.

E. Signs shall not be permitted on any metal storage container, except those required that contain public safety information for the container.

F. A shopping center or other coordinated development as defined in Section <u>17.04.546</u> shall be considered a single parcel or site.

G. Metal storage containers shall not exceed a height of eight feet.

H. A metal storage container shall not exceed an area of three hundred twenty square feet.

I. Metal storage containers shall not be stacked.

J. Use of truck trailers, shipping boxes, railroad cars, and similar materials are prohibited.

K. Metal storage containers shall not be permitted in required parking areas, drive aisles, landscape areas, or emergency access ways.

L. Metal storage containers shall be screened so that they are not visible from public streets.

M. This chapter does not apply to a business that sells, leases, or stores metal storage containers as legally permitted and conforming to the regulations of the zone district in which the business is located. (Ord. 3869 § 2, 1998)

#### 17.57.070 Amortization period for and removal of nonconforming uses.

Any metal storage container which is a legal nonconforming use on January 1, 1999, which is located on an approved foundation and for which a building permit has been issued, shall be removed or brought into conformance with the provisions of this chapter within two years. (Ord. 3869 § 2, 1998)

# Chapter 17.58 PARKING AND LOADING STANDARDS

Sections:

17.58.010	Purpose.
17.58.020	Residential parking exemption.
17.58.030	Facilities required.
17.58.040	Minimum dimensions for required parking and freight loading spaces.
17.58.050	Rules for calculating required parking and freight loading areas.
17.58.060	General standards as to location and arrangement of parking.
17.58.070	Transit credit.
17.58.080	Parking lots.
17.58.090	Required parking on the same lot as the structure or use served—Exceptions.
17.58.100	Shared use of required parking.
17.58.110	Reduction of parking where area requirements are satisfied.
17.58.120	On-street parking credit.
17.58.130	Parking space requirements by land use.
17.58.140	Parking space requirements within the "central district," "Old Town Kern," and other
	mixed-use areas.
17.58.150	Freight loading space requirements.

**Prior legislation:** Ords. 4236, 4104, 3964, 3839, 3835, 3458, 3285, 2891, 2851, 2819, 2722; prior code §§ 17.56.010 through 17.56.030, 17.56.090, 17.56.100 and 17.58.010 through 17.58.080.

## 17.58.010 Purpose.

The purpose of these regulations is to:

A. Allow flexibility in addressing vehicle parking, loading and access issues;

- B. Provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities;
- C. Ensure access and maneuverability for emergency vehicles;

D. Maintain and enhance a safe and efficient transportation system that is consistent with community and environmental goals;

E. Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;

F. Assist in encouraging mixed-use and pedestrian friendly settings throughout the city;

G. Reduce the amount of parking area within the urban setting to help reduce the heat island affect;

H. Encourage infill and investment into the city's central district;

I. Promote the location of housing and services near transit facilities;

J. Reduce vehicle trip lengths by encouraging mixed use, infill, and transit sensitive uses using shared parking standards as an incentive. (Ord. 4521 § 10, 2008)

## 17.58.020 Residential parking exemption.

A. Parking standards are no longer required for residential construction. If parking facilities are provided for the residential development, the parking development standards outlined in this Chapter apply. Additionally, pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

#### **17.58.030** Facilities required.

A. For each new dwelling, new multiple-family dwelling, new business or new industrial establishment or other new or moved structures, or for any change of use of any existing structure, or for any addition to an existing use, there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles required by the use of the property or structures as set forth in this chapter.

B. All parking for residential uses shall be on the same lot or parcel except where allowed pursuant to Section <u>17.58.070(B)</u>. Parking for all other uses shall be located on the same lot or parcel as the use served or be immediately adjacent to the subject property subject to the provisions of Section <u>17.58.070(A)</u> and <u>(C)</u>. (Ord. 4521 § 10, 2008)

# 17.58.040 Minimum dimensions for required parking and freight loading spaces.

A. *Parking Spaces*. Each off-street parking space shall be a minimum of nine feet wide by eighteen feet deep. Compact parking spaces may be provided at a minimum of eight feet wide by fifteen feet deep at a ratio of twenty percent of all spaces beyond the first twenty spaces required. All spaces shall be designed according to standards established by the traffic engineer.

B. *Freight Loading Spaces*. Each off-street loading space shall have a minimum length of thirty-five feet, a minimum width of ten feet, and a minimum vertical clearance, including entry and exit, of fourteen feet, except the minimum length for the first such space required for any structure or use shall be twenty-five feet and the minimum vertical clearance, including entry and exit, shall be twelve feet. These dimensions shall be exclusive of platform, driveways, drive aisles, and maneuvering areas.

C. *Motorcycle Spaces*. Each off-street parking space dedicated for motorcycle parking shall be a minimum of four feet wide by eight feet deep and shall be designed according to standards established by the traffic engineer. (Ord. 5121 § 1, 2023; Ord. 4521 § 10, 2008)

### 17.58.050 Rules for calculating required parking and freight loading areas.

A. In calculating off-street parking and freight loading spaces, the following rules shall apply:

1. Parking computations will be based on the gross floor area of entire buildings and structures unless otherwise stated in this chapter. For buildings and structures being remodeled or to which additional floor area is being added, the parking computations shall also be based on the gross area of the entire building or structure.

2. When after computing the number of parking spaces required for a structure there appears a fractional requirement of one-half or more of a parking space, one additional parking space shall be required. If after such computation the fractional requirement for a given number of spaces is below one-half space, no additional parking will be required for that fractional parking space.

3. Parking for buildings containing three or more stories shall be based on the conditioned or net floor area.

B. The requirements for off-street parking and loading for any use not specifically mentioned shall be the same as for a use specified which is similar, as determined by the planning director.

C. Where a parcel or site contains a use with existing legal nonconforming parking, no additional parking shall be required unless there is a change of use, a new building or use is proposed, or an existing building or use is enlarged. Parking will then be assessed as follows:

- 1. Building additions will only be required to provide new parking based on the added floor area.
- 2. If a new use requires less parking than the previous use, no additional parking shall be required.

3. Parking lots or garages with legal non-conforming design standards may remain subject to approval of the planning director and traffic engineer provided such does not compromise traffic circulation or public safety. (Ord. 4521 § 10, 2008)

#### **17.58.060** General standards as to location and arrangement of parking.

A. Every new off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley that is designed and paved in accordance to adopted city standards. Every required off-street parking or loading space shall be independently accessible, except where tandem parking spaces are allowed. Access to off-street loading spaces shall be provided on private property.

B. The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be clearly marked according to city standards.

C. Parking spaces for people with disabilities shall be provided and designed in accordance with Title 24 of the California Administrative Code and Americans with Disabilities Act (ADA) requirements. These parking stalls shall be allowed to be counted as part of the total number of parking spaces required for the use or building.

D. Off-street parking and loading facilities shall be arranged so as to prevent encroachments upon street rights-of-way, adjacent properties, and landscaping areas required pursuant to Chapter <u>17.61</u> of this code. In approving the design of said parking and loading facilities the approving authority shall consider the maneuvering, standing and storage of vehicles, and layout of the facilities, and may require the use of curbing, bumper or wheel guards, or other such devices as necessary to ensure compliance with this section.

E. Freight and merchandise loading docks or loading areas shall not be visible from any public street. Landscaped buffers and/or walls shall be used to screen these areas from public view.

F. For all multiple-unit projects, driveways shall not exceed a width of thirty feet (top-to-top) or the minimum width necessary for two-way travel as determined by the traffic engineer.

G. Driveways crossing sidewalks shall be arranged, to the extent practical, to minimize the width and frequency of curb cuts, and conflicts with pedestrian and transit movements as determined by the traffic engineer.

H. Every off-street parking or loading facility and access thereto shall be suitably graded, paved, drained, and maintained according to standards adopted by the city engineer. Whenever corrosive materials are loaded or unloaded, docks, driveways, off-street loading and parking areas shall be concrete or equivalent as required by the city engineer.

I. New off-street parking facilities, or additions or alterations to existing off-street parking facilities shall be subject to approval pursuant to Chapter 17.08 of this code.

J. No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used for off-street loading. No area credited as all or part of a required loading space shall also be credited as all or part of a required off-street parking space, or used for off-street parking.

K. In no event shall any parking required and provided pursuant to Section 17.58.010 through 17.58.130 be situated in such way that vehicles entering the parking area be allowed to back onto any street or thorough fare in order to leave said property, except as follows.

1. This provision shall not apply to any single-unit residence in an area zoned residential.

2. On streets which have not been designated by the traffic authority as arterial or collector streets, the traffic authority is granted the power to permit backing onto such streets for multiple-unit projects containing four units or less on a site that is not part of a multiple- unit subdivision project where such backing will not adversely affect traffic, and the design, width and function of the driveway is similar to a single- unit residential driveway use.

L. Neither the area of a required side yard abutting a street nor the required front yard shall be used for offstreet parking or drive aisles required by this code except as allowed in Section 17.58.060(M).

M. Notwithstanding the provisions of Section <u>17.58.130</u>, the area of a required front yard or street side yard in an R-2, R-3, R-4, R-5, or R-6 zone may be encroached to the extent of four feet for off-street parking required by this chapter, subject to the following limitations and conditions:

1. The encroaching parking space must be an extension of and parallel to a row of parking containing two or more spaces;

2. The prohibition against backing onto streets contained in Section 17.58.060(K) shall apply;

3. On corner lots or lots at intersecting streets, no such encroachment is permitted in a sixty-foot corner cutoff area as measured along the intersecting street curb-lines as extended;

4. Any landscaping or walls required by subsection  $\underline{N}$  of this section in the encroached area or the sixty-foot corner cutoff area must be approved by the city traffic engineer.

N. Where the parking area or lot, including driveways, drive aisles, delivery areas, and loading and unloading areas, is adjacent to property zoned residential, it shall be separated by a continuous solid wall of masonry construction a minimum height of six feet as measured from highest adjacent grade and by a continuous landscaped strip at least seven feet in width; however, this landscape strip shall not be required for projects containing four units or less in any R-2, R-3, or R-4 zone and not adjacent to any single- unit residential zone except to satisfy minimum shading requirements in Section <u>17.61.030(H)</u>. Additionally, where common, shared, or joint use of parking or drive aisles exist or will occur between residentially and/or commercially zoned properties and such is recorded according to Section <u>17.58.100</u>, the wall and landscape separation shall not be required. Any wall located within or along the front yard setback shall not exceed a height of four feet.

O. All delivery, loading and solid waste operations shall be subject to the provisions of Section 17.08.140(G).

P. Within the "central district" and properties zoned C-B and C-C, any off-street freight loading area located within fifty feet of any residential zoned or developed property shall be completely enclosed within a building if such freight loading is used between the hours of 10:00 pm and 7:00 am. (Ord. 4521 § 10, 2008)

### 17.58.070 Transit credit.

Except for the "central district", required parking may be reduced by ten percent if there exists a transit facility as defined in Section 17.04.624 within one thousand feet of the front or main customer door of the building that is linked with an improved and paved pedestrian way. (Ord. 4521 § 10, 2008)

#### **17.58.080 Parking lots.**

A. All parking lots shall be paved, including driveways, drive aisles and loading areas, with concrete, asphaltic concrete, or any other paved street surfacing material approved by the city engineer. Unless otherwise

approved by the city engineer, if asphaltic concrete is used, it shall be a minimum thickness of two inches over three inches of approved base material with adequate drainage provided; if concrete is used, it shall be a minimum thickness of four inches.

B. Lighting shall be installed in all parking lots and parking garages which accommodate passenger vehicles, with the exception of parking areas for residential projects with four units or less, in compliance with the following provisions:

1. Illumination shall be generally distributed across the parking area and operational during business hours. Lighting shall be designed and arranged in such a manner so that light is directed downward and is reflected away from adjacent properties and streets. The building official may at any time require use of glare shields or baffles for glare reduction or control of backlight.

2. Light poles, standards and fixtures, including bases or pedestals, shall not exceed a height of forty feet. Light sources less than fifty feet from the property line of any residentially zoned or designated lot or existing residential development shall not exceed a height of fifteen feet.

3. Lighting sources, fixtures and related structures shall be maintained in sound operating condition at all times. Maintenance shall include but is not limited to replacement of broken lenses, burned out light sources, adjustments to fixture tilt, cleaning of fixtures and lenses, painting of standards and replacement of shields or baffles.

4. All parking lots established prior to the effective date of this subsection shall be exempt from the provisions of this subsection; however, at such time changes or modifications occur on the site that necessitate a site plan review pursuant to Chapter <u>17.08</u> of this code, the planning director or designee shall determine whether some or all said provisions will be implemented under the approved site plan.

C. No parking lot for any number of automobiles shall have conducted upon it any dead storage, dismantling, or sale of vehicles, or any repair or servicing of vehicles other than that of an emergency nature.

D. Sales or storage of materials and merchandise, including seasonal merchandise, shall not be permitted in any required parking or loading area but shall be within a screened area dedicated for such use.

E. Any parking lot with more than ten spaces adjacent to a public street shall be screened via one of the following options: (1) landscaped berms, (2) retaining walls, (3) evergreen hedges or (4) a combination thereof, a minimum height of forty-eight inches at the time of installation, as measured from the adjacent parking lot top of pavement. Option 2 shall include the planting of shrubs between the wall and the sidewalk.

F. Shopping cart corrals, if provided, shall not be located within required parking stalls, drive aisles or loading areas. (Ord. 4943 § 1, 2018; Ord. 4521 § 10, 2008)

# 17.58.090 Required parking on the same lot as the structure or use served— Exceptions.

A. The nonresidential parking requirements of this Section may be satisfied by owning adjacent parking facilities or leasing the required parking spaces from properties adjacent to the subject property. If parking is proposed on an adjacent parcel, said parking must be considered readily accessible to the subject property as determined by the planning director. If off-street parking is proposed on an adjacent parcel, said parking shall conform to the requirements in Section <u>17.58.090(C)</u>. of this code.

B. Off-site parking for uses within the "central district" and properties zoned C-B and C-C shall be subject to the following exceptions and requirements:

1. Required off-street parking spaces for one-family or two-family dwellings in residential zones shall be located on the same lot as the dwellings served.

2. Required off-street parking spaces for all other dwellings shall be located on the same lot as the dwelling served, as an accessory use, or within a walking distance of five hundred feet, as either a permitted or a conditional use, depending upon the use provisions applicable to the zone in which such parking is located, and such parking shall be easily recognized for that project, such as but not limited to, signs, dedicated and improved pedestrian ways, and other identification as approved by the planning director. Required off-street parking spaces for projects designed for senior citizens or the handicapped shall be on site.

3. Required off-street parking spaces for all uses other than dwellings shall be located on the same lot as the use served, as an accessory use, or within a walking distance of one thousand feet, as either a permitted or a conditional use, depending upon the use provisions applicable to the zone in which such parking is located, and such parking shall be easily recognized for that project, such as but not limited to, signs, dedicated and improved pedestrian ways, and other identification as approved by the planning director.

4. Walking distance for purposes of subsections (B)(2) and (B)(3) above shall mean the distance from the front or main customer door of the building to the nearest point of the off-street parking facility assigned to such structure or use or part thereof, along the shortest and most convenient improved pedestrian walkway open to the user or users of such off-street parking space.

5. Whenever the planning director determines that sufficient spaces are available in a public parking facility within one thousand feet of a new business, he or she may accept a contract pursuant to Section 17.58.090(C) for such spaces in satisfaction of the off-street parking requirements of this chapter.

C. In order to be credited toward the parking requirements of any development, use, or structure, any offstreet parking space located on a lot other than the lot on which the structure or use to be served is located must meet the following criterion:

1. Assurances as to the availability of remote parking spaces must be provided. Such availability shall be assured either by ownership of both the lot containing the structure or use to be served and the lot containing the off-street parking space by at least one common owner, or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or until a change of use or modification to an existing use occurs. An attested copy of any such instrument shall be filed with the planning department prior to approval of any building permit application affected by this arrangement for provision of required off-street parking. In addition, in either case, a document in a form approved by the city attorney shall be executed by the parties concerned, and recorded in the office of the Kern county recorder, serving as a notice of the restrictions under this code applying both to the lot requiring and the lot containing the off-street parking space, by virtue of this arrangement for provision of required parking space, by virtue of this arrangement for provision of required parking space, by virtue of this arrangement for provision of required parking space.

### 17.58.100 Shared use of required parking.

A. Shared parking for projects of one acre or less that contains a mix of residential and retail/office commercial uses that maintain the existing scale, architectural character, and general neighborhood character of the area, will be assessed based on the highest single-use demand as determined by the planning director.

B. Shared use of the same off-street parking spaces to meet the requirements of two or more structures or uses may be permitted where the normal hours of operations of such structures or uses are such as to assure the feasibility of such shared use of parking, and where the total quantity of spaces provided is at least equal to the total of the projected parking demand for the structures or uses in operation at any given time. Use of a shared parking model from the Urban Land Institute, International Council of Shopping Centers, or other recognized shared parking model may be used to determine minimum parking requirements in lieu of the standard schedule of parking in Section <u>17.58.130</u> as approved by the planning director.

C. In order to be credited toward the parking requirements of this chapter, an off-street parking space made available for shared use and located on a lot other than the lot on which the structure or use to be served is located, must be available for the actual lifetime of the structure or use to be served. Such availability shall be assured in the manner provided for in Section 17.58.090 of this chapter. In addition, an attested copy of a contract among all the parties concerned setting forth their agreement to such shared use shall be filed with the

planning department prior to approval by said department of any building permit application affected by the arrangement for joint use of parking. In any such case a notice of restrictions upon the affected properties shall be executed in a form approved by the city attorney and recorded in the office of the Kern county recorder, making specific reference to said contract and describing the arrangement for shared use of parking. (Ord. 4521 § 10, 2008)

#### **17.58.110** Reduction of parking where area requirements are satisfied.

In instances in which the city council has officially determined that the required off-street parking space requirements for uses in a defined area will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed, off-street parking required for a use may be correspondingly reduced. (Ord. 4521 § 10, 2008)

## 17.58.120 On-street parking credit.

Along local streets only and where on-street parking is permitted, on-street parking credit will be given along the street frontage of the project site as follows:

A. On-street parking credits will be allowed for all nonresidential uses.

B. On-street parking for disabled persons that is required by Section <u>17.58.060(C)</u> shall not be credited unless the space is authorized by the building director in accordance with Title 24 referenced in the aforementioned section, and is approved by the traffic engineer.

C. Parallel spaces will be credited at one space per twenty-two feet and angled spaces will be credited at one space per fourteen feet of uninterrupted curb along the parcel or site frontage minus driveways, fire hydrant breaks, and other space not permitted for parking by the traffic engineer.

D. On-street parking credits may be permitted along collector streets at the discretion of the traffic engineer. However, his or her approval will consider such issues that include, but are not limited to, traffic safety, circulation patterns, speed limits, traffic volume, future improvements, and other traffic planning considerations where on-street parking may need to be limited or prohibited.

E. If on-street parking along a street is restricted or prohibited in the future by the city, the use or building will not be required to make up the lost spaces on site and will be deemed legal nonconforming subject to the provisions of Section 17.58.050(C). (Ord. 5043 § 1, 2021; Ord. 4521 § 10, 2008)

# **17.58.130** Parking space requirements by land use.

A. The minimum number of off-street parking spaces shall be provided and maintained for the following specified uses or facilities identified in the table in subsection  $\underline{E}$  of this section. The number of off-street parking spaces shall not exceed one hundred fifty percent of the minimum requirement.

B. Parking standards are no longer required for residential construction. If parking facilities are provided for the residential development, the parking development standards outlined in this Chapter apply. Additionally, pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

C. Tandem parking for non-residential uses will not be counted toward the requirement for legal off-street parking.

D. Motorcycle parking that is provided and clearly identified for such use may be counted as part of the total number of parking spaces required for a nonresidential use or building. However, this credit shall not exceed twenty-five spaces or five percent of the total parking required, whichever is less.

E. For uses not listed in the parking space requirements table, parking will be determined by the planning director based on the listed use(s) that most closely resembles the proposed use.

F. Parking space requirements by land use table:

#### PARKING SPACE REQUIREMENTS BY LAND USE

1.	General office	1 space per 250 square feet of gross floor area
	(i.e., real estate, finance companies, architects, engineers, attorneys, C.P.A. and other similar uses)	
2.	Medical and dental office, including chiropractic office, specialized medical offices and other similar uses	1 space per 200 square feet of gross floor area
3.	Physical and occupational therapy	1 space per 300 square feet of gross floor area
4.	Medical laboratory such as diagnostic dental and x-ray laboratories and other similar uses	1 space per 250 square feet of gross floor area

Surgery center and other out-patient facilities

5. Office park or complex

(single and multiple tenant buildings with both general and medical office uses)

6. Neighborhood and regional shopping center

(freestanding satellite pads such as fast food restaurants or banks shall be computed separately unless satellite buildings contain 2 or more tenants)

7. General retail

(single tenant only; for multiple tenant buildings, refer to No. 11 above)

8. Restaurant, including fast food restaurant

(Note: take-out restaurants where food is consumed off premises shall be parked in accordance with general retail in No. 12 above)

9. Night club, including live entertainment

(Note: For breweries and wineries, including boutique wineries, parking for food service, retail sales, office, and warehousing/storage shall be computed separately by use)

10. Convenience market with or without fueling services

1 space per 200 square feet of gross floor area up to and including 15,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 15,000 square feet

1 space per 200 square feet of gross floor area up to and including 35,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 35,000 square feet

1 space per 300 square feet of gross floor area

1 parking space per 75 square feet of gross floor area (no additional parking is required for outdoor seating)

If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given

If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements

Whenever the planning director determines that any restaurant with less than 3,000 square feet of gross floor area serves primarily those that may be conducting other business within the central district or properties zoned C-B or C-C, he/she may waive all or any portion of the parking requirements.

1 parking space per 50 square feet of gross floor area (no additional parking is required for outdoor seating)

Whenever the planning director determines that any night club with less than 3,000 square feet of gross floor area is open after 3:00 p.m. within the central district or properties zoned C-B or C-C, he/she may waive all or any portion of the parking requirements.

1 space per 200 square feet of gross floor area, minimum of 10 spaces required;

If use has 1 or more fuel pump islands, credit for 2 parking spaces per pump shall be given

11.	Bank, savings and loan, credit union	1 space per 300 square feet of gross floor area;
		If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given;
		If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements
12.	Hotel, motel	1 space per sleeping unit
	(additional parking required for meeting rooms, restaurants, bars, and office space)	
13.	Furniture store	1 space per 1,000 square feet of gross floor area
	Plus office space for above	1 space per 300 square feet of gross floor area
14.	Beauty salon and barbershop	1 space per 150 square feet of gross floor area or 2 spaces per barber or styling chair, whichever is less
15.	Veterinary hospital and clinic	1 space per 500 square feet of gross floor area
16.	Museum	1 space per 500 square feet of gross floor area
	Library	
	Cultural center	
17.	Nursery sales	1 space per 4,000 square feet of inside or outside sales
	Vehicle sales area	area
	Trailer and camper sales area	
	Boat and farm machinery sales area	
	(office, retail sales, service department, and repair area shall be computed separately by use)	
18.	Health club, such as aerobics and gymnastics studio, private gym, karate and judo club, and similar uses	1 space per 300 square feet of gross floor area
19.	Bowling alley	4 spaces per alley
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
20.	Billiards	2 spaces per table

	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)		
21.	Golf course	6 spaces per tee	
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)		
22.	Tennis, racquetball, and handball court	3 spaces per court	
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)		
23.	Stadium, sports arena, exhibition hall	1 space per 6 seats	
		Where benches are provided, 18 inches of bench space shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space shall be the equivalent of 1 seat	
24.	Park, outdoor recreational facility	1 space per 6 people that the facility is designed to accommodate	
		or	
		If seating is provided, 1 space per 4 seats, whichever is greater	
25.	Lodges, halls	1 space per 4 seats provided in accordance with	
	Banquet rooms, including those associated with a restaurant	applicable fire code occupancy standards	
	Religious institution	Where benches are provided, 18 inches of bench space shall be the equivalent of 1 seat; where no fixed seating	
	Funeral home	is provided, 7 square feet of public assembly floor space	
	Mortuary	shall be the equivalent of 1 seat	
	Theater		
	Auditorium, including school multi-purpose buildings and similar places of assembly		
	(figure main public meeting areas only)		
26.	Hospital	3/4 space per bed	
	Medical in-patient clinic and other overnight treatment facilities		

	(additional parking required for administrative offices, out-patient clinic, testing, teaching, research and other similar activities)	
27.	Convalescent hospital and extended medical care facility	1/2 space per bed
	Nursing and convalescent home	
	Homes for the aged	
	Conjugate care and extended care facility	
	Residential care or group home	
	(additional parking required for administrative offices, testing, teaching, research and other similar activities)	
28.	Child or adult day care center	1 space per 6 clients plus 1 space per staff member of the largest shift, with drop-off and pick-up area approved by the traffic engineer
29.	Family day care home	1 space per employee of the largest shift
	(The residential driveway is acceptable if the parking space does not conflict with any child drop-off/pick-up area)	
30.	Elementary or middle school	1 space for each faculty member and employee (based on the maximum number of faculty and employees on site at any given time)
		or
		1 space per 4 seats in the primary public assembly area, whichever is greater
31.	High school, trade, secondary and post secondary school	1 space for each faculty member and employee, and 1 space for every 4 students (based on the maximum number of faculty, employees and students on site at any given time)
		or
		1 space per 4 seats in the primary public assembly area, whichever is greater
32.	Manufacturing, wholesale, service and automotive repair	1 space per 500 square feet of gross floor area
	Plus office space for above	1 space per 300 square feet of gross floor area

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33.	Warehouse	1 space per 1,000 square feet of gross floor area up to and including 10,000 square feet, plus an additional 1 space per 3,000 square feet in excess of 10,000 square feet
	Plus office space for above	1 space per 300 square feet of gross floor area
34.	Self-service storage facility	2 spaces for the manager's living unit and 3 spaces with public access for the office (note: rows between storage buildings shall be at least 20 feet wide to allow for simultaneous vehicle parking and passage, and fire access)
35.	Industrial office/warehouse complex	1 space per 400 square feet of gross floor area
	(multi-tenant shell buildings in either an M-1 or M-2 zone containing a mix of office, commercial, industrial and storage uses)	
36.	Contractor's storage yard	1 space per company vehicle plus 1 space per 2
	Public buildings and grounds other than administrative offices	employees on the maximum working shift (a person stationed or working out of the storage or service yard)
37.	Electric distribution substation	No parking required
	Electric transmission substation	
	Gas regulator station	
	Public utility/water well station	
	Automated/computerized communications equipment buildings (where no permanent employees assigned)	

(Ord. 5054 § 1, 2021; Ord. 5043 § 2, 2021; Ord. 4995 § 1, 2019; Ord. 4754 § 1, 2013; Ord. 4521 § 10, 2008)

### 17.58.140 Parking space requirements within the "central district," .

The following supplemental off-street parking standards shall be applicable within the "central district" as defined in Chapter 17.04 of this code.

A. Any change of use of an existing building in the "central district" shall not be subject to additional offstreet parking requirements set forth in this chapter, provided there is no expansion of the square footage of the building. B. If not specifically addressed within these supplemental standards, the parking and loading standards of this chapter shall apply. (Ord. 5043 § 3, 2021; Ord. 4998 § 1, 2019; Ord. 4754 § 2, 2013; Ord. 4521 § 10, 2008)

### 17.58.150 Freight loading space requirements.

A. In addition to off-street parking spaces required by the preceding sections, off-street freight loading spaces shall be provided in the minimum quantities specified in the table in subsection  $\underline{B}$  of this section. Non-accessory parking spaces, driveways and maneuvering areas incidental thereto shall not be counted.

B. Freight loading space requirements by land use table:

Freight Loading Space Requirements by Land Use						
Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Spaces Required				
1. Retail, wholesaling and	0—8,500	0				
all other uses primarily engaged in the	8,501—60,000	1				
handling of goods	60,001—100,000	2				
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.				
2. Office, hotel, apartments and	0—100,000	0				
all other uses not included above	100,001— 200,000	1				
	200,001— 500,000	2				

Freight Loading Space Requirements by Land Use							
Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Spaces Required					
	over 500,000	3 plus 1 for each additional 300,000 sq. ft.					

(Ord. 4521 § 10, 2008)

# Chapter 17.59 WIRELESS TELECOMMUNICATION FACILITIES NOT IN THE PUBLIC RIGHT-OF-WAY

#### Sections:

17.59.010	Purpose.
17.59.020	Review process.
17.59.030	Development and design standards.
17.59.040	Abandonment and removal.

#### 17.59.010 Purpose.

The purpose of this chapter is to establish general guidelines for the siting of wireless telecommunication facilities not in the public right-of-way, including towers and antennas, in accordance with the Telecommunications Act of 1996, as amended. The goals of this chapter are to protect residential areas and land uses from potential adverse impacts of towers and antennas, encourage their location in industrial and commercial areas, encourage the joint use of new and existing facilities, encourage users to configure such facilities in a way that minimizes the adverse visual impacts, and consider the public health and safety in the siting and use of the facilities. In furtherance of these goals, the city shall give due consideration to the general plan, zoning of existing land uses, and environmentally sensitive areas in approving sites for the location of wireless telecommunication facilities. Notwithstanding any other provision of this chapter as provided herein, Chapter <u>12.30</u> of this code shall apply to the placement, construction, or modification of wireless telecommunication facilities within the public right-of-way, as provided therein. (Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

#### 17.59.020 Review process.

A. All wireless telecommunication facilities not in the public right-of-way, including antennas, towers, mounted poles, and satellite dishes shall be subject to review as follows:

1. *Exemptions*. The following installations are exempt from the provisions of this chapter:

a. The installation of one ground-mounted satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than ten feet in diameter and less than fifteen feet in height and complies with all applicable accessory structure setbacks.

b. One satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than twenty-four inches in diameter installed on a building providing that such antenna does not extend above the roof-line of the building.

c. One single-pole, tower roof, or ground-mounted television, or amateur radio antenna for the private, personal use of the occupants of a dwelling provided such antenna is no more than sixty-five feet in height from grade and complies with all applicable accessory structure setbacks.

B. *Director Review and Approval.* The following shall be reviewed by the planning director or designee, prior to the issuance of a building permit. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly show how the proposed facilities will meet the required development standards.

1. Antennas mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

2. Antennas architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as clock towers, carillon towers, flagpoles, and steeples. These antennas may be permitted in any zone district.

3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, field lighting and signs (excluding outdoor advertising structures), where the antenna height does not exceed the structure height nor project more than eighteen inches from the structure. The antenna shall also be painted to match the color of the building or structure, and/or be covered or architecturally screened with materials using the latest stealth design features so that it is indistinguishable from the main structure. These antennas may be permitted in any zone district.

4. Antennas mounted on existing electrical transmission towers in any zone district where the antenna height is no more than ten feet above the height of the tower, the antenna blends with the architectural design of the tower, and the utility company has given written permission for such co-location.

5. Co-location of new equipment on an existing legally approved antenna or tower that blends with the architectural design of the existing facility and meets all other requirements of this chapter.

6. Modification of existing telecommunications facilities that existed prior to the effective date of the ordinance codified in this chapter where the physical area of the reconfigured or altered antenna does not exceed twenty-five percent of the original approval, blends with the architectural design of the existing facility, and meets all other requirements of this chapter.

7. Stand-alone monopole camouflaged as a palm tree, pine tree or other natural object.

8. Stand-alone slim-line monopole with flush-mounted vertical antennas employing the latest stealth design features. A slim-line monopole shall measure no more than twenty-four inches in diameter at the base that tapers smaller toward the top. The maximum distance of antenna arrays projecting from the pole shall not exceed eighteen inches.

C. *Director Review and Approval.* The following shall be reviewed by the planning director, subject to a director review and approval permit in accordance with Chapter <u>17.64</u> of this code. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly show how the proposed facilities will meet the required development standards.

1. Facilities that do not meet the requirements of subsection <u>B</u> of this section or the development standards in Section <u>17.59.030</u>.

2. New uncamouflaged monopoles.

3. All other wireless communication facilities not in the public right-of-way, including lattice towers.

4. Placement of a commercial antenna or satellite dish antenna on any building not screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

5. On property zoned or designated residential, residential suburban, agricultural, or open space unless otherwise provided by this chapter. (Ord. 5020 § 21, 2020; Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

#### **17.59.030** Development and design standards.

A. Minimum setbacks of any antenna or tower subject to this chapter, including equipment and equipment buildings, shall be as follows:

1. Fifty feet from the property line abutting any public or private street.

2. Where the property line separates the lot from an adjacent lot zoned or designated residential, fifty feet for camouflaged and slim-lined monopoles, three hundred feet for uncamouflaged monopoles and lattice towers, and twenty feet for equipment buildings.

3. All other setbacks of the zone district in which the facilities are located shall apply, except that no rear yard setback shall apply to commercial or industrial zone districts adjacent to same.

B. The maximum height of an antenna or tower, including equipment and equipment buildings, shall be as follows:

1. Sixty-five feet or no more than twenty percent above the existing height of adjacent natural objects, whichever is less, for stand-alone monopoles on property zoned or designated residential, residential suburban, agricultural, or open space. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

2. One hundred twenty-five feet or no more than twenty percent above the existing height of adjacent natural objects, whichever is less, for standalone monopoles on property zoned or designated commercial or industrial. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

3. If the antenna or tower is mounted on a roof, no taller than fifteen feet above the roof or twenty percent of the building height, whichever is less.

4. If the antenna is architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as a clock tower, carillon tower, and steeple, its height is limited by the height of that building or structure.

5. Equipment buildings shall not exceed a height of twelve feet and an area of seven hundred fifty square feet.

C. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. Buildings shall be painted similar nonreflective colors as the antenna or tower structure, and blend with the surrounding area. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping that is installed and maintained in accordance with Chapter <u>17.61</u> of this code. Use of electrified, barbed or razor wire is prohibited. Trees may be required by the approving authority when deemed necessary to ensure compatibility with the surrounding area.

D. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.

E. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080(F).

F. The antenna shall be located to assure visual compatibility with surrounding development and not adversely impact area land uses. Guy wires are prohibited.

G. If an antenna is attached or integrated into a building, it shall be painted to match the color of the building and/or covered with similar materials and use the latest stealth design features.

H. Nonreflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.

I. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7300 latest edition. This may include beacons, sidelights, and/or strobes.

J. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.

K. Uncamouflaged monopoles, slim-lined monopoles, and lattice structures shall be located no closer than one thousand feet apart. Camouflaged monopoles shall be located no closer than three hundred feet apart. Co-location is encouraged to minimize the number of antennas and towers in an area.

L. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything deemed to the appearance of the overall facility.

M. Landscaping may be required to further screen, aesthetically enhance, or blend the facility with adjacent natural features or development when deemed necessary by the approving authority to ensure compatibility with the surrounding area. (Ord. 4876 § 2, 2016; Ord. 4782 § 1, 2014; Ord. 4231 § 1, 2005)

#### 17.59.040 Abandonment and removal.

Any wireless telecommunication facility not in the public right-of-way, including antennas, towers and satellite dish antennas, that are not operated for a continuous period of twelve months, shall be considered abandoned and the owner of such facility, or the property owner of the facility site shall remove the same within ninety

days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned facility within such ninety days shall be grounds to declare it a public nuisance and to cause such to be removed at the owner's or property owner's expense. This section shall not limit the city's remedies and city shall have all remedies available at law or equity. (Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

# Chapter 17.60 SIGNS\*

Sections:

17.60.010	Purpose.
17.60.020	Permits.
17.60.030	Comprehensive sign plans.
17.60.040	Sign area computations.
17.60.050	Sign location restrictions.
17.60.060	Sign development standards.
17.60.070	Specialized signs.
17.60.080	Exempt signs.
17.60.090	Prohibited signs.
17.60.100	Nonconforming signs.
17.60.110	Violation and abandonment.
17.60.120	Interpretation and enforcement.

\* Prior history: Ords. <u>2647</u>, <u>2674</u>, <u>2797</u>, <u>2887</u>, <u>2930</u>, <u>2953</u>, <u>2969</u>, <u>2979</u>, <u>3038</u>, <u>3074</u>, <u>3098</u>, <u>3231</u>, <u>3320</u>, <u>3378</u> and prior code §§ 17.54.010—17.54.170, 17.54.190—17.54.230.

#### 17.60.010 Purpose.

The purpose of this chapter is to promote the growth of the city in an orderly and attractive manner and to provide standards to safeguard life, health, property and public welfare by regulating and controlling the type, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. The use of signs is regulated by zone. Their placement and physical dimensions are regulated primarily by type and length of street frontage. This chapter is not intended to, nor shall any of its provisions be construed to modify or repeal the Uniform Sign Code, Chapter <u>15.36</u> of this code, except as specified.

The sign regulations of this chapter are intended to accomplish the following results:

A. Protect and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs.

B. Promote and maintain healthy commercial centers and property values for effective identification and communication of the nature of goods and services and avoidance of wasteful and unsightly competition in signs.

C. Attract and direct persons to various activities and enterprises, in order to provide for public convenience.

D. Provide a reasonable system of sign control throughout the city.

E. Encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing.

F. Encourage a desirable urban character.

G. Enhance the economic value of the community and each area thereof through the reasonable regulation of such things as type, number, area, height, location and illumination of signs.

H. Encourage signs which are harmonious with adjacent land uses and to encourage architectural compatibility.

I. Reduce possible traffic and safety hazards through good signing.

J. Provide a reasonable amortization period for the removal of nonconforming signs.

K. Implement the objectives, policies and programs of the general plan. (Ord. 3586 § 2, 1994)

#### 17.60.020 Permits.

A. *Permit Required*. No sign shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected, re-erected, installed, altered or otherwise permitted or maintained without first obtaining a permit from the building director in accordance with the requirements of this chapter and Chapter <u>15.36</u> of this code.

B. *Permit Not Required*. Regardless of subsection  $\underline{A}$  of this section, permits from the building director are not required for the following signs:

1. Real estate sales, rent, lease or open house; construction/home improvement, future facility use or tenant signs, and agricultural signs not exceeding sixteen square feet in area and six feet in height, placed on the property subject to such sign;

2. Changing of the advertising copy or message on a theater marquee, readerboard, menuboard, or similar such sign;

3. Repainting or cleaning of an outdoor advertising structure or changing the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;

- 4. Nonilluminated promotional window sign as regulated by the zone district in which it is located;
- 5. Garage/yard sale and estate sale signs, pursuant to the requirements of Section 17.60.060(B);
- 6. Noncommercial signs, pursuant to the requirements of Section 17.60.070(C);
- 7. Flags for model homes as regulated in the residential districts;
- 8. Nameplate, as regulated;
- 9. Signs that are exempt as specified in Section <u>17.60.080</u>;
- 10. Nonprofit special event signs subject to the provisions of Section <u>17.60.070(B)</u>;

11. Pole banners, pennants/streamers in compliance with the provisions of Sections 17.60.060(B)(4) and (5).

C. *Other Actions*. Uses permitted under conditional use permits, wall and landscape plans, zone changes, specific plans, and other such projects may include signage as part of and in accordance with the permit or project. The planning commission or city council may approve, deny, limit or grant modifications to such signage consistent with the provisions of this chapter. If a comprehensive sign plan is required as a condition of approval for such project, a separate application for said plan shall be required pursuant to Section <u>17.60.030</u>.

D. *Exceptions*. The building director may, in writing, grant exceptions to the following sign regulations provided it has been determined that strict application of the provisions of this chapter places an unnecessary hardship in satisfying the purposes of this chapter:

1. Reduction of the minimum sign setbacks or minimum distance between signs of not more than ten feet;

2. Signage on properties having no street frontage; provided, that any such sign permitted shall not exceed the regulations as delineated by the zone district in which they are located;

3. Additional on-site residential project identification signs, not to exceed two additional per project, or an increase in sign area of one residential identification project sign to sixty-four square feet;

4. An increase of a monument sign located within a commercial or industrial zone district to sixty square feet in area and twelve feet in height, provided the total number of monument signs per street frontage shall not exceed two signs and no pylon sign exists along that street frontage or will be permitted.

E. *Modification of Regulations Not Permitted*. Signs shall only be permitted provided they meet the regulations of the zone district in which they are located for that type of sign. With the exception of subsection  $\underline{D}$  of this section or Section  $\underline{17.60.030}$  regarding comprehensive sign plans, no waivers of, exceptions to, or modification of any regulation of this chapter shall be permitted.

F. *Fees.* The city may impose fees to offset the costs associated with permit administration and monitoring pursuant to Chapter <u>3.70</u> of this code. (Ord. 5020 § 22, 2020; Ord. 4953 § 2, 2018; Ord. 4712 § 1, 2012; Ord. 3870 §§ 1, 2, 1998; Ord. 3755 § 4, 1997; Ord. 3586 § 2, 1994)

#### **17.60.030** Comprehensive sign plans.

The comprehensive sign plan is a program that may allow developers or business owners of a shopping/business center or other such project to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of this section to be used to request relief of the sign regulations in order to circumvent any requirements or purpose of this chapter.

A. *General Requirements*. Any person may file with the city a comprehensive sign plan application for only the following projects:

1. *Shopping/business center developments as defined in this title, including office and industrial complexes.* The application for the plan shall be signed by more than fifty percent of the property owners, not including royalty interests, of the real property constituting the center.

- 2. PCD (planned commercial development) projects.
- 3. Areas covered by a specific plan where signage was not identified in said plan.

4. Public and semi-public institutional projects.

5. Neighborhood/subdivision identification sign program. This program is limited to developments of one hundred acres or more that have frontage along an arterial and/or collector street of one-half mile or more.

B. *Condition of Project Approval*. Comprehensive sign plans may be required by the city council or planning commission as part of any project approval as specified in Section <u>17.60.020(C)</u>.

C. *Application Information*. Any comprehensive sign plan application shall be submitted to the planning department on a form provided by that department. Information submitted shall include, but is not limited to, location, size, height, color, lighting, number, visual effects, and orientation of all proposed and existing signs as they pertain to the comprehensive sign plan.

D. *Authority and Review*. The planning commission shall have the authority under the conditions provided in this chapter to permit the utilization of comprehensive sign plans and may approve signs that are more or less restrictive than the sign regulations set forth in this chapter.

1. All comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing before the planning commission at least ten days before hearing.

2. Exceptions to the sign regulations in this chapter may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this chapter and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.

3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.

4. The planning commission shall either approve, conditionally approve or disapprove the comprehensive sign plan at the public hearing. All decisions by the planning commission are final and conclusive.

5. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.

6. Where an application for a comprehensive sign plan has been denied by the planning commission, no reapplication or new application for the same or nearly the same such plan on the property shall be considered for a period of one year from the date of the decision. However, where a change has occurred which, in the discretion of the planning commission, indicates that the new application is significantly different and that reconsideration would serve the public interest, this time period may be waived provided the planning commission makes such a finding.

7. The planning director may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

E. *Future Signs*. A comprehensive sign plan may be approved where signs for satellite pads or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of the C-1 zone district.

F. *Existing Signs as Part of a Comprehensive Sign Plan.* If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

G. *Permits Prohibited Until Decision Rendered*. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.

H. *Withdrawal of Plan.* An approved comprehensive sign plan may be withdrawn by the applicant provided:
(1) it is not required as a condition of project approval;
(2) no signs have been installed pursuant to such plan;
(3) all signs installed since approval of said plan comply with the requirements of the zone district in which they are located; or (4) all signs in the center or project comply with the provisions of the zone district in which they are located. The withdrawal shall be submitted in writing to the planning department.

I. *Binding Effect.* After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this chapter. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this chapter, the approved plan shall control. (Ord. 5020 § 23, 2020; Ord. 4729 § 2, 2013; Ord. 4489 § 2, 2008; Ord. 3586 § 2, 1994)

#### **17.60.040** Sign area computations.

The following criteria shall control the computation of sign area and sign height:

A. *Area of Individual Signs (Single Face).* The area of a sign face, which is also the area of a wall sign or other sign with only one face, shall be computed by means of the smallest measurable polygon that will encompass the extreme limits of the writing, representation, emblem, color, logo, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the background or structure against which it is placed. If a sign is composed of individual letters or symbols with no added decoration, the total sign area shall be calculated by measuring the area of each individual letter and/or symbol; the combined areas shall be the total sign area.

B. *Area of Multifaced Signs.* The sign area for a sign with more than one face shall be computed by adding together the area of a single sign face pursuant to subsection  $\underline{A}$  of this section. When sign faces are placed back to back or in a way that only one face can be viewed from any point, and when such sign faces are part of the same structure and are not more than two feet apart, the total sign area shall be computed by measuring one of the faces if they are all of equal area or the largest face if they are of unequal area.

C. *Structural Support Area*. The area of a sign does not include any supporting framework, bracing or other support, whether or not it has been architecturally treated, provided said support does not exceed twenty-five percent of the allowable sign area for a pylon sign, and fifty percent of the allowable sign area for a monument sign. If the support area exceeds these percentages, any excess shall be computed as part of the total sign area.

D. *Sign Height*. The height of a sign shall be computed as the distance from the base of the sign including any of its structural support, at grade as defined in this title, to the top of the highest component of the sign. (Ord. 3586 § 2, 1994)

#### **17.60.050** Sign location restrictions.

A. Signs shall not be placed on any curb, sidewalk, post, pole, light standard, hydrant, bridge, tree or other surface located on public property, and shall not be located within, over or across any public right-of-way or public parkway including street median islands, except as may otherwise be authorized by this chapter. These restrictions do not apply to signs by a public agency that identify public facilities; such signs shall be subject to the zone district in which the facility is located. Any such sign hereby prohibited constitutes a nuisance, and shall not become a legal nonconforming sign.

B. Signs shall not be permitted near the intersection of any street, pedestrian crosswalks, alley or any vehicle access in such a manner as to obstruct free and clear vision of motor vehicle operators, or at any location where

by reason of its position, shape, illumination or color, it may interfere with or be confused with any authorized sign, signal or device, or which makes use of a work, symbol, phrase illumination, shape or color in such a manner as to interfere with, mislead or confuse traffic. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

C. Permanent freestanding signs, except monument and directional signs, shall be prohibited in the following areas:

1. The Truxtun Avenue corridor between the west right-of way line of State Highway 99 and the east right-of-way line of Coffee Road, a width of five hundred feet from the right-of-way of Truxtun Avenue or between the north right-of-way line of the Cross Valley Canal and the south right-of-way line of the Carrier Canal/Santa Fe Railroad, whichever distance is greater;

2. Along or within one thousand feet of the right-of-way of State Highway 178 east of Oswell Street, commencing at a point five hundred feet east of the centerline of Oswell Street;

3. Along or within one thousand feet of the right-of-way of Alfred Harrell Highway;

4. Along or within one thousand feet of the right-of-way of Stockdale Highway west of the Arvin-Edison canal;

5. Along or within one thousand feet of the right-of-way of Panorama Drive;

6. Along or within one thousand feet of the right-of-way of the Westside Parkway from State Highway 99 to its western terminus.

A map delineating these corridors prohibiting freestanding signs is shown at the end of this chapter. (Ord. 4729 § 3, 2013; Ord. 4489 § 3, 2008; Ord. 3870 § 3, 1998; Ord. 3586 § 2, 1994)

#### **17.60.060** Sign development standards.

A. *General Regulations*. The following provisions shall apply to all signs unless otherwise stated in this chapter:

1. Signs or their supporting members shall not be erected, altered, relocated, or maintained so as to interfere with or restrict access to a window or other opening in a building in such manner as to limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door,

ventilator or window, or similar opening. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

2. All signs shall be constructed, installed and maintained to structurally comply with all applicable requirements of the Building Code and Uniform Sign Code, as adopted and amended by the city. Those signs incorporating electrical components shall be constructed and maintained to also comply with the Electrical Code as adopted by the city.

3. Where signs are permitted to be illuminated, the following regulations shall apply:

a. Floodlighting is permitted only when such lighting is installed on private property or property maintained by a maintenance district, and is hooded or shielded so that the light source is not a nuisance or detrimental to persons viewing such area, nor affect or interfere with vehicular traffic, pedestrians, or adjacent properties in any manner.

b. Outlining of a building by means of exposed neon tubing is permitted only where the amperage does not exceed thirty milliamperes. Outlining of a building by means of exposed incandescent lighting is permitted if the wattage does not exceed forty watts per bulb and the units of lights forming the line marking the outer limits or edges of a building, or window or roof of a building, are at least two feet apart.

c. Exposed bulbs forming a part of a sign are permitted, provided they do not exceed fifteen watts per bulb; signs in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts may be allowed up to forty watts per bulb. Neon signs shall not exceed thirty milliamperes. Bulbs providing indirect lighting not visible from off the premises of the sign are not subject to this subsection. Exposed reflector-type lamps forming part of a sign or used to illuminate a sign are prohibited in all instances.

d. Flashing signs are only permitted in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts and shall not exceed a total of sixty milliamperes for neon signs, and ten watts for incandescent signs.

e. Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, cathode ray tubes (CRTs), plasma, or other such lighting devices, shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions, and ensure that the sign is visible but not excessively bright to adversely affect motorists or nearby residents.

4. Placards or posters advertising special community events are permitted as window signs or on public bulletin boards.

5. Public service signs may contain or include trade or professional name identification and logo only.

6. Theater marquee signs are permitted pursuant to the regulations of the Uniform Sign Code as adopted and amended by Chapter 15.36 of this code.

7. Permitted signs for a particular street frontage of a parcel may not be combined with that allowed for another street frontage for the purpose of placing the combined area of signs on one street frontage.

8. Any commercial sign which does not identify or advertise the occupant of a building, lot or premises, or relate to any merchandise or to any business or other activity available or being conducted at the building, lot or premises where the sign is located, except outdoor advertising signs and subdivision directional signs, is prohibited; however, in each instance and under the same conditions under which this chapter permits a sign, a sign containing copy with ideological, political, or other noncommercial message and constructed subject to the standards of the zone district in which it is located shall be permitted.

9. Persons owning or controlling any sign shall keep such sign, together with all supports, braces, guys and anchors in good repair and in proper state of preservation at all times. Signs shall be fully operational and present a satisfactory appearance in regard to painting, cleaning, broken faces, electrical outages, landscaping, or anything deemed related to the appearance of the sign.

10. Any sign structure, can, supports, anchors or other related component of a sign that will not be utilized due to new signs being permitted shall be removed prior to any new sign being installed.

B. *Regulations by Zone District—Sign Matrix*. The following tables identify the signs permitted in each zone district. In addition to the following regulations, all signs shall be in compliance with all other provisions of this chapter:

1. Signs permitted in the residential and agricultural/open space zone districts (R, A, OS, MH, TT, FP-P, DI zones):

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Nameplate	Wall or door	1 per residence	1 sq. ft.	Below roofline	Yes	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be attached to and parallel with the front wall or front door.</li></ul>	Shall identify only the name and/or street address of the occupant.
b. Apartment ID (over 4 units)	Wall or monument	1 per street frontage	32 sq. ft. each	20 ft. for wall sign and 6 ft. for monument sign Note: Wall signs may exceed the height max. if building is 3 or more stories per skyline sign standards.	Yes	Setbacks: - 10 ft. from interior property lines - 0 ft. from street rights-of- way	<ul> <li>a. Copy limited to project name and address only.</li> <li>b. Signs shall not be internally lighted.</li> <li>c. Building wall sign shall not exceed a horizontal length greater than 70% of the linear frontage elevation that sign is placed.</li> <li>d. If skyline signs are utilized, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>
c. Neighborhood Subdivision ID (includes parks)	Subdivision wall or monument	2 per major entrance not to exceed signs at 2 entrances	32 sq. ft. each	6 ft.	Yes	Signs shall be located at the entrances where arterial and/or collector streets intersect with local streets into the development.	a. Copy limited to project/neighborhood name only; use of developer/subdivider name or logo, or commercial advertising is prohibited.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							b. City parks div. shall approve of all material used in the sign to assure continued maintenance.
d. Temporary						I	
Signs							
i. Residential Project ID (on-site)	Freestanding	2 per subdivision (multiple phases of a tract shall be considered a single subdivision)	32 sq. ft.	12 ft.	No	Shall be within the subdivision or project. Signs shall be prohibited on lots developed with residences.	<ul> <li>a. Limited to new projects only.</li> <li>b. Copy may include direction to model homes/sales office, the developer/builder's name, logo, prices, and any other information related to home sales.</li> <li>c. All signs shall be removed within 30 days after the initial sale/rent of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time extensions not to exceed 1 year each if necessary to complete all sales.</li> </ul>
ii. Residential Sub/Project Directional (off- site)	See Section <u>1</u>	7 <u>.60.070(A)</u> .		I	1	<u> </u>	I

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
iii. Real Estate (sales, rent, lease)	Freestanding	1 per parcel	6 sq. ft.	6 ft.	No	<ul> <li>a. Shall be on premises</li> <li>being sold, rented or leased.</li> <li>b10 ft. from interior</li> <li>property lines.</li> <li>- 0 ft. from street rights-of-way.</li> </ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
iv. Real Estate (open house)	Freestanding	6 per residence (1 on-site, 5 off-site directional)	3 sq. ft.	6 ft.	No	Off-site directional signs shall not be located more than 1 mile from the open house.	<ul> <li>a. The maximum duration of the use of these signs shall not exceed 3 consecutive days each week.</li> <li>b. Use of A-frame signs is permitted provided they are not located in the public-right-of-way or maintained parkway/landscape area.</li> <li>c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.</li> </ul>
v. Garage, Yard and Estate Sales	Freestanding	2 per residence (1 on-site, 1 off-site)	3 sq. ft.	6 ft.	No	Off-site sign shall not be placed within right-of-way and shall not be affixed in any manner to any utility pole, street sign, fence, etc.	<ul><li>a. No property shall be allowed signage for more than 2 sales per calendar year.</li><li>b. The maximum duration of the use of these signs shall not exceed 3 consecutive days.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.
vi. Construction/Home Improvement	Freestanding	1 per project or residence	4 sq. ft.	6 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from all property lines.	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
vii. Future Use	Freestanding	1 per undeveloped parcel	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from all property lines.	<ul><li>a. Copy limited to identify future use consistent with existing zoning and may include ownership ID.</li><li>b. Sign shall be removed upon initial occupancy of site or building.</li></ul>
viii. Model Home/Tract Sales Office	Freestanding and flags	Signs: 1 per sales office 1 per model home Flags:	Sales office: 24 sq. ft. Model home: 8 sq. ft. Flag: 15 sq. ft.	Sales office: 8 ft. Model home: 4 ft. Flag:	No	Signs for sales office and model homes shall be located on the lot containing said office or model. Flags may be located anywhere on the project site where the new homes are being constructed for appropriate identification of the project, model homes or	<ul> <li>a. Limited to new projects only.</li> <li>b. Copy limited to name of development and/or company name/logo.</li> <li>c. All flags shall be removed within 30 days after the initial sale of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
		20 per subdivision		25 ft. (pole height)		sales office, provided they are not located within any street right-of-way or public parkway. Flags shall be prohibited on developed lots with occupied residences or lots not owned by the builder/developer advertising on said signs.	<ul> <li>extensions not to exceed 1 year each if such flags are necessary to complete all sales.</li> <li>d. Signs shall be removed when model home is sold, sales office closed, or per subsection c above, whichever occurs first.</li> <li>e. Special event permits are not required for balloons (as limited per Section 17.60.070(B)(3)) or banners 6 ft. or less in height if only used on Saturdays and Sundays.</li> </ul>
ix. Special Event	See Section 1	7.60.070( <u>B)</u> .	1	I		I	
x. Noncommercial	See Section <u>1</u>	7.60.070(C).					
e. Agricultural Products	Freestanding	1 per parcel	32 sq. ft.	8 ft.	No	<ul> <li>a. Shall be on premises</li> <li>b. Shall be set back 10 ft.</li> <li>from property lines, except</li> <li>those fronting public streets</li> <li>where no setback is</li> <li>required.</li> </ul>	<ul><li>a. Copy limited to products produced on the property or agricultural related affiliation, and may also include name of owner.</li><li>b. Sign is only permitted in the A and R-S zone districts.</li></ul>
f. Religious institutions and Schools	Uses are subje	ect to the sign s	tandards pursua	ant to Section <u>1</u>	7.60.060(B)(6)	ı <u>(c)</u> .	1

2. Signs permitted in the C-O (professional and administrative office) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the	residential sign	n standards purs	suant to Section	n <u>17.60.060(B)(</u>	( <u>1)</u> .	
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business's elevation sign is located or 100 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business's elevation sign is located or	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

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Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
			32 sq. ft., whichever is less.				
	Pylon or monument	4 per street frontage (see Remarks for additional monument signs)	32 sq. ft. each	8 ft.	Yes	<ul> <li>a. Setbacks</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights-of- way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>a. Business or center is limited to use of either pylon or monument.</li> <li>b. Business or center name is limited to being listed on only one sign per street frontage.</li> <li>c. If center name incorporates the name of an on-site business in any form, said name shall not be allowed on other sign per item b.</li> <li>d. One additional sign per street frontage is permitted that only identifies the center.</li> <li>e. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.</li> </ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 15 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by the public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only, not public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft. each	10 ft.	Yes	Wall only	<ul><li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li><li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li></ul>
d. Temporary Sign	s						·
i. Real Estate	Freestanding, wall or window	l per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes		<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (2)(b).</li> <li>b. Area limitation does not include business identification under (2)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained for a reasonable time during a holiday season.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
v. Special Event	See Section <u>1</u>	7.60.070( <u>B</u> ).					·
vi. Noncommercial	See Section <u>1</u> '	7.60.070( <u>C)</u> .					

3. Signs permitted in the C-1 (neighborhood commercial) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to res	idential sign sta	indards pursuar	nt to Section <u>17</u>	7.60.060(B)(1)		
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 150 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business' elevation sign is located or 75 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

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Sign Type Sign Styl	e Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
Pylon or	Pylon:	whichever is less. Pylon:	Pylon:	Yes	a. Setbacks:	a. Business is limited to either pylon or
	-	150 sq. ft. Monument: 32 sq. ft. each.	25 ft. Monument: 8 ft.		<ul> <li>25 ft. from interior property lines</li> <li>(not part of a center)</li> <li>0 ft. from street rights-of- way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>monument signs; however if center identification is provided on a pylon then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decoration maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/ menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> <li>c. Minimum 1 ft. between signs.</li> </ul>	Copy limited to indicating prices, merchandise, or services offered; official public services provided on premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							b. Sign is limited to loading entrance only that is not the business' public entrance.
c. Building ID (multiple buildings on site) d. Temporary Sign	Wall	1 per building	10 sq. ft.	10 ft.	Yes	Wall only.	<ul><li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li><li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li></ul>
i. Real Estate	Freestanding, wall or window	l per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back 10</li><li>ft. from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back 10</li><li>ft. from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (3)(b).</li> <li>b. Area limitation does not include business identification under (3)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u>.</li> </ul>
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
v. Special Event	See Section <u>1</u>	7.60.070( <u>B)</u> .	<u> </u>	<u> </u>	<u> </u>		

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Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
vi. Noncommercial	See Section <u>1</u>	<u>7.60.070(C)</u> .					

4. Signs permitted in the C-2 (regional commercial) and manufacturing (M-1, M-2, M-3) zone districts:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the residential	sign standards	pursuant to Sec	ction <u>17.60.06(</u>	) <u>(B)(1)</u> .		·
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 2 sq. ft. per linear foot of the business' elevation sign is located or 250 sq. ft., whichever is less. Non-street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 125 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Signs shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
			whichever is less.				
	Pylon or monument	<ul> <li>Pylon:</li> <li>1 per street frontage if pylon;</li> <li>Monument:</li> <li>4 per street frontage if monument.</li> <li>(see Remarks for additional signs)</li> </ul>	Pylon: 250 sq. ft. Monument: 32 sq. ft. each.	Pylon 35 ft. Monument 8 ft.	Yes	<ul> <li>a. Setbacks:</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights- of-way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>a. Business is limited to either pylon or monument signs; however if center identification is provided on a pylon then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign,</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							<ul><li>then 1 for each 200 ft. of additional frontage along that street.</li><li>g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.</li></ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> <li>c. Minimum 1 ft. between signs.</li> </ul>	Copy limited to indicating prices, merchandise, or services offered; official public services provided on-premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance.	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only that is not the business' public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only	<ul> <li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li> <li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li> <li>c. See Section <u>17.60.070(F)</u> if building ID sign is proposed as a skyline building sign.</li> </ul>
d. Temporary Sign	S						
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or</li><li>leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Sign shall be set back</li><li>10 ft. from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Sign shall be set back</li><li>10 ft. from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (4)(b).</li> <li>b. Area limitation does not include business identification except as permitted under (4)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R).</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Pole banners	4 per light pole (2 on each side of pole, back- to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.
v. Special Event	See Section <u>17.60.070(B</u>	<u>)</u> .	I		I	L	
vi. Noncommercial	See Section <u>17.60.070(C</u>	<u>)</u> .					
e. Outdoor Advertising (billboard)	See Section <u>17.60.070(E</u>	<u>)</u> .					

5. Signs permitted in the C-B (central business) and C-C (commercial center) zone districts shall be subject to the C-2 sign standards pursuant to Section 17.60.060(B)(4), except as follows:

a. Agricultural uses permitted by the planning director under Section 17.26.011(B) shall be subject to the residential and agriculture/open space sign standards pursuant to Section 17.60.060(B)(1).

6. Signs permitted where there are overlay or combination zones (P, CH, HOSP, AD, AA, FP-S, SC, PE) shall be subject to the sign standards of the underlying zone district unless otherwise permitted as follows:

a. Signs within the FP-S (floodplain secondary) zone where it is not used as an overlay or combining zone shall be subject to the residential sign standards pursuant to Section 17.60.060(B)(1).

b. Signs within the P (automobile parking) zone where it is not used as an overlay or combining zone shall be subject to the same standards which are applicable to the adjacent zone where the parking use is incidental to and intended to serve the use in such adjacent zone.

c. Religious institutions. In addition to that permitted by the residential sign standards pursuant to Section 17.60.060(B)(1), shall be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.

d. Within the HOSP (hospital) zone, hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged shall, in addition to that permitted by the residential sign standards pursuant to Section 17.60.060(B)(1), be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one illuminated or nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.

7. Signs permitted in the PUD (planned unit development) and PCD (planned commercial development) zone districts:

a. Residential development shall be subject to the residential sign standards pursuant to Section 17.60.060(B)(1) unless otherwise conditioned by the planning commission or city council.

b. Commercial development shall be subject to the C-1 sign standards pursuant to Section 17.60.060(B)(3) unless otherwise conditioned by the planning commission or city council.

c. When a PCD or PUD zone is used as a combining zone, the sign regulations for the base zone shall apply unless otherwise conditioned by the planning commission or city council.

8. Signs permitted in the Bakersfield auto mall area shall be permitted as follows regardless of the underlying zone district:

(a map delineating the area these regulations apply to is shown at the end of this chapter)

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the residential	sign standards	pursuant to Se	ction <u>17.60.06</u>	<u>)(B)(1)</u> .		
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Each building elevation: 2 sq. ft. per linear foot of the business' elevation sign is located or 450 sq. ft., whichever is less.	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above the roofline of the building.	<ul> <li>a. Each business shall be entitled a minimum of 50 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>
	Pylon or monument	<ul> <li>Pylon:</li> <li>2 per street frontage</li> <li>Monument:</li> <li>4 per street frontage</li> <li>(see Remarks for</li> </ul>	Pylon: 300 sq. ft. Monument: 32 sq. ft. each.	Pylon: 50 ft. Monument: 8 ft.	Yes	<ul> <li>a. Setbacks:</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights- of-way.</li> <li>b. Minimum 50 ft. between signs.</li> </ul>	<ul> <li>a. Business is limited to either pylon or monument signs; however if center identification is provided on 1 pylon and there is no 2nd pylon, then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
		additional signs)				c. 100 ft. from existing outdoor advertising structures.	<ul> <li>maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.</li> </ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> </ul>	Copy limited to indicating prices, merchandise or services; official public services provided on premises; credit cards honored; directions to customers; and like

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
						c. Minimum 1 ft. between signs.	matters. Use of streamers, pennants and banner is prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only that is not the business' public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only.	<ul> <li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li> <li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li> <li>c. See Section <u>17.60.070(F)</u> if building ID sign is proposed as a skyline building sign.</li> </ul>

d. Temporary Signs

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
i. Real Estate	Freestanding, wall or window	l per saleable or leaseable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or</li><li>leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertising the sale, renting or leasing and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back</li><li>10 ft. from all property</li><li>lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back</li><li>10 ft. from all property</li><li>lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business identification is prohibited except as permitted under (8)(b).

The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							<ul><li>b. Area limitation does not include business identification except as permitted under (8)(b).</li></ul>
							c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R).
	Pole banners	4 per light pole (2 on each side of pole, back- to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.
v. Special Event	See Section <u>17.60.070(B</u> )	<u>)</u> .	1		1	L	
vi. Noncommercial	See Section <u>17.60.070(C</u>	<u>)</u> .					

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
e. Outdoor Advertising (billboard)	See Section <u>17.60.070(E</u> )	<u>).</u>					

(Ord. 4953 § 3, 2018; Ord. 4938 § 5, 2018; Ord. 4729 §§ 4—8, 2013; Ord. 4715 § 1, 2012; Ord. 4658 § 1, 2011; Ord. 4605 § 1, 2009; Ord. 4543 § 2, 2008; Ord. 4489 §§ 5, 6, 2008; Ord. 4384 § 1, 2006; Ord. 4306 § 1, 2006; Ord. 3964 § 45, 2000; Ord. 3870 §§ 4, 5, 1998; Ord. 3755 § 2, 1997; Ord. 3624 § 1, 1995; Ord. 3586 § 2, 1994)

# 17.60.070 Specialized signs.

A. *Off-Site Residential Subdivision/Project Directional Kiosk Sign Program.* The following is intended to provide for the administration of a uniform, coordinated sign program of kiosks that offer developers of new residential subdivisions means of providing direction to their projects. The kiosk signs will minimize confusion among prospective purchasers of new homes to find those developments, promote traffic safety by removing competing signs from busy streets, and reduce visual blight of incompatible sign types in residential neighborhoods. No such off-site directional sign other than those in conformance with this chapter shall be erected or maintained within the city.

#### 1. Requirements for Directional Kiosks.

a. Kiosks shall be permitted in all zone districts except on a lot developed with a single-unit residence. They may be permitted on private land or public right-of-way that is maintained by the property owner provided the property owner's permission has been granted in writing. Signs may also be permitted within the public right-of-way or parkway that is maintained by the city of Bakersfield or as contracted by the city subject to approval and issuance of an encroachment permit by the city. All other location restrictions in Section <u>17.60.050</u> shall remain in full force and effect.

b. Kiosks shall be constructed of wood or similar product with individual panels provided for placement of subdivision or project names and direction.

c. Kiosk locations shall be approved by the building director or appointed designee. A kiosk shall not be placed closer than one thousand feet from an existing kiosk or approved site where a kiosk is to be constructed. The building director or appointed designee may reduce the distance between kiosks where:

i. Kiosks are located at different corners of an intersection and face different directions.

ii. The street intersection where the kiosk is proposed is less than one thousand feet away from a street intersection that contains a kiosk and it is necessary to provide direction to subdivisions or projects to which that street provides the most direct or only access. iii. Kiosks (two maximum) are necessary to be placed adjacent to one another because the number of subdivisions or projects that are being identified exceeds the number of panels allowed on one kiosk.

d. Architectural design, color, letter style, and any other design elements of the kiosk shall be approved by the planning commission and city council. All kiosks and other off-site residential directional signs allowed by Section 17.60.060(B)(1)(d)(ii) that are installed within the city limits shall be in accordance with adopted design criteria.

e. Kiosks shall not exceed a height of twelve feet and a width of six feet. When a kiosk is sited immediately adjacent to a residential development, it shall not exceed a height of eight feet. An individual panel shall be limited to a maximum width of six feet and a height of ten inches. No more than eight individual name panels shall be permitted on a kiosk.

f. Kiosks may have more than one face. Multiple faces are encouraged where the kiosk can be sited to serve traffic traveling in opposite directions, or where it would reduce the amount of kiosks needed to provide adequate direction to residential subdivisions. Multiple faced kiosks shall be approved by the building director or appointed designee.

g. A name panel shall be limited to a single line of text that may contain only the subdivision, project, builder or developer's name, or combination thereof. All panels shall include a direction arrow pointing in the direction of the identified project. Name panels shall conform to all design elements as approved in accordance with subsection (A)(1)(d) of this section.

h. Tag signs, streamers, banners, balloons, devices, display boards, or other appurtenances shall not be added, placed upon or erected adjacent to or within a one-hundred-foot radius of any existing kiosk.

i. Kiosks shall not be illuminated.

j. Kiosks shall not obstruct the use of sidewalks, walkways, bicycle or hiking trails, and shall not obstruct the free and clear vision of motor vehicle operators, cyclists, pedestrians, or visibility of traffic control signs and lights as determined by the public works director or appointed designee.

k. Kiosks shall be set back a minimum of twenty-five feet from side and rear property lines. No setback shall be required from street frontages or those kiosks located within public rights-of-way.

#### 2. Permits.

a. Any builder or developer of a new recorded residential subdivision which contains approved lots or homes which have never been sold, may apply for a permit to install a kiosk or to place a name panel on an existing kiosk to provide direction to their subdivision.

b. Applications for a kiosk or name panel (including name changes to an existing name panel) shall be made on forms provided by the building director or appointed designee, be signed under penalty of perjury by the applicant, and shall require at minimum, the following information:

i. The name, mailing address, title, telephone number of the property owner, subdivider and developer/builder of the specific development;

ii. The name and location of the specific development;

iii. A plot plan showing the exact location of the proposed kiosk, or the existing kiosk(s) where the panel(s) will be attached;

iv. A statement that the development contains approved lots or new homes which have not yet been sold;

v. If the permit is for a new name panel or a name change to an existing name panel, the copy proposed for the panel;

vi. If the permit is for a new kiosk that is proposed to be located within a public road right-ofway, a copy of the approved encroachment permit issued by the city of Bakersfield public works department.

c. The building director or appointed designee may issue a permit if:

i. The application is complete and truthful;

ii. The applicant is the permit or entity selling new lots or new homes;

iii. The development is located entirely within the Metropolitan Bakersfield 2010 General Plan area;

iv. The kiosk or panel meets all of the design criteria within this section;

v. The permit is for a name panel and available space exists on the kiosk(s); or if there is no space available, the applicant has agreed to be placed on a waiting list for future placement on a kiosk(s);

vi. If the permit is for a kiosk, the location criteria in this section has been satisfied;

vii. Appropriate fees have been paid.

3. Program Administration.

a. The city may delegate portions of or the entire administration of the directional kiosk program to another entity by contract that includes, but is not limited to, installation and maintenance of kiosks, and issuance of permits for kiosks and name panels.

b. Kiosks and sign panels permitted in accordance with this section shall be continuously maintained in good condition by the permit holder. Upon approval by the city, sign maintenance may be assumed by a responsible party other than the permit holder.

c. Kiosks shall be sited based on demand and where they will provide the best direction to residential subdivisions where homes/lots are being sold.

d. Sign panels shall be available to all developments selling new homes on a first-come first-served basis. Sign panels shall be placed on a kiosk beginning with the highest position on the kiosk and progressing downward. Panels shall be grouped based on the direction of travel with the priority of placement from top to bottom as follows:

- i. Left turn;
- ii. Right turn;
- iii. Straight ahead.

e. Waiting lists shall be established for each kiosk (existing or proposed) for new name panels on a first-come first-served basis of applications that have met the requirements of subsection (A)(2)(c) of this section.

f. When a panel name is changed or a panel is removed from a kiosk, all lower panels within each directional group as defined in subsection (A)(3)(d) of this section shall be moved upwards so that any new panel is placed on the bottom of its respective directional group on the kiosk.

g. All panel changes shall be approved by the building director or appointed designee through the permit process.

h. A specific project or builder is limited to one panel for each kiosk. Multiple panels shall not be combined to identify or provide information regarding the same specific project or builder. There shall be no limit on the number of kiosks on which a specific project may be identified.

i. Within ten days after selling the last lot or home or within two years after recordation of the final map for the subdivision of which the project is located, whichever occurs first, panel signs that identify said project shall be removed from all kiosks. Two extensions of time may be granted by the administrator of the kiosk program not to exceed one year for each request if the extension is needed to complete any sales in that project. If administration of the program is delegated to an entity other than the city and that entity denies the extension, the permit holder may appeal the denial within five days of the decision in writing to the building director. The building director shall render a decision on the appeal within ten days of receiving the appeal which shall be final and conclusive.

- j. Any kiosk shall be completely removed by the permittee whenever any of the following occur:
  - i. The kiosk is no longer needed at the location;

ii. The permittee has been notified by the city of Bakersfield public works department to remove or relocate the kiosk on the basis of public safety or necessity, or because of planned road improvements.

k. For any kiosk erected within the public road right-of-way, a performance bond in an amount sufficient to remove the structure shall be approved by and posted with the city of Bakersfield public works department.

#### 4. Violations and Abatement.

a. Off-site residential subdivision/project directional signs that were legally permitted as of June 1, 1997, shall continue to remain for a period of six months from said date. After that time, signs not in conformance with this section shall be removed by the owner at the owner's cost. Any signs not removed within the required period shall be subject to summary abatement by the city in accordance

with Section <u>17.60.110</u>. This subsection shall not apply to existing kiosk programs that were legally established and maintained by a private entity where that program contains five or more kiosks.

b. Existing kiosk sign programs that were legally established as of June 1, 1997, that are owned and maintained by a private entity where that program contains five or more kiosks, may continue as a nonconforming kiosk program. These kiosks may be maintained but shall not be replaced except with a kiosk that conforms to this section. A nonconforming kiosk shall be removed if it is no longer necessary at the location, or no longer meets the separation requirements of subsection (A)(1)(c) of this section regarding kiosk separation due to placement of a conforming kiosk. A nonconforming kiosk that is required to be removed shall be done by the owner at the owner's cost. Any nonconforming kiosk not removed as required, shall be subject to summary abatement by the city in accordance with Section <u>17.60.110</u>.

c. Any permit issued in accordance with this section shall be immediately revoked by the building director if it has been found that the permit holder has erected and maintained any sign in violation of this section. The building director shall order any panel currently in place on a kiosk identifying the builder's/developer's specific development to be removed immediately after the appeal period has expired if no appeal has been filed, and that builder/developer shall be prohibited from having any off-site directional signs or name panels on any kiosk for that specific development for a period of one hundred eighty days. After the one-hundred-eighty-day period, the builder/developer may be allowed kiosk panels but they shall be placed at the bottom of any waiting list and/or kiosk hierarchy as described in subsections (A)(3)(d) through (A)(3)(f) of this section.

d. Any order of the building director shall be made in writing, addressed to the permit holder, and shall set forth the findings for revoking any permits and the method to appeal the decision. If no appeal is filed, the decision of the building director shall be final and conclusive.

e. If the city is not the administrator of the kiosk program, the administrator shall immediately notify the building director regarding any violations in accordance with subsection (A)(4)(c) of this section and the building director shall notify the party in violation in accordance with subsection (A)(4)(d) of this section.

### 5. Appeal.

a. Should any permit holder be dissatisfied with the decision of the building director to revoke a permit, then the permit holder may, no later than ten days after notice of such decision was deposited in the United States mail, make written objection, subject to the required appeal fee, to the board of building appeals in care of the building director, setting forth the grounds for dissatisfaction. The board of building appeals shall hear the objections at a regular meeting no later than thirty days

following the filing of the objection. The permit holder shall be given written notice of the hearing no later than three days prior to the hearing. The building board of appeals may sustain, suspend, or overrule the decision of the building director, which decision shall be final and conclusive.

b. Pending hearing before the building board of appeals, all signs, kiosks and/or name panels in dispute may remain in place until a final decision rendered.

B. *Special Event Signs*. Special event signs may be approved by the building director as a means of publicizing events such as grand openings, carnivals, parades, charitable events, community holiday activities, and other such events. This section does not include events promoted by the city of Bakersfield pursuant to Section <u>17.60.080(O)</u>. Special event signs shall be limited to the following provisions:

1. Signs shall be limited for each business to sixty days a calendar year. This time may be utilized in any combination of durations; however, the number of special events shall not exceed eight a calendar year, and no single event shall exceed a duration of fifteen consecutive days.

2. Balloons and inflated devices provided they do not exceed a height of one hundred feet, search lights, beacons, pennants, flags, banners and streamers may be allowed subject to approval by the building director. Flags for model homes/tract sales offices are not subject to this subsection.

3. Copy on a banner or balloon shall not exceed an area of one hundred square feet, and may include the name, symbol or logo of the business or sponsor, but in no event shall such name or logo exceed one-quarter of the total permitted copy area.

4. Signs may be illuminated and contain movement upon approval by the building director provided they do not adversely affect neighboring properties or motorists.

C. *Noncommercial Signs*. Signs expressing political, social, religious or other noncommercial message. These signs are subject to the following regulations:

1. Signs shall not be placed on private property without the consent of the property owner. No such sign, either freestanding or posted on any object, shall be placed or erected on public property, within the public right-of-way, or any maintained parkway/landscape area.

2. Signs shall not exceed an area of eight square feet and a height of six feet.

3. Signs shall not be illuminated.

4. In residential districts, each parcel of property may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display two signs in compliance with this chapter.

5. In the commercial, industrial, and agricultural districts, each parcel of property or commercial center may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display four signs in compliance with this chapter, except that signs may be up to an area of thirty-two square feet and a height of eight feet.

6. Signs may only be displayed for ninety days and must be removed for at least thirty days before being displayed again.

7. Signs shall not block line of sight for intersections, driveways/entrances, sidewalks and multi-use paths.

D. *Freeway Oriented Signs*. Freeway oriented signs identify premises where food, lodging and places of business engage in supplying goods and services essential to the normal operation of motor vehicles, and which are directly dependent upon an adjacent freeway. These signs shall be subject to the following regulations:

1. Signs shall be within the C-1, C-2, C-C, PCD, M-1, M-2 or M-3 zone districts; and shall also be within one of the rectangular areas two thousand feet in width and three thousand feet in length, the center of which is concentric with the intersection point between the centerline of the freeway and accessible surface street, said intersections identified as follows:

a. State Highway 99 and Olive Drive;

b. State Highway 99 and Airport Drive, except that said rectangular area shall extend south to Gilmore Avenue;

c. State Highway 99 and State Highways 58/178 (Rosedale Highway/24th Street), except that said rectangular area shall extend north to Gilmore Avenue;

d. State Highway 99 and California Avenue;

- e. State Highway 99 and Ming Avenue;
- f. State Highway 99 and White Lane;
- g. State Highway 99 and Panama Lane;
- h. State Highway 99 and Hosking Avenue;
- i. State Highway 99 and State Highway 119 (Taft Highway).

(Note: Refer to the maps at the end of this chapter.)

2. Only one of the allowable on-site pylon signs permitted in the zone districts specified in this section shall be allowed to exceed both the area and height limitations imposed by the particular zone district provided no such sign exceeds an area of three hundred fifty square feet and a height of seventy-five feet. All other sign regulations of the particular zone district shall apply to this sign and the specific business.

3. The building director shall determine if the location of the business and the service offered satisfy the criteria and intent of this section and the definition of a freeway oriented sign.

E. Outdoor Advertising Signs (Billboards). All outdoor advertising signs are regulated as follows:

1. Signs are permitted in the C-2, M-1, M-2 and M-3 zone districts, in addition to that permitted in those respective districts.

2. Signs shall not exceed an area of three hundred square feet, excluding cutouts or extensions provided they do not exceed thirty square feet in area.

3. Signs shall not exceed a height of thirty-five feet in the C-2 district, or fifty feet in the M-1, M-2 and M-3 districts.

4. Signs shall not be located less than one thousand feet from another such sign, or one hundred feet from any other freestanding sign.

5. Signs shall not be located in nor project over public property or public right-of-way.

6. Multifaced signs are allowed, provided the faces are placed back-to-back, are no more than two feet apart, and are equal in size and configuration.

7. Signs shall be set back a minimum of three hundred feet from any property zoned residential or developed with residential uses.

8. Signs shall not project over or be placed upon any building or structure.

9. Signs shall be set back twenty-five feet from adjacent property lines except those fronting public streets where no setback is required.

10. Signs may be illuminated provided no lighting is directed onto adjacent properties or public rightsof-way.

11. Electronic message displays as defined in Section 17.04.547 are permitted.

F. *Skyline Building Signs*. Wall signs for a building that is three or more stories may be permitted that exceed the height limits delineated by the zone district in which it is located, to provide long distance visual identification of a building or its primary tenant, subject to the following regulations:

- 1. Signs are permitted in the C-O, C-1, C-2, C-C, C-B, PCD, M-1, M-2, and M-3 zone districts.
- 2. Signs may be installed on all elevations of the building.
- 3. Signs shall be located on the top story or between the top story and the top of the building.

4. Signs shall be comprised solely of individual letters or logos installed a minimum of three inches and a maximum of twelve inches from the surface of the wall on which they are located. Illumination may be provided by indirect reverse lighting or internal illumination as approved by the building director. Floodlighting shall be prohibited.

5. Signs shall not have a horizontal dimension exceeding one hundred feet or seventy percent of the horizontal dimension of the building elevation where the sign is placed, whichever is less.

6. The property owner shall designate in writing or on the sign plan the primary tenant of the building if such tenant is to be identified by the sign.

7. Signs shall not have letters exceeding the following heights:

Building Height (feet)	Maximum Letter Height <sup>1</sup> (inches)	Capital Letter <sup>2</sup> (inches)	Logo <sup>3</sup> (inches)
35—59	24	36	48
60—69	36	54	72
70—79	48	72	96
80—89	60	90	120
90—99	72	108	144
100—119	84	126	168
120 or more	96	144	192

1 Letter height is if all letters used are capital letters.

2 Maximum height of a capital letter (one and one-half times maximum height) if used in conjunction with lower case letters. Lower case shall not exceed maximum height.

**3** Maximum height of a logo (two times maximum height).

8. All signs shall be limited to two lines of letters and/or logo.

9. Pylon signs shall not be permitted on the site if skyline signs are utilized; only monument signs in this instance would be permitted subject to the regulations of the zone district in which they are located.

10. All other wall signs permitted by this chapter which are placed on a building with a skyline sign pursuant to this section shall not exceed sixty percent of the area which would otherwise be allowed in the particular zone district, a height of twenty feet from grade, and letters that are taller than the skyline letters.

11. Comprehensive sign plans may permit skyline signs to be more or less restrictive than the requirements of this section.

G. Electronic Message Displays.

1. Only retail development exceeding fifty thousand square feet, or shopping centers encompassing five acres or more, are permitted use of an electronic message display on a pylon sign.

2. Only one of the allowed pylon signs permitted along a street frontage may include an electronic display.

3. If a pylon sign contains an electronic message display and monument signs are also permitted for the center, only one of the allowed monument signs along a street frontage may contain an electronic message display. If a pylon sign does not contain an electronic message display and monument signs are permitted for the center, only two of the allowed monument signs along a street frontage may contain an electronic message display.

4. Pylon signs that contain an electronic message display shall be set back a minimum of one hundred fifty feet from any R, PUD, or OS zone, and fifty feet from any interior property line not within that center.

5. Electronic message displays are not permitted on pylon signs located on properties that do not contain retail development exceeding fifty thousand square feet or are shopping centers less than five acres as noted in subsection (G)(1) of this section. However, one of the allowed monument signs along each street frontage is permitted to contain an electronic message display.

6. Electronic message displays shall not be permitted on building walls or in windows.

7. All other sign regulations that pertain to the particular zone district and specific business shall apply.

8. Outdoor advertising signs (billboards) may contain electronic message displays subject to the regulations in subsection  $\underline{E}$  of this section.

#### H. Projecting Business Identification Signs.

1. Projecting business identification signs are only permitted within the following areas:

a. Central District Area as defined in Section <u>10.08.020(A)</u>, except that projecting signs shall not be permitted along the street frontages of State Route 178, State Route 204, and any street south of the Burlington Northern/Santa Fe Railroad. Where the Central District boundary follows a street, permitted projecting signs shall be allowed for business frontages along both sides of that street.

b. Baker Street Frontage Between Truxtun Avenue and Monterey Street. Projecting signs are also permitted along the frontages of the intersecting streets and alleys with Baker Street one block in either direction, except that projecting signs shall not be permitted along the street frontages of Truxtun Avenue and Monterey Street.

2. In addition to other signs as allowed by this chapter, one projecting sign is permitted for a ground floor business along each street it fronts. A second floor or basement business may have a projecting sign only if it has its own dedicated public street entrance and the sign is located above or within five feet of that entrance.

3. A sign shall not project more than five feet beyond its supporting building. Within an alley where vehicles will pass underneath a sign, that sign shall not project more than three feet beyond its supporting building. An encroachment permit from the city is required for any signs that project into the public right-of-way.

4. A sign shall not be placed higher than fifteen feet on a building wall or above the first floor of a multiple story building. Within an alley where vehicles will pass underneath a sign, that sign shall not be placed higher than twenty feet above the alley surface.

5. A sign shall not exceed an area of sixteen square feet.

6. A sign shall not be closer than ten feet to another projecting sign or to a freestanding sign, or five feet from an interior property line or line dividing two separate business frontages. A sign shall be at least two feet from the face of the street curb.

7. A sign shall not be less than eight feet above the surface over which it projects. Within an alley where vehicles will pass underneath a sign, that sign shall not be less than fifteen feet above the alley surface.

8. A sign shall not exceed a maximum thickness of twelve inches.

9. Internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, and/or symbols appear illuminated at night; use of bulbs or neon for such lettering and symbols is allowed subject to the provisions of this chapter. Electronic message displays and flashing signs are prohibited.

10. A sign shall not project above the roof or an apparent eave or parapet, including the eave of a simulated hipped or mansard roof. A sign shall not be attached to the sloping face of mansard overhangs or other architectural features intended to resemble or imitate roof structures.

11. A two-dimensional fabric banner suspended perpendicular to a wall may be displayed in lieu of a projecting sign provided the banner is anchored to not hang freely and meets all of the requirements of this subsection for a projecting sign.

12. Businesses that occupy a space with public access from only an alley or courtyard may share one directory sign as defined by this code along each public street to direct pedestrians to those businesses. A directory sign shall not exceed a maximum height of eight feet or an area of six square feet; only indirect external illumination is allowed.

13. A single vertical projecting sign may be installed along each street frontage on a building that is three or more stories tall that identifies the building name or use, or that of a major tenant. The sign is subject to all provisions of this subsection except that there is no minimum sign area; it must be mounted at the second floor or higher, and is limited to a single line of text. (Ord. 5095 § 1, 2022; Ord. 5006 § 4, 2020; Ord. 4953 § 4, 2018; Ord. 4829 § 1, 2015; Ord. 4729 §§ 1, 9, 10, 2013; Ord. 4659 § 1, 2011; Ord. 4605 § 2, 2009; Ord. 4489 §§ 7—9, 2008; Ord. 3964 § 46, 2000; Ord. 3870 §§ 6, 7, 1998; Ord. 3835 § 36, 1998; Ord. 3755 § 3, 1997; Ord. 3586 § 2, 1994)

# **17.60.080** Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

A. Address signs used for dwelling unit identification as required by Chapters 15.42 and 15.52 of this code.

B. Advertising signs that are in or on public buses or other public conveyances which may be permitted by the city council.

C. Business or merchant directory provided it does not exceed an area of sixteen square feet and a height of six feet.

D. Commercial vehicle signs on licensed commercial vehicles; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.

E. Directional, warning or information signs, including traffic control and street signs, as authorized by federal, state or municipal authority.

F. Directional or informational signs such as entrance/exit signs, open/closed signs, signs indicating business hours, and similar such signs, provided they contain no commercial advertisement, and not exceed six square feet in area and six feet in height. Business logo is permitted provided it does not exceed twenty-five percent of each total sign area. The building director shall limit the number of such signs on the site based on actual need in order to provide adequate direction or information.

G. Flags of the United States, the state of California and other states of the nation, counties, municipalities, foreign nations, and national/international recognized nonprofit organizations. A site is limited to a total of three flags with no duplication of flags. The building director may approve additional flags if warranted by the type of business or proposal on the site.

H. Holiday decorations, in season, displayed for an aggregate period not to exceed ninety days per calendar year.

I. Interior signs within a public or private structure, including a stadium, ball park or other similar private or public recreational use, not intended to be seen from a public street or adjacent properties.

J. Memorial plaque, table, cornerstone or tombstone.

K. Neighborhood watch and similar type notices.

L. Notices posted on public bulletin boards or public kiosks designed for such notices.

M. No trespassing, solicitation, hunting, minors, and similar such signs, provided they do not exceed four square feet in area and six feet in height.

N. Official and legal notices issued by a court, or governmental agency.

O. Promotional signs by the city of Bakersfield that promote or advertise city-wide celebrations, awards, recognition, or other events. Such signs may be permitted within or project over public right-of-way.

P. Public utility signs placed by public utilities for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cable.

Q. Signs being manufactured, transported and/or stored within the city limits; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage.

R. Taxicab signs as authorized and approved as to size, form and contents by the city manager under Section 5.50.100. (Ord. 4953 § 5, 2018; Ord. 3586 § 2, 1994)

# 17.60.090 Prohibited signs.

The following signs are specifically prohibited:

- A. Animated, moving, revolving and rotating signs, except as specified in this chapter.
- B. Banners, flags, pennants and balloons, except as specified in this chapter.
- C. Bench signs.
- D. Electronic message displays, except as specified in this chapter.
- E. Flashing, blinking, and reflecting signs, except as specified in this chapter.
- F. Outdoor advertising signs, except as specified in this chapter.
- G. Permanent "for sale" signs.
- H. Portable signs including A-frame signs, except as specified in this chapter.
- I. Projecting signs, except as specified in this chapter.
- J. Roof signs.

K. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, as determined by the building director.

L. *Vehicle Signs*. Vehicles including trailers, wagons and similar utility vehicles, shall not be utilized as support for any mobile, portable or stationary signs, or conspicuously parked or left standing so as to constitute a device or sign. There shall not be maintained on any vehicle or trailer parked in a public right-of-way, or on public or private property so as to be visible from a public right-of-way, which is attached to, located on or leaning against such vehicle or trailer, any sign for the purpose of providing advertisement of a business,

service or products, directing people to a business activity located on the same or other property for any purpose. This prohibition shall not apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a commercial or business vehicle used in the conduct of such business provided it is not parked on the site being advertised abutting public right-of-way, to bumper stickers, to placards identifying the vehicle itself as being for sale, or to window stickers or placards on vehicles in any vehicle sales lot. (Ord. 4489 § 10, 2008; Ord. 3586 § 2, 1994)

## **17.60.100** Nonconforming signs.

A. Signs for a legal nonconforming use are permitted. Such signs shall be deemed to comply with the provisions of this chapter if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as a permitted use. Such sign shall be permitted only as long as the nonconforming use is permitted. Any such sign legally existing on the effective date of the ordinance codified in this chapter, but which does not comply with the regulations of this chapter shall be deemed to be a nonconforming sign.

B. For the purposes of this chapter, a nonconforming sign is one which does not conform with the provisions of this chapter, but which:

1. Was lawfully in existence and in use within the city prior to the effective date of the ordinance first enacting this chapter;

2. Was lawfully in existence and in use on property outside of the city on the date upon which the annexation of such property to the city was completed;

3. Was lawfully in existence and in use within the city on the effective date of any zone change or specific plan or comprehensive sign plan for the property on which the sign is located; or

4. Was lawfully in existence and in use within the city on the effective date of any amendment of this chapter, the zoning regulations contained in this title or other provision of this code, making such sign nonconforming.

C. For the purposes of this section only, a nonconforming sign exceeding the height or area restrictions contained in this chapter by no more than five percent shall be deemed to conform with the provisions of this chapter limiting height and area.

D. A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. This shall not be construed to prevent ordinary maintenance and minor repairs, as determined by the building director.

E. A nonconforming sign destroyed or damaged to an extent exceeding fifty percent of its replacement cost immediately prior to destruction or damage, shall not be continued in use or maintained thereafter and shall be removed or made to conform with the provisions of this chapter within thirty days of the date of such destruction or damage.

F. Each nonconforming sign, other than an outdoor advertising sign subject to the California Outdoor Advertising Act, shall be removed or made to conform with the provisions of this chapter at the sole cost of the owner thereof, whenever any of the following events occur:

1. There is a change in ownership of the property; inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;

2. The business or activity is discontinued or sold;

3. The property is rezoned, subdivided or parceled or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method, device or scheme which would otherwise circumvent the intent of this section;

4. A conditional use permit or modification is granted for the property or use of the property;

5. A sign permit is issued permitting installation or construction of a new or additional sign on the property;

6. Any change in the signage is made, excluding minor repairs and precise repainting;

7. Whenever there is a change in ownership or tenancy of any business or tenant space within a business/shopping center, new wall signage and/or a monument sign conforming to the requirements of this chapter to signify such change is permitted although nonconforming signage exists within such center. However, no change of sign copy to signify such change shall be permitted on any nonconforming sign.

8. If an existing off-premise business identification sign was permitted under a special sign permit by the city and has remained in effect and in compliance with the provisions of that permit, the sign may remain and can be upgraded or altered to reflect a change of business or ownership names even though on-premise signs are being changed or added. However, this sign shall be subject to the following before any new permits are issued:

a. The sign shall continue to only identify the business or services offered, and shall include direction to the property for which the sign was originally permitted by the special sign permit.

b. The area of the sign shall not exceed ninety-six square feet. If the sign is larger, it shall be reduced to not exceed this area. If the sign is smaller, it shall not exceed its present size. If a sign is reduced in area, under no circumstances shall it be enlarged even if previous approvals granted a larger size.

c. The sign shall not be moved or reoriented, except under direction of the building director, to improve traffic visibility or safety, to relocate it outside the public right-of-way, or to increase separation from other legal freestanding signs.

G. Each such sign determined by the building director to be of historical significance, in accordance with criteria established by the city's historical preservation commission, shall be exempt from the removal and conformance requirements of this chapter.

H. Nothing in this chapter shall be construed as authority for the city to remove without just compensation those signs which, under the California Outdoor Advertising Act, are subject m removal with compensation to the owner. (Ord. 3942 § 1, 1999; Ord. 3586 § 2, 1994)

# 17.60.110 Violation and abandonment.

A. Any sign that has been abandoned or installed illegally is hereby declared to be a danger to the health, safety and welfare of the citizens of Bakersfield. Any sign which is partially or wholly obstructed by the growth of dry vegetation or weeds, or by the presence of debris or litter, also presents a danger to the health, safety and welfare of the citizens of Bakersfield.

B. It shall be the duty of the owner and occupant to make immediate repair to any sign deemed by the building director to be imminently dangerous or perilous to the public safety. A sign maintained in violation of this section constitutes a public nuisance. Nothing in this section shall be construed so as to nullify the requirements and remedies as to maintenance established by the Uniform Sign Code or this chapter. Upon a written notice from the building director of a sign deemed unsafe and dangerous to public safety, necessary

repairs shall be made immediately. Otherwise, upon a written notice from the building director, the necessary maintenance, alterations or repairs as required by this chapter pursuant to Section <u>17.60.060</u> A,9 shall be made within ten days after the date of such notice. In the event the owner, or person in lawful possession fails to maintain, alter or repair in accordance with such notices, in addition to any other penalty or remedy provided for in this chapter, such sign may be abated by the building director in accordance with the provisions of this chapter.

C. Any signs which are not removed within the required period specified within this chapter, shall constitute a public nuisance and shall be subject to summary abatement at the expense of the owner and the person in lawful possession of such sign, pursuant to the provisions of Sections 38773-38773.7 of the <u>Government Code</u>; the expenses of abatement of such nuisances are a lien against the property on which they are maintained and a personal obligation against the property owner. Said property owner or person in lawful possession shall first be served with a ten day notice to abate the nuisance by removing the sign and shall be given the opportunity to explain to the building director why such sign has not been removed. If, after such opportunity to explain, the building director orders the removal of the sign, the agents of the city shall have authority to enter upon the private property to remove the sign constituting the nuisance. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

D. In the event any person erects, installs, alters, relocates or maintains any sign after the effective date of the ordinance codified in this chapter, which sign is in violation of any provision of this chapter, and the same is not removed after notice as specified in subsection  $\underline{C}$  of this section, the same is a public nuisance and shall be subject to abatement at the expense of the person creating, causing, committing or maintaining it, pursuant to the provisions of Sections 38773-38773.7 of the <u>Government Code</u>.

E. The building director may, in writing, suspend or revoke a permit issued under the provisions of this chapter, whenever the permit is issued in error on the basis of incorrect information supplied by the applicant which results in there being a violation of any ordinance, regulations, or any provisions of this chapter.

F. With exception to those signs deemed nonconforming and subject to Section <u>17.60.100</u>, the owner or person in lawful possession of any sign which is not operational or not used for a period of ninety days, or which was used to advertise or identify that which has been moved or discontinued for a period of ninety days, shall cover or remove all display copy from such sign immediately upon the expiration of such period. If said display copy is removed, any bulbs or other mechanical equipment that becomes exposed shall be covered or removed. If said display copy is not covered or removed within thirty days after notice by the building director, the city may cause said display copy to be removed or covered and the cost shall become a lien against the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

G. All signs, except nonconforming signs pursuant to Section <u>17.60.100</u>, which do not conform with the provisions of this chapter, are public nuisances and shall be removed at the owner's sole expense within sixty days after the effective date of this chapter. If said sign is not removed within said period, the city may cause said sign to be removed and the cost shall become a lien on the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this code or otherwise provided by law. (Ord. 3586 § 2, 1994)

## **17.60.120** Interpretation and enforcement.

A. It shall be the duty of the building director to enforce the provisions of this chapter.

B. Any decision or interpretation of this chapter shall be final and conclusive by the planning director or official designee.

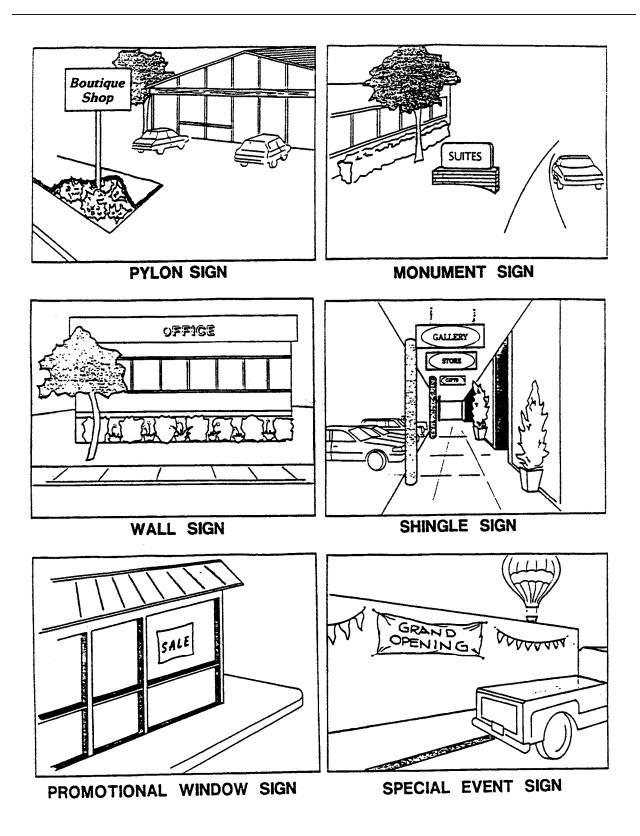
C. Any sign erected or maintained, or any use of signs contrary to the provisions of this chapter shall be, and the same is, unlawful and a public nuisance, and the building director in conjunction with the city attorney may immediately commence actions for the withholding and/or revocation of permits, abatement, and removal in the manner provided by law. Violators will be liable for all enforcement costs by the city.

D. This chapter may also be enforced by injunction issued out of Superior Court upon suit of the city, or the owner or occupant of any real property affected by such action.

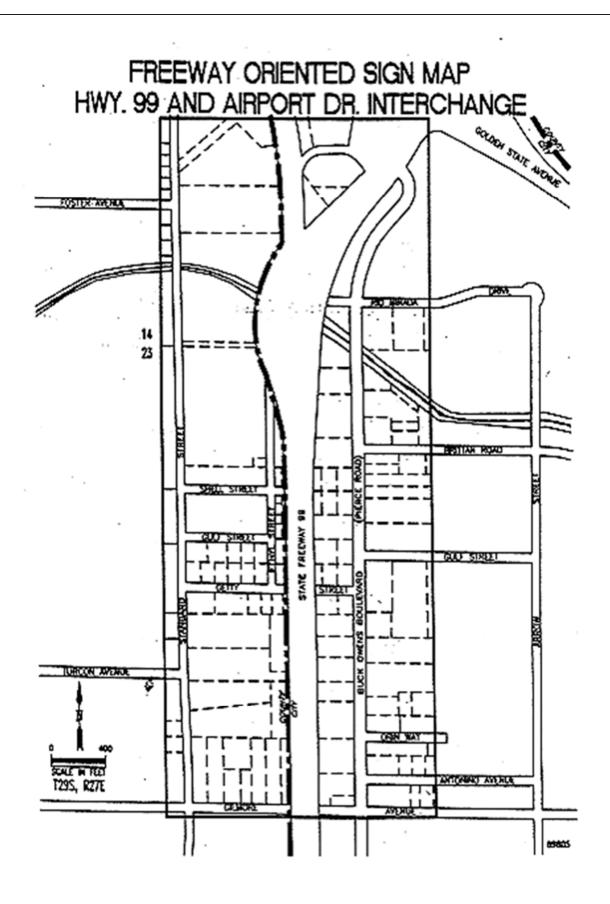
E. Permits issued in conflict with the provisions of this chapter shall be null and void.

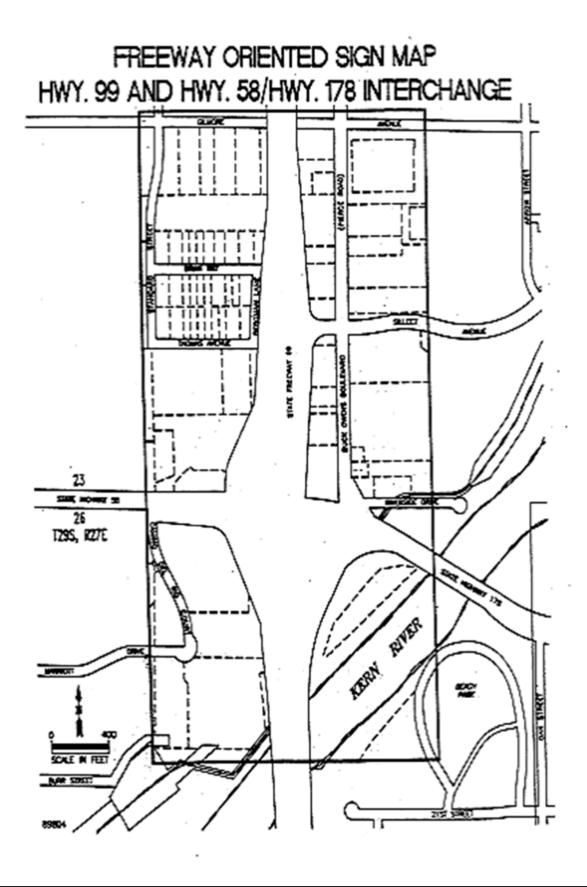
F. Any city official or employee for the purpose of permit review, complaint, or enforcement of this chapter, shall have the right to enter upon the premises for inspection. (Ord. 3586 § 2, 1994)

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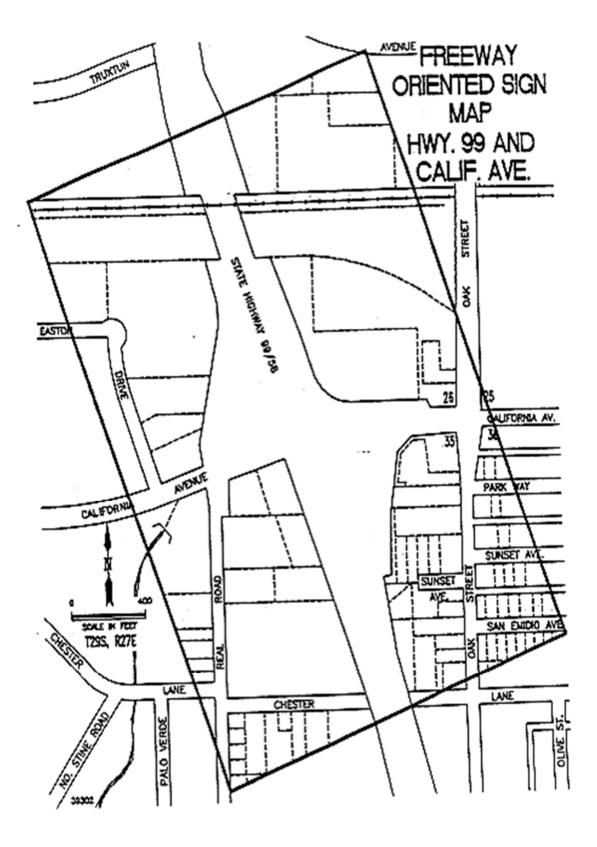


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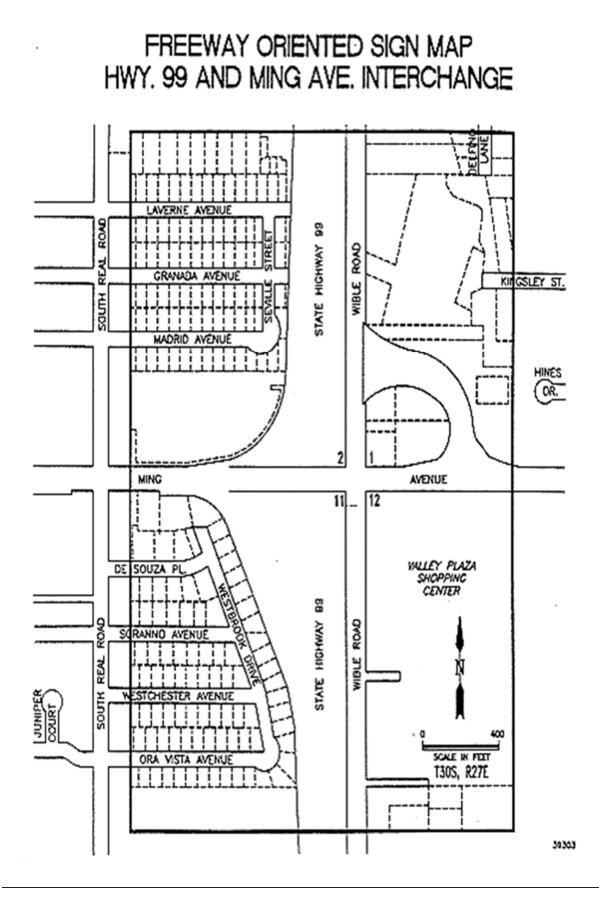


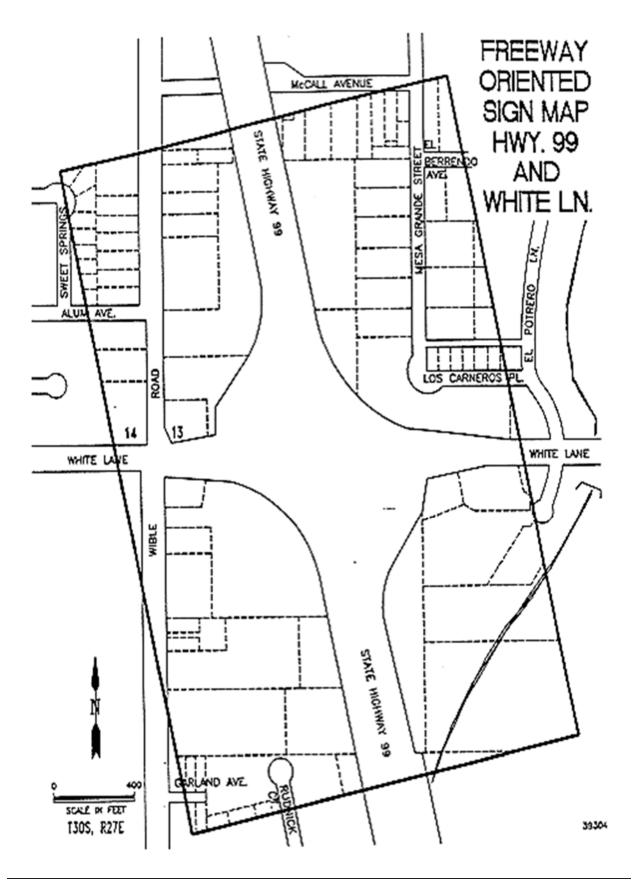


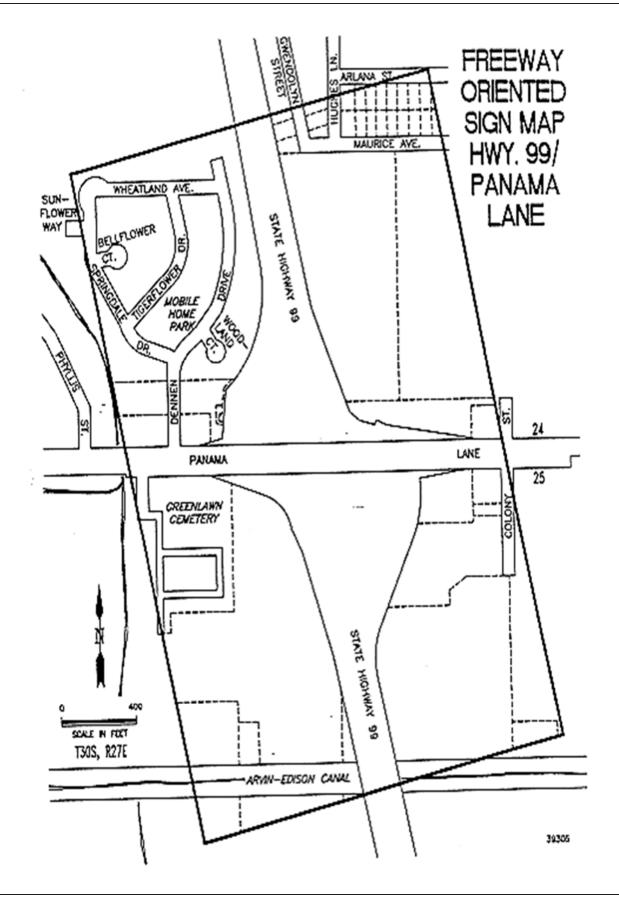
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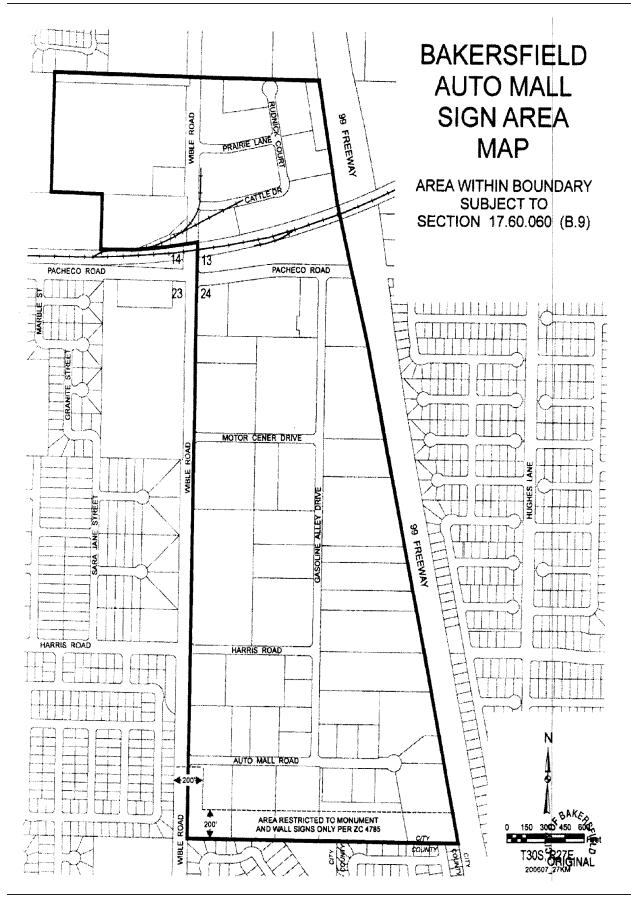




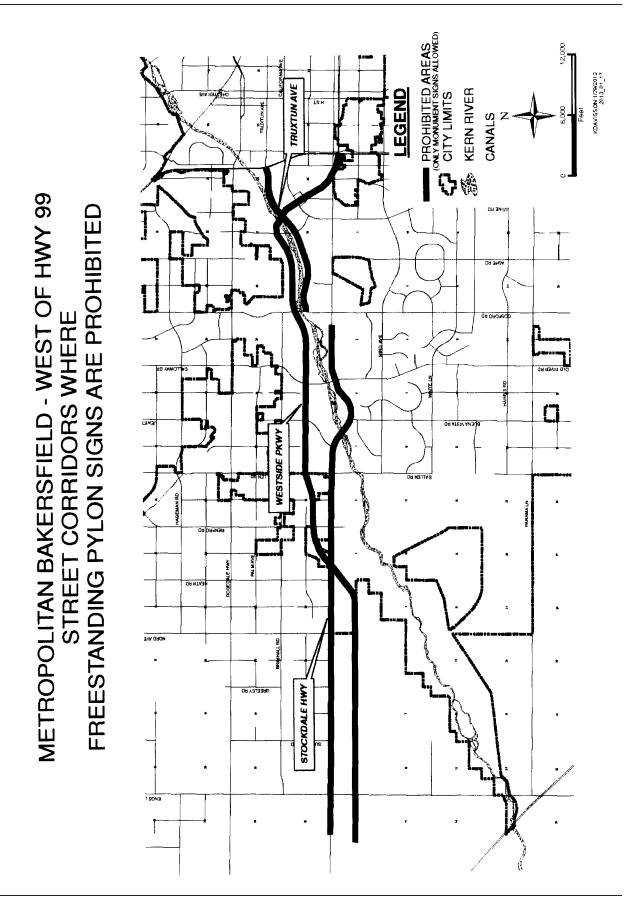






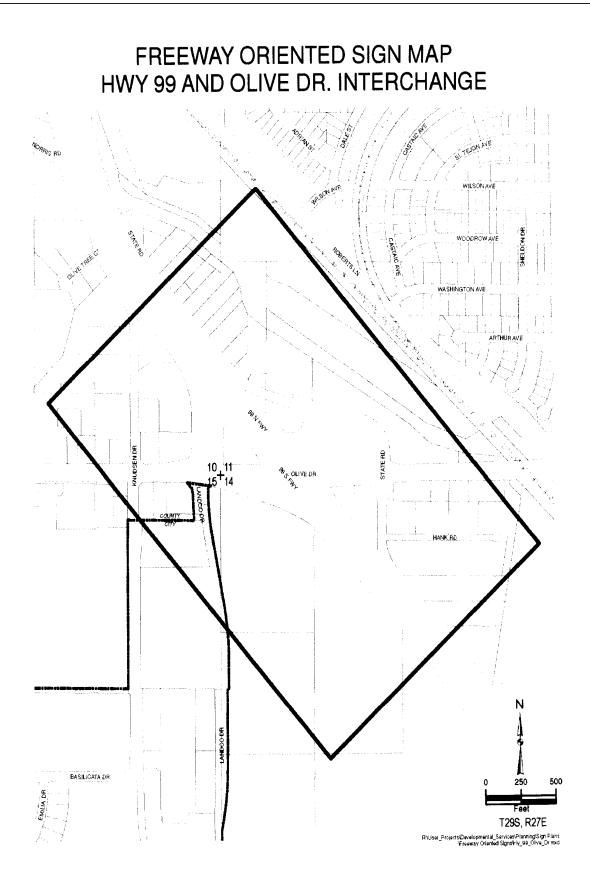


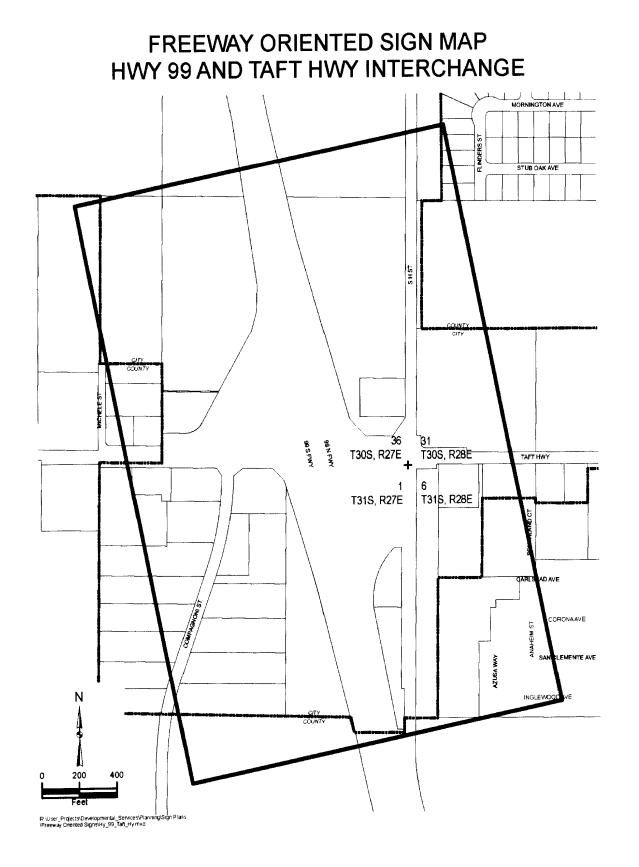
The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.



The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

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# Chapter 17.61 LANDSCAPE STANDARDS\*

Sections:

17.61.010	Generally.
17.61.020	Landscaping required.
17.61.030	Minimum landscape standards.
17.61.032	Additional requirements.
17.61.040	Landscape maintenance.
17.61.050	Tree preservation and protection.
17.61.060	Landscape plan requirements.

\* Prior history: prior code Sections 17.61.010 through 17.61.040 and Ord. 3835.

# **17.61.010** Generally.

The purpose of this chapter is to establish the necessary criteria, standards and limits for landscaping. The provisions of this section are intended to provide a transition between and mitigate conflicts which may arise between adjacent land uses, to promote an attractive visual harmony between the landscape and development, reduce air, noise and visual pollution, produce a healthy, vibrant, sustainable urban forest, decrease temperatures, increase comfort, and promote commerce and socialization, while promoting water use efficiency. Landscaping shall conform to the Model Water Efficient Landscaping Ordinance (MWELO) as adopted in California Code of Regulations, Title 23, Chapter 2.7 as adopted by the state. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

# 17.61.020 Landscaping required.

A. All projects for which site plan approval is required shall install and maintain landscaping in accordance with the requirements of this chapter; provided, however, these landscape requirements shall not apply to projects where a current use is expanded and the valuation of the building permit is less than fifty percent of the replacement value of the existing improvements. If the existing uses are to be expanded greater than fifty percent of their replacement value, the planning director, or designee, shall determine the amount and placement of landscaping needed to comply with this section.

B. Occupancy of a use subject to these standards shall not be permitted until the approved landscaping and irrigation has been installed, or if permitted by the planning director, an agreement and/or surety bond or cash deposit sufficient to cover the cost of installation, which amount has been determined to complete the work plus administration costs by the city, and such has been provided to the city specifying completion of installation within a time specified by the planning director.

C. An approved landscape plan for commercial improvement projects must be revised if the landscape/irrigation is substantially modified. Substantial modification in this section means a change in the character or quantity of the plant material or irrigation that equals or exceeds one hundred square feet of landscape area.

1. A revised landscape plan under this section shall be prepared by a landscape design professional and include all of the following:

- a. A description of the new landscaping and how it complies with this section;
- b. A detailed summary of landscaping removed;
- c. The location of where replacement landscaping will be placed on site;
- d. Shade calculations confirming attainment of shading requirements; and
- e. Identification of any existing missing or underperforming landscaping on site.
- 2. Trees removed as part of a revised landscape plan shall be replaced on a one-to-one basis unless:

a. It would be detrimental to the public health, safety, or welfare or to property or residents in the area; or

b. Special physical circumstances exist limiting additional landscaping of a particular property.

3. No building permit(s) shall be issued or installation of landscaping shall occur, prior to approval of the revised landscape plan by the planning director or designee. All landscaping shall be installed per the approved plans within one hundred twenty days of submittal of the revised landscape plan or as otherwise approved by the planning director or designee. (Ord. 5009 § 1, 2020; Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

## **17.61.030** Minimum landscape standards.

A. Installation of landscape materials and irrigation equipment shall be in accordance with commonly accepted methods of installation as approved by the city.

B. Trees shall be a minimum twenty-four-inch box container size or larger and shall be vigorous and healthy when planted. The minimum diameter of the tree trunk, as measured at a point four feet up the trunk from ground level, shall be one inch for a fifteen-gallon container tree, two inches for a twenty-four-inch box container tree, and three inches for a thirty-six-inch box container tree. These trunk diameters shall apply throughout this chapter where tree container sizes are specified.

C. Shrubs shall be a minimum five-gallon container size or larger and shall be vigorous and healthy when planted. Mass shrub planting for area coverage shall be a mix of five-gallon (forty percent) and one-gallon (sixty percent) container size with an average spacing of eighteen inches on center. Flats shall be used for ground covers with an average spacing of eight inches on center.

D. Shrubs and/or ground cover, including turf, shall cover no less than seventy-five percent of the required landscaped area within four years of planting.

E. A landscaped area fifteen feet in width on arterial and collector streets and eight feet in width on local streets as measured from the right-of-way line, shall be installed along said street. The width of the landscape strip may be reduced when, in the opinion of the planning director, the following conditions are met:

1. The total square footage of required landscaped area remains constant.

2. The reduction in the required width is consistent with the purposes of the landscape regulations of this chapter.

3. In the central district (C-B and C-C zone districts) this reduction may include the planting of street trees only to allow adequate pedestrian access consistent with adjacent development.

F. Along street frontages, a tree shall be planted at a ratio of one tree per twenty lineal feet, or portion thereof. Trees may be clustered or grouped to not conflict with required fire lanes, public entrances/exits, utility easements, and signs provided the minimum tree to frontage ratio is satisfied. A species mix of thirty percent evergreen and seventy percent deciduous shall be maintained.

G. Trees shall be required to be planted within parking lots at a minimum ratio of one tree for each six parking spaces, but shall be sufficient to achieve the minimum shading required in subsection  $\underline{H}$  of this section. The maximum spacing between trees shall not exceed sixty-five feet.

H. Trees shall be installed and thereafter maintained throughout the parking area to ensure that it will be shaded based on calculating the canopy area of each tree at fifteen years from a master tree list approved by the planning director. The landscape plan required by Section <u>17.08.080</u> shall be drawn to show that the tree

canopy will have the potential to attain shading over forty percent of the total area of all uncovered parking stalls, loading areas, drive aisles and maneuvering areas. The property owner or the preparer of the plans shall show all shading calculations on the plan. Truck loading docks in front of overhead doors, truck maneuvering and parking areas unconnected to and exclusive of any required vehicle parking areas, freight yards, and surfaced areas for automobile sales, lumber yards, and vehicle storage are not subject to this shading requirement.

I. Buildings with main entrances facing parking lots shall be landscaped with a minimum of one tree for each fifty feet of linear building frontage or portion thereof. Said trees shall be adjacent to the building and may also be credited for parking lot trees if they comply with the requirements set forth in subsections <u>G</u> and <u>H</u> of this section. Trees may be clustered or grouped to not conflict with required fire lanes, public entrances/exits, and signs provided the minimum tree to building ratio is satisfied. The use of vines and large shrubs is encouraged to enhance the tree planting areas next to the building.

J. Of the total number of trees required in the parking area and for the entire project, a minimum of thirty percent shall be evergreen species.

K. In addition to the trees referenced in subsections <u>G</u>, <u>H</u> and <u>I</u> of this section, trees shall be installed along the property line perimeter, in the required landscape area required by Section <u>17.58.050(N)</u>, of drive aisles, parking lots, loading areas and storage areas as a buffer between office, commercial and industrial uses and property zoned for residential uses. Said trees shall be one hundred percent evergreen species spaced no further apart than twenty feet on center. The minimum tree size shall be a twenty-four-inch box container size if the adjacent residential zoned area is all or partially developed and a fifteen-gallon container size if the adjacent residential zoned area is undeveloped.

L. Landscaping and irrigation shall be installed in compliance with any approved site plan or other project approval prior to final inspection or occupancy.

M. Tree planters within the parking lot shall be a minimum of five feet by five feet (outside dimension). Vehicles may overhang into these planters no more than two and one-half feet provided the tree is protected from damage by a vehicle.

N. If a drive-thru lane is located adjacent to a public street it shall be screened via one of the following options: (1) an evergreen hedge installed at a minimum initial height of four feet; or (2) a wall or berm installed at a minimum height of four feet. This screen shall be located between the drive-thru lane and public street along only that portion of the drive-thru lane that is adjacent to the public street. Option 2 shall include the planting of shrubs between the wall and the sidewalk. The planning director may, at his or her discretion, allow the use of other similar screen if physical constraints preclude the installation of a hedge. A taller screen may also be required at the discretion of the planning director if such additional height is necessary for

adequate screening because of topographic conditions, proximity to residential areas or other factors that would warrant special treatment.

O. An eight-foot landscape area shall be provided between each building and the drive aisle for multifamily projects using a common drive aisle with shared access. This requirement shall not apply to any lot less than ten thousand square feet and that is not part of or adjacent to multifamily subdivisions or other multifamily projects that existed prior to the effective date of the ordinance codified in this chapter.

P. Landscaping shall be designed to minimize overwatering and avoid runoff of irrigation water. Soil type shall be considered in order to reduce runoff and promote healthy plant growth. Plant selection and placement shall match the irrigation provided.

Q. A minimum two-inch layer of mulch shall be applied on all exposed surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding application where mulch cannot be used. Stabilizing mulching products shall be used on slopes. The mulch can be any organic material, including, but not limited to, leaves, bark, straw, or compost; or any inorganic or synthetic material, including, but not limited to, rock, landscape fabric or recycled rubber. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4606 § 1, 2009; Ord. 4104 § 5, 2003; Ord. 4010 § 1, 2001)

### **17.61.032** Additional requirements.

In addition to the minimum standards contained in Section <u>17.61.030</u>, the following shall apply to those specific geographic areas as identified below:

A. *Central City Area*. For the purposes of this subsection, Central City Area is identified as including all lands bounded by 23rd Street to the north, Truxtun Avenue to the south, M Street to the east, and G Street to the west.

1. Street tree species shall be consistent with the Central City Master Street Tree Plan as adopted by city council Resolution No. 195-92.

B. *Northeast Bakersfield*. For the purposes of this subsection, Northeast Bakersfield is identified as including all lands east of Fairfax Road (and any northern extension thereof) and north of the Union Pacific Railroad that parallels Edison Highway.

1. New landscape areas shall consist predominately of native California trees (e.g., oaks and sycamores), shrubs and groundcovers mixed with ornamental species. Planting shall occur in nonlinear clusters to

resemble a natural appearance. Firescape species approved by the planning director shall be used along the perimeter of the project site adjacent to native or slope areas if outside the HD zone district.

2. Use of boulder clusters and other native rock combinations shall be installed with vegetation to resemble a natural distribution blending into the surrounding native areas and/or street parkways that may contain similar design elements.

3. Along slopes, plantings shall be done with more dense and larger species of trees and shrubs closer to streets with a gradual reduction of plantings that are less dense with smaller species as you move further away from the streets to provide a natural transition between the streetscape and native areas.

4. Design content shall retain the natural flora and site character as much as possible with a subtle landscape transition between maintained and native areas.

5. Xeriscape and/or regional native plant selections shall be used to revegetate any disturbed areas outside the project area, unless city ordinances, resolutions, or conditions of approval state otherwise.

6. New landscape areas along slopes and slope easements may be required to be privately maintained as undeveloped areas of native landscaping, greenbelts, or open space, without fencing or other structures, as determined by the planning director, or as may be conditioned by the planning commission or city council.

7. These standards do not apply to residential projects that contain four units or less and that are not part of a larger multiple-unit subdivision with more than four lots. (Ord. 4943 § 1, 2018; Ord. 4641 § 2, 2011; Ord. 4624 § 2, 2010; Ord. 4617 § 5, 2010)

# 17.61.040 Landscape maintenance.

A. Landscapes shall be regularly inspected and maintained to ensure water efficiency and keep plants in a healthy condition. Maintenance shall include, but is not limited to, programmed watering, fertilizing and soil amendment applications, weed control, cleaning, pruning, trimming, pest control, replenishing mulch and cultivating. Tree topping shall not be permitted except when necessary for the protection of public safety, property damage or liability.

B. Landscape structural features shall be maintained in sound structural and attractive condition.

C. All plant material shall be serviced by a permanently installed, electrically automated irrigation system. Project sites containing two thousand five hundred square feet or more of landscaped area must have a controller that can be programmed to accommodate different landscape hydrozones and the controller shall be equipped with a battery backup to preserve the controller settings in case of an electrical system interruption.

D. Tree pruning shall follow the International Society of Arboriculture (ISA) pruning guidelines. This subsection does not apply to utility companies trimming trees for the purpose of providing necessary clearance for power lines.

E. All plants and irrigation systems shall be maintained as originally approved unless otherwise approved by the city. The city can, at any time, require landscaping and irrigation to be replaced and/or reinstalled in accordance with the approved plans and requirements of the state's Model Water Efficient Landscaping Ordinance (MWELO).

F. Failure to maintain landscaping and/or irrigation systems as provided in the project's approved landscape plan shall result in the issuance of a citation and, if not abated, may include civil penalties. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

## **17.61.050** Tree preservation and protection.

A. Replacement planting must conform to the original intent of the landscape design and adhere to the state's Model Water Efficient Landscaping Ordinance (MWELO).

B. Trees voluntarily removed from an existing project, except when necessary for the protection of public safety, property damage, or liability, or damage or loss by acts of nature, the willful unlawful acts of persons other than the property owner, or by complying with other federal or state laws or actions, shall be replaced at the average size of what is or was existing not to exceed a forty-eight-inch box container size. Said trees shall be replaced within one hundred twenty days of removal. Trees shall be the same species as shown on the project's approved landscape plan or otherwise meet the provisions of this chapter.

C. Failure to replace existing tress as required by this chapter shall be subject to the issuance of notices of violations, correction orders, citations, and any administrative remedies provided under the Bakersfield Municipal Code or applicable state law. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

# 17.61.060 Landscape plan requirements.

A. A workable scale (preferred—one inch equals twenty feet or larger) and north arrow;

B. Property lines, overhead and underground power easements;

C. Dimensions;

D. Location of all trees and shrubs. Mature tree head diameter shall be depicted to scale;

E. Existing and proposed structures, including anticipated signs (both freestanding and wall);

F. Existing natural features (note on plan to be removed or retained);

G. Irrigation system plan shall include, but not be limited to, main and lateral lines, valves, sprinkler heads, any moisture sensing devices, any rain switches, pressure regulators and backflow prevention device(s), and drainage locations, description of irrigation controller and ability to accommodate different hydrozones.

H. A plant specification list:

- 1. Keyed to the plan;
- 2. Estimated sizes at planting and at maturity;
- 3. Head diameter of trees at fifteen years and whether the tree is evergreen or deciduous;
- 4. Container sizes;
- 5. Quantity of each;

6. Percent of parking lot shading which will result from tree landscaping calculated in accordance with this section;

7. Percent of evergreen trees located in parking lot and percent located along project perimeter;

8. Botanical and common plant names.

I. If grading for slopes occurs within the landscaping area, then grading shall be designed to minimize soil erosion, runoff and water waste.

J. Compliance with the Model Water Efficient Landscaping Ordinance (MWELO) for projects that propose new landscaping as follows are required to submit documentation to the planning director that may include, but not be limited to, the checklist and certification of compliance forms provided by the planning director, and such other information and documentation as may be required by the planning director:

1. New landscaping encompassing equal to or greater than five hundred square feet.

2. Rehabilitation of landscape area encompassing equal to or greater than one thousand square feet.

3. Any project of landscape area encompassing equal to or greater than two thousand five hundred square feet. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

# Chapter 17.62 SURFACE MINING AND RECLAMATION

Sections:

17.62.010	Purpose and intent.
17.62.020	Incorporation by reference of state regulations.
17.62.030	Applicability.
17.62.040	Vested rights.
17.62.050	Permit review procedure.
17.62.060	Reclamation plan.
17.62.070	Financial assurance.
17.62.080	Idle operations—Interim management plan.
17.62.090	Annual report.
17.62.100	Violations.
17.62.110	Fees.

# **17.62.010 Purpose and intent.**

A. The city recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect health and safety. The city also recognizes that the reclamation of mined lands will provide for the protection and subsequent beneficial use of the land. Since surface mining operations may take place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, reclamation operations may also vary accordingly.

B. The purpose and intent of this chapter is to safeguard the continued availability of important mineral resources while regulating surface mining operations as required by the California Surface Mining and Reclamation Act of 1975 (SMARA). These regulations will assure that:

1. Adverse environmental effects are prevented or minimized, and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

2. The production and conservation of minerals are encouraged while giving consideration to value relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

3. Residual hazards to the public health and safety are eliminated. (Ord. 3943 § 5, 1999; prior code § 17.75.010)

#### **17.62.020** Incorporation by reference of state regulations.

The provisions of SMARA (Public Resources Code Section <u>2710</u> et seq.), Public Resources Code Section <u>2207</u> (relating to annual reporting requirements), and the California Code of Regulations (Title 14, Division 2, Section 8, Subchapter 1, Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if they were specifically contained in this chapter. Whenever the provisions of this chapter are more restrictive than correlative state provisions, this chapter shall prevail. (Ord. 3943 § 5, 1999; prior code § 17.75.020)

## 17.62.030 Applicability.

A. Except as provided in this chapter, no person shall conduct a surface mining operation unless a conditional use permit, reclamation plan and financial assurance for reclamation have first been approved by the city. Any applicable exemption from this requirement or other provisions of this chapter does not automatically exempt a project or activity from adhering to other regulations, ordinances or policies of the city or state, including but not limited to, the application of the California Environmental Quality Act (CEQA), other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this chapter shall apply to all lands within the city, public and private.

B. This chapter shall not apply to any of the following activities:

1. Excavations or grading conducted for farming, or for the purpose of restoring land following a flood or natural disaster;

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a development that is undertaken to prepare a site for construction of structures, streets, landscaping or other land improvements, including related excavation, grading, compaction or the creation of fills, road cuts and embankments, whether or not surplus materials are exported from the site. These development related improvements must have been approved by the city in accordance with applicable provisions of state law, locally adopted plans and ordinances, and CEQA;

3. Operation of an industrial site used for mineral processing, including associated on-site structures, equipment, machines, tools or other materials, including the on-site stockpiling and on-site recovery of mined materials. This site must be located on lands approved such uses consistent with the city's general plan and zoning ordinance, none of the minerals being processed are being extracted on-site, and all reclamation work, if any was necessary, has been completed according to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976;

4. Surface mining operations where a total of one thousand cubic yards or less of the minerals and/or overburden is removed or involve an area of one acre or less in any one location;

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose;

6. The solar evaporation of water for the production of salt and related minerals;

7. Emergency excavations or grading conducted by or under direction of the city, Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing or restoring damage to property due to imminent or recent floods, disasters or other emergencies;

8. Surface mining operations conducted by, under contract with, or under direction of the State Department of Water Resources or the Reclamation Board for the State Water Resources Development System or flood control meeting the requirements for review and approval of the State Department of Conservation in accordance with PRC Section 2714(i);

9. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (Ord. 3943 § 5, 1999; prior code § 17.75.030)

## 17.62.040 Vested rights.

Any person with an existing surface mining operation who obtained a vested right to conduct such activity prior to January 1, 1976, shall not be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have occurred to the operation. Where a person with vested rights has continued surface mining in the same area after January 1, 1976, he or she shall obtain city approval of a reclamation plan covering any new mined lands disturbed since that date. In those cases where an overlap of the physical disturbance exists in the horizontal and/or vertical sense between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to the disturbance caused by mining after the effective date of the Act (January 1, 1976). All other requirements of state law and this chapter shall apply to vested surface mining operations. (Ord. 3943 § 5, 1999; prior code § 17.76.040)

## 17.62.050 Permit review procedure.

A. *Application*. A conditional use permit shall be required for all applications for a surface mining operation or land reclamation project, including any reclamation plan and financial assurance. The application for the

permit shall be filed with the planning director on forms provided by the director, and shall include all information as necessary to meet city ordinances, CEQA, SMARA and any other information that the director finds necessary to ensure that the project can be adequately evaluated.

B. *Authority*. The planning commission shall have the authority to grant or deny, subject to appeal to the city council, the following:

- 1. A conditional use permit to conduct surface mining operation;
- 2. A reclamation plan;
- 3. Financial assurance for reclamation of mined lands;

4. Amendments to any term, condition or other consideration regarding a surface mining operation, reclamation plan or financial assurance;

- 5. An interim management plan as defined in SMARA for idle surface mining operations;
- 6. Environmental determinations concerning the conditional use permit for surface mining operations;
- 7. Revocation of the conditional use permit.

C. *Review Process*. The procedures contained in Chapter <u>17.64</u> of this code relating to processing a conditional use permit, including, but not limited to, notice, public hearings, permit rights and restrictions, extensions and appeals shall apply to any project regulated by this chapter.

D. *Additional Notice*. In addition to the notice required under the conditional use procedure and CEQA, notice shall also be provided as follows:

1. Within thirty days of acceptance of an application as complete, the Planning Director shall notify the State Department of Conservation of the filing of the application.

2. If mining operations are proposed in the one-hundred-year floodplain of any watercourse as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning director shall notify the State Department of Transportation that the application has been received.

3. The above notifications may be combined with any other notice or consultation necessary to meet CEQA requirements.

E. *Agency Consultation and Comments*. In addition to the consultation and comment period required by city ordinance and CEQA, the State Department of Conservation shall be given thirty days to review and comment on a reclamation plan and forty-five days to review and comment on a financial assurance (PRC Section 2774(d)). The planning commission shall consider all written comments received, if any, from the State Department of Conservation and any other person or agency during the comment period.

F. *Required Findings*. In addition to any findings required by Chapter <u>17.64</u> of this code for conditional use permits, an approval for a surface mining operation, reclamation plan and financial assurance shall include findings that the project complies with the provisions of SMARA and related state regulations.

G. *Distribution of Final Decision*. In addition to the final decision being distributed to interested persons and/or agencies as may be required by city ordinance and CEQA, a copy of each approved and/or amended conditional use permit for a surface mining operation, reclamation plan and/or financial assurance shall also be forwarded to the State Department of Conservation.

H. *Amendments*. Amendments to any approved surface mining operation, reclamation plan and/or financial assurance, shall be processed in the same manner as a new application. (Ord. 5020 § 24, 2020; Ord. 3943 § 5, 1999; prior code § 17.75.050)

## 17.62.060 Reclamation plan.

A. All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (<u>CCR</u> Sections 3500-3505). Reclamation plans approved after January 15,1993, reclamation plans for proposed new mining operations and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (<u>CCR</u> Sections 3700-3713).

B. The city may impose additional performance standards as developed either in review of individual projects through the conditional use permit process, as warranted, or through the formulation and adoption of citywide performance standards.

C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or upon completion of all excavation, removal

or fill, as approved by the city. Each phase of reclamation shall be specifically described in the reclamation plan and shall include the beginning and expected ending dates for each phase, all reclamation activities anticipated and estimated costs for completion of each phase of reclamation.

D. The reclamation plan shall remain in effect until all components are satisfied. It shall be binding to any new operator or owner that may assume control of the surface mining operation. (Ord. 3943 § 5, 1999; prior code § 17.75.060)

#### **17.62.070** Financial assurance.

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the city shall require, as a condition of approval, security which will be released upon satisfactory performance of reclaiming mined land. The applicant may pose security in the form of a surety bond, trust fund, an irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Department of Mining and Geology Board as specified in regulation, and which the city reasonably determines is adequate to perform reclamation in accordance with the reclamation plan. Financial assurance shall be made payable to both the city and the State Department of Conservation.

B. Financial assurance shall be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitats, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials and other measures as may be appropriate by the planning commission.

C. Cost estimates for the financial assurance shall be submitted to the planning director as part of the initial application for the surface mining operation. The planning director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the state does not comment within the required review period, it shall be assumed that the cost estimates are adequate. The planning commission shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA and related state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the reclamation plan, including any maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a qualified professional retained by the operator that has been approved by the planning director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the reclamation plan, including administrative costs. Financial assurance to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration

and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurance, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurance shall remain in effect for the duration of the surface mining operation. (Ord. 3943 § 5, 1999; prior code § 17.75.070)

#### **17.62.080** Idle operations—Interim management plan.

A. Within ninety days of a surface mining operation becoming idle, the operator shall submit to the planning director a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and the approved conditional use permit, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review as specified under SMARA.

B. Financial assurances for idle operations shall be maintained as though the operation were active.

C. The IMP may remain in effect for a period not to exceed five years, at which time the planning commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with the approved reclamation plan. (Ord. 3943 § 5, 1999; prior code § 17.75.080)

#### 17.62.090 Annual report.

A. *Report Submittal.* Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the planning director on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

B. *Inspections*. The planning director, or his or her designee, shall inspect a surface mining operation within six months of receipt of the annual report to determine whether the surface mining operation is in compliance

with the approved conditional use permit, reclamation plan, financial assurance and state regulations. In no event shall less than one inspection be conducted in any calendar year. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. (Ord. 3943 § 5, 1999; prior code § 17.75.090)

#### **17.62.100** Violations.

If the planning director, based upon an annual inspection or otherwise confirmed by an inspection of the surface mining operation, determines that it is not in compliance with this chapter, the approved conditional use permit or reclamation plan, the city shall follow the procedures set forth in SMARA concerning violations and penalties, as well as those provisions of Chapter <u>17.64</u> of this code concerning revocation of the conditional use permit which are not preempted by SMARA. (Ord. 3943 § 5, 1999; prior code § 17.75.110)

## 17.62.110 Fees.

The applicant, operator or owner shall pay all fees not to exceed the reasonable costs incurred in implementing this chapter and state regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance as set forth in Chapter <u>3.70</u> of this code. (Ord. 3943 § 5, 1999; prior code § 17.75.100)

# Chapter 17.63 HOME OCCUPATIONS

Sections:

17.63.010	Purpose.
17.63.020	Permits.
17.63.030	Operating standards.
17.63.040	<b>Revocation of rights.</b>
17.63.050	Appeal.

## 17.63.010 Purpose.

The purpose of this chapter is to establish standards for home occupations. A home occupation is a residential use that is accessory and incidental allowing the occupants an opportunity to conduct a legal, income producing activity. The use is conducted so that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this chapter are intended to ensure that the proposed business retains the residential environment of the property and is compatible with the residential character of the neighborhood. (Ord. 3768 § 1, 1997)

#### 17.63.020 Permits.

A. *Permit Required*. A home occupation shall not be established, operated or maintained within the city without having a valid permit approved by the city according to the regulations of this chapter.

B. Permit Not Required. A home occupation permit shall not be required for the following:

- 1. Family day care, as defined in Section <u>17.04.160</u>;
- 2. Residential care facility, as defined in Section 1502 of the California Health and Safety Code;

3. A business conducted in a residence within a commercial or industrial zone district where that business complies with the requirements of the commercial or industrial zone in which it is located.

C. *Application*. An application for a home occupation permit shall be on forms furnished by the planning director, shall be filed with the planning department before commencing the business activity, and shall be signed by the applicant. The application shall include the following information:

1. The name, mailing address, and telephone number of the owner(s) of the business;

- 2. The street address of the property where the business will be conducted; and
- 3. A description of the type of business proposed.
- D. Permit Issuance. The planning director shall issue a permit if he or she finds:
  - 1. That the application is complete;

2. That such business will be operated consistent with the regulations of this chapter and not interfere with the peace and quiet or be contrary to the residential character of the neighborhood; and

3. The building and the proposed business will be maintained and conducted according to all laws of the city and state, including, but not limited to, health, structural soundness, fire safety, and zoning.

E. *Prohibited Activities*. A home occupation permit shall not be issued for the following activities or activities deemed to be similar as determined by the planning director where such will be conducted on the premises the permit would apply:

- 1. Appliance repair on large items such as washers, refrigerators, dryers.
- 2. Bazaars (involving the sale of crafts or other merchandise open to the public).
- 3. Cabinet making.
- 4. Equipment or vehicle rentals.
- 5. Recycling centers.
- 6. Restaurants.
- 7. Stable or kennels.
- 8. Storage of household goods, equipment, or materials not owned by the resident.

- 9. Upholstering of vehicles or furniture.
- 10. Vehicle repair, including, but not limited to, engine tuneups, body and fender work, and painting.
- 11. Vehicle washing and detailing where power equipment is used.
- 12. Veterinary clinics or hospitals.
- 13. Welding services.

F. *Permit Nontransferable*. Any permits issued according to this chapter shall be nontransferable and shall be valid only as to the applicant and the property address provided on the application.

G. *Fees.* The applicant shall pay a fee not to exceed the cost of processing the permit application and inspecting such business as set forth in Chapter <u>3.70</u> of this code. (Ord. 5041 § 1, 2020; Ord. 3768 § 1, 1997)

## 17.63.030 Operating standards.

Home occupations shall comply with the following operating standards:

A. Signs referring to the business are not permitted; however, signs containing the address of the home or name of the residents are permitted according to the requirements for signs within residential zones.

B. The home occupation may involve the use of commercial mail or freight careers for delivery of materials to or from the premises provided deliveries are no more frequent than twice a day.

C. One commercial vehicle owned by the residents may be used with the home occupation. The vehicle will be deemed in use for the home occupation if it contains advertising and/or any materials including stock, wares, goods, samples, or equipment carried in or on the vehicle. Such vehicle shall not exceed one ton and shall be stored in a garage if one exists. If there is no garage on the premises, the vehicle shall be concealed so as not to be visible from the street, sidewalk or alley when it is parked at the residence.

D. Customers, clients, or prospective customers or clients shall not be invited to the residence except by appointment only, for the purpose of obtaining service, tutoring, or training. The home occupation shall not involve the onsite presence of more than one customer or client at a time. Customers or clients shall not be permitted on the premises between the hours of 10:00 p.m. and 8:00 a.m.

E. Noise, pedestrian or vehicular traffic, or other activity that constitutes a nuisance or disturbance of the peace of any person shall not be produced or made at the residence in connection with the home occupation.

F. Displays, models or samples shall not be exhibited on the premises.

G. The appearance of any structure shall not be altered or the conduct of the occupation within a structure be such that it may be recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.)

H. Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within a building and not visible from the street, sidewalk or alley, and shall not interfere with the residential use or endanger any person.

I. The home occupation shall be conducted only by the occupants of the residence. Employees, salespeople, or other help, including independent contractors, planners or joint ventures hired, engaged, or retained by the permittee, shall not perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

J. There shall be no processing or manufacturing of goods, wares or merchandise on the premises unless the planning director finds that, in addition to meeting all other criteria applicable to the home occupation, the processing or manufacturing can and will be done in such a manner that no noise, sound, vibration, odor, fumes or light are emitted from the premises.

K. The home occupation shall be conducted entirely within an enclosed area of the residence or accessory structure, and shall not encroach into any required parking, setback, or open space areas. It shall not involve the use of more than four hundred square feet of the premises, not including a vehicle meeting the criteria of subsection  $\underline{C}$  of this section.

L. Class I flammable liquids or liquefied flammable gases shall not be used or stored on the premises. Not more than the equivalent of seventy-five cubic feet of other flammable material shall be used or stored on the premises in relation to the home occupation.

M. The permittee for a home occupation shall obtain a business license from the city for the intended business.

N. The home occupation shall not be operated to cause a nuisance or interfere with the peace and quiet, and residential character of the neighborhood. (Ord. 3768 § 1, 1997)

## **17.63.040** Revocation of rights.

The granting of a home occupation permit is conditioned on the faithful compliance with all regulations set forth in this section and does not relieve the permittee from complying with applicable federal, state, and local laws for health and safety. Any permit issued according to this chapter shall immediately be revoked by the planning director whenever he or she finds:

A. That misrepresentations were made on the application; or

B. That any terms or conditions of the permit have been violated, or that the business has been operated in violation of local, state, or federal law; or

C. That the operation of the business is interfering with the peace and quiet of the neighborhood. (Ord. 3768 § 1, 1997)

## 17.63.050 Appeal.

A. Should any applicant be dissatisfied with the decision of the planning director not to grant a permit or for the revocation of a permit, then said applicant or permit holder may, no later than ten days after notice of such decision is deposited in the United States mail addressed to the applicant or permittee at the address provided on the application, appeal the decision to the planning commission by filing such appeal with the planning department.

B. The planning director shall set the date for hearing the appeal at a regular meeting within a reasonable time following filing of the appeal. Notice of the appeal shall be given in the same manner as required in Section <u>17.64.050</u>.

C. The planning commission may sustain, suspend, or overrule the decision of the planning director. Their decision shall be final and conclusive.

D. Pending the hearing before the planning commission, the decision of the planning director shall remain in full force and effect, and any reversal by the planning commission shall not be retroactive but shall take effect as of the date of the planning commission's decision. (Ord. 5020 § 25, 2020; Ord. 3768 § 1, 1997)

# Chapter 17.64 MODIFICATIONS, CONDITIONAL USE PERMITS, AMENDMENTS AND APPEALS\*

Sections:

17.64.010	Scope.
17.64.020	Authority of planning director.
17.64.030	Authority of planning commission.
17.64.040	Initiation.
17.64.042	Fees.
17.64.050	Hearings—Notices.
17.64.060	Director review and approval permits and conditional use permits—Hearing—Decision
	and findings.
17.64.070	Zone changes—Hearing—Decision.
17.64.080	Title 17 text amendments—Hearing—Decision.
17.64.090	Appeals—Conditional use permits and zone changes.
17.64.100	Zone changes—Council action when planning commission decision not appealed.
17.64.110	Conditions for reapplication.

\* Prior history: Prior code §§ 17.60.010—17.60.140 and Ords. <u>2723</u>, <u>2739</u>, <u>2806</u>, <u>2820</u>, <u>2985</u>, <u>3058</u>, <u>3171</u>, <u>3404</u>, <u>3415</u>, <u>3477</u> and <u>3609</u>.

#### 17.64.010 Scope.

The regulations set forth in this chapter shall apply to modifications, conditional use permits, the enactment of text amendments to Title <u>17</u> and zone changes (amendments changing property from one zone to another or changing the boundary of any zone.) (Ord. 3746 § 17, 1997)

#### 17.64.020 Authority of planning director.

The planning director shall have authority to grant director review and approval permits, subject to appeal to the planning commission under the provisions of this title, subject to the following:

A. Modification or waiver of:

1. Automobile parking space or loading requirements on private property, and

2. The height, yard and lot area regulations on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other typical subdivision development, and

- 3. Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot.
- 4. Multi-unit residential objective site design standards as identified in Chapter 17.14 of this Title.

B. Land use approvals as provided for within the various zone districts of this title.

C. Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter <u>12.30</u> of this code. (Ord. 5020 § 1, 2020; Ord. 4876 § 3, 2016; Ord. 3835 § 38, 1998; Ord. 3754 § 1, 1997; Ord. 3746 § 17, 1997)

# 17.64.030 Authority of planning commission.

The planning commission, as the advisory agency, shall have the sole authority to grant modifications of minimum lot size standards on a lot or lots within a subdivision in the course of approval or conditional approval of any tentative map. The hearing on any such modification shall be consolidated with the hearing on the tentative map, shall be noticed with the notice of hearing on such map, and the commission shall not approve such modification unless it makes the findings specified in Section <u>16.28.170(O)</u>. Appeal of the commission decision on such modification shall be governed by the provisions of Chapter <u>16.52</u> of this code. (Ord. 3746 § 17, 1997)

## **17.64.040** Initiation.

A. Applications for director review and approval permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

B. Applications for conditional use permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

C. Proceedings for redistricting of property may be initiated by the city council, planning commission, planning director or by filing with the planning director an application signed by one or more of the record owners of the parcel of property which is the subject of the application or an agent of the owner authorized in writing. In the event that an application by owners involving more than one parcel of land is submitted for

district amendment or adoption, owners of parcels representing at least sixty percent of the area involved must sign the application. The names of all record owners of all land involved must be stated on the application.

D. Proceedings for amendment of any provisions of Title <u>17</u> of this code, other than amendments changing property from one zone to another, may be initiated by city council action, planning commission action or action of the city staff. (Ord. 5020 § 2, 2020; Ord. 3746 § 17, 1997)

#### 17.64.042 Fees.

The city council shall by resolution set fees for application for director review and approval, conditional use permits, changes of zones and for appeals from any order, requirement, decision or determination provided for in this chapter. Such fees shall be in amounts necessary and appropriate to reimburse the city for all costs related to the processing of and acting upon each such application or appeal. No application or appeal shall be deemed complete until the prescribed fee has been received by the city. (Ord. 5020 § 3, 2020; Ord. 3746 § 17, 1997)

#### 17.64.050 Hearings—Notices.

A. *Procedure for Director Review and Approval Permits*. Any application for a director review and approval permit shall be considered by the planning director after it is publicly noticed in the following manner:

1. Not less than ten days before the planning director decision, a direct mailing shall be sent to the owners and/or occupants of property located within three hundred feet of the boundaries of the project site, as shown on the latest equalized assessment roll.

2. Notice shall also be given by first class mail to any person who has filed a written request with the planning division. The city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

3. Such notice shall include the following information: the name of the applicant, nature of the request, location of the property, the environmental determination, the proposed date of "planning director decision" (ten days from date of notice), and the appropriate method and deadline for written or verbal comments to be submitted to the city for consideration.

4. Substantial compliance with these provisions shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this section.

5. Alternatively, at his/her discretion, the planning director may refer the proposed use directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing, hearing, and planning commission appeal procedures of subsection  $\underline{B}$  of this section shall be followed.

6. For any director review and approval permit application filed in conjunction with any discretionary application (including a conditional use permit, tentative subdivision map, etc.), the applicant shall file the application concurrently, for review with the application requiring discretionary approval.

B. *Procedure for Conditional Use Permits and Zone Changes*. Upon the receipt in proper form of a complete application for a conditional use permit, or zone change, along with the fee adopted pursuant to Section <u>3.70.040</u>, the planning director shall fix a time and place of public hearing thereon in the following manner:

1. Not less than ten days before the date of such public hearing, notice of the date, time and place of hearing, along with the location of the property and the nature of the request shall be given.

2. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property of the owner's duly authorized agent, and to the project applicant.

3. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency (if not the city) expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

4. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection or subsection (B)(2) of this section is greater than one thousand, in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing. Notice of hearing upon each application for a conditional use permit to allow drilling for and production of petroleum pursuant to Chapter <u>15.66</u> of this code shall be mailed to such owners of all property that is the subject of the hearing, and the production operator of record of subject real property as shown in the state of California Department of Conservation, Geologic Energy Management Division (herein CalGEM) records as of thirty days of the date of application of the conditional use permit. The applicant shall be responsible for obtaining the operator's name and address from CalGEM and submitting such documentation from the division with the application for a conditional use permit.

5. Notice shall be published in at least one newspaper of general circulation within the city at least ten days prior to the hearing.

6. Notice shall be mailed to every person filing with the planning director a written request for notice.

7. In addition, not less than twenty days but not more than sixty days prior to the hearing on any general plan amendment, specific plan, zone change, or conditional use permit, the applicant shall post signs on the property indicating the date, time, and place of the hearing on the proposed general plan amendment, specific plan, zone change, or conditional use permit.

a. One sign shall be posted for every three hundred feet of street frontage, or portion thereof, with a maximum of two signs per street frontage. If no portion of the property fronts an existing public street, at least one sign shall be posted on the property nearest the point of legal access from a public street or as otherwise directed by the planning director.

b. For general plan amendment, specific plan, zone change, and conditional use permit on an undeveloped site, the size of the signs shall be eight feet wide by four feet high. Lettering style, formatting, mounting, and materials to be used shall be as set forth in the administrative policy manual approved by the development services director.

c. For a conditional use permit on a developed site in all nonresidential zones, the size of the signs shall be four feet wide by four feet high. The signs shall be posted along the street frontage, but not in the public right-of-way. In addition, a smaller sign (e.g., eleven inches by seventeen inches), at the discretion of the planning director, shall be placed in the window of the facility where the activity will occur. For a conditional use permit on a developed site in a residential zone, the provisions of Section 17.60.070(C) shall apply.

d. The applicant shall file with the planning department, on a form provided by the city, photograph(s) of the posted sign(s) and a declaration, signed under penalty of perjury, that the property has been posted according to the requirements of this section.

e. If the applicant fails to post the signs within the specified time, and if the photographs and declaration are not filed with the planning department within five days of the signs being posted, the public hearing may be postponed until the signs are posted and proof of posting has been submitted.

f. The applicant shall remove all signs posted pursuant to this section within ten days after final city action on the general plan amendment, specific plan, zone change, or conditional use permit. Should the applicant withdraw their application for a general plan amendment, specific plan, zone change, or

conditional use permit, all signs posted shall be removed within ten days of the withdrawing of the application.

g. Should the applicant fail to remove any sign within the specified time, the city may remove any such sign and the costs thereof shall be borne by the applicant.

C. When proceedings are initiated for the amendment of any provision of this title, other than amendments changing property from one zone to another, or changing the boundary of any zone, a public hearing shall be held. Notice of such hearing shall be given once by publication in a newspaper of general circulation in the city, which notice shall state the time, date and place of such hearing and a general description of the nature of the proposed text amendment. (Ord. 5094 § 1, 2022; Ord. 5020 § 4, 2020; Ord. 4939 § 20, 2018; Ord. 4714 § 1, 2012; Ord. 4392 § 2, 2006; Ord. 4060 § 4, 2002; Ord. 3746 § 17, 1997)

# 17.64.060 Director review and approval permits and conditional use permits— Hearing—Decision and findings.

A. *Director Review and Approval Permit.* The planning director shall render a decision on the application within ten days after the proposed date of "planning director decision" included in the public notice, as described in Section <u>17.64.050(A)</u>. The decision shall grant in modified form, conditionally grant, or deny the requested director review and approval permit as follows:

1. *Approval/Conditional Approval*. In the case where no public comments in opposition to the request have been received and the planning director is able to make the appropriate findings as noted in subsection <u>B</u> of this section, the planning director will grant approval or conditional approval. For conditional approvals, the planning director may apply conditions of approval upon the entitlement as noted in subsection <u>D</u> of this section.

2. *Referral to Planning Commission.* In the case where public comments in opposition to the request have been received, the planning director shall either deny or refer the proposed request directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing and hearing procedures in Section <u>17.64.050(B)</u>, Hearings—Notices, shall apply.

3. *Denial.* In the case where public comments in opposition to the request have been received and the planning director is unable to make the appropriate findings as noted in subsection <u>B</u> of this section, the planning director will deny the application. Such denial may be appealed per Section <u>17.64.090</u>.

B. *Findings Required for Director Review and Approval Permit*. A director review and approval permit shall be granted only when it is found that:

1. The granting of such director review and approval permit would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the property is located; and

2. The granting of the director review and approval permit is necessary to permit an appropriate improvement or improvements on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other atypical subdivision development; and

3. The granting of the director review and approval permit would not be inconsistent with the purposes and intent of Title  $\underline{17}$  of this code.

C. *Conditional Use Permit.* Following the public hearing, the planning commission or city council may grant, grant in modified form, conditionally grant, or deny the requested conditional use permit. Such decision shall be reflected in a formal resolution containing the findings and the facts upon which the findings are based.

D. *Findings Required for Conditional Use Permit.* A conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and

2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

E. *Conditions*. The issuance of any director review and approval permit or conditional use permit pursuant to this title may be granted subject to such conditions as may be deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare. Dedications of real property may be required and improvements of public streets shall be in accordance with standard specifications of the city on file in the office of the city engineer.

F. *Exercise of Rights.* The exercise of rights granted by a director review and approval permit or conditional use permit shall be commenced within two years after the date of the final decision.

G. *Termination of Rights.* The director review and approval permit or conditional use permit shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations of Title <u>17</u> of this code applicable to the zone in which such property is classified, when any of the following occur:

1. There is a failure to commence the exercise of rights as required by subsection  $\underline{E}$  of this section, or within any duly granted extension;

2. There is a discontinuance for a continuous period of one year of the exercise of the rights granted.

H. *Extension of Time*. Any time limit contained in this chapter or in any decision, for good cause shown, may be extended by the body issuing the initial conditional use permit or director review and approval permit for a period which shall not exceed one year.

1. The property owner may request an extension of the time limit by written application to the planning director or designee. Such application shall be filed before the expiration date of the conditional use permit or director review and approval permit. The application shall provide reasons for extension of the permit.

2. Upon the receipt in proper form of an application for an extension, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon. The hearing shall be noticed as set forth in Section 17.64.050(B).

3. Following the public hearing, the hearing body shall approve, conditionally approve, or deny extension of the conditional use permit or director review and approval permit.

I. *Revocation of Rights*. The planning commission may revoke the rights granted by such director review and approval permit or conditional use permit and the property affected thereby shall be subject to all of the provisions and regulations of Title <u>17</u> of this code applicable as of the effective date of revocation. Such revocation shall be for good cause, including, but not limited to, the failure to comply with conditions or complete construction as required by subsection  $\underline{G}$  of this section, the failure to comply with any condition contained in the director review and approval permit or conditional use permit, or the violation by the owner or tenant of any provision of the municipal code pertaining to the premises for which such director review and approval permit or conditional use permit was granted.

1. Notice of the intent to revoke shall be given, together with the reasons therefor, either by personal delivery to the occupant of such premises, to the owner of such premises, to any person indicated in the permit as being entitled to exercise the permit, or by deposit in the United States mail, postage prepaid,

addressed to such person(s) at his or her last known business or residence address as the same appears in the records of the director review and approval permit or conditional use permit. Service by mail shall be deemed to have been completed at the time of deposit in the post office, or any United States mailbox.

2. The decision of the planning commission shall be final, subject to appeal to the city council within ten days after notice.

3. When a proper appeal has been filed, public hearing upon the matter shall be set before the city council within a reasonable time after the appeal is filed.

4. Not less than ten days before the date of such public hearing, notice of the time and place of the hearing before the body shall be given as set forth in Section 17.64.050(B).

5. On appeal, the city council may affirm the revocation, overturn the revocation or modify the order of revocation.

6. The decision of the city council shall be final and conclusive.

J. *Date of Issuance*. No permit or license for any use involved in an application for a director review and approval permit or conditional use permit shall be issued until same has become final by reason of the failure of any person to appeal or by reason of the action of the city council. (Ord. 5020 § 5, 2020; Ord. 4913 § 1, 2017; Ord. 4681 § 1, 2012; Ord. 4557 § 1, 2009; Ord. 3746 § 17, 1997)

#### **17.64.070** Zone changes—Hearing—Decision.

A. A public hearing shall be held and conducted by the planning commission or city council, notice of which shall be given as set forth in subsection <u>B</u> of Section <u>17.64.050</u>.

B. The planning commission or city council shall either approve and recommend the enactment of the proposed amendment, disapprove it or recommend an alternative zoning district more restrictive than that proposed.

C. If any proposed zoning is disapproved by the planning commission and no appeal is filed, such action by the planning commission shall be final and conclusive. The disapproval of a matter initiated by the planning commission itself shall be final, and not subject to appeal.

D. All approvals and recommendations of zone changes by the planning commission shall be presented to the city council for final action following public hearing by the planning commission. Matters so presented to the city council for final action shall not require a noticed public hearing before the city council except as required by Section <u>17.64.100</u> or unless an appeal is filed pursuant to Section <u>17.64.090</u>. (Ord. 3746 § 17, 1997)

#### **17.64.080** Title 17 text amendments—Hearing—Decision.

A. Any text amendments codified herein to this title shall require a public hearing conducted by the planning commission or city council, notice of which shall be given as set forth in Section 17.64.050(C).

B. The planning commission or city council shall either approve and recommend the enactment of the amendment as proposed or as altered, or shall disapprove the amendment. Any final text amendments to this title shall be presented to city council for final action.

C. Any text amendment to this title enacted into ordinance by city council shall be done in accordance with its normal procedure. The action of the council shall be final. (Ord. 5107 § 1, 2022; Ord. 3746 § 17, 1997)

#### 17.64.090 Appeals—Conditional use permits and zone changes.

A. The action of the planning commission shall be final unless, within ten calendar days after the decision, the applicant or any other person shall appeal therefrom in writing to the city council by filing such appeal with the city clerk. A decision of the city council shall be final and conclusive.

B. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed, and specific reasons why the appellant believes the decision or action from which the appeal is taken should not be upheld.

C. The city clerk shall set the date for hearing the appeal. Notice of the appeal hearing shall be given as set forth in Section 17.64.050.

D. For conditional use permits, on appeal following the hearing, the city council may grant, grant in modified form, or deny the requested conditional use permit. The decision of the council shall be final and conclusive.

E. For zone changes, on appeal following a public hearing, the council may enact into ordinance the zoning amendment giving rise to the appeal or any alternative zoning district more restrictive than that proposed, may affirm any conditional approval and recommendation of the planning commission, or may decide against

adoption of the proposed zoning ordinance amendment. The decision of the council shall be final and conclusive. (Ord. 5020 § 6, 2020; Ord. 4086 § 1, 2002; Ord. 3746 § 17, 1997)

# 17.64.100 Zone changes—Council action when planning commission decision not appealed.

A. When no appeal is filed in accordance with Section <u>17.64.090</u>, the city council may enact into ordinance any zone changes as approved and recommended by the planning commission in accordance with its normal procedure as in the case of any other ordinance of the city.

B. If the council decides to disapprove the recommended zone change, approve a district more restrictive than that recommended, or change any of the conditions recommended by the planning commission, the city council shall set the matter for a noticed public hearing at the next available regular meeting for which notice, as required in Section <u>17.64.050</u>, may be published, posted and mailed.

C. At the public hearing, the city council may approve the zone change as recommended by the planning commission, disapprove the zone change, approve a district more restrictive than that recommended or change any of the recommended conditions.

D. No permit or license shall be issued for any use involved in an application for a change of zone until the same has become final on the effective date of an ordinance. (Ord. 3746 § 17, 1997)

#### **17.64.110** Conditions for reapplication.

Where an application for a zone change or conditional use permit has been finally determined by the city council or planning commission, no reapplication or new application for the same zone change or conditional use permit shall be considered or heard by the planning commission or city council for a period of one year. However, where a change has occurred which, in the sound discretion of the city council or planning commission (whichever previously made the final determination) indicates that a new hearing should be had on an application for a zone change and where a showing has been made that the public interest would best be served by reconsideration or new consideration, the prohibition of this subsection may be waived after a finding by the body petitioned that the public interest would best be served by a reconsideration of a new hearing. (Ord. 5020 § 7, 2020; Ord. 3746 § 17, 1997)

# Chapter 17.65 ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU)

Sections:

17.65.010	Purpose.
17.65.020	Intent.
17.65.030	Applicability.

#### 17.65.010 Purpose.

This chapter sets forth the policies and procedures for permitting accessory dwelling units and junior accessory dwelling units consistent with the provisions of Section <u>65852.2</u> and relevant sections of the California Government Code as amended from time to time. (Ord. 4996 § 2, 2019; Ord. 3613 § 2, 1994)

#### 17.65.020 Intent.

A. It is the intent of the City to allow and streamline the development of accessory dwelling units and junior accessory dwelling units, and encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development. The provisions of this chapter are intended to further implement the provisions of the General Plan Housing Element and State housing law. Furthermore, these provisions are intended to increase the supply of smaller and more affordable housing while ensuring such housing remains compatible with the existing neighborhood. (Ord. 4996 § 2, 2019; Ord. 4715 § 1, 2012; Ord. 3613 § 2, 1994)

### 17.65.030 Applicability.

A complete application for an accessory dwelling unit or junior accessory dwelling unit shall be processed and approved in compliance with California Government Code Section 65852 et seq. Except as otherwise provided by this Title, accessory dwelling units and junior accessory dwelling units shall be a permitted use in any zone which allows for residential uses. This includes mixed-use zoning districts which allow residential and non-residential land uses. (Ord. 4996 § 2, 2019; Ord. 3835 § 39, 1998; Ord. 3613 § 2, 1994)

# Chapter 17.66 HD (HILLSIDE DEVELOPMENT) COMBINING ZONE\*

Sections:

17.66.010	Purpose and intent.
17.66.020	Applicability.
17.66.030	Maximum grade of access.
17.66.040	Development plan requirements.
17.66.060	Key box requirements.
17.66.070	Driveway requirements.
17.66.080	Fire apparatus access roads.
17.66.090	Emergency secondary access.
17.66.100	Bridges.
17.66.110	Address markers.
17.66.120	<b>Building construction.</b>
17.66.130	Roof repair or replacement.
17.66.135	Fencing.
17.66.140	Fire scape plant selections.
17.66.150	Defensible space.
17.66.155	Landscaping.
17.66.160	Drainage.
17.66.170	Grading.
17.66.180	Appeals.

\* Prior ordinance history: Ord. <u>3919</u>.

# 17.66.010 Purpose and intent.

A. The purpose of this chapter is to define and implement the goals and policies of the Metropolitan Bakersfield 2010 general plan as they relate to the preservation and maintenance of hillsides as a scenic resource of the City and to protect the general public from the threat of wildfire, hillside instability and landslides. The HD (Hillside Development) zone district is an overlay zone. The regulations established by the HD district are in addition to those uses allowed and the regulations of the base zone district.

B. Development projects within the HD zone shall be subject to review to ensure hillside/open space development policies in the general plan are incorporated into the projects. In addition, the city council shall adopt development standards by resolution or ordinance which aid in the implementation of general plan policies and ordinances, and provide detailed written or pictorial depictions regarding policy and/or ordinance intent.

C. The following provisions of this chapter are intended to apply to areas zoned HD. This overlay zone will generally be applicable to those larger contiguous areas generally having average natural slopes of eight percent or more (see Exhibit A which is located at the end of this chapter).

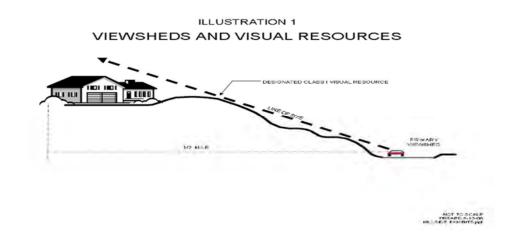
D. These regulations shall be implemented when the city considers applications for grading, building permits, parcel maps, tentative tract maps, conditional use permits, zone changes, general plan amendments and site plan review.

1. Permit development in HD areas that minimizes erosion and geologic hazards and provides for the protection of the public health, safety and welfare.

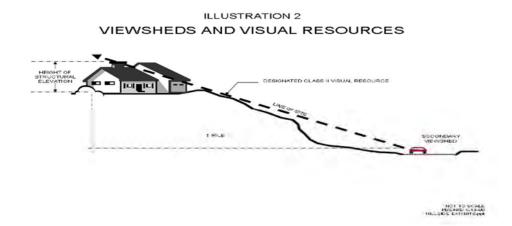
2. Protect views by identifying primary and secondary viewsheds, visual resource areas and slope protection areas within the HD zone (Exhibit B-1 and B-2—Large scale exhibit available for viewing at planning department and on the city of Bakersfield's website: <u>www.bakersfieldcity.us</u> ).

These areas are defined as follows:

a. "Primary viewsheds" are those locations identified along freeways, expressways or arterial roadways from which no structures or portions thereof are visible on a designated Class I visual resource area for a distance of one-half mile (Illustration 1), except as may be allowed under Section 17.66.040(P)(4).



b. "Secondary viewsheds" are those locations identified along freeways, expressways or arterial roadways from which no more than fifty percent of the height of a structural elevation is visible on a Class II visual resource area for a distance of a mile (Illustration 2), except as may be allowed under Section 17.66.040(P)(4).



c. "Class I visual resources areas" are designated ridge and hilltop areas which require a structural setback great enough so that no portion of a structure is visible from a primary viewshed

d. "Class II visual resource areas" are designated ridge and hilltop areas which require a structural setback great enough so that no more than fifty percent of the height of a structural elevation is visible from a secondary viewshed

e. "Slope protection areas" are those mapped slopes of fifteen percent and greater (Exhibits B-1 and B-2) within the HD zone area that, due to physical constraints, aesthetic value and visibility from major roadways, are to be left in their natural state with no structures or fences allowed on the slope face. Areas identified as slope protection areas shall be identified as lettered nonbuildable lots on subdivision maps.

3. Encourage development design that will:

a. Allow for orderly and sensitive development at a density that respects and is reflective of the natural terrain;

b. Encourage grading techniques that blend with the natural terrain, minimize earthmoving activities, minimize visual impacts of large cut and fill slopes, prevent erosion on the face of slopes due to drainage and provide for the preservation of unique and significant natural landforms and ridgelines;

c. Reduce water use in slope replanting and retention by encouraging grading design that minimizes manufactured slopes;

d. Maximize the positive impacts of site design, grading, landscaping, and building design consistent with the goals and policies of the general plan;

e. Maintain the integrity and natural characteristics of major landform, vegetation and wildlife communities, hydrologic features, scenic qualities, and open space. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.020 Applicability.

This overlay district shall apply to areas zoned HD (hillside development).

A. The following provisions are intended to apply to parcels or portions thereof within the HD zone. Development subject to these regulations includes grading, building permits, parcel maps, tentative tracts, conditional use permits, site plan reviews, general plan amendments, and zone changes. As areas are annexed to the city and zoned HD, Exhibits A and B shall be amended as appropriate.

B. Encourage developments intending to annex to the city to conform to the standards of this chapter.

C. Exceptions. This chapter shall not be applicable to the following activities or projects:

1. Modification of or addition to any pre-existing single-unit dwelling or accessory structure that predates this ordinance. This exemption shall not include an increase in the number of units or change in use;

- 2. Fire breaks and fire roads required by the Bakersfield fire department;
- 3. Recreation trails for pedestrian, equestrian, or multi-use purposes;
- 4. Lot line adjustments;
- 5. Landscaping on single-unit parcels;
- 6. Modifications to yard, height, lot area and fence/wall regulations;

7. Public works projects determined by the city council to be necessary for the public health, safety or welfare which, by implementation of this ordinance, would create an unfair cost to the community;

8. Where it can be demonstrated that the imposition of the standards in this chapter would render an existing parcel (parcel created prior to adoption of the ordinance codified in this chapter) of land unbuildable and create a loss of all economic use, or where the development exhibits innovation and/or exceptional community benefits which cannot be realized through imposition of the standards contained in this chapter, development consistent with the general plan may be allowed, subject to the following provisions:

a. The proposed development shall serve the intent and purpose of the HD zone and general plan policies regarding hillsides.

b. The proposed development shall be subject to the approval of a planned unit development zone, planned commercial development zone, development agreement, optional design subdivision or specific plan. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.030 Maximum grade of access.

Maximum grade of streets, public or private, and other access easements shall be determined in accordance with "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), current edition, for design of maximum grades for arterials, collectors and local streets. (Ord. 4783 § 1, 2014; Ord. 4391 § 1 (Exh. A), 2006)

# **17.66.040** Development plan requirements.

The following, as applicable, shall be shown on all development plans associated with planned commercial developments, planned unit developments, conditional use permits, tentative tracts, site plan reviews, and applications for single-unit dwellings not already reviewed as part of parcel maps or tentative tracts:

A. Topography.

- B. Access road width and percent of grade.
- C. Landscape and vegetation details.
- D. Structure location.
- E. Overhead utilities.

F. Building occupancy class.

G. Type of ignition-resistant construction of structure.

H. Roof classification of buildings.

I. Water supply system.

J. Fuel loading and model, available from city fire department, and data to verify classification of fireresistive vegetation.

K. Proposed sewers.

L. Drainage concept plan.

M. As deemed appropriate by the city, at the time an applicant applies for a tentative map, conditional use permit, site plan review, general plan amendment, zone change or grading plan approval, the applicant shall submit the following:

1. A site or plot plan drawn to scale of one inch equals one hundred feet or larger, reflecting the proposed project, including property lines and recorded and proposed easements, private roads, public rights-of-way, and pad elevation of all lots;

2. A topographic map of the project site which shall also extend off-site a minimum of three hundred feet in distance unless a greater distance is required by the city engineer to incorporate the topography of all abutting properties as it relates to project site. The map shall be drawn at the same scale as the site plan and shall be based on contour intervals no greater than ten feet except where steep terrain warrants a greater contour interval as approved by the planning director;

3. A slope map of the property depicting natural slope categories of ten, fifteen, twenty, thirty and forty percent and over with contour lines shown;

4. A preliminary grading plan prepared by a registered civil engineer which includes the height and width of all manufactured slopes, proposed retaining wall locations and heights, proposed drainage patterns, methods of storm water retention/detention and identification of areas that will remain in a natural state. Off-site contours for adjacent, unimproved areas within three hundred feet of the project's boundaries shall be depicted. If the adjacent property is improved, pad elevations, street grades, wall

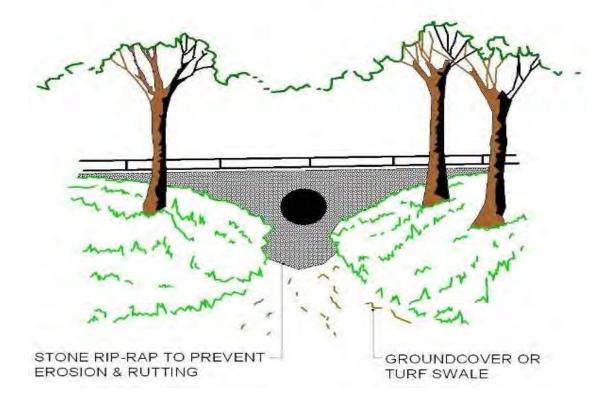
sections and any approved or existing improvements shall be shown. Cross sections will also be required from primary and secondary viewsheds;

5. No less than two cross sections (number to be determined by the planning director) which completely traverse the property at appropriately spaced intervals in locations where topographic variation is the greatest shall be prepared by a registered civil engineer. The cross sections shall clearly depict the vertical variation between natural and finished grade and shall extend three hundred feet beyond the project boundaries;

6. A slope erosion control/revegetation plan shall be provided with all subdivision applications, site plans and grading plans and shall incorporate the provisions of Section <u>17.66.155</u>, Landscaping;

7. In instances where roads cross or traverse natural drainage courses, design shall include natural materials and bank protection (Illustration 3). Design treatment shall be described or diagrammed on plans submitted;

# ILLUSTRATION 3 DRAINAGE CHANNEL ROAD CROSSING



8. If required for fire safety, additional information on the plan beyond the property lines related to slopes, vegetation, fuel breaks, water supply systems and access ways (driveways, secondary access, etc.) shall be shown to the satisfaction of the fire chief.

N. In addition, the planning director, building director or city engineer may require submittal of any or all of the following:

1. A geotechnical report which shall contain, but not be limited to, data regarding the nature, distribution and strengths of existing soils, conclusions and recommendations for grading procedures, design criteria for any identified corrective measures and opinions and recommendations covering the adequacy of sites to be developed. This investigation and report shall be performed by a professional civil engineer who is experienced in the practice of soil mechanics and who is registered with the state of California. Where the site includes slopes exceeding 2:1, the geotechnical report shall include a slope stability analysis. If the proposed development is in an area of concern, the report shall include the method and criteria for mitigation of slope instability.

2. A geology report which shall include, but not be limited to, the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, the potential of slope failure within or adjacent to the site and design criteria to mitigate any identified geologic hazards. This investigation and report shall be completed by a certified engineering geologist who is experienced in the practice of engineering geology and who is registered with the state of California.

3. A drainage concept report which shall include, but not be limited to, the hydrologic conditions on the site, possible flood inundation, downstream flood hazards, natural drainage courses, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, and design criteria to mitigate any identified hydrologic hazards consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed development project. The report shall also take into account all pre- and post-developed flows and shall provide evidence that the proposed project will not burden adjacent and/or downstream properties with flows and/or velocities in excess of the pre-development condition. The report will examine the effects of drainage patterns on the erosion potential that could cause damage to planned or existing structures and ensure that no drainage that could cause erosion will be directed to slope faces. In addition, the drainage concept report shall show the construction phasing for the project and shall show how the drainage through or around the project will be handled on an interim basis, including any proposed temporary facilities. This investigation and report shall be completed by a registered civil

engineer experienced in the science of hydrology and hydrologic investigation. The drainage concept report is subject to the review and approval of the city engineer.

4. A computer generated three-dimensional graphic representation of the project site may be required if deemed necessary for reason of clarity.

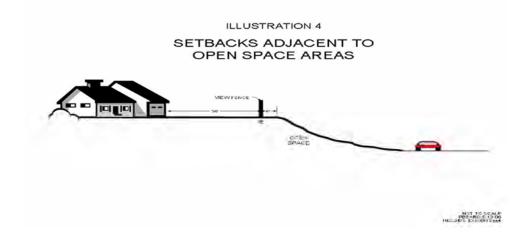
O. Areas identified as slope protection areas shall be identified as lettered nonbuildable lots on subdivision maps.

P. Structures shall be set back from the top of slopes a distance which is consistent with the following:

1. Determined to possess an adequate factor of safety, as determined by the findings of a geotechnical report required in subsection (N)(1) of this section and approved by the city; and

2. If the site is an area identified as a visual resource area, structures shall meet the visibility criteria as established by an identified primary or secondary viewshed;

3. On buildable lots placed at the top of manufactured or natural slopes adjacent to parks or open space, the minimum rear yard setback for above ground structures shall be twenty-five feet unless greater setback is required pursuant to this ordinance or for public health, safety or welfare (Illustration 4);



4. The planning commission may allow a lesser setback at a public hearing associated with a subdivision if it can be shown to the satisfaction of the city that alternative methods of viewshed protection such as mounding, landscaping, etc., can provide for an equivalent solution to the protection of the viewshed. Sight line distance and cross section analysis or other methodologies that provide a true representation of alternative viewshed protection methods will be required to determine the adequacy of alternative

viewshed protection methods. No setback shall be reduced, regardless of any alternative presented, that does not provide an adequate setback as provided in subsection (P)(1) of this section, or as may otherwise potentially endanger the public health, safety or welfare.

Q. To encourage consistent maintenance of slopes for erosion control and aesthetics, property lines are to be placed at the top of manufactured or natural slopes to be left as open space, park area or natural state and shall be located a minimum of five feet back from the top of the slope (Illustration 4). Additional setback may be required for fire safety or to accommodate trails consistent with an adopted trails plan. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.060 Key box requirements.

Driveways and access roads with private security gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3 if any part of a building is more than one hundred fifty feet from the gate entrance. (Ord. 4391 § 1 (Exh. A), 2006)

# **17.66.070** Driveway requirements.

Driveways shall be at least twelve feet wide with a minimum unobstructed height clearance of thirteen feet six inches. Driveways over one hundred fifty feet in length shall have turnarounds with a minimum turn radius not less than thirty feet and an outside turning radius of not less than forty-five feet. Driveways in excess of two hundred feet in length and less than twenty feet in width shall be required to have turnouts, as determined by the fire chief, in addition to turnarounds. Turnouts shall be constructed of an all-weather road surface, acceptable to the fire chief, at least ten feet wide by thirty feet long. In addition, driveways from any private gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

# 17.66.080 Fire apparatus access roads.

When required by the fire chief, all roads subject to fire department apparatus shall have a minimum width of twenty feet and a minimum height clearance of thirteen feet six inches. This will accommodate the loads and turning radius and a grade traversable by fire apparatus not to exceed the maximum as approved by the fire chief. Dead end roads in excess of one hundred fifty feet in length must be provided with turnarounds as approved by the fire chief. Driveways from any private gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.090** Emergency secondary access.

An emergency secondary access shall be required when it is determined by the fire chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit ingress or egress. Plans for emergency secondary access roads shall be submitted to the fire chief for review and approval prior to their construction and shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.100 Bridges.

Vehicle load limits must be posted at both entrances to bridges on driveways and private roads. Bridge design loads shall be established by the public works director. (Ord. 4391 § 1 (Exh. A), 2006)

## 17.66.110 Address markers.

All buildings shall have a permanently posted address readily legible from the public way. Otherwise, the address must be placed at each driveway entrance and be visible from both directions of travel. Address signs along one way streets shall also be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a post, and additional signs shall be posted at locations where driveways divide. Where a roadway provides access solely to a single commercial or industrial business, the address shall be placed at the nearest road intersection providing access to the site. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.120** Building construction.

A. Roofs for buildings in visual resource areas shall be earth toned to blend in with surrounding landscape. In no case shall they be highly reflective. Class A or Class B noncombustible roof covering or roof assembly shall be required. Notwithstanding the aforementioned, no wood shake or wood shingle roofs will be permitted. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers. One-hour rated fire-resistive construction shall be required for eave assemblies or noncombustible assembly approved by the fire chief and building director. Protection shall be required on the exposed underside by materials approved for a minimum of one-hour rated fire-resistive construction. Fascias are required and must be protected on the backside by materials approved for a minimum one-hour rated fire-resistive construction or two-inch nominal dimension lumber. Construction shall meet urban and wildland interface standards established by the state of California as they apply to this area or any area developed and subject to wild land fire conditions.

B. Exceptions: Accessory structures not exceeding one hundred twenty square feet in floor area when located at least fifty feet from any habitable structure. Roofs shall have at least Class C roof covering, Class C roof assembly of an approved noncombustible roof covering. No wood shake or wood shingle roofs will be permitted for roof coverings where the profile allows a space between the roof covering and roof decking; the space at the eave ends shall be fire stopped to preclude entry of flames or embers. Earth toned roofs are required if within a visual resource area. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.130** Roof repair or replacement.

Roof covering on buildings or structures in existence prior to the adoption of the ordinance codified in this chapter that are replaced, or have twenty-five percent or more replaced in a twelve-month period, shall be replaced with a roof covering consistent with Section <u>17.66.120</u>. (Ord. 4391 § 1 (Exh. A), 2006)

### 17.66.135 Fencing.

Fencing adjacent to parks and open space shall be placed at least five feet back from the top of slope and shall be earth tone or black in color and allow visual penetration (Illustration 4). Materials such as wrought iron and vinyl fencing may be used. Wood fencing is not allowed in this instance. Fence location and design details shall be submitted with development plans including subdivisions and grading plans. Solid walls may be required adjacent to parks when deemed appropriate by the city. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.140** Fire scape plant selections.

Every tract and parcel map shall contain an advisory notice within the conditions of approval recommending that property owners use plant materials which are fire resistant. A comprehensive list is available from the planning director and fire department. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.150** Defensible space.

Maintain around and adjacent to any such building or structure a firebreak made by removing and clearing away for a distance of no less than thirty feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as groundcover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.155 Landscaping.

A. Landscape areas to be maintained by the city shall provide a mix of native

oaks/sycamores/wildflowers/shrubs and boulder clusters installed to resemble a natural distribution blending into the surrounding area (Illustrations 5 through 7). Final plans, including irrigation system, shall be approved by the recreation and parks department. Design content shall retain natural flora and site character as much as possible.

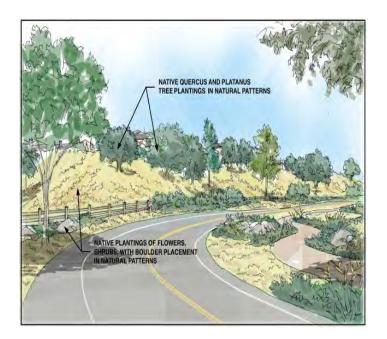
#### **Illustration 5**



**Illustration 6** 



**Illustration 7** 



B. Xeriscape plant selections as approved by the recreation and parks department shall be used to revegetate disturbed areas outside of lots, unless city ordinances, resolutions, or conditions of approval state otherwise.

C. Fire retardant erosion control netting or other material approved by the city recreation and parks department shall be installed as required by the city recreation and parks department to prevent erosion.

D. In order to assist in protecting slopes from soil erosion and to facilitate significant revegetation, an irrigation system approved by the public works department and recreation and parks department shall be installed on all slopes with required planting. Components and operation of the irrigation system shall be designed to maintain slope stability and integrity and provide the ability to monitor and maintain an irrigation system on a slope. In all cases, the emphasis shall be toward using plant materials that will eventually not need to be irrigated. Water and energy conservation techniques shall be utilized including, but not limited to, such items as drip irrigation and alluvial rockscape. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.160 Drainage.

All proposed drainage facilities shall respect the natural terrain, preserve existing major drainage channels in their natural state or enhance them to create riparian type systems that provide for drainage and for diversification of plant and animal life and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety and welfare. The following standards shall apply to all lands subject to this chapter in addition to the requirements of Title <u>16</u>, Subdivision.

A. The overall drainage system shall be completed and made operational at the earliest possible time during construction in accordance with the approved drainage concept report.

B. When deemed necessary by the city engineer, the applicant shall enter into a grading improvement agreement, securing each phase of grading and drainage facility construction. Such security shall be sufficient to install the required drainage facility, to restore the grading area to a safe and stable condition, and to revegetate the cut or fill slopes or provide other permanent erosion control measures.

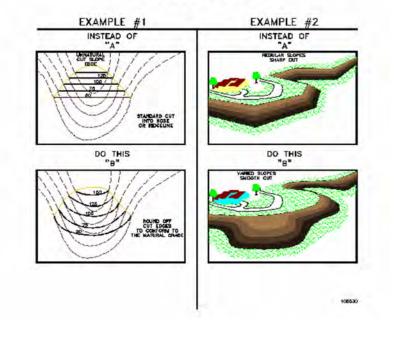
C. Other than for street gutters, all drainage shall be conveyed within closed conduits unless otherwise approved by the city engineer. Analysis and design of erosion control measures shall be approved by the city engineer. (Ord. 4391 § 1 (Exh. A), 2006)

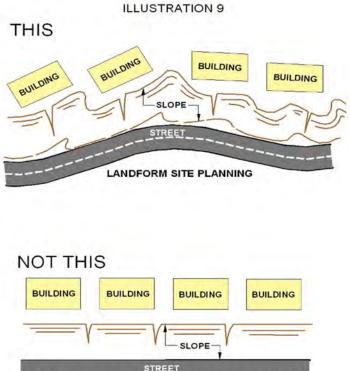
#### 17.66.170 Grading.

A. All new cut and fill slopes exceeding ten feet in height on the perimeter of a subdivision adjacent to parks, open space or arterial and collector streets, and interior to a subdivision adjacent to parks and open space shall be contour graded (Illustrations 8 and 9) so that their ultimate appearance will resemble a natural slope. Contour grading shall consist of a combination of slope curvature, as well as variable slope gradients along the length of the slope. The building director shall have the final determination that the final grading plan retains as much natural slope as possible considering the proposed improvements and other required codes.

#### ILLUSTRATION 8

# CONTOURING





STREET CONVENTIONAL SITE PLANNING B. Grading shall reflect the natural contour of the existing terrain. The following grading standards shall apply to all land subject to this article, in addition to the grading requirements of the governing document currently in use:

- 1. Extensive grading shall be discouraged;
- 2. Where grading is necessary, the following principles of contour grading shall be employed:

a. Graded slopes on the exterior of subdivisions shall be rounded and shaped to simulate the natural terrain,

b. Grading shall follow the natural contours as much as possible,

c. Graded slopes shall blend with naturally occurring slopes at a radius compatible with the existing natural terrain,

d. Graded slopes outside the public right-of-way and maintained by a homeowners association shall be revegetated with at least a mixture of native grass seed or shrubs as recommended by the recreation and parks department. Planting may be waived by the recreation and parks department for slopes that, due to the amount of rock material or poor soil, will not support plant growth. In this case, alternative methods of protection and/or aesthetic mitigation may be examined or required at the discretion of the recreation and parks department,

e. For graded slopes within the public right-of-way or publicly maintained landscape easements, an erosion control and landscaping concept plan shall be submitted to the recreation and parks department for approval,

f. Unless a flatter slope is otherwise recommended in a soil investigation, the steepest manufactured slope allowed shall not exceed 2 unit horizontal to 1 unit vertical. All manufactured slopes steeper than 5 unit horizontal to 1 unit vertical shall have a type of slope protection as approved by the city engineer, building official and/or the recreation and parks department (as applicable),

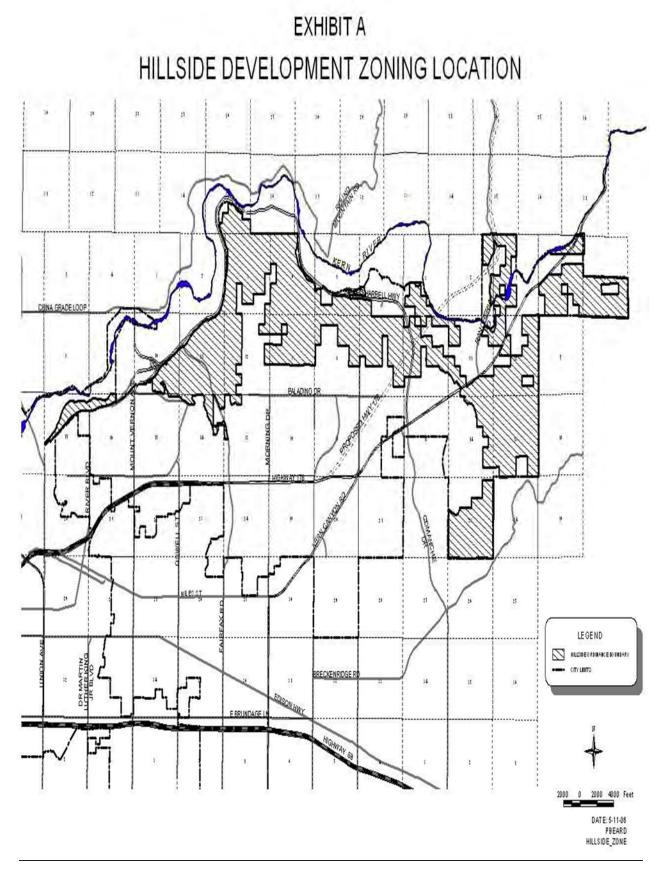
g. Only slopes within public rights-of-way or easements constructed to city standards and accepted for maintenance by the city shall be maintained by a city maintenance district. All other slopes shall be maintained by the property owner or private association unless approved by the recreation and parks department. (Ord. 4391 § 1 (Exh. A), 2006)

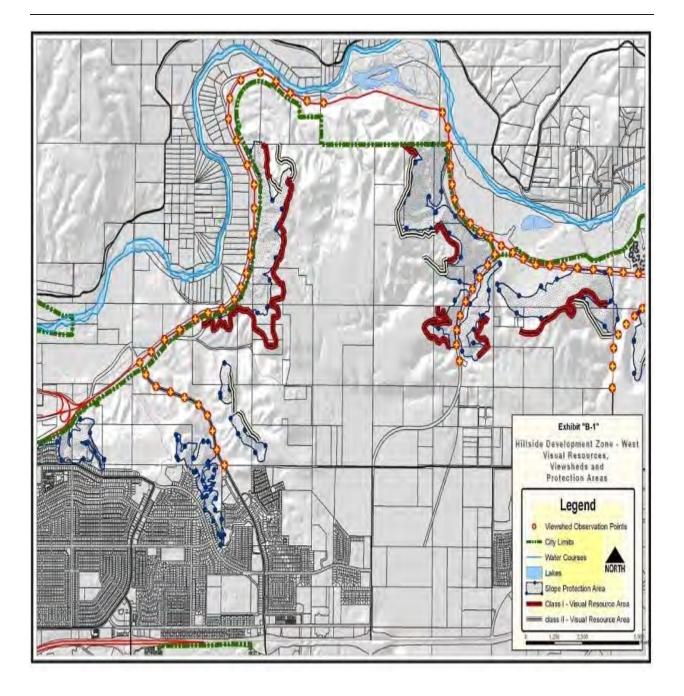
# 17.66.180 Appeals.

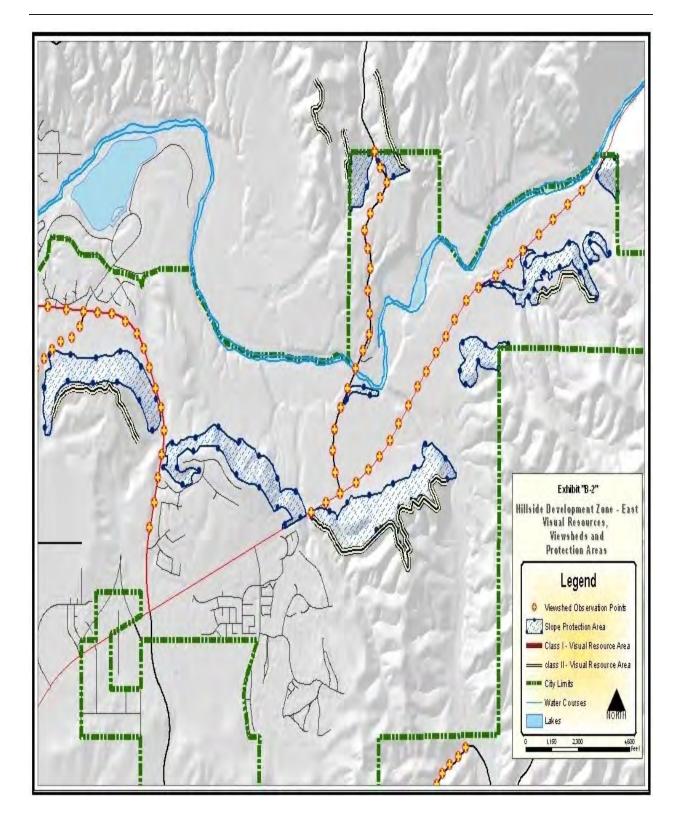
A. A determination by staff of the provisions of this chapter may be appealed to the planning commission. The action of staff shall be final unless, within ten days of their decision, the applicant or any other person appeals in writing to the planning commission by filing such appeal with the planning director and paying appropriate fees.

B. A determination by the planning commission pursuant to this chapter may be appealed to the city council pursuant to the appeals procedures of Chapter <u>16.52</u> of this code in the case of subdivision map approvals, or Chapter <u>17.64</u> of this code, in the case of director review and approval, conditional use permits, or zone changes.

C. On appeal, the city council or planning commission may grant modifications from the provisions of this chapter where the appellant clearly demonstrates a practical difficulty in carrying out a specified provision. In granting the modification, the city council or planning commission shall first find that the strict application of a specified provision is impractical and that the modification is in conformance with the intent of this chapter, that the modification does not lessen any fire protection or other public safety requirements and/or serves to protect views as required by this chapter. (Ord. 5020 § 26, 2020; Ord. 4391 § 1 (Exh. A), 2006)







# Chapter 17.68 NONCONFORMING USES, STRUCTURES AND LOTS

#### Sections:

17.68.010	Purpose.
17.68.020	Legal nonconforming structures.
17.68.030	Legal nonconforming uses.
17.68.040	Changes or expansion to legal nonconforming uses.
17.68.050	Legal nonconforming lots.
17.68.060	Structures/uses under construction.
17.68.070	Effect of annexation.
17.68.080	Determination of nonconforming status—Burden of proof.
17.68.090	Illegal nonconforming structures and uses.
17.68.100	Nonconforming signs, parking and landscaping.

## 17.68.010 Purpose.

This chapter specifies the manner in which legal nonconforming uses and structures may or may not continue. It is intended to prevent such uses or structures from expanding except under certain circumstances. It also establishes criteria by which such uses or structures may be abated or removed in an equitable, reasonable, and timely manner without infringing on the constitutional rights of property owners. (Ord. 3741 § 4, 1997)

# 17.68.020 Legal nonconforming structures.

A legal nonconforming structure may be continued and maintained as follows:

A. A legal nonconforming structure may be restored if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, up to its pre-damage size and placement. However, the property on which the restored structure is situated shall be subject to all other current ordinances. Building permits for reconstruction shall be obtained within two years and be completed within three years of the date of the damage.

B. A legal nonconforming structure or any part of it that is voluntarily destroyed or removed, shall lose all nonconforming status for any part or parts affected and may not be reconstructed.

C. A legal nonconforming structure may be increased in area or volume if the addition complies with this title and the most recent city adopted Building Code.

D. A legal nonconforming structure may be used for any use that conforms to the zone district in which it is located and complies with the most recent city adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time.

E. A legal nonconforming structure may be repaired or altered, including structural alterations to bearing walls, columns, beams and girders. All work shall meet the requirements of the most recent city adopted Building Code.

F. A legal nonconforming accessory structure may be used or converted to any use consistent with the zoning district in which it is located, and the most recent city adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time. (Ord. 4715 § 1, 2012; Ord. 4559 § 1, 2009; Ord. 3741 § 4, 1997)

## 17.68.030 Legal nonconforming uses.

A legal nonconforming use may be continued and maintained as follows:

A. No increase in intensity, or of the area, space, or volume occupied or devoted to a legal nonconforming use, except as allowed under Section <u>17.68.040</u>, shall be permitted.

B. Change of ownership, tenancy or management of a legal nonconforming use shall not affect its legal nonconforming status, provided the specific use and intensity of use do not change, except as allowed under Section <u>17.68.040</u>.

C. A legal nonconforming use that has ceased or been abandoned for a continuous period of one year or more shall lose its nonconforming status, and the continued use of that property or structure shall conform to the regulations of the zone district in which it is located, except as allowed under Section <u>17.68.040</u>. If the legal nonconforming use is cultivated agricultural land that is fallow for longer than the one-year period but no more than a contiguous period of three years, it is not considered abandoned if it is part of a managed agricultural operation where such land is planned for continued cultivation.

D. If a legal nonconforming use involves the keeping of animals, then the number of animals, types of animals, minimum lot area for animals, or other standards for the keeping of animals not in conformance with the zone district in which they are located, may be continued until the owner or occupant removes them for a continuous period of one year or more.

E. Additional uses are allowed on property that contains a legal nonconforming use provided those uses meet all requirements and regulations of the zone district in which they are located, and do not result in the nonconforming use expanding as restricted in subsection  $\underline{A}$  of this section.

F. If a legal nonconforming use is converted to a conforming use, no previous nonconforming use may be resumed.

G. Repairs and alterations may be made to structures containing legal nonconforming uses, including structural alterations to bearing walls, columns, beams and girders. All work shall meet the requirements of the most recent city adopted Building Code.

H. A structure containing a legal nonconforming use may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. However, the property on which the restored use is situated shall be subject to all current ordinances. Building permits for reconstruction of the structure shall be obtained within two years and be completed within three years of the date of damage if the use is reestablished.

I. A legal nonconforming use where no structure is involved may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. However, the property on which the restored use is situated shall be subject to all other current ordinances. The use shall be reestablished within one year of the date of the damage. (Ord. 4715 § 1, 2012; Ord. 3741 § 4, 1997)

# 17.68.040 Changes or expansion to legal nonconforming uses.

The planning commission or city council may allow changes or expansions to legal nonconforming uses as set forth in subsections <u>A</u> through <u>D</u> of this section. They shall use the procedures adopted for conditional use permits according to Chapter <u>17.64</u> of this code, except that they shall make findings set forth in subsection <u>E</u> of this section.

A. A legal nonconforming use may be changed to another nonconforming use of the same or more restrictive nature.

B. A structure occupied by a legal non-conforming use that has ceased or been abandoned according to Section 17.68.030(C) may be permitted to be used for the same or more restrictive use if the structure cannot be used for any use consistent with the zone district in which it is located.

C. A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products, or services provided.

D. Time restrictions specified in Sections 17.68.020(A), 17.68.030(C), 17.68.030(H), or 17.68.060 may be extended.

E. The planning commission or city council shall make the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

2. The proposed change or expansion of the legal nonconforming use is consistent with the intent and purpose of the ordinance that caused the use to become nonconforming.

3. The change or expansion of the nonconforming use will have a positive impact on the surrounding conforming uses and the area overall.

4. Other property where the use would be conforming is unavailable, either physically or economically.

5. No other appropriate remedies are available to bring the use into conformance, including amending the zone district boundary and/or zoning ordinance text. (Ord. 5020 § 27, 2020; Ord. 3741 § 4, 1997)

#### 17.68.050 Legal nonconforming lots.

A. Any lot that was legally created before the effective date rendering it nonconforming may be used or developed if the use or development conforms to the regulations of the zone district in which it is located.

B. The city shall not issue a permit for any construction on a lot created that violated the subdivision and/or zoning ordinances in effect at the time of the property division, and which continues to be violating present subdivision and/or zoning ordinances. (Ord. 3741 § 4, 1997)

#### 17.68.060 Structures/uses under construction.

Any structure for which the city has issued a building permit that is still in effect, or any conforming use or building which was legally under construction before the effective date of any ordinance rendering the structure or use nonconforming, may be completed and used according to approved plans, specifications or permits as follows: A. For nonconforming uses, the use shall be commenced within one year of the effective date of the ordinance rendering such use nonconforming.

B. For nonconforming structures, the structure shall be completed within two years of the effective date of the ordinance rendering such structure nonconforming. (Ord. 3741 § 4, 1997)

#### **17.68.070** Effect of annexation.

Any use, structure, or lot that was lawfully established according to the regulations of Kern County that becomes nonconforming by virtue of annexation into the city, will be considered legal nonconforming. (Ord. 3741 § 4, 1997)

#### **17.68.080** Determination of nonconforming status—Burden of proof.

The party asserting a right to continue a nonconforming use or structure has the burden of proof to establish its lawful and continuing existence. (Ord. 3741 § 4, 1997)

#### 17.68.090 Illegal nonconforming structures and uses.

Nothing in this chapter shall permit the continuation of illegal nonconforming structures or uses. Illegal nonconforming structures or uses are unlawful and a public nuisance, and shall be immediately removed or abated according to Chapter <u>17.72</u> of this code. (Ord. 3741 § 4, 1997)

#### 17.68.100 Nonconforming signs, parking and landscaping.

This chapter does not regulate nonconforming signs, parking requirements, or landscaping standards. These specific standards are found within their respective chapters as follows:

- A. Nonconforming signs—Chapter <u>17.60</u> of this code;
- B. Nonconforming parking—Chapter 17.58 of this code;
- C. Nonconforming landscaping—Chapter <u>17.61</u> of this code. (Ord. 3835 § 40, 1998; Ord. 3741 § 4, 1997)

## Chapter 17.69 ADULT ENTERTAINMENT BUSINESSES\*

Sections:

17.69.010	Purpose.
17.69.020	Definitions.
17.69.030	Development requirements.
17.69.040	Separation and distance requirements.
17.69.060	Exterior display.
17.69.070	<b>Regulations nonexclusive.</b>

\* Prior ordinance history: Ordinances 2877, 2926 and 2943.

#### 17.69.010 Purpose.

A. It is found, and experience has demonstrated, that certain adult-oriented businesses, because of their very nature, are recognized as having significant deleterious secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancy in residential and commercial areas in the vicinity of the adult-oriented businesses; higher crime rates, noise, debris or vandalism in the vicinity of adult-oriented businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. The concentration of such uses substantially contributes to blighting and downgrading adjacent residential and commercial areas. Special regulation of these businesses is necessary to preserve the integrity of existing commercial areas of the city and of residential areas in close proximity to such commercial uses. In furtherance of the public interest and general welfare, the primary purpose of this chapter is to deconcentrate and to prevent the concentration of these businesses in any one area. It is neither the intent, nor effect of this chapter to impose limitations or restrictions on the content of any communication material. Similarly, it is neither the intent, nor effect of this chapter to restrict or deny access by adults to sexually-oriented materials or merchandise protected by the First Amendment, or deny access by the distributors or exhibitors of adult-oriented business to their intended market.

B. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

#### 17.69.020 Definitions.

It is the purpose of this section, together with its subsections, to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the regulations and provisions of this chapter, in order to assist in the uniform interpretation of those regulations and provisions and to ensure uniformity in their application. The following terms shall have the definitions ascribed below:

A. "Adult bookstore" means any establishment, which as a regular and substantial course of conduct, displays and/or distributes sexually-oriented material and sexually-oriented merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

B. "Adult cabaret" means a nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

C. "Adult hotel/motel" means a hotel or motel, which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts and which rents, leases, or lets any room for less than a twelve-hour period and/or rents, leases or lets any room more than once in a twenty-four-hour period and which advertises the availability of any of the above.

D. "Adult model studio" means any premises where as a regular and substantial course of conduct, there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts for the purpose of being observed or viewed by any person or being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped before any person who pays a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. Adult model studio shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section <u>94300</u> et seq. of the Education Code.

E. "Adult motion picture arcade" means any business establishment or concern which as a regular and substantial course of conduct provides, for a fee, the use of manually or electronically controlled still, motion picture or video machines, projectors, computer generated or displayed images or other image producing devices which serve less than 5 persons at any one time and are maintained to display images distinguished or

characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts [machines, devices or other contraptions].

F. "Adult entertainment business" means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio, adult motel/hotel; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. "Adult entertainment business" does not include those uses or activities, the regulation of which is preempted by state law. "Adult entertainment business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in lingerie or similar attire which does not opaquely cover specified anatomical parts. For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting to specified sexual activities or specified anatomical parts. So the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:

1. The area devoted to sexually-oriented merchandise and/or sexually-oriented material exceeds more than twenty-five percent of the total display area or floor space area open to the public;

2. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least four times in any calendar month in any given year,

3. Twenty-five per cent of the businesses revenues are derived from the provisions of services or merchandise characterized by an emphasis on specified sexual activity or specified anatomical parts.

G. "Adult motion picture theater" means a business establishment or concern with one or more viewing rooms with the capacity for fifty or more persons which, as a regular and substantial course of conduct, presents for any form of consideration films, motion pictures, videos, slide photographs, computer generated or displayed images or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

H. "Adult mini-motion picture theater" means a business establishment or concern with one or more viewing rooms with the capacity of more than five, but less that fifty persons, where, for any form of consideration, films, motions pictures, video cassettes, slides, computer generated or displayed images or similar graphic reproductions are shown and material whose dominant or predominant character and theme is the depiction of

specified sexual activities or specified anatomical areas for observation is shown on any ten or more days in a thirty consecutive day period.

I. "Live art class" means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical parts; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least twenty-four hours in advance of participation in the class.

J. "Performer" means any dancer, model, entertainer, and/or other person who publicly performs any specified sexual activities or publicly display any specified anatomical part in adult entertainment businesses.

K. "Sexually-oriented material" means any element of sexually-oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, or other written, oral, or visual representation characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical parts. This definition also includes, but is not limited to sexual novelties depicting, designed or shaped as specified anatomical parts or which depict specific sexual activities.

L. "Sexually-oriented merchandise" means sexually-oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity.

M. "Specified anatomical parts" means:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; or female breast below a point immediately above the top of the areola; or

2. Exposed human male genitals or human male genitals in a discernibly turgid state, regardless of whether they are completely and opaquely covered.

N. "Specified sexual activities" means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the

following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

- 2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- 4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- 5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
- 6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

8. Striptease or any act involving the public removal of clothing to the point where specified anatomical parts are displayed; or the public appearance of any person in a state where specified anatomical parts displayed, or the public appearance of any person where specified anatomical parts are only covered by attire commonly referred to as pasties or a G-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and while covering the natal cleft and public area covers less than one inch on either side of the entire length of the natal cleft and two inches across the public area. For the purposes of this definition, appearance in "public" shall include a situation when a single employee, agent or other non-patron of the adult entertainment business is in the presence of a single patron of the adult oriented business. (Ord. 4108 § 1, 2003; Ord. 3066 § 1, 1986; Ord. 2961 § 1, 1985)

#### **17.69.030** Development requirements.

Uses permitted by this chapter shall be subject to all applicable development standards, requirements and restrictions of the zone district in which it is located. (Ord. 4108 § 1, 2003; Ord. 3835 § 41, 1998; Ord. 2961 § 1, 1985)

#### **17.69.040** Separation and distance requirements.

A. In those zoning districts where adult entertainment businesses are regulated by this chapter would otherwise be permitted uses, it shall be unlawful to conduct, establish or relocate any such business:

1. Within one thousand feet of any property zoned for residential use whether or not located within the city;

2. Within one thousand feet of any other adult entertainment business whether or not located within the city;

3. Within one thousand feet of any public or private school whether or not located within the city, excluding any vocational or professional school or any college;

4. Within one thousand feet of any developed park or public playground, of any public library, or of any religious institution which people regularly attend to hold religious services or meetings whether or not located within the city.

B. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the parcel of real property upon which the adult entertainment business is, or is to be, located to the nearest point of the parcel of real property or land use zone boundary line from which the proposed land use is to be separated.

C. The above notwithstanding, an adult entertainment business lawfully operated at any particular location on the date of adoption of this Ordinance shall not be required to comply with the requirements of this section <u>17.69.040</u> except to the extent that such business seeks to relocate to another location or seeks to expand the existing business. (Ord. 4108 § 1, 2003; Ord. 3712 § 1, 1996; Ord. 3680 § 1, 1995; Ord. 3677 § 1, 1995; Ord. 3066 § 2, 1986; Ord. 2961 § 1, 1985)

#### 17.69.060 Exterior display.

No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such business. This provision shall apply to any display, decoration, sign, show window, or other opening. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

#### **17.69.070** Regulations nonexclusive.

The regulations set forth in this chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult entertainment businesses set forth elsewhere in this code. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

## Chapter 17.70 CERTIFICATE OF OCCUPANCY

Sections:

17.70.010 Requirements.

#### 17.70.010 Requirements.

No vacant land shall be occupied or used, and no building hereafter erected, structurally altered, or moved, shall be occupied or used until a certificate of occupancy has been issued by the building department.

A. After construction and before occupancy of any building or project, the building director or his/her authorized representative shall inspect the development to determine whether the building permit, approved site plan or other project approval and any conditions thereon have been complied with. If so, he/she shall issue a certificate of occupancy; if not, he/she shall order corrections. The development shall not be occupied until the certificate of occupancy is issued.

B. 1. Certificates of occupancy for the use of vacant land, or the change in the use of land as provided in this section, shall be applied for before any such land is occupied or used for any purpose except that of tilling the soil and the growing therein of farm, garden or orchard products, and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of this title.

2. Certificates of occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of this title. A record of all certificates shall be kept on file in the office of the building department and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for an original certificate; for all other certificates or for copies of any original certificates fees shall be as set forth in Chapter 3.70 of this code.

C. Certificates of occupancy for nonconforming uses existing at the time of the passage of the ordinance codified in this title or any amendment thereto shall be issued by the building department, and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this title.

D. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy. (Ord. 3964 § 48, 2000; Ord. 3835 § 42, 1998; prior code § 17.72.010)

## Chapter 17.71 OUTDOOR LIGHTING

#### Sections:

17.71.010	Purpose.
17.71.020	Applicability.
17.71.030	General standards.
17.71.040	Additional standards for specific uses.
17.71.050	Energy conservation.
17.71.060	Exemptions.
17.71.070	Prohibitions.
17.71.080	Fixture diagrams.

#### 17.71.010 Purpose.

The purpose of this chapter is to minimize light trespass, excessive glare and sky glow caused by inappropriate or misaligned light fixtures. Properly designed lighting will provide the proper amount of illumination appropriate for the required task that will not cause unpleasant or adverse effects upon adjacent properties, and will enhance nighttime views of the sky. These standards will:

- A. Promote a safe and pleasant nighttime environment for businesses, residents and visitors;
- B. Protect and improve public safety and security;
- C. Prevent nuisances caused by unnecessary light intensity, glare, and light trespass;
- D. Protect the ability to view the night sky by restricting unnecessary upward projection of light;
- E. Enhance the aesthetics of the built environment and protect the character of the natural environment; and
- F. Promote energy conservation. (Ord. 4617 § 6, 2010)

#### 17.71.020 Applicability.

A. The provisions of this chapter apply to the illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

B. All outdoor lighting fixtures installed on private and public property after the effective date of the ordinance codified in this chapter shall comply with these standards.

C. This chapter does not apply to interior lighting. However, overly bright inside light emitted outdoors from any structure, including through the roof, will be subject to control by this chapter if it is determined by the code enforcement manager that it creates a nuisance to adjacent properties, negatively impacts safe travel along streets, or contributes to sky glow.

D. All existing outdoor lighting fixtures legally installed and operative before the effective date of the ordinance codified in this chapter are not subject to these requirements. However, the code enforcement manager may at any time require appropriate action be taken in accordance with this chapter if it is determined that lighting from any outdoor fixtures creates a nuisance to adjacent properties or negatively impacts safe travel along streets.

E. At such time changes or modifications occur on the site that necessitate a site plan review pursuant to Chapter 17.08 of this code or other discretionary approval, the decision-making body shall determine whether some or all the requirements of this chapter will be implemented under said approval.

F. When existing lighting fixtures are replaced, replacement fixtures and light emanating from them shall meet the requirements of this chapter.

G. All governmental agencies, including their security facilities which operate within the city limits, should comply with the provisions of this chapter. (Ord. 5122 § 1, 2023; Ord. 4635 § 1, 2010; Ord. 4617 § 6, 2010)

#### 17.71.030 General standards.

The following standards shall apply to all outdoor lighting installed after the effective date of the ordinance codified in chapter:

A. Outdoor lighting must be fully shielded and aimed downward. Fully shielded denotes lighting fixtures that are shielded, focused, or constructed so that light rays do not project horizontally or vertically. The shield must be arranged in such a manner that light rays emitted from the device or fixture, whether directly from the lamp or indirectly from the fixture, are projected below the horizontal plane at the lowest point on the fixture where the light is emitted. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface with no escaping light permitted to contribute to sky glow by shining upward into the sky. Examples of acceptable and unacceptable lighting fixtures are shown in Section <u>17.71.080</u>.

B. Post-top luminaries, which may also be referred to as period lighting or historical lighting, shall have builtin reflectors that effectively eliminate up-lighting.

C. Any outdoor lighting that shines onto adjacent property or streets that produce a nuisance or disabling glare, or that is above the horizontal plane, shall not be permitted.

D. Light trespass that extends beyond the property or project boundaries within or adjacent to residentially zoned and/or designated properties shall not exceed an intensity level of 0.5 foot-candles at the property line as measured three feet above the ground or finished grade. This light intensity maximum shall also apply to lands zoned and/or designated agriculture, parks, and open space.

E. Light fixtures mounted under a canopy shall be recessed so that lighting is fully shielded by either the roof or canopy fascia and is projected below the horizontal plane as stated in subsection  $\underline{A}$  of this section.

F. Up-lighting is only permitted if it is effectively contained and will not shine beyond the intended target into the night sky. Containment of lighting may include, but is not limited to, overhanging architectural elements such as eaves or awnings, or landscaping such as dense shrubs or dense evergreen tree canopies.

G. Outlining of a building by means of neon, LED or other lighting shall be effectively contained to not shine into the night sky. Containment of lighting may include, but is not limited to, overhanging architectural elements such as eaves or awnings, or use of backlighting techniques.

H. Existing fixtures may be adapted to comply with this chapter by adding a properly designed shield or by pointing any upward-mounted, shielded fixture downward towards the ground surface.

I. Lighting sources, fixtures and related structures shall be maintained in sound operating condition at all times. Maintenance shall include, but is not limited to, replacement of broken lenses, burned out light sources, adjustments to fixture tilt, cleaning of fixtures and lenses, painting of standards, and replacement or adjustments to shields and/or baffles.

J. All fixture installations shall meet the most recent applicable regulations of the Building Code, the Electrical Code, Title 24, and any other related health, safety, and energy codes as they pertain to lighting and light fixtures as adopted by the city. (Ord. 5122 § 2, 2023; Ord. 4715 § 1, 2012; Ord. 4617 § 6, 2010)

#### **17.71.040** Additional standards for specific uses.

In addition to the general standards contained in Section 17.71.030, the following shall apply to the specific use identified below:

A. Parking Lots and Garages.

1. Lighting shall be in accordance with the provisions in Section <u>17.58.060(B)</u>.

B. Outdoor Performance, Sports, and Recreation Facilities.

1. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings within the project site. Illumination should be no greater than the minimum recommended levels established by the Illuminating Engineering Society of North America (IESNA) for the type of activity. Illumination should also meet, without exceeding, the IESNA recommendations for the IESNA defined illumination class appropriate for the predominant use of the facility.

2. The main lighting shall be turned off within one hour or as soon as possible following the end of an event. Where feasible, a low level lighting system may be used immediately following events to facilitate patrons leaving the facility, cleanup, maintenance, and other closing activities.

3. Because lighted fields and other lighted outdoor facilities may also be subject to discretionary approval, operational regulations, and the standards in this chapter may be further restricted, modified or otherwise conditioned by the planning commission or city council. (Ord. 5020 § 28, 2020; Ord. 4617 § 6, 2010)

#### 17.71.050 Energy conservation.

Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes:

A. All nonessential outdoor commercial and residential lighting should be turned off after business hours when it is not necessary for public safety or when an activity needing such light is not in use.

B. Lighting levels may be reduced after hours to provide minimal visibility without compromising security.

C. Where practical, outdoor lighting installations should include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activities off the subject property.

D. When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures and light sources, the lowest wattage for the intended task, and alternative sources of power such as wind or solar, when feasible.

E. Indiscriminate and excessive lighting should be avoided. Light should be directed only where it is needed, when it is needed, with the appropriate intensity. (Ord. 4617 § 6, 2010)

#### **17.71.060** Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Temporary emergency related lighting (e.g. fire, police, utility repair);
- C. Moving vehicle lights;
- D. Navigation lights (e.g., airports, heliports, radio/television towers);
- E. Signs in conformance with Chapter <u>17.60</u> of this code;
- F. Seasonal decorations provided they are not in use longer than sixty consecutive days;

G. Temporary or periodic events with temporary lighting as approved by the city (e.g., rodeos, revivals, fairs, fiestas, carnivals). Permanent lighting installations must conform to the requirements of this chapter;

H. Lighting on any single-unit residentially zoned lot, or multiple-unity residentially zoned lot that contains four units or less;

I. All outdoor light fixtures lawfully installed and operating prior to the effective date of the ordinance codified in this chapter. This exemption shall not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged;

J. Decorative low voltage (12V) lighting used to highlight driveways, landscaping, artwork and buildings providing they are properly aimed and shielded to not shine visible glare into the public right-of-way or onto adjacent or nearby properties;

K. Flag poles with the United States, state, foreign or municipal flags displayed by fully shielded topmounted light. If up-lighting is used, it shall be placed as close to the base of the pole as possible with a narrow cone or spread focused to minimize light spill into the night sky or onto adjacent properties;

L. Temporary lighting for television or movie film productions, roadway or utility construction or building construction. Permanent lighting installations must conform to the requirements of this chapter;

M. Emergency exiting or other public safety related lighting under the applicable California Code;

N. Underwater lighting to illuminate swimming pools, and other water features provided they meet all required Building, Electrical and other safety codes as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 4617 § 6, 2010)

#### 17.71.070 Prohibitions.

A. No outdoor lighting fixture may resemble a traffic signal or be operated in such a manner as to constitute a hazard or danger to persons for safe vehicular and pedestrian travel.

B. Lighting that is oriented upward, except as otherwise permitted by this chapter.

C. Searchlights, beacons, and laser source lights, except as permitted by the city under a special event permit in accordance with Section 17.60.070(B).

D. Lights that blink, flash, move, and revolve, except as otherwise permitted by the Bakersfield Municipal Code.

E. Permanent lighting directed at or into the Kern River or natural areas. (Ord. 4617 § 6, 2010)

#### 17.71.080 Fixture diagrams.

### Examples of Acceptable / Unacceptable Lighting Fixtures



(Ord. 4617 § 6, 2010)

## Chapter 17.72 ENFORCEMENT

Sections:

17.72.010 Designated.

#### 17.72.010 Designated.

A. It shall be the duty of the code enforcement division, fire department, and/or police department to enforce this title as set forth herein. Pursuant to the provisions of California Penal Code Section <u>836.5</u>, any officer or employee of the building department of the city holding the position of building inspector III or higher may enforce the provisions of Title <u>17</u> of the Bakersfield Municipal Code and Chapter 2, Part 3, Division 13 of the California Health and Safety Code (Section <u>19100</u> et seq.) and may arrest a person without a warrant whenever that officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of any law which he or she has the duty to enforce. All departments, officials and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title and void.

B. The provisions of this title shall be interpreted and administered by the planning commission whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this title for purposes of inspection.

C. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be and the same is unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person, firm or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this title.

D. This title may also be enforced by injunction issued out of the Superior Court upon the suit of the city or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions of this code. (Ord. 4924 § 1, 2017; Ord. 3004 § 2, 1985; prior code § 17.76.010)

## Chapter 17.73 REASONABLE ACCOMMODATION

Sections:

17.73.010	Purpose.
17.73.020	Applicability.
17.73.030	Procedures.
17.73.040	Approval findings.
17.73.050	Conditions of approval.
17.73.060	Appeals.

#### 17.73.010 Purpose.

The purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures. (Ord. 5044 § 1, 2021)

#### 17.73.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance. (Ord. 5044 § 1, 2021)

#### **17.73.030 Procedures.**

A. A request for reasonable accommodation shall be submitted on an application form provided by the development services department or in the form of a letter to the development services director, and shall contain the following information:

1. The applicant's name, address, and telephone number;

2. Address of the property for which the request is being made;

3. The current use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;

5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and

6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection  $\underline{A}$  of this section for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation shall be reviewed by the development services director. If no approval is sought other than the request for reasonable accommodation, the director shall make a written determination within forty-five days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the planning commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the planning commission in compliance with the applicable review procedure for the discretionary review. (Ord. 5044 § 1, 2021)

#### 17.73.040 Approval findings.

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The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing in the request will be used by a person with a disability under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the city;

D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other reasonable accommodations that may provide an equivalent level of benefit. (Ord. 5044 § 1, 2021)

#### **17.73.050** Conditions of approval.

In granting a request for reasonable accommodation, the development services director or his/her designee, or the planning commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site. (Ord. 5044 § 1, 2021)

#### 17.73.060 Appeals.

A. Any person dissatisfied with any action of the development services director pertaining to this chapter may appeal to the planning commission within ten days after written notice of the director's decision is sent to the applicant by filing a written notice of appeal with the city clerk and shall specify the reasons for the appeal and the grounds asserted for relief.

B. Any person dissatisfied with any action of the planning commission pertaining to this chapter may appeal to the city council within ten days after the rendition of the decision of the planning commission by filing a written notice of appeal with the city clerk and shall specify the reasons for the appeal and the grounds asserted for relief. If any request for a reasonable accommodation is disapproved by the planning commission and no appeal is filed, such action by the planning commission shall be final and conclusive.

C. The city council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

D. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the appeal is made shall be deemed to have been waived.

E. After filing an appeal, the city council shall conduct a public hearing for the purpose of determining whether the appeal of the decision of the planning commission should be granted or denied. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and to any other persons who have filed a written request for notice at least ten days prior to the hearing. Any hearing may be continued from time to time. A decision of the city council shall be final and conclusive. (Ord. 5044 § 1, 2021)

#### The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.bakersfieldcity.us

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#### **Rincon Consultants, Inc.**



7080 North Whitney Avenue, Suite 101 Fresno, California 93720 559-228-9925

January 8, 2024 Project No: 20-10096

Jose Fernandez, Associate Planner City of Bakersfield Planning Division 1715 Chester Avenue Bakersfield, California 93301 Via email: Jfernandez@bakersfieldcity.us

#### Subject: CEQA Exemption Memorandum for Zoning Code Text Changes City of Bakersfield, Kern County, California

Dear Mr. Fernandez:

This memorandum provides an analysis to support the determination by the City of Bakersfield (the lead agency) that the proposed Zoning Code text changes are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) ("general rule" or "common sense") and of Title 14, Article 18, 15620 of the California Code of Regulations (statutory). The proposed project falls within the sphere of the general rule or common sense rule, that CEQA applies only to development which have the potential for causing a significant effect on the environment, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is not subject to CEQA.

## **Project Background**

The proposed project includes text-only changes of the Bakersfield Zoning Code to promote the development of housing in the city and to ensure consistency with State law. These text changes in and of themselves would not result in growth or increased development in Bakersfield. Text changes include:

- New Zoning purpose statements
- Reduced minimum parcel size for the Residential Suburban (R-S) Zone from 24,000 square feet to 22,000 square feet. This zone would still allow for the accommodation of non-domesticated animals.
- Removal of the Estate, One-Family Dwelling (E) Zone.
- Reducing overall setbacks to expand development flexibility for all residential zones.
- New Very-High Density Multi-Unit Dwelling Zone (R-5) and Urban Core (R-6) Zone development standards.
- New tabular format for the land use and permit and development standards tables.
- Examination of permit requirements for the new Mixed-Use Zones
- Use of new terminology including:
- "Single-unit/multi-unit" instead of "single-family/multi-family"
- "Community Care Facility" instead of "Residential Care Facility"
- "Places of Assembly" instead of "Churches"



- Added definitions for "Public and Quasi-Public Uses," "Low-Barrier Navigation Center," "New Mixed-Use," "Mixed-Use, Horizontal," and "Mixed-Use, Vertical."
- Inclusion of Multi-Unit Objective Design Standards which are focused on-site development and orientation with some structure requirements.

## **Exemption Analysis**

In order to determine if the proposed project is exempt, we reviewed potential CEQA exemptions that may apply to the proposed project. The following analysis reviews if the proposed project can be considered categorically exempt.

#### **Categorical Exemption**

Pursuant to CEQA Guidelines Section 15354, "Categorical Exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

CEQA Guidelines Sections 15300.2(a) through (f) list specific exceptions for which a CE may not be used. These exceptions are as follows:

a. **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The proposed project involves text changes to the Zoning Code for consistency with State law and does not in and of itself include any proposed development. As such, the proposed project would not impact an environmental resource of hazardous or critical concern. Therefore, the proposed project does not trigger these exemption exceptions.

b. **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed project involves text changes to the Zoning Code for consistency with State law and does not in and of itself include any proposed development. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts that are cumulatively considerable. In addition, through the City's development review process, future development projects would be evaluated for potential cumulative impacts and for consistency with all applicable policies of the City's General Plan, Zoning Ordinance, and City Code. Through this development review process, potential cumulative impacts to various natural and human-made resources would be evaluated. Therefore, implementation of the proposed project would not contribute to significant cumulative impacts, the proposed project does not trigger these exemption exceptions.

c. **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Due to the absence of unusual circumstances related to the project or on the project site, the project would not have a reasonable possibility for a significant effect on the environment due to unusual circumstances and this exception does not apply.



d. **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

According to the California Department of Transportation (2023), there are no state designated scenic highway sections within or near the City of Bakersfield. The nearest designated Scenic Highway is Route 190 near Lone Pine, approximately 160 miles northeast of the project site. The nearest eligible scenic highway is Route 58 located near Mojave, approximately 59 miles east of the project site. The proposed project does not trigger these exemption exceptions.

e. **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project involves adoption text changes to the Zoning Code for consistency with State law and does not in and of itself include any proposed development. The proposed project does not propose specific development projects, but facilitates residential development in the city. Because specific projects are not known at this time, the City cannot assess the specific impacts of development in qualitative terms. All housing development proposals will be subject to the State and local regulations regarding the treatment of hazardous materials, and project-specific environmental review. Furthermore, proposals are subject to development standards and conditions of approval as part of the permitting process, including environmental review. The proposed project does not trigger this exemption.

f. **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed project involves text changes to the Zoning Code for consistency with State law and does not in and of itself include any proposed development. The proposed project does not propose specific development projects, but facilitates residential development in the city. Because specific projects are not known at this time, the City cannot assess the specific impacts of development in qualitative terms. All housing development proposals will be subject to the policies listed in the 2002 General Plan, and project-specific environmental review. Furthermore, proposals are subject to development standards and conditions of approval as part of the permitting process, including environmental review. The proposed project does not trigger this exemption.

#### **Common Sense Applicability**

Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the "general rule" or "common sense" exemption, CEQA exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The CEQA Guidelines state in that section that "A project is exempt from CEQA if... [T]he activity is covered by common sense that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Whether a particular activity qualifies for the common sense exemption is a question of fact that is supported by substantial evidence submitted in connection with the project. (*CREED-21 v. City of San Diego* (2015) 234 Cal.App.4<sup>th</sup> 488, 510). The analysis must identify reasonably foreseeable physical changes and consider any environmental impacts that may result from those changes. (*Wal-Mart* 



Stores, Inc. v. City of Turlock (2006) 138 Cal.App.4th 273, 291; Muzzy Ranch Co. v. Solano County Airport Land Use Com. (2007) 41 Cal.4th 372, 386).

The proposed project involves adoption text changes to the Zoning Code for consistency with State law and does not in and of itself include any proposed development. The proposed project does not propose or approve any physical development. The proposed project is analyzed in the attached Initial Study and is not anticipated to result in any new changes to the physical environment.

The proposed project will not result in changes to the physical environment, nor will it result in potential environmental impacts. Furthermore, to ensure adequate factual support for the common sense exemption, an Initial Study has been completed analyzing each area of potential impact. The Initial Study determined that there would be no environmental impacts that would result from approval of the proposed project. As such, as shown in Attachment 1, Initial Study, the proposed project meets the criteria for the common sense exemption as identified above.

## Determination

Based on this analysis documented in this memorandum, the proposed Zoning Code text changes meet the criteria for a common sense exemption pursuant to Sections 15061(b)(3) of the **CEQA** *Guidelines*. Furthermore, exceptions to the applicability of a CE, as specified in section 15300.2(a) through (f) of the **CEQA Guidelines**, do not apply to the project. Therefore, it is concluded that the project is exempt from CEQA pursuant to the common sense exemption CEQA Guidelines Section 15061(b)(3)

Sincerely, **Rincon Consultants, Inc.** 

Kimiko Lizardi, Principal Project Manager 760-918-9444 klizardi@rinconconsultants.com

Matt Maddox, Principal CEQA Technical Lead 916-706-1374 mmaddox@rinconconsultants.com

#### Attachments

Attachment 1 Initial Study – Common Sense Exemption



# Zoning Code Text Changes

## Initial Study – Common Sense Exemption

prepared by

#### **City of Bakersfield**

1715 Chester Avenue Bakersfield, California 93301 Contact: Jose Fernandez, Associate Planner

prepared with the assistance of

**Rincon Consultants, Inc.** 7080 North Whitney Avenue, Suite 101 Fresno, California 93720

January 2024



# Zoning Code Text Changes

Initial Study – Common Sense Exemption

prepared by

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January 2024



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Appendix A Native American Tribal Consultation Correspondence

# **Acronyms and Abbreviations**

AB	Assembly Bill
AQMP	Air Quality Management Plan
BFD	Bakersfield Fire Department
BFE	Base Flood Elevations
BMC	Bakersfield Municipal Code
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAP	Climate Change Action Plan
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
CH <sub>4</sub>	Methane
CNEL	Community Noise Equivalent Level
CO <sub>2</sub>	Carbon Dioxide
CO <sub>2</sub> e	Carbon Dioxide Equivalent
CRHR	California Register of Historical Resources
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
CWS	California Water Service
DOC	California Department of Conservation
DOF	Department of Finance
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EPA	US Environmental Protection Agency
EOP	Emergency Operations Plan
FEMA	Federal Emergency Management Agency

FTA	Federal Transit Authority
GET	Golden Empire Transit
GHG	Greenhouse Gas
GWh	Gigawatt Hours
GSP	Groundwater Sustainability Plan
GWP	Global Warming Potential
HFCs	Hydrofluorocarbons
HMP	Hazard Mitigation Plan
IPCC	Intergovernmental Panel on Climate Change
KernCOG	Kern Council of Governments
KRGSA	Kern River Groundwater Sustainability Agency
LRA	Local Responsibility Area
MRP	Municipal Regional Stormwater Permit
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
$N_2O$	Nitrous Oxides
PRC	Public Resources Code
PFCs	Perfluorocarbons
PG&E	Pacific Gas and Electric
PPV	Peak Particle Velocity
RMS	Root Mean Square
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
SB	Senate Bill
SF <sub>6</sub>	Sulfur Hexafluoride
SFHA	Special Flood Hazard Areas
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMARA	Surface Mining and Reclamation Act
SRA	State Responsibility Area

- SWPPP Storm Water Pollution Prevention Plan
- SWRCB State Water Resources Control Board
- USFWS United States Fish and Wildlife Service
- UWMP Urban Water Management Plan
- VFHSZ Very High Fire Hazard Severity Zone
- VMT Vehicle Miles Traveled

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# **Initial Study**

## 1. Project Title

City of Bakersfield Zoning Code Text Changes

## 2. Lead Agency/Project Sponsor Name and Address

City of Bakersfield 1715 Chester Avenue Bakersfield, California 93301 661-326-3733

## 3. Contact Person and Phone Number

Jose Fernandez, Associate Planner, 661-326-3778

## 4. Project Location and Existing Setting

The study area includes the entire City of Bakersfield (hereinafter referred to as "City" or "Bakersfield"). Bakersfield is located in the southern region of the Central Valley and encompasses approximately 151 square miles.

The regional location of Bakersfield is shown in Figure 1 and the city limits are show in Figure 2.

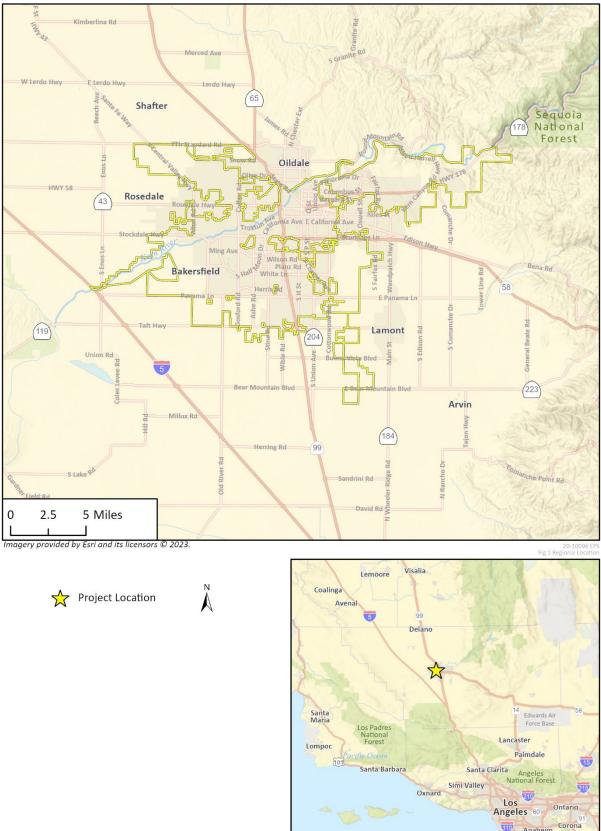
### **Existing Setting**

Bakersfield includes primarily single-family residential uses (approximately 72 percent of Bakersfield) with the remainder occupied by schools, civic buildings, religious institutions, parks and open space, industrial, and commercial uses. Bakersfield contains 61 public parks and other landscaped areas with wooded paths, tennis courts, pickleball courts, sports facilities, children's playgrounds, and picnic facilities. Bakersfield is largely developed and is within a landlocked setting which has influenced its historic development patterns and affects its potential for new housing and employment.

The housing stock of Bakersfield in 2023 was made up of 99,444 (72.4 percent) single-family detached homes, 3,541 (2.6 percent) single-family attached homes, 14,709 (10.7 percent) multifamily homes with 2 to 4 units, 16,895 (12.3 percent) multifamily homes with 5 or more units, and 2,738 mobile homes (1.9 percent) (DOF 2023).

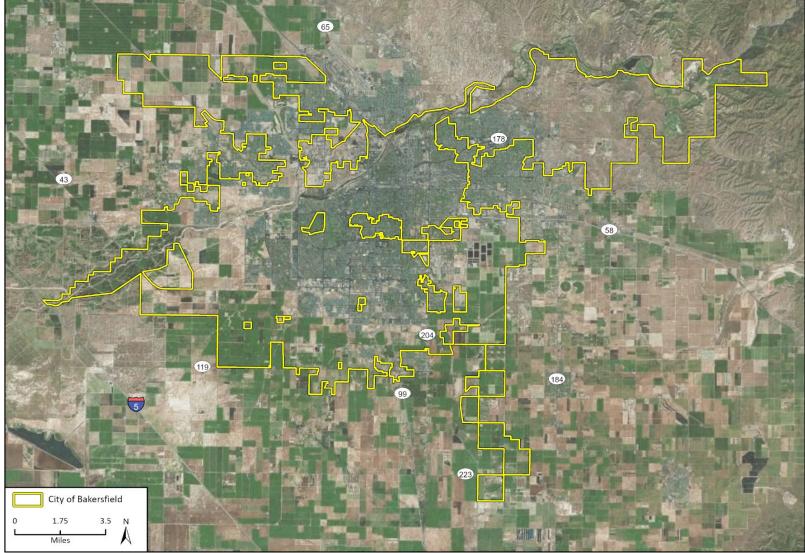
The Center of the City is mostly urbanized while the peripheral areas surrounding the center include agricultural and open space areas.





Anah

Figure 2 City of Bakersfield Location



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20-10096 EPS Fig 2 City of Bakersfield Location

# Zoning Code Text Changes Description

The proposed project includes text-only changes of the Bakersfield Zoning Code to promote the development of housing in the city and to ensure consistency with State law. These text changes in and of themselves would not result in growth or increased development in Bakersfield. Text changes include:

- New Zoning purpose statements
- Reduced minimum parcel size for the Residential Suburban (R-S) Zone from 24,000 square feet to 22,000 square feet. This zone would still allow for the accommodation of non-domesticated animals.
- Removal of the Estate, One-Family Dwelling (E) Zone.
- Reducing overall setbacks to expand development flexibility for all residential zones.
- New Very-High Density Multi-Unit Dwelling Zone (R-5) and Urban Core (R-6) Zone development standards.
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- Examination of permit requirements for the new Mixed-Use Zones
- Use of new terminology including:
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  - " "Places of Assembly" instead of "Churches"
- Added definitions for "Public and Quasi-Public Uses," "Low-Barrier Navigation Center," "New Mixed-Use," "Mixed-Use, Horizontal," and "Mixed-Use, Vertical."
- Inclusion of Multi-Unit Objective Design Standards which are focused on-site development and orientation with some structure requirements.

# 5. Required Approvals

With recommendations from the Planning Commission, the City Council would need to take the following future discretionary actions:

Approval of Zoning Code text changes

# 6. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

On June 22, 2023, the City of Bakersfield contacted California Native American Tribal governments by sending an Assembly Bill (AB) 52 and Senate Bill (SB) 18 notification letter via email to tribes with an affiliation with the project area based on a list provided by the Native American Heritage Commission (NAHC). Under AB 52, Native American tribes have 30 days to respond and request further project information and request formal consultation. Under SB 18, Native American tribes have 90 days to respond to request consultation. The City did not receive a request for formal consultation under AB 52 or SB 18. Therefore, no California Native American Tribes traditionally or culturally affiliated with the project area have requested consultation pursuant to Public Resources Code Section 21080.3.1.

# Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

Aesthetics	Agriculture and Forestry Resources	Air Quality
<b>Biological Resources</b>	Cultural Resources	Energy
Geology/Soils	Greenhouse Gas Emissions	Hazards & Hazardous Materials
Hydrology/Water Quality	Land Use/Planning	Mineral Resources
Noise	Population/Housing	Public Services
Recreation	Transportation	Tribal Cultural Resources
Utilities/Service Systems	Wildfire	Mandatory Findings of Significance

# Determination

Based on this initial evaluation, I find that the proposed project will not result in a physical change to the environment that would have a significant effect on the environment and is therefore subject to the common sense exemption pursuant to CEQA Guidelines Section 15061(b)(3).

Signature

Date

Printed Name

Title

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# **Environmental Checklist**

1	Aesthetics				
		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
	cept as provided in Public Resources Code ction 21099, would the project:				
a.	Have a substantial adverse effect on a scenic vista?				-
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				-
C.	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				-
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?				-

## **Environmental Setting**

Scenic views generally refer to visual access to, or the visibility of, a particular natural or man-made visual resource from a given vantage point or corridor. Focal views focus on a particular object, scene, setting, or feature of visual interest. Panoramic views, or vistas, provide visual access to a large geographic area, for which the field of view can be wide and extend into the distance. Panoramic views are usually associated with vantage points looking out over urban or natural areas that provide a geographic orientation and view not commonly available. Examples of panoramic views might include an urban skyline, a valley, a mountain range, the ocean, or other water bodies.

According to the Metropolitan Bakersfield General Plan, Bakersfield has various viewsheds and visual resources concentrated along the northern border of the city (City of Bakersfield 2002). Specifically, Northeast Bakersfield provides scenic hillside views of Bakersfield, the Kern River, and oilfields (City of Bakersfield 2022). Additionally, according to the Kern River plan, the Kern River,

which flows through the middle of Bakersfield, is a valuable visual resource in the area (Kern County 1985). There are no designated or eligible State scenic highways in the City (Caltrans 2023).

The topography of Bakersfield is generally flat and mostly developed with urban structures and infrastructure. Vegetation is mostly composed of urban landscaping, including nonnative, cultivated trees, shrubs, and grasses. Because of the relatively flat topography and low-lying structures, views of the Sierra Nevada foothills north of the city, Wheeler Ridge in the south, and the Tehachapi foothills in the east can be viewed from many parts of the city, particularly from streets and corridors oriented east-west and north-south. However, atmospheric conditions such as smog or haze, agricultural dust, and dense morning winter fog, sometimes limit long-range visibility to the hills and ridges.

## **Impact Analysis**

a. Would the project have a substantial adverse effect on a scenic vista?

An adverse effect would occur if a proposed plan would block or otherwise damage a scenic vista upon implementation. Generally, the varying topography and development throughout Bakersfield blocks surrounding views.

Because the proposed project involves Zoning Code text changes that do not involve or approve physical development (e.g., construction of housing or infrastructure), it would not result in impacts to scenic vistas. Further, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific development review, including design review pursuant to Bakersfield Municipal Code (BMC) Chapter 17.08 which governs site plan review and includes standards such as building height which would minimize impacts to scenic vistas. Therefore, there would be no impact.

### NO IMPACT

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no designated scenic highways or scenic corridors in the city. In addition, because the proposed project does not involve or approve physical development, it would not result in impacts to scenic highways or corridors. Therefore, there would be no impact.

### NO IMPACT

c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Bakersfield can be categorized as an urban area as it is largely built out with a mix of residential neighborhoods, commercial areas and corridors, and industrial areas, and has a population of more than 100,000 residents (CEQA Statute Section 21071). The proposed project does not include specific projects but puts forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not, in and of itself, conflict with applicable zoning and other regulations governing

scenic quality. Further, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to assess consistency with applicable zoning and other regulations governing scenic quality. Development proposals would be subject to the City's Zoning Ordinance and adopted development guidelines in addition to the city's Hillside Development Ordinance (Chapter 17.66 of the BMC). This ordinance protects visual resources concentrated along the city's northern border. There would be no impact.

#### **NO IMPACT**

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Bakersfield is an urbanized city with commensurate level of light and glare. Future development in Bakersfield would, in large part, occur as infill on already developed parcels or on vacant or underutilized sites within existing neighborhoods. New lighting could occur on buildings for safety and in pedestrian walkways, and light could be emitted from interior sources through windows on upper stories of tall buildings. The main source of glare would likely be from the sun shining on reflective or light-colored building materials and glazing.

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts to light and glare. In addition, future development would be reviewed for consistency with regulations related to light and glare contained in the Chapter 17.71 of the BMC which regulates outdoor lighting and indoor lighting if it is determined by the planning director that the indoor lighting causes a nuisance to neighboring properties. Therefore, there would be no impacts related to light and glare.

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# 2 Agriculture and Forestry Resources

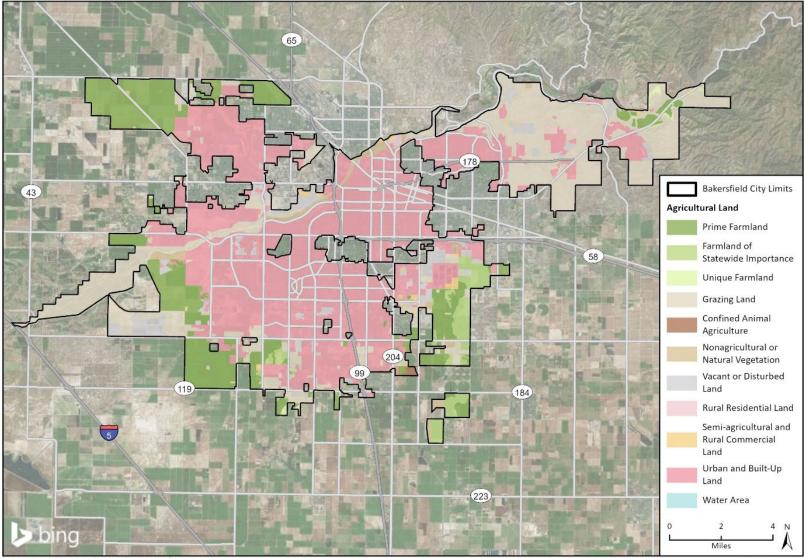
		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
b.	Conflict with existing zoning for agricultural use or a Williamson Act contract?				•
C.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				-
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				•
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				

## **Environmental Setting**

Bakersfield contains approximately 81,694 acres of land with a general plan land use designation for agricultural uses (City of Bakersfield 2022). There are 32,334 acres zoned for agricultural uses within Bakersfield. The city also contains an estimated 16,953 acres of land with a general plan designation for open space (City of Bakersfield 2022). As shown in Figure 3, a majority of land in Bakersfield is urban and built-up land. This land is concentrated in the center of the city with areas of prime farmland, unique farmland, and grazing land concentrated along the edges of the city limits (DOC 2022). There is no land under the Williamson Contract within Bakersfield.

City of Bakersfield Zoning Code Text Changes

Figure 3 Agricultural Land in Bakersfield



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Fig X Agricultural Land

### **Impact Analysis**

- a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- *b.* Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. There is active farmland on the edges of the city limits, however future development would be required to comply with policies included in the Conservation/Soils and Agriculture Element of the Metropolitan Bakersfield General Plan including Policy 2,3, and 14 which requires the protection of agricultural land and extensive review of projects proposing to urbanize agricultural land to determine how commercial agriculture will continue on site and the appropriateness of the proposal considering features such as soil type and surrounding uses (City of Bakersfield 2002). Additionally, future development that would require discretionary approval would be required to undergo a project specific CEQA process to determine the specific impacts of that project. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), or conflict with existing zoning and existing Williamson Act contracts, and no impact would occur.

#### **NO IMPACT**

- c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

"Forest land" is defined in PRC Section 12220(g) pursuant to the California Forest Legacy Program Act of 2007 as land that can support 10 percent or more native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. The City's zoning map indicates that there are no areas within Bakersfield zoned for forestry, timberland, or timberland production (City of Bakersfield 2022). Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, or timberland Production, and no impact would occur.

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The proposed project does not include specific projects but sets forth goals and policies to encourage new housing development in Bakersfield. Further, there is no land in Bakersfield designated as forest land, or timberland zoned as Timberland Production (City of Bakersfield 2022). Additionally, as discussed above, because the proposed project does not involve specific development, the proposed project would not result in conversion of farmland. Therefore, the proposed project would not result in other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use, and no impact would occur.

# 3 Air Quality

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
W	ould the project:				
a.	Conflict with or obstruct implementation of the applicable air quality plan?				•
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				
c.	Expose sensitive receptors to substantial pollutant concentrations?				-
d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				

# **Environmental Setting**

Bakersfield is located in the San Joaquin Valley Air Basin (SJVAB). The SJVAB extends to eight counties in the San Joaquin Valley Area. The SJVAB is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD) The SJVACPD is responsible for development of the regional Air Quality Management Plan (AQMP), which is a comprehensive program for compliance with federal and State air quality planning requirements including California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). The most recently adopted AQMP is the 2018 PM<sub>2.5</sub> Plan for the San Joaquin Valley and the 2022 Ozone Plan for the San Joaquin Valley.

The SJVAB is in non-attainment for the federal standards for ozone and  $PM_{2.5}$  and the State standards for ozone and  $PM_{2.5}$  (SJVAB 2012). The SJVAB is in non-attainment for the state standards for ozone,  $PM_{10}$ , and  $PM_{2.5}$ . The SJVAB is designated unclassifiable or in attainment for all other federal and State standards. This analysis conforms to the methodologies recommended in the SJVAPCD's *CEQA Air Quality Guidelines* (2002).

## **Impact Analysis**

#### a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The proposed project, in and of itself, does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts to air quality. In addition, Policy 1 in the Conservation/ Air Quality Element of the Metropolitan

Bakersfield General Plan requires compliance with SJVACPD control measures for reactive organic gases (ROGs). Policy 2 encourages land use and land use practices that do not contribute significantly to air quality degradation. Policy 3 requires dust abatement measures during grading and construction operations. And Policy 4 requires the City to consider air quality impacts when reviewing discretionary permits for land use proposals. These policies would be applicable to future development. These policies would reduce fugitive dust emissions and ROGs. Future development would also be required to comply with air quality plans such as 2018 PM <sub>2.5</sub> for the San Joaquin Valley and the 2022 Ozone Plan for the San Joaquin Valley which include regulations set by the SJVACPD and the California Air Resources Board (CARB) to reach attainment for Pm <sub>2.5</sub> and Ozone in the San Joaquin Valley. Future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential project level impacts related to air quality. There are no impacts associated with the proposed project.

#### NO IMPACT

- b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c. Would the project expose sensitive receptors to substantial pollutant concentrations?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements.

In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Short-term air quality impacts resulting from construction of future development in Bakersfield, such as dust generated by clearing and grading activities, exhaust emissions from gas-and diesel-powered construction equipment, and vehicular emissions associated with the commuting of construction workers will be subject to SJVACPD rules and protocols. Similarly, operational impacts associated with future development in Bakersfield would be addressed by provisions in the Metropolitan Bakersfield General Plan and other regulations and standards that govern air quality in Bakersfield. Impacts identified for an individual project would be addressed through the project approval process specific to concerns for that project.

Therefore, the adoption of the proposed project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard or expose sensitive receptors to substantial pollutant concentrations. There are no impacts associated with the proposed project.

#### NO IMPACT

# d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The occurrence and severity of potential odor impacts depends on a number of factors, including the nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of the receiving location, each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to odors or other potential emissions. In addition, SJVACPD's 2002 CEQA *Air Quality Guidelines* land uses associated with odor complaints as wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The Zoning Code text changes are to encourage residential development and would not facilitate or allow additional industrial or manufacturing beyond what is already allowed under the Zoning Code. Therefore, the proposed project would not create new major sources of odor and would not create objectionable odors to surrounding sensitive land uses. Therefore, there would be no impact.

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# 4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either				

- directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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# **Environmental Setting**

Although Bakersfield is highly urbanized, the city still contains many natural open spaces and distinct ecological communities. Bakersfield includes several designated habitats such as non-native grassland, valley sink scrub, Sierra-Tehachapi saltbrush scrub, valley saltbush scrub, great valley mesquite scrub, and southern cottonwood-willow riparian forest (City of Bakersfield 2022).

"Endangered" species are those considered in imminent danger of extinction due their limited numbers. "Threatened" species refers to those likely to become endangered within the foreseeable future, primarily on a local scale. "Sensitive" species are those that are naturally rare or have been locally depleted or put at risk by human activities. Bakersfield has occurrences of the following special-status species: San Joaquin kit fox, blunt-nosed leopard lizard, tipton kangaroo rat, San Joaquin (Nelson's) antelope squirrel, Bakersfield cactus, Tulare psudobahia, California jewelflower, striped adobe lily, and Bakersfield saltbrush (City of Bakersfield 2022).

According to the U.S. Fish and Wildlife Service (USFWS), there is no critical habitat for special-status species within Bakersfield (USFWS 2023).

The Kern River flows through Bakersfield and there are several creeks throughout the city. The Kern River provides habitat for various wildlife. The Kern River Parkway Plan and the Kern River Plan Element includes policies to protect sensitive habitats in and around the Kern River.

### **Impact Analysis**

- a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The special status species that may occur within Bakersfield are discussed in the setting section above. There are several wetlands and areas of riparian habitat along the Kern River in Bakersfield. There are no wildlife movement corridors within Bakersfield.

The proposed project does not include specific projects but puts forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts to biological resources.

In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Short-term impacts resulting from construction would be subject to State and City

regulations. Similarly, operational impacts would be addressed by provisions in the Metropolitan Bakersfield General Plan and other regulations and standards that govern biological resources in Bakersfield and the region. Specifically, Policy 1 of the Conservation/Biological Resources Element aims to direct development away from "sensitive biological resource" areas unless effective mitigation measures can be implemented. Future projects would also be subject to permitting pursuant to the Clean Water Act (CWA) and California Fish and Game Code (CFGC). Requirements commonly required under the CFGC and CWA include measures to protect streams and bodies of water along with riparian habitats.

Impacts identified for an individual project would be addressed through the project approval process specific to concerns for that project. The proposed project would have no impact to candidate, sensitive or special status species, riparian habitat, state or federally protected wetland or wildlife movement or corridors.

#### **NO IMPACT**

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed project, in and of itself, does not include the development of a specific site, rather it includes Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Bakersfield currently has not implemented a Tree Preservation Ordinance and does not regulate tree removal on private property. However, codes 12.40.060 and 12.40.070 of the BMC forbid the removal or trimming of City owned landscaping material. On-going implementation of Bakersfield municipal code and general plan goals and policies through site-specific design review and use permits would reduce potential impact to protected trees. Therefore, the proposed project would have no impact.

#### **NO IMPACT**

*f.* Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Metropolitan Bakersfield Habitat Conservation Plan expired June 1, 2023 (City of Bakersfield 2022). Currently, Bakersfield does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The proposed project, in and of itself, does not propose specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Future development would be required to comply with federal, State, and local regulations. There would be no impact.

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# 5 Cultural Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
C.	Disturb any human remains, including those interred outside of formal cemeteries?				

# **Environmental Setting**

CEQA requires that a lead agency determine whether a project could have a significant effect on historical resources (PRC, Section 21084.1), unique archaeological resources (PRC Section 21083.2 [g]). A historical resource is a resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR) (Section 21084.1), a resource included in a local register of historical resources (Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (Section 15064.5[a][3]).

Impacts to significant cultural resources that affect the characteristics of any resource that qualify it for the National Register of Historic Places (NRHP)or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion or eligibility for inclusion in the CRHR (CEQA Guidelines Section 15064.5[b][2][A]).

# **Impact Analysis**

- a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
- b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The City of Bakersfield maintains an inventory of historic buildings and sites within the city. According to that inventory, there are 63 historic sites within Bakersfield (City of Bakersfield 2022c). Most of these sites are clustered in the center of the city along Truxton Avenue.

The City of Bakersfield does not maintain an inventory of archaeological sites, but it is assumed that archaeological sites are present in Bakersfield and the surrounding areas. Therefore, there is potential to encounter unidentified resources on future development sites.

However, the proposed project does not include specific projects but puts forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not create adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 or cause a substantial adverse change in the significance of an archaeological resource. In addition, future development would be required to comply with federal, State, and local regulations and policies to preserve historical and archeological resources. Therefore, the adoption of the proposed project would have no impact on historical or archaeological resources.

#### NO IMPACT

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not disturb human remains, including those interred outside of formal cemeteries. Individual projects are not proposed as part of the proposed project. Development projects are subject to State of California Health and Safety Code Section 7050.5 which states that, if human remains are unearthed, no further disturbance can occur until the county coroner has made the necessary findings as to the origin and disposition of the remains pursuant to the PRC Section 5097.98. Therefore, the adoption of the proposed project would not disturb human remains and there would be no impacts.

# 6 Energy

	07				
		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
W	ould the project:				
a.	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				
b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				

# **Environmental Setting**

Most of the electricity generated in California is from natural gas-fired power plants, which provided approximately 50 percent of total electricity generated in 2021. In 2021, California used 277,764 gigawatt hours (GWh) of electricity and produced 70 percent of the electricity it used and imported the rest from outside the state (California Energy Commission [CEC] 2021).

In 2018, Senate Bill 100 accelerated the State's Renewable Portfolio Standards Program, codified in the Public Utilities Act, by requiring electricity providers to increase procurement from eligible renewable energy and zero-carbon resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045. Pacific Gas and Electric (PG&E) is the electricity provider that serves Bakersfield. Southern California Gas Comp is the natural gas provider for the City. As of 2021, PG&E provided approximately 50 percent of clean energy mostly sourced from wind, geothermal, biomass, solar and small hydroelectric facilities (PG&E 2021).

## **Impact Analysis**

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The proposed project does not involve or approve physical development and therefore would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Future development requiring discretionary approval would be required to undergo project-specific evaluation to quantify specific impacts to energy consumption, which would occur during the permitting process for that project. Individual projects would be required to comply with the BMC Chapter 15.05, which adopts the 2022 California Building Code (CBC), which includes Title 24, Part 6 known as the "California Energy Code.", as well as Title 24, Part 11 which outlines the "Green Building Standards Code" or "CALGreen." Future development would also be required to adhere to requirements regarding solar systems pursuant to the most updated Title 24 standards. Adherence to these

requirements would minimize the potential for future development to result in the wasteful or unnecessary consumption of vehicle fuels. Therefore, there would be no impact.

#### **NO IMPACT**

*b.* Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Future development would be subject to the energy conservation requirements of the California Energy Code, the California Green Building Standards Code, and local policies such as the BMC. Therefore, there would be no impact.

# 7 Geology and Soils

			Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould t	he project:				
a.	sub	ectly or indirectly cause potential stantial adverse effects, including the of loss, injury, or death involving:				
	1.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				
	2.	Strong seismic ground shaking?				•
	3.	Seismic-related ground failure, including liquefaction?				•
	4.	Landslides?				•
b.		ult in substantial soil erosion or the of topsoil?				•
C.	is uns uns pote lanc	ocated on a geologic unit or soil that nstable, or that would become table as a result of the project, and entially result in on- or off-site dslide, lateral spreading, subsidence, efaction, or collapse?				•
d.	in T Cod	ocated on expansive soil, as defined able 18-1-B of the Uniform Building le (1994), creating substantial direct ndirect risks to life or property?				
e.	sup alte whe	e soils incapable of adequately porting the use of septic tanks or rnative wastewater disposal systems ere sewers are not available for the posal of wastewater?				•
f.	pale	ectly or indirectly destroy a unique eontological resource or site or unique logic feature?				•

# **Environmental Setting**

Bakersfield is located within the San Joaquin Valley at the base of the Sierra Nevada. The valley is a north-west trending trough between the Sierra Nevada on the east and the Coast Range mountains on the west (City of Bakersfield 2002).

There are several faults near Bakersfield including the San Andreas Fault (35 miles south), the Garlock Fault (35 miles southeast), the Wheeler Ridge Fault (26 miles southwest), the Pleito Fault (27 miles south), the White Wolf Fault (18 miles southeast), the Premier Fault (11 miles north), the Kern Front Fault (5 miles north), and several areas east of the city marked as unnamed ground breaks of the 1952 Earthquake (DOC 2021).

Bakersfield includes potential seismic hazards such as strong ground shaking, fault rupture, liquefaction, earthquake induced landslides, subsidence, landslides, flooding, and potential inundation from the failure of Lake Isabella dam). Specifically, the area in southwestern Bakersfield near Panama Lane is at the highest risk of earthquake induced liquefaction due to the high water table (City of Bakersfield 2022). This area also has the highest risk of subsidence. Risks of liquefaction and subsidence elsewhere in the city are low. Landslides within the city are most likely to occur in the foothills to the east and northeast of the city and along the Kern River Canyon and floodplain (City of Bakersfield 2002).

## **Impact Analysis**

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

As discussed above under Environmental Setting, the Premier Fault, Kern Front Fault, and unnamed ground breaks of the 1952 earthquake run closest to Bakersfield.

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to surface rupture. Furthermore, future development would be required to comply with policies included in the Safety/Public Safety Element of the Metropolitan Bakersfield General Plan including Policy 10 which prevents development designed for human occupancy within 50 feet of a known active fault and prevents buildings from being placed astride an active fault. Future development would also be required to comply with the CBC which sets guidelines seismic safety in construction. There would be no impact.

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Although Bakersfield is not directly in or above a known fault zone, there are several faults that run near the city including the San Andreas Fault, resulting in a potential for strong seismic ground shaking along its alignment.

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to geologic hazards. Future development accommodated under the proposed project would be subject to adopted development guidelines and required to adhere to 2022 California Building Code (Title 24, Part 2) requirements, policies in the Safety/Public Safety Element of the Metropolitan Bakersfield General Plan such as Policy 10 prevents development designed for human occupancy within 50 feet of a known active fault and prevents buildings from being placed astride an active fault. In addition, Policy 11 requires site-specific studies to locate and characterize fault traces within an Alquist Priolo Fault Zone for construction designed for human occupancy. Additionally, future development would be subject to BMC Section 16.44.010 which requires a preliminary soil report and grading plan to reduce impacts related to seismic hazards. Therefore, there would be no impacts related to earthquake faults and seismic ground shaking.

#### **NO IMPACT**

- a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?
- a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

As discussed in the setting section above, liquefaction risk is highest in southern Bakersfield and landslides are most likely to occur in the foothills east and northeast of the city and along the Kern River Canyon and floodplain.

The proposed project does not propose specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to liquefaction or landslides. Development accommodated under the proposed project would be subject to adopted development guidelines and required to adhere to CBC requirements, policies in the Safety/Public Safety Element of the Metropolitan Bakersfield General Plan, and applicable State and local regulations. BMC Section 16.44.010 which requires a preliminary soil report and grading plan, would be applicable to future development. Additionally, policy 13 of the Safety/Public Safety Element requires the determination of liquefaction potential at sites with high groundwater prior to development and the implementation of mitigation to prevent or reduce damage from liquefaction would be applicable. Therefore, the proposed project would result in no impacts.

#### b. Would the project result in substantial soil erosion or the loss of topsoil?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to substantial soil erosion or the loss of topsoil. In addition, future development would be required to comply with CBC, Appendix Section J110, Erosion Control Standards, which ensures appropriate erosion and stormwater pollution control during grading and construction activities. Additionally, future construction activities that occur on more than one acre are required to obtain a National Pollutant Discharge Elimination System (NPDES) Construction General Permit. NPDES requires the development of a storm water pollution prevention plan (SWPPP), which includes best management practices (BMPs) to reduce erosion and topsoil loss from stormwater runoff. BMPs generally include an effective combination of erosion and sediment controls, which include barriers such as silt fences, hay bales, drain inlet protection, or gravel bags. Impacts identified for an individual project would be addressed through the project approval process specific to concerns for that project. The proposed project would have no impact to substantial soil erosion or the loss of topsoil.

#### **NO IMPACT**

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Impacts related to landslides and liquefaction are addressed under *Impacts a.3.* and *a.4.*; therefore, this discussion focuses on impacts related to unstable soils as a result of lateral spreading, subsidence, or collapse. Lateral spreading occurs as a result of liquefaction; accordingly, liquefaction-prone areas would also be susceptible to lateral spreading. Subsidence occurs at great depths below the surface when subsurface pressure is reduced by the withdrawal of fluids (e.g., groundwater, natural gas, or oil) resulting in sinking of the ground. Expansive soils swell with increases in moisture content and shrink with decreases in moisture content. These soils usually contain high clay content. Expansive soils can cause foundations, basement walls and floors to crack, causing substantial structural damage. As such, structural failure due to expansive soils near the ground surface is a potential hazard.

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to lateral spreading, subsidence, or collapse. Further, future development would be required to comply with the CBC's minimum standards for structural design and site development. Therefore, CBC-required incorporation of soil treatment programs (replacement, grouting, compaction, drainage control, etc.) in the excavation and construction plans can achieve an acceptable degree of soil stability to address site-specific soil conditions. In addition, future development would be required to adhere to BMC Section 16.44.010 which requires a preliminary soil report and grading plan to minimize impacts related to unstable soils. Therefore, the proposed project would have no impacts related to unstable soils as a result of lateral spreading, subsidence, or collapse.

# d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Soils that volumetrically increase (swell) or expand when exposed to water and contract when dry (shrink) are considered expansive soils. The potential for soil to shrink and swell depends on the amount and types of clay in the soil. Highly expansive soils can cause structural damage to foundations and roads without proper structural engineering and are less suitable or desirable for development than non-expansive soils because of the necessity for detailed geologic investigations and costlier grading applications.

The proposed project does not propose specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to expansive soils.

In addition, future projects would be required to adhere to State and local requirements, such as the CBC, BMC Section 16.44.010 which requires a preliminary soil report and grading plan, and policy 13 of the Safety/Public Safety Element of the Metropolitan Bakersfield General Plan would require mitigation to be incorporated into foundation design for development in areas of known liquefaction within the city. Additionally, the CBC includes requirements to address soil-related hazards. Typical measures to treat hazardous soil conditions involve removal of soil or fill materials, proper fill selection, and compaction. In cases where soil remediation is not feasible, the CBC requires structural reinforcement of foundations to resist the forces of expansive soils. Therefore, the proposed project would have no impacts related to expansive soils.

#### NO IMPACT

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to septic tanks and wastewater disposal. In addition, future development is anticipated to be connected to the municipal waste disposal system. Therefore, the proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater and no impact would occur.

#### NO IMPACT

*f.* Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontological resources, or fossils, are the evidence of once-living organisms preserved in the rock record. They include both the fossilized remains of ancient plants and animals and the traces thereof (e.g., trackways, imprints, burrows, etc.). Paleontological resources are not found in "soil" but are contained within the geologic deposits or bedrock that underlies the soil layer. There may be paleontological resources within Bakersfield, however, because the proposed project does not involve or approve physical development, the proposed project would not result in impacts to paleontological resources or unique geologic features. In addition, future development requiring

discretionary approval would be subject to development plan review to determine potential concerns related to paleontological resources or unique geologic features based on site-specific locations and development design. Therefore, the adoption of the proposed project would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature and no impact would occur.

# 8 Greenhouse Gas Emissions

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
W	ould the project:				
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				•
b.	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse				
	gases?				

## **Environmental Setting**

Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHGs). The gases widely seen as the principal contributors to human-induced climate change include carbon dioxide ( $CO_2$ ), methane ( $CH_4$ ), nitrous oxides ( $N_2O$ ), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere, and natural processes, such as oceanic evaporation, largely determine its atmospheric concentrations. GHGs are emitted by natural processes and human activities. Of these gases, CO<sub>2</sub> and CH<sub>4</sub> are emitted in the greatest quantities from human activities. Emissions of CO<sub>2</sub> are usually by-products of fossil fuel combustion, and CH<sub>4</sub> results from off-gassing associated with agricultural practices and landfills. Human-made GHGs, many of which have greater heat-absorption potential than CO<sub>2</sub>, include fluorinated gases and  $SF_6$  (U.S. EPA 2023). Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas  $(CO_2)$  is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as "carbon dioxide equivalent" ( $CO_2e$ ), which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 30, meaning its global warming effect is 30 times greater than  $CO_2$  on a molecule per molecule basis (IPCC 2021).

Bakersfield currently does not have a city-wide GHG inventory or adopted Climate Action Plan (CAP), however the City is currently in the process of developing a CAP. In 2008 SJVACPD adopted their Climate Change Action Plan (CCAP) which directed the development of guidance to assist Lead Agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific GHG emissions on global climate change. In 2009 SJVACPD adopted guidance which requires individual projects to either implement best management practices (BMPs) or demonstrate a 29 percent reduction in GHG emissions, from business-as-usual for impacts to be considered less than significant (SJVACPD 2012).

## **Impact Analysis**

- a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to GHG emissions. Further, development proposals for individual projects would be subject to adopted development guidelines, including standards that govern the emissions of GHGs. The City would require individual projects to comply with the latest Title 24 Green Building Code and Building Efficiency Energy Standards, which would reduce energy use from lighting, water-efficient faucets and toilets, and water efficient landscaping and irrigation. Development within Bakersfield would obtain electrical power from PG&E which sources 50 percent of their power from renewable sources. The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, there would be no impact related to GHGs.

# 9 Hazards and Hazardous Materials

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
C.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?				
d.	Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				•
e.	For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				•
f.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
g.	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				•

# **Environmental Setting**

The Department of Toxic Substances Control (DTSC) regulates hazardous waste in California primarily under the authority of the Resource Conservation and Recovery Act and the California Health and Safety Code. The DTSC also administers the California Hazardous Waste Control Law to regulate hazardous wastes. The Hazardous Waste Control Law lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

The DTSC EnviroStor database contains information on properties in California where hazardous substances have been released or where the potential for a release exists. The California State Water Resources Control Board (SWRCB) GeoTracker database contains information on properties in California for sites that require cleanup, such as leaking underground storage tank (LUST) sites, which may impact, or have potential impacts, to water quality, with emphasis on groundwater.

According to databases of hazardous material sites maintained by the DTSC (EnviroStor) and the SWRCB (GeoTracker), Bakersfield has the following types of hazardous sites that are still active or need further investigation: evaluation, voluntary cleanup, state response, corrective action, and school investigation, and cleanup program sites (DTSC 2023; SWRCB 2023). These sites are dispersed throughout the city.

### **Emergency Preparedness**

As required by State law, Kern County has adopted a Standardized Emergency Management System (SEMS) for managing response to multi-agency and multi-jurisdictional emergencies, and to facilitate communications and coordination among all levels of government and affected agencies. In addition, Kern County has adopted its Emergency Operations Plan (EOP) as of March 2022. The Kern County EOP provides for the coordination of emergency operations for the cities within its jurisdiction, including Bakersfield (Kern County 2022). Kern county also adopted an updated multi-jurisdiction Hazard Mitigation Plan (HMP) in 2020 to reduce the loss of life, personal injury, and property damage that can result from a disaster (Kern County 2020).

# Impact Analysis

- a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to hazardous material transport, use, or disposal. In addition, the use of potentially hazardous materials during construction of future development would be required to comply with federal, State, and local regulations regarding the handling of potentially hazardous materials. Likewise, the transport, use, and storage of hazardous materials during future construction would be required to comply with

applicable federal and State laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and California Code of Regulations Title 22. Future development would also be guided by the Kern County EOP and HMP.

Use of common household hazardous materials, such as cleaning and degreasing solvents, fertilizers, pesticides, and other materials used in regular property and landscaping maintenance, would also be subject to compliance with applicable federal and State laws, listed previously, as well as Policy 7 of the Safety/Public Safety Element of the Metropolitan Bakersfield General Plan which requires compliance with state and federal laws governing hazardous materials and enforces BMC ordinances regulating the manufacturing, sale, disposal or transport of hazardous materials. With adherence to these policies and regulations, there would be no impact.

#### **NO IMPACT**

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

The proposed project in and of itself does not include development and therefore would have no impact on existing or proposed schools. As discussed above, the proposed project would not involve the use or transport of large quantities of hazardous materials. Therefore, no impact would occur.

#### **NO IMPACT**

d. Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

As discussed in the Environmental Setting above, Bakersfield contains hazardous sites that are still active or require further investigation. The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts on hazardous waste sites or create a hazard to the public or environment. In addition, for future development that could occur on hazardous materials sites, in accordance with existing regulations, the City would coordinate with other agencies to address contamination of soil and groundwater from hazardous materials on various sites and require that contamination be cleaned up to the satisfaction of the City and other responsible agencies prior to issuance of permits for new development. Therefore, there would be no impact.

#### **NO IMPACT**

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

There are two airports within the Bakersfield Metro Area, Meadows Field Airport and Bakersfield Municipal Airport (City of Bakersfield 2022). Meadows Field serves as a commercial airport for Kern County while the Airpark is a general aviation airport. The proposed project does not involve or approve physical development. Future development in Bakersfield would be required to adhere to the master plans for both airports within Bakersfield. This would ensure that future development would not result in a safety hazard or excessive noise. There would be no impact.

#### **NO IMPACT**

*f.* Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to emergency response plans and emergency evacuation plans. Further, implementation of the SEMS, EOP and HMP would provide guidance during unique situations requiring an unusual or extraordinary emergency response. Additionally, as part of standard development procedures, plans would be submitted for review and approval to ensure that future development would have adequate emergency access and escape routes in compliance with existing City regulations. Additionally, the Safety/Public Safety Element of the Metropolitan Bakersfield General Plan includes policies to ensure the enforcement of emergency response plans and require discretionary approval projects to assess impacts on police and fire service facilities. The proposed project would not introduce features or policies that would preclude implementation of or alter these policies or procedures. There would be no impact.

#### **NO IMPACT**

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

As discussed in Section 20, *Wildfire*, Bakersfield does not lie within a State Responsibility Area (SRA) or very high fire hazard severity zone (VHFHSV) as designated by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE 2007). The proposed project, in and of itself, does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to loss, injury, or death caused by wildland fires. Further, future development would be required to comply with Policy 9 of the Metropolitan Bakersfield General Plan which restricts the use of fire prone building materials and Policy 2 which requires discretionary projects to assess the impacts to fire services. Additionally, future development is constructed to safeguard life and property from wildfire hazards. Therefore, there would be no impact.

# 10 Hydrology and Water Quality

			Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould t	he project:				
a.	was othe	ate any water quality standards or te discharge requirements or erwise substantially degrade surface or and water quality?				•
b.	supp grou proj	stantially decrease groundwater blies or interfere substantially with indwater recharge such that the ect may impede sustainable indwater management of the basin?				
C.	patt thro strea	stantially alter the existing drainage ern of the site or area, including ugh the alteration of the course of a am or river or through the addition of ervious surfaces, in a manner which Ild:				
	(i)	Result in substantial erosion or siltation on- or off-site;				•
	(ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
	(iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				•
	(iv)	Impede or redirect flood flows?				-
d.	risk	ood hazard, tsunami, or seiche zones, release of pollutants due to project idation?				•
e.	of a	flict with or obstruct implementation water quality control plan or ainable groundwater management ?				•

# **Environmental Setting**

### Water Supply

Bakersfield is serviced by the Bakersfield District of California Water Service (CWS). The City of Bakersfield receives water sourced from 51 groundwater wells, the Kern River, and treated water purchased from the Kern County Water Agency (CWS 2023). The water sourced from the Kern River is treated with advanced membrane filtration at surface water treatment plants owned by CWS and Kern County Water Agency (City of Bakersfield 2020).

### Surface Water

The Kern River flows through Bakersfield. The Kern River watershed covers approximately 3,612 square miles. The State Water Project California Aqueduct flows through the center of the city. Additionally, the Eastside Canal and Caliente Creek are located in east Bakersfield.

### Groundwater

Bakersfield is located within the San Joquin Valley-Kern County Groundwater Basin which is identified as high priority basin (Department of Water Resources [DWR] 2023). Water is supplied to Bakersfield from this subbasin through 51 groundwater wells. The City of Bakersfield is part of the Kern River Groundwater Sustainability Agency (KRGSA). KRGSA adopted their groundwater sustainability plan (GSP) in 2019 and the plan was amended in July 2022.

### Water Quality

Water quality in Bakersfield is governed by the Central Valley Regional Water Quality Control Board (CVRWQCB). According to the 2020 Water Quality Report, drinking water in Bakersfield is in compliance with primary and secondary drinking water standards (California Water Service 2020).

### Flooding

The Federal Emergency Management Agency (FEMA) establishes base flood elevations (BFE) for 100-year and 500-year flood zones and establishes Special Flood Hazard Areas (SFHA). SFHAs are those areas within 100-year flood zones or areas that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year. The 500-year flood zone is defined as the area that could be inundated by the flood which has a 0.2 percent probability of occurring in any given year, or once in 500 years, and is not considered an SFHA. Most areas of Bakersfield are within Flood Zone X which indicates a 0.2-1 percent chance of annual flood hazard.

### Dam Inundation

Flooding could potentially result from the failure of Isabella Dam which is located approximately 40 miles northeast of Bakersfield. The dam has the capacity to hold 570,000 acre feet of water and is built near a major earthquake fault (City of Bakersfield 2002). If an earthquake were to cause the dam to fail it has the potential to flood 60 square miles of metropolitan Bakersfield and the surrounding areas of Oildale and Greenacres. The probability of dam failure is extremely low (City of Bakersfield 2002).

### **Impact Analysis**

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts that violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. In addition, future development would be subject to compliance with existing regulations, standards, and guidelines established by the federal, State, and local agencies in addition to the goals and policies in the Metropolitan Bakersfield General Plan and BMC related to water quality. This includes compliance with the requirements of the SWRCB Construction General Permit, which requires preparation and implementation of a SWPPP for projects that disturb one acre or more of land. The SWPPP must include erosion and sediment control BMPs that would meet or exceed measures required by the Construction General Permit, as well as those that control hydrocarbons, trash, debris, and other potential construction-related pollutants. Post-construction stormwater performance standards are also required to specifically address water quality and channel protection events. Implementation of these BMPs would prevent or minimize environmental impacts and ensure that discharges during the construction phase of new development would not cause or contribute to the degradation of water quality in receiving waters.

#### **NO IMPACT**

- b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- *e.* Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not, in and of itself, result in impacts that would substantially decrease groundwater supplies or interfere substantially with groundwater recharge that would impede sustainable groundwater management of the basin, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. In addition, future development would be required to comply with Provision C.3 of the MRP which promotes infiltration. Implementation of LID measures would increase absorption of stormwater runoff and the potential for groundwater recharge. Future development would not conflict with implementation projects or goals outlined in the GSA to preserve water quality and groundwater supplies in the area. Therefore, there would be no impact.

- c(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?
- c(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- c(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- c(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts that would substantially alter the existing drainage pattern of a site or area, resulting in substantial erosion, flooding, surface runoff, or redirection of flood flows. In addition, future development would be required to comply with BMC Section 14.12.220 which describes prohibited discharges. Additionally, pursuant to BMC Section 8.34.060 future projects would be required to comply with a NPDES permit issued for discharge, as well as BMPs for construction. Operators of a construction site would also be responsible for preparing and implementing a SWPPP that outlines project specific BMPs to control erosion, sediment release, and otherwise reduce the potential for discharge of pollutants in stormwater. Therefore, the proposed project would not generate a substantial increase in runoff that would result in substantial erosion, siltation, flooding on- or off-site; or increase polluted runoff. There would be no impact.

Further, future development would be required to comply with existing programs and permits such as the Municipal Regional Stormwater NPDES Permit (No. CA 00883399). Development design would include BMPs to avoid adverse effects associated with stormwater runoff quality. Specifically, future development would be required to implement LID Measures and on-site infiltration, as required under the C.3 provisions of the Municipal Regional Stormwater Permit (MRP). Additionally, future development would be required to comply with policies outlined in the Public Services and Facilities Element of the Metropolitan Bakersfield General Plan and regulations outlined in Chapter 8.35, Stormwater System, of the BMC. Therefore, the proposed project would not violate water quality standards or waste discharge requirements, and there would be no impact.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not, in and of itself, result in impacts regarding flood hazards. In addition, future development would be reviewed for consistency with federal, State, and local requirements to limit flood hazards, including release of pollutants. As discussed in the Environmental Setting above, most of Bakersfield is within Flood Zone X (FEMA 2023). Future development would be required to comply with BMC Section 15.74.120, which contains standards for construction in flood zones, including using building materials and techniques and ensures that flood-resistant design occurs per the most restrictive provisions available. The Kern County Multijurisdictional Hazard Mitigation Plan, which covers Bakersfield and sets guidelines to reduce risk and preventing loss from natural hazard events, including floods and mitigation strategies. Therefore, the proposed project would not result in impacts related to the release of pollutants due to project inundation.

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# 11 Land Use and Planning

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
W	ould the project:				
a.	Physically divide an established community?				-
b.	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				

### **Environmental Setting**

Bakersfield has a mix of residential, industrial, commercial, and agricultural/open space within the city. Agriculture and open space are primarily concentrated around the edges of the city, while industrial, commercial, and residential uses are dispersed throughout the center of the city (City of Bakersfield 2022).

### **Impact Analysis**

### a. Would the project physically divide an established community?

The proposed project consists of Zoning Code changes that do not involve or approve physical development. Therefore, it would have no impact on dividing an established community. Further, the proposed project would prioritize the development of new housing on infill and appropriately zoned vacant sites within areas of Bakersfield. Future development facilitated by the proposed project would be located near public transportation, schools, retail, and other services and would not involve the construction of new roads, railroads, or other features that may physically divide established communities in Bakersfield. Consequently, the proposed project would not impact the physical division of an established community. No impact would occur.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The Zoning Code changes included in the proposed project would serve to encourage new housing throughout Bakersfield and bring the Zoning Code in alignment with state law.

The proposed project would encourage housing development in the city. Future development would be reviewed by the City for consistency with adopted local and State laws, regulations, standards, and policies. Impacts related to conflicts with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect would have no impact.

# 12 Mineral Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific	_	_		_
	plan, or other land use plan?				

# **Environmental Setting**

Bakersfield is in a major oil producing region and there are oil, natural gas, sand, and gravel resources within the city. The city of Bakersfield has 590 oil and gas wells which are spread throughout the city (City of Bakersfield 2022). The city also has sand and gravel extraction areas which are concentrated along the floodplain and alluvial fan of the Kern River. Additionally, there is potential for gemstones and fossils in the foothills of the Sierra Nevada Mountains which are outside of the city (City of Bakersfield 2002).

# Impact Analysis

- a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not, in and of itself, result in impacts to mineral resources. In addition, future development would be required to comply with the Surface Mining and Reclamation Act (SMARA) and with policies included in the Metropolitan Bakersfield General Plan including Policies 4, 5, 9, 10, and 11. These general pan policies require land use decisions to be made recognizing the need for conservation of mineral resources, fossils, and gemstones, protection of signification mineral and petroleum areas, the implementation of CEQA to reduce environmental impacts, and the prohibition of incompatible development in areas of mineral and petroleum extraction and processing. Adherence to these polices would ensure that impacts would be less than significant.

### LESS THAN SIGNIFICANT IMPACT

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# 13 Noise

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
W	ould the project result in:				
a.	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				-
b.	Generation of excessive groundborne vibration or groundborne noise levels?				-
c.	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				•

# **Environmental Setting**

### Noise

Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. The unit of measurement used to describe a noise level is the decibel (dB). Decibels are measured on a logarithmic scale that quantifies sound intensity. A doubling of the energy of a noise source, such as a doubling of traffic volume, would increase the noise level by 3 dB; similarly, dividing the energy in half would result in a decrease of 3 dB. Noise sensitive land uses generally include residences, hospitals, schools, churches, libraries, and parks.

### Ground-borne Vibration

Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steelwheeled trains, and traffic on rough roads. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean square (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in./sec.). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. A PPV of 0.035 is considered barely noticeable while a PPV of 2.00 is considered severe (Caltrans 2020). Vibration sensitive receivers, which are similar to noise-sensitive receivers, include residences and institutional uses, such as hospitals, schools, and churches. However, vibration-sensitive receivers also include buildings where vibrations may interfere with vibration-sensitive equipment that is affected by vibration levels that may be well below those associated with human annoyance (e.g., recording studies or medical facilities with sensitive equipment).

### Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors has been developed. The noise descriptors used for this analysis is the community noise equivalent level (CNEL).

- The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period. Typically, Leq is equivalent to a one-hour period, even when measured for shorter durations as the noise level of a 10- to 30-minute period would be the same as the hour if the noise source is relatively steady. Lmax is the highest Root Mean Squared (RMS) sound pressure level within the sampling period, and Lmin is the lowest RMS sound pressure level within the measuring period (Crocker 2007).
- The CNEL is a 24-hour equivalent sound level with an additional 5 dBA penalty to noise occurring in the evening hours, between 7:00 p.m. and 10:00 p.m. and an additional 10 dBA penalty to noise occurring during the night, between 10:00 p.m. and 7:00 a.m., to account for the added sensitivity of humans to noise during these hours (Caltrans 2013). Quiet suburban areas typically have a CNEL in the range of 40 to 50 dBA, while areas near arterial streets are in the 50 to 70+ CNEL range (FTA 2018).

### Noise Sensitivity

The Metropolitan Bakersfield General Plan identifies residential areas, schools, convalescent and acute care homes, and parks and recreational areas as noise sensitive areas. These uses are dispersed throughout the city. The largest sources of noise within the city are vehicles on state highways and major local streets, aircraft overflight from nearby airports, and local industrial and commercial activity (City of Bakersfield 2022).

### **Impact Analysis**

- a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- *b.* Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not, in and of itself, result in generation of a substantial temporary or permanent increase in ambient noise or vibration levels in Bakersfield. In addition, residential uses typically do not generate substantial levels of noise or vibration. Development proposals for individual projects would be subject to adopted development guidelines. Construction and operation of future development would be required to comply with Bakersfield's noise ordinance and policies included in the Noise Element of the Municipal Bakersfield General Plan. The Bakersfield noise ordinance specifically prohibits construction

activities before 6 a.m. and after 9 p.m. Monday through Friday, and before 8 a.m. and after 9 p.m. on Saturdays and Sundays. Therefore, future construction activities would not generate noise or vibration during regular sleep hours. Future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review. No impact would occur.

### NO IMPACT

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts involving airport safety. Furthermore, future development would be required to comply with regulations and policies included in the airport land use plans for Meadows Field Airport and Bakersfield Municipal Airpark which are both within Bakersfield. With adherence to these policies no impact would occur.

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# 14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	; 			•
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				

### **Environmental Setting**

Table 1 provides the 2023 estimates of population and housing for Bakersfield. Bakersfield has an estimated 2023 population of 408,373 and 137,327 housing units, with an average household size of 3.06 people (California Department of Finance [DOF] 2023).

### Table 1 Current Population and Housing Stock for Bakersfield

	City of Bakersfield	Kern County
Population (#of people)	408,373	907,476
Average Household Size (persons/household)	3.06	3.07
Total Housing Units (# of units)	137,327	308,365
Vacant Housing Units	5,134 (3.7%)	20,660 (6.7%)
Source: DOF 2023		

Kern COG's Regional Growth Forecasts for 2020 through 2050 is the most recent regional long-range plan and regional growth forecast for Kern County (Kern COG 2019). The growth projections for Kern County are shown in Table 2.

### Table 2 Kern COG's Regional Growth Forecasts for Kern County

	2010	2050 (Projected)	Projected Growth (Percent Increase)
Housing (# of units)	252,200	362,100	109,900 (44%)
Employment (# of jobs)	275,000	402,200	127,200 (46%)
Source: Kern COG 2019			

Impacts related to population are generally social or economic in nature. Under CEQA, a social or economic change generally is not considered a significant effect on the environment unless the changes are directly linked to a physical change.

# **Impact Analysis**

a. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Therefore, the project would not induce substantial unplanned growth but rather is intended to accommodate the growth that is anticipated to occur in Bakersfield. The proposed project would not involve the extension of roads or other infrastructure that could indirectly lead to population growth. Rather, the proposed project is intended to accommodate the growth that is anticipated to accommodate the growth that proposed project is intended to accommodate the growth that is anticipated to occur in Bakersfield and bring the Zoning Code into alignment with state law. Thus, the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly, and there would be no impact.

### **NO IMPACT**

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not displace substantial numbers of existing people or housing. Further, future potential displacement that would occur is required by California Government Code Section 7261(a) to proactively provide relocation assistance advisory services to all persons displaced. Therefore, the adoption of the proposed project would not displace substantial numbers of existing people or housing and no impact would occur.

# 15 Public Services

			Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a.	adv the gov fac cau ord rati	build the project result in substantial verse physical impacts associated with e provision of new or physically altered vernmental facilities, or the need for w or physically altered governmental ilities, the construction of which could use significant environmental impacts, in ler to maintain acceptable service ios, response times or other formance objectives for any of the plic services:				
	1	Fire protection?				•
	2	Police protection?				
	3	Schools?				
	4	Parks?				
	5	Other public facilities?				

# **Environmental Setting**

The Bakersfield Fire Department (BFD) provides fire protection and emergency medical services for Bakersfield. There are 14 fire stations throughout the city and 240 sworn, support, and reserve fire personnel (City of Bakersfield 2023).

The Bakersfield Police Department provides police services including patrol, traffic services, investigations, and animal control to Bakersfield. There are three police stations within the city.

The Bakersfield City School District operates 34 elementary schools and ten middle schools. (Bakersfield City School District 2023) The Kern High School district operates 19 high schools, six alternative education schools, and one adult school (Kern High School District 2023).

# Impact Analysis

- a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?
- a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?
- a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?
- a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?
- a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development but rather is intended to accommodate the growth that is anticipated to occur in Bakersfield, the would not result in impacts related to public facilities and services. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review and would be subject to adopted development guidelines, including standards that govern public facilities, services, and adequate fire and public safety protections. Additionally, policies in the Safety/ Public Safety Element of the Metropolitan Bakersfield General Plan such as policy 2 which would require discretionary projects to assess impacts on police and fire services would apply to future development. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities and there would be no impact.

Impacts related to parks are discussed in Section 16, *Recreation*, and impacts related to other public facilities such as water, wastewater, stormwater, and solid waste infrastructure are discussed in Section 10, *Hydrology and Water Quality*, and Section 19, *Utilities and Service Systems*.

# 16 Recreation

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				

# **Environmental Setting**

The City of Bakersfield's Recreation and Parks Department maintains 61 parks, four public pools, 13 spray parks, two sports complexes and two skate parks within the city (City of Bakersfield 2002).

### **Impact Analysis**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to recreational facilities. In addition, development proposals for individual projects would be subject to adopted development guidelines, including standards that govern recreational facilities. Therefore, the proposed project would not increase the use of existing recreational facilities or require the construction or expansion of recreational facilities. Thus, there would be no impact.

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# 17 Transportation

	ould the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
vvt	bula the project.				
a.	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				
b.	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				•
C.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?				
d.	Result in inadequate emergency access?				•

# **Environmental Setting**

The City's General Plan Circulation Element identifies the existing transportation conditions of the City, existing and future roadways, bicycle trails, and pedestrian trails. Route 99 is a north-south facing freeway that runs through Bakersfield. which connects with Route 58, an east-west facing freeway. SR 204 and 178 are also partially within the metropolitan area and carry Bakersfield traffic throughout the area. Transit service in Bakersfield is provided by local buses, intercity buses, AMTRAK and paratransit services. The Local bus operator is Golden Empire Transit (GET). Intercity bus operators include Greyhound, Orange Belt Stages, Airport Bus of Bakersfield and Kern County. Two major railroads provide freight service to Bakersfield: Burlington Northern-Santa Fe and Southern Pacific. The California Highspeed Rail is currently undergoing construction as of 2021, with a planned stop in Downtown Bakersfield (City of Bakersfield 2022). There are roughly 176 miles of bike lanes that exist on various streets within the city (City of Bakersfield 2022). Bakersfield's Bike Transportation Plan guides the future development of bicycle facilities and programs in the city (City of Bakersfield 2013).

In 2018, CEQA Guidelines Section 15064.3 was finalized to help determine the significance of transportation impacts. Beginning on July 1, 2020, level of service (roadway congestion) is no longer considered an acceptable metric for analyzing transportation impacts under CEQA. Instead, jurisdictions must adopt vehicle miles traveled (VMT) thresholds to analyze impacts related to the number of automobile trips and miles traveled.

# **Impact Analysis**

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to conflicts with a program, plan, ordinance, or policy addressing the circulation system.

Bakersfield's Bicycle Transportation Plan includes plans, policies, and implementation projects to promote bicycling within the city. Future development would not conflict with this plan and would be required to adhere to the policies within it. Additionally, Bakersfield's Pedestrian Access Plan includes recommendations for improvements to the Bakersfield pedestrian environment with an emphasis on connecting pedestrians to transit services (City of Bakersfield 2020). The proposed project would not conflict with this plan.

Furthermore, future development would be required to comply with policies included in the Metropolitan Bakersfield General Plan including policy 34 which requires development review to determine a project's impact on the transportation system, policy 35 which requires new development in incorporated areas to provide transportation facilities such as streets, curbs, and traffic control devices on site, policy 37 which requires new development to pay for necessary transportation improvements in the project vicinity, and policy 39 which requires new development to pay or participate in its pro-rata share of the expansion of transportation facilities it necessitates. Future development would also be required to comply with Policy 9 included in the Bikeways section of the Circulation Element of the Metropolitan Bakersfield General Plan which requires new subdivisions to provide bikes lanes on collector and arterial streets and policy 10 which encourages the construction of subdivisions to include internal bike paths.

Therefore, the proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. There would be no impact.

### NO IMPACT

# *b.* Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to VMT. In addition, future development would be required to adhere to federal, State, and local policies and regulations. Therefore, the proposed project would not conflict with conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). There would be no impact.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts related to hazards related to a geometric design feature or incompatible use. In addition, future development would be required to adhere to federal, State, and local policies and regulations including those policies included in the Metropolitan Bakersfield General Plan and would be reviewed and required to be consistent with appropriate regulations and design standards in effect at the time, such as adequate sight distance at new driveways between vehicles entering and exiting the driveways and pedestrians on the adjacent sidewalk, as well as motor vehicles and bicycles on the adjacent street, as outlined by Section 17,08.175 of the BMC.

Therefore, the proposed project would not substantially increase hazards due to a geometric design feature or incompatible use, and there would be no impact.

### **NO IMPACT**

#### d. Would the project result in inadequate emergency access?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in inadequate emergency access. In addition, the City maintains the roadway network which would provide access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites would be subject to review by the City of Bakersfield and responsible emergency access and design standards.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

Future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to ensure consistency with the City's existing and planned circulation network; and ensure that the construction of new features would not impede emergency access. These review processes would evaluate the design of future projects' emergency access schematics, which would minimize the potential for the creation of inadequate emergency access. Therefore, no impact would occur.

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# 18 Tribal Cultural Resources

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
change in the si resource, define Section 21074 a or cultural lands defined in term landscape, sacr	ect cause a substantial adverse gnificance of a tribal cultural ed in a Public Resources Code s either a site, feature, place, scape that is geographically s of the size and scope of the ed place, or object with cultural ornia Native American tribe,				
Register of local registe	gible for listing in the California Historical Resources, or in a er of historical resources as Public Resources Code Section				•
agency, in it substantial pursuant to (c) of Public 5024.1? In a subdivision Section 502 consider the	determined by the lead as discretion and supported by evidence, to be significant criteria set forth in subdivision Resources Code Section applying the criteria set forth in (c) of Public Resources Code 4.1, the lead agency shall e significance of the resource hia Native American tribe.				

# **Environmental Setting**

AB 52 established that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further stated that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

- 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

California Government Code Section 65352.3 (adopted in 2004 pursuant to the requirements of SB 18 [SB 18]) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the NAHC. As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places."

### **Impact Analysis**

- a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
- b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

The City sent notification letters on June 22, 2023 to eleven tribal representatives from nine Native American organizations (Big Pine Paiute Tribe of Owens Valley, Chumash Council of Bakersfield, Kitanemuk & Yowlumne Tejon Indians, Tejon Indian Tribe, Tule River Indian Tribe, Santa Rosa Rancheria, Kawaiisu Tribe, Tubatulabals of Kern Valley, and Kern Valley Indian Council) based on a list of contacts provided by the NAHC. The city did not receive any responses requesting additional consultation under AB 52 or SB 18. The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposals for individual projects would be subject to adopted development guidelines, including standards that govern archaeological resources as described in Section 5, *Cultural Resources*, and disposition of human remains as governed by Health and Safety Code Section 7050.5 and PRC Sections 5097.94 and 5097.98. Therefore, there would be no impact.

# 19 Utilities and Service Systems

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Wo	ould the project:				
a.	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b.	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				
C.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
d.	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				
e.	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				

# **Environmental Setting**

Bakersfield is serviced by the Bakersfield District of California Water Service (CWS). The City of Bakersfield receives water sourced from 51 groundwater wells, the Kern River, and treated water purchased from the Kern County Water Agency (CWS 2023). The water sourced from the Kern River is treated with advanced membrane filtration at surface water treatment plants owned by CWS and Kern County Water Agency (City of Bakersfield 2020). The Kern Sanitation Authority provides wastewater services to the city of Bakersfield. The city's Public Works Department Solid Waste Division manages all solid waste retrieval and disposal throughout the city. Telecommunications services in Bakersfield are provided by private companies, including AT&T, Verizon, T-Mobile, and Comcast Cable which provides internet, phone, and television. PG&E provides electricity and natural gas services to Bakersfield.

# Impact Analysis

- a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project does not involve or approve physical development. Individual projects would be individually reviewed to ensure that adequate utility services would be provided to each site. Future development would be concentrated in urban areas that are served by existing utilities infrastructure, including potable water, wastewater, stormwater drainage, electrical power, natural gas, and telecommunications facilities. All development would also be required to comply with all utility service standards set in the BMC and Metropolitan Bakersfield General Plan such as Policy 5 in the Public Services and Facilities Element which requires new development to pay a pro rata share or necessary municipal utility expansions. Impacts identified for an individual project would be addressed through the project approval process.

# Water Supply

The precise location and connection would be determined at the time development is proposed. Should new connections or upgrades be required, such upgrades would be subject to subsequent city review and would be subject to fees according to Policy 5 in the Public Services and Facilities Element of the Metropolitan Bakersfield General Plan. Chapter 8 of California Water Service's 2020 Urban Water Management Plan (UWMP) includes a water shortage contingency plan which would be implemented in the case of a water shortage in Bakersfield (CWS 2020). In the case that a water shortage occurs, future development would be required to comply with necessary demand reduction measures outlined in the water shortage contingency plan. The proposed project would not result in inadequate water supply.

# Stormwater

Future development would be evaluated to determine adequacy of utility infrastructure as part of the standard City development review process. See also Section 10, *Hydrology and Water Quality*.

# Wastewater Generation

Wastewater treatment for future development would be provided by existing infrastructure within Bakersfield. Project development would be required to comply with the regulations to maintain wastewater capacity in Bakersfield. Future development would be evaluated to determine adequacy of utility infrastructure as part of the standard city development review process including approval by the Public Works Department. The proposed project would not result in impacts to wastewater.

# Electricity, Natural Gas, and Telecommunications

Future residential development in conformance with the proposed project would be evaluated to determine adequacy of utility infrastructure as part of the standard City development review process. The proposed project would not result in impacts to electricity, natural gas, or telecommunications. No impact would occur.

### NO IMPACT

- d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The proposed project does not involve or approve physical development. Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Further individual development projects would be required to comply with federal, state, and local management and reduction statues and regulations. This includes CalRecycle regulations found in Title 14 and Title 27 of the California Code of Regulations. There would be no impact.

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# 20 Wildfire

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a.	Substantially impair an adopted emergency response plan or emergency evacuation plan?				•
b.	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				
C.	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				-
d.	Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				•

# **Environmental Setting**

The Bakersfield Fire Department (BFD) is responsible for protecting life, property, and the environment within the city. The Kern County EOP provides for the coordination of emergency operations for the cities within its jurisdiction, including Bakersfield.

No part of Bakersfield is within a State Responsibility Area (SRA). There are small areas in north and northeastern Bakersfield that are within a Local Responsibility Area (LRA) with moderate and high fire hazard severity zones (CAL FIRE 2007). There are no very high fire hazard severity zones (VHFHSZ) within or adjacent to the city.

In addition, the location of the city and existing environmental factors do not promote a high risk for exposure to pollutant concentrations. Prevailing winds in Bakersfield generally move from west to east across the city (WeatherSpark n.d.).

# **Impact Analysis**

- a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The city of Bakersfield is not within an SRA or VHFHSZ. Further, the proposed project does not involve or approve physical development and therefore it. would not, in and of itself, have an impact on adopted emergency response or evacuation plan or pollutant concentrations from wildfire. Future development would be required to comply with the California Fire Code as adopted in Chapter 15.65 of the BMC, the Kern County EOP, and the Metropolitan Bakersfield General Plan. Compliance with these regulations and policies would ensure that there would be no impact.

### NO IMPACT

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Bakersfield is not within or near an SRA or VHFHSZ. The proposed project does not propose specific projects but puts forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Therefore, the proposed project would not have an impact on wildfire safety. In addition, most roads and utility infrastructure required for future development would be existing or would occur in currently developed areas. Therefore, there would be no impact.

### NO IMPACT

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Bakersfield is not within or near an SRA or VHFHSZ. Further, the city is generally flat. Therefore, there would be low risk of downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes within the city. The proposed project puts forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements.. Because the proposed project does not involve or approve physical development, the proposed project would not have an impact related to wildfire. Therefore, there would be no impact.

### Mandatory Findings of Significance 21

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				

Does the project:

- a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Does the project have the potential to substantially degrade the quality of the environment, а. substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The proposed project, in and of itself, does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not have the potential to substantially degrade the quality of the environment. Adoption of the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species

identified as a candidate, sensitive, or special status species. In addition, the proposed project would not have a substantial adverse effect on riparian habitat or sensitive natural community.

Through the City's development review process, future development projects would be evaluated for potential direct and indirect impacts on biological and cultural resources. Therefore, the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory and no impacts would occur.

### **NO IMPACT**

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not result in impacts that are individually limited, but cumulatively considerable. In addition, through the City's development review process, future development projects would be evaluated for potential cumulative impacts and for consistency with all applicable policies of the City's General Plan, Zoning Ordinance, and City Code. Through this development review process, potential cumulative impacts to various natural and human-made resources would be evaluated. Adoption of the proposed project would not have impacts that are individually limited or cumulatively considerable. No impact would occur.

### NO IMPACT

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed project does not include specific projects but sets forth Zoning Code changes which would encourage new housing in Bakersfield and update the Zoning Code to be consistent with recently enacted State requirements. Because the proposed project does not involve or approve physical development, the proposed project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Through the City's development review process, future residential development projects would be evaluated for potential direct and indirect impacts on human beings. Therefore, the proposed project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly or indirectly and no impacts would occur.

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# List of Preparers

Rincon Consultants, Inc. prepared this Initial Study under contract to the City of Bakersfield. Persons involved in data gathering analysis, project management, and quality control are listed below.

# Rincon Consultants, Inc.

Matt Maddox, MESM, Principal in Charge Karly Kaufman, MESM, Project Manager Hannah Bireschi, Environmental Planner Gina Gerlich, GIS Analyst Debra Jane Seltzer, Publishing Specialist Yaritza Ramirez, Publishing Specialist This page intentionally left blank.

## RESOLUTION NO.

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE Text Amendments To Bakersfield Municipal Code Title 17 By Adding, Deleting, And Amending Various Chapters Primarily Related To Residential Zoning And Mixed-Use Zoning To Address Evolving Community Needs, Enhancing Housing Options, And Providing Compatibility With The City's Long-Term Development Goals In Support Of The Bakersfield General Plan Comprehensive Update; Specifically, The Housing Element.

**WHEREAS**, the City of Bakersfield initiated text amendments to Bakersfield Municipal Code Title 17 by adding, deleting, and amending various Chapters primarily related to residential zoning and mixed-use zoning to address evolving community needs, enhancing housing options, and providing compatibility with the City's long-term development goals in support of the Bakersfield General Plan comprehensive update; specifically, the Housing Element (the Project); and

**WHEREAS**, the Secretary of the Planning Commission, did set Thursday, February 15, 2024, at 5:30 p.m. in the Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for consideration; and

**WHEREAS**, the Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) ("general rule" or "common sense") and of Title 14, Article 18, 15620 of the California Code of Regulations (statutory); and

**WHEREAS**, the laws and regulations relating to CEQA and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Planning Commission; and

**WHEREAS**, the City of Bakersfield Planning Division (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report and evidence received at the above referenced public hearing support the following findings:

- 1. All required public notices have been given. Advertisement of the hearing notice regarding the Project was published in the Bakersfield Californian, a local newspaper of general circulation.
- 2. The provisions of the California Environmental Quality Act (CEQA) have been followed.
- 4. The text amendments are necessary and desirable as the proper use of the City's zoning authority for the protection of the general health, safety, welfare of the community.

5. The text amendments are consistent with the goals, objectives and policies of the Metropolitan Bakersfield General Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BAKERSFIELD as follows:

- 1. The recitals above are true and correct and incorporated herein by this reference.
- 2. The ordinance amendments as shown in Exhibit A and incorporated herein, is hereby recommended for adoption by the City Council.

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**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 15th day of February 2024, on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

ZACHARY BASHIRTASH, CHAIR City of Bakersfield Planning Commission

Exhibits: Draft Ordinance

# Title 17 ZONING

## Chapters:

chapters.	
17.02	General Provisions
17.04	Definitions
17.06	Zones Established—Zoning Map Boundaries
17.08	General Regulations Including Site Plan Review
17.10	R-1 One Family DwellingResidential Zones
17.12	Residential Suburban Mixed-Use Zones
17.14	R-2 Limited Multiple Family Dwelling ZoneMulti-Unit Objective Design Standards
17.16	R-3 Multiple Family Dwelling Zone <u>Reserved</u>
17.18	R-4 High Density Multiple-Family Dwelling Zone <u>Reserved</u>
17.19	RH (Residential Holding) Zone <u>Reserved</u>
17.20	C-O Professional and Administrative Office Zone
17.22	C-1 Neighborhood Commercial Zone
17.24	C-2 Regional Commercial Zone
17.25	C-B Central Business Zone
17.26	C-C Commercial Center Zone
17.28	M-1 Light Manufacturing Zone
17.30	M-2 General Manufacturing Zone
17.31	M-3 (Heavy Industrial) Zone
17.32	A Agriculture Zone
17.34	PAutomobile Parking ZoneReserved
17.35	RE (Recreation) Zone
17.36	Church (CH) Combining ZoneReserved
17.37	OS (Open Space) Zone
17.38	Hospital (HOSP) Zoning
17.41	AD (Architectural Design) Zone <u>Reserved</u>
17.42	FP-P Floodplain Primary Zone
17.44	FP-S Floodplain Secondary Zone
17.45	AA (Airport Approach) Zone
17.46	Drilling Island (DI) District
17.47	(PE) Petroleum Extraction Combining District
17.48	TT Travel Trailer Park Zone
17.50	MH Mobile Home Zone
17.51	SC (Senior Citizen) Zone <u>Reserved</u>
17.52	PUD Planned Unit Development Zone
17.54	PCD Planned Commercial Development Zone

17.55	Specific Plan Lines for Streets and Highways
17.56	Fallout Shelters
17.57	Metal Storage Containers
17.58	Parking and Loading Standards
17.59	Wireless Telecommunication Facilities Not in the Public Right-of-Way
17.60	Signs
17.61	Landscape Standards
17.62	Surface Mining and Reclamation
17.63	Home Occupations
17.64	Modifications, Conditional Use Permits, Amendments and Appeals
17.65	Accessory Dwelling Units and Junior Accessory Dwelling Unit
17.66	HD (Hillside Development) Combining Zone
17.68	Nonconforming Uses, Structures and Lots
17.69	Adult Entertainment Businesses
17.70	Certificate of Occupancy
17.71	Outdoor Lighting
17.72	Enforcement
17.73	Reasonable Accommodation

# Chapter 17.02 GENERAL PROVISIONS

Sections:

17.02.010	Title.
17.02.020	Adoption.
17.02.030	Purpose.
17.02.040	Content and scope.

## 17.02.010 Title.

This title shall be known as the "land use zoning ordinance of the city." (Prior code § 17.08.010)

#### 17.02.020 Adoption.

There is adopted a precise zoning plan for the city. (Prior code § 17.04.010)

## 17.02.030 Purpose.

This zoning plan is adopted to implement the goals and policies of the general plan of the city which serve to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the accomplishment thereof is adopted, among other purposes for the following more particularly specified purposes:

A. To assist in providing a definite plan of development for the city and to guide, control and regulate the future growth of the city in accordance with said plan; and

B. To protect the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the city, and to assure the orderly and beneficial development of such areas. (Ord. 2693, 1982; prior code § 17.04.020)

## 17.02.040 Content and scope.

The zoning plan consists of the establishment of various zones within the incorporated territory of the city within some, all, or none of which it is lawful, and within some, all, or none of which it is unlawful to erect, construct, alter, move, locate or maintain certain buildings or to carry on certain trades or occupations or to

conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such zones, all as set forth in this title. (Prior code § 17.04.030)

# Chapter 17.04 DEFINITIONS

Sections:

cetions.	
17.04.010	Generally.
17.04.020	Accessory building.
17.04.022	Accessory parking facility.
17.04.030	Accessory use.
17.04.032	Acreage, gross.
17.04.035	Acreage, netAirspace diagonal.
17.04.040	Alley.
17.04.045	Antenna.
<del>17.04.050</del>	Apartment hotel.
<del>17.04.060</del>	Apartment house.
17.04.065	Approving authority.
17.04.070	Architectural feature or projection.
17.04.075	Awning or canopy.
17.04.077	Brewery or distillery, large.
17.04.078	Brewery or distillery, small.
17.04.080	Building.
17.04.085	Building façade.
17.04.090	Building height.
17.04.100	Building site.
17.04.120	Business or commerce.
17.04.128	Camouflage.
17.04.129	Cannabis.
17.04.130	Carport.
17.04.132	Central district.
<del>17.04.140</del>	-Church.
17.04.150	Club <u>, private</u> .
17.04.154	Commercial cannabis activity.
<u>17.04.154.5</u>	Community care facility.
17.04.155	Conditional uses.
17.04.160	Day care home, small family.
17.04.165	Day care center.
17.04.168	Driveway.
17.04.170	Dwelling, accessory unit (ADU).
17.04.180	Dwelling, accessory unit junior (JADU)-group.
17.04.190	Dwelling, multi <u>-unitple-family</u> .
<u>17.04.195</u>	Dwelling, single-room occupancy unit.

17.04.200	Dwelling, single-unitone-family.
<del>17.04.210</del>	-Dwelling, two-family.
17.04.220	Dwelling unit.
17.04.230	Educational institution, college or university.
17.04.235	Emergency shelter
17.04.240	Family.
17.04.242	Farmers market.
17.04.245	Food vending vehicle.
17.04.250	Flood, intermediate regional.
17.04.260	Floodplain.
17.04.270	Floodplain primary.
17.04.280	Floodplain secondary.
17.04.281	Floor area, conditioned or net.
17.04.281.5	Floor area, gross.
17.04.282	Floor area ratio.
17.04.285	Food and/or shelter service agency.
17.04.287	Freeway.
17.04.288	Front foot of building occupancy.
17.04.290	Garage, private.
17.04.300	Garage, public or commercial.
17.04.305	Garage or yard sale.
17.04.310	Grade.
<del>17.04.320</del>	-Guesthouse.
17.04.322	Height.
17.04.330	Home occupation.
17.04.340	Hospital, sanitarium.
17.04.350	Hotel.
<u>17.04.352</u>	Housing, employee, agriculture
17.04.353	Housing, employee
17.04.354	Housing, supportive.
17.04.355	Housing, transitional.
17.04.358	Hydrozone.
17.04.360	Junkyard.
17.04.365	Kennel, dog.
17.04.367	Retail development.
17.04.370	Lot.
17.04.380	Lot area.
17.04.390	Lot, corner.
17.04.395	Lot, flag.
17.04.400	Lot, interior.
17.04.410	Lot, key.

17.04.420	Lot line front
17.04.420	Lot line, front.
17.04.430	Lot line, rear.
17.04.440	Lot line, side. Lot, reversed corner.
17.04.450	· · · · · · · · · · · · · · · · · · ·
	Lot, through.
<u>17.04.460.5</u> 17.04.461	Low barrier navigation center.
17.04.461	Marquee.
	Masonry.
17.04.463 17.04.464	Medical marijuana dispensary.
17.04.464	Metal storage container. Mined land.
<u>17.04.465.25</u>	
<u>17.04.465.5</u>	<u>Mixed-use, horizontal.</u>
17.04.466	Mobile home.
17.04.467	Mobile home park.
17.04.468	Motel.
17.04.470	Nonconforming, illegal.
17.04.472	Nonconforming lot, legal.
17.04.474	Nonconforming structure, legal.
17.04.476	Nonconforming use, legal.
17.04.485	Nonprofit organization.
17.04.490	Nursery school.
17.04.491	Overburden.
17.04.492	Parcel of property.
17.04.493	Parking garage.
17.04.493.5	Parking lot.
17.04.494	Permitted use.
17.04.494.25	Places of assembly, commercial.
<u>17.04.494.5</u>	Public and quasi-public uses.
17.04.495	Reclamation.
17.04.496	Recreational vehicle.
17.04.498	Religious institutionResidential facility.
17.04.500	Rest home or convalescent home.
17.04.502	Retail establishment.
17.04.508	Roofline.
<del>17.04.510</del>	-Roominghouse.
17.04.515	Sanctuary.
17.04.520	School, elementary.
17.04.530	School, high.
17.04.535	School, junior high.
17.04.537	School, Sunday.

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<del>17.04.539</del>	Accessory dwelling unit.
17.04.540	Service station.
17.04.545	Setback.
17.04.546	Shopping/business center.
17.04.547	Sign.
17.04.550	Stables, commercial.
17.04.560	Stables, private.
17.04.570	Story.
17.04.580	Story, half.
17.04.590	Streambed.
17.04.594	Street.
17.04.595	Street frontage.
17.04.600	Structure.
<del>17.04.602</del>	Supportive housing.
17.04.604	Surface mining operation.
17.04.606	Tandem parking space.
17.04.608	Target population.
17.04.610	Temporary promotional activity.
17.04.618	Tower.
17.04.620	Trailer court or trailer park.
17.04.624	Transit facility.
<del>17.04.626</del>	Transitional housing.
17.04.630	Travel trailer.
17.04.640	Use.
17.04.650	Use, change of.
17.04.653	Winery.
17.04.656	Winery, boutique.
17.04.660	Yard.
17.04.670	Yard, front.
17.04.680	Yard, rear.
17.04.690	Yard, side.
17.04.700	Zone.

# **17.04.010** Generally.

For the purpose of this title, certain words and phrases are defined and certain provisions shall be construed as set forth in this chapter, unless it is apparent from the context that a different meaning is intended. (Prior code § 17.08.010)

#### 17.04.020 Accessory building.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. (Prior code § 17.08.030)

## **17.04.022** Accessory parking facility.

"Accessory parking facility" means an attached or detached structure for the purpose of parking passenger vehicles that is secondary in nature and incidental to the primary use of the property. Said structures can be, but are not limited to, residential or commercial garages or carports. (Ord. 4521 § 1, 2008)

## 17.04.030 Accessory use.

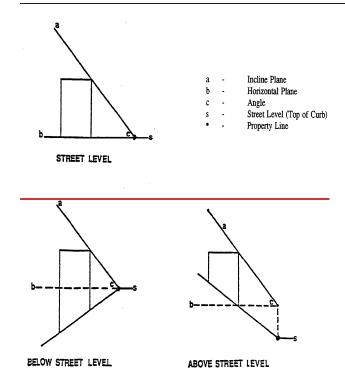
"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises. (Prior code § 17.08.020)

#### <u>17.04.032</u> <u>Acreage, gross.</u>

"Gross acreage" means the entirety of the legal lot.

## 17.04.035 <u>Acreage, netAirspace diagonal</u>.

"Net acreage" means the calculated area based on buildable area plus local street. Net Acreage does not include dedications of roadway for Freeways, Highways, Arterial and Collector streets, land dedicated for schools, parks, drainage basins, and any land area deemed unbuildable because of easements, such as underground pipelines or overhead powerlines. "Airspace diagonal" means a hypothetical two dimensionalinclined plane which intersects the horizontal plane of a lot at its front property line and which is projected at a given angle to the horizontal surface over the lot area in accordance with the following:



The elevation of the horizontal plane (b) shall be the same as "grade" defined in Section <u>17.04.310</u> if grade is at or above the top of curb elevation. If the building grade is below top of curb elevation, then the horizontal line shall be at the elevation of the top of curb. (Ord. 2694 § 2, 1982)

## 17.04.040 Alley.

"Alley" means a dedicated right-of-way of twenty-five feet or less in width for public use permanently laid out or reserved by the governing body as a means of secondary access to abutting property. (Ord. 2694 § 1, 1982; prior code § 17.08.040)

#### 17.04.045 Antenna.

"Antenna" means any exterior transmitting or receiving device mounted on the ground, tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals. (Ord. 4231 § 2, 2005)

#### 17.04.050 Apartment hotel.

"Apartment hotel" means a building or portion thereof designed for or containing both individual guestroomsor suites of rooms and dwelling units, used or intended or designed to be used, let, or hired out forcompensation in money, services or other things of value. (Prior code § 17.08.050)

#### 17.04.060 Apartment house.

"Apartment house" means a dwelling, multiple-family. (Ord. 2694 § 1, 1982; prior code § 17.08.060)

# 17.04.065 Approving authority.

"Approving authority" means the person, board, commission, council or other body in whom decision making responsibility is vested under the provisions of this code. Whenever action is directed to be taken by a specific person, authority is also granted for that specific person to delegate that action to another. (Ord. 3835 § 1, 1998)

#### 17.04.070 Architectural feature or projection.

"Architectural feature or projection" means a marquee, porch, awning, canopy or other similar architectural feature or projection of a building or structure or any projection not intended for occupancy which stands beyond the face of an exterior wall but does not include signs. (Ord. 3586 § 1, 1994)

## 17.04.075 Awning or canopy.

"Awning or canopy" means any structure made of flexible fabric or similar material covering a frame attached or adjacent to a building and projecting over public or private property. (Ord. 3586 § 1, 1994)

## 17.04.077 Brewery or distillery, large.

"Brewery or distillery, large" means the manufacturing of more than fifteen thousand barrels per year of beer, ale, malt beverages, or more than one hundred thousand gallons of distilled spirits; not including wine. Operations shall continuously comply with the following operational standards:

1. Maintain an approved Wastewater Discharge Plan from the Bakersfield public works department.

2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 4926 § 1, 2018)

#### **17.04.078** Brewery or distillery, small.

"Brewery, small" means the manufacturing of fifteen thousand barrels, or less, per year of beer, ale, or malt beverages.

"Distillery, small" means the manufacturing of one hundred thousand gallons, or less, of distilled spirits; not including wine.

Operations of brewery or distillery, small, shall continuously comply with the following operational standards:

- 1. Maintain an approved Wastewater Discharge Plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5105 § 1, 2022; Ord. 4978 § 1, 2019; Ord. 4926 § 1, 2018)

## 17.04.080 Building.

"Building" means any structure having a roof supported by columns or walls. (Prior code § 17.08.080)

## 17.04.085 Building façade.

"Building façade" means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. (Ord. 3586 § 1, 1994)

# 17.04.090 Building height.

"Building height" is the vertical distance above grade, as defined in Section <u>17.04.310</u>, to the highest point of the coping of a flat roof, to the deckline of a mansard roof or to average height of the highest gable of a pitched or hipped roof, whichever is applicable. The height of a stepped or terraced building is the maximum height of any segment of the building. (Ord. 2694 § 1, 1982; prior code § 17.08.090)

# 17.04.100 Building site.

"Building site" means the ground area of a building or group of buildings together with all open spaces as required by this chapter. (Prior code § 17.08.100)

## 17.04.120 Business or commerce.

"Business or commerce" is the purchase, sale, lease or financing or other transaction involving the handling, final sale, disposition or manufacture of any article or substance, or the rendering of any service. (Ord. 2694 § 1, 1982; prior code § 17.08.120)

#### 17.04.128 Camouflage.

"Camouflage" means man made trees, clock towers, bell steeples, light poles and other similar alternative design of mounting structures that completely screen or conceal the presence of antennas or towers in an effective manner. (Ord. 4231 § 3, 2005)

#### 17.04.129 Cannabis.

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The terms "marijuana" and "cannabis" are interchangeable throughout this code. (Ord. 4918 § 1, 2017)

#### 17.04.130 Carport.

"Carport" means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. (Prior code § 17.08.130)

## 17.04.132 Central district.

"Central district" means the "central traffic district" as described in Section <u>10.08.020(A)</u> of the Bakersfield Municipal Code. (Ord. 4521 § 2, 2008)

#### 17.04.140 Church.

"Church" means a building, its accessory buildings and uses, where persons regularly assemble for worship, which is maintained and controlled by a religious body organized to sustain public worship. (Ord. 2694 § 1, 1982; prior code § 17.08.140)

## 17.04.150 Club<u>, private</u>.

"Club, private" is any organization, group or association supported by the members thereof, the primary purpose of which is to render a service or services to its members, their guests or the community, but shall not include any organization, group, or association, the chief activity of which is business or commerce as defined by Section <u>17.04.120</u> of this title. (Ord. 2694 § 1, 1982; prior code § 17.08.150)

#### 17.04.154 Commercial cannabis activity.

"Commercial cannabis activity" is the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in the Medicinal and Adult-Use Cannabis Regulation and Safety Act as set forth in state law. (Ord. 4918 § 1, 2017)

#### 17.04.415.5 Community care facility.

"Community Care facility" means any facility in compliance with California Welfare and Institutions Code Sections 5115 – 5120, any facility, place, or structure which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). Community care facilities include the following: "Adult Day Care Facility" means a facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

"Child Therapeutic Day Services Facility" means a facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care.

"Community Treatment Facility" means a facility that provides mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health.

"Foster Home" means a residential facility that provides 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed.

"Residential Care Facility" means a group care facility for 24-hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Social Rehabilitation Facility" means a residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

## 17.04.155 Conditional uses.

"Conditional use" is a use which requires special review and control by the planning commission or the city council to ensure compatibility with other existing or permitted uses in the vicinity. (Ord. 5020 § 17, 2020; Ord. 3746 § 1, 1997; Ord. 2694 § 2, 1982)

## 17.04.160 Day care home, small family.

See Health and Safety Code Section <u>1596.78</u>. (Ord. 5039 § 1, 2020; Ord. 3964 § 2, 2000; Ord. 3226 § 1, 1989; Ord. 2694 § 1, 1982; prior code § 17.08.152)

## 17.04.165 Day care center.

"Day care center" means a child day care facility other than a family day care home, and includes infant centers, preschools and extended day care facilities. (Ord. 5039 § 2, 2020; Ord. 3377 § 1, 1991)

## 17.04.168 Driveway.

"Driveway" means a way or place in private ownership which leads to a loading zone or legal parking space, and is used for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public. (Ord. 4521 § 3, 2008)

# 17.04.170 Dwelling, accessory unit (ADU).

"Dwelling" means any building or any portion thereof, which is not an "apartment house" or "hotel" as defined in this chapter, which contains one or more "apartment" or "guestrooms," used, intended, or designed to bebuilt, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes. (Prior code-§ 17.08.160)

"Accessory Dwelling Unit" means an attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single-unit or multi-unit dwelling, including permanent provisions for living, sleeping, eating, cooking and sanitation. Accessory dwelling unit types include:

"Attached" means an accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or roofline.

"Detached" means an accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the existing or proposed primary dwelling.

"Converted" means an entirely located within the existing or proposed primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure.

# 17.04.180 Dwelling, accessory unit, junior (JADU) group.

"Dwelling group" means a combination or arrangement of dwellings on one building site. (Prior code § 17.08.190)

"Junior Accessory Dwelling Unit (JADU)" means an accessory dwelling unit that is located within the living space of an existing or proposed primary single-unit dwelling, as defined in Section 17958.1 of the California Health and Safety Code, and which meets the following requirements:

1. Shall only be allowed on parcels zoned for single-unit residences and that include an existing or proposed single-unit dwelling.

2. Is entirely located within a existing or proposed primary single-unit dwelling.

3. Has independent exterior access from the primary dwelling.

4. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

## 17.04.190 Dwelling, multi<u>-unitple-family</u>.

"Multi<u>-unitple-family</u> dwelling" is a <u>buildingstructure</u>, or portion thereof, designed for or occupied by two or more families, each of which occupies a separate dwelling unit in which each family lives independently of one another. (Ord. 2694 § 1, 1982; prior code § 17.08.200)

## **17.04.195 Dwelling, single-room occupancy unit.**

"Single-Room Occupancy Unit" means any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, entertainment area).

## 17.04.200 Dwelling, single-unitone-family.

<u>"Single-unit One-family</u> dwelling" means a detached building containing only one kitchen, which building is designed and used exclusively for occupancy by one family. (Prior code § 17.08.170)

## 17.04.210 Dwelling, two-family.

"Two family dwelling" means a detached building containing two dwelling units, and designed for occupancyby two families, living independently of each other. (Prior code § 17.08.180)

# 17.04.220 Dwelling unit.

"Dwelling unit" means a building or portion thereof containing but one kitchen, designed and/or used to house not more than one family, including all necessary employees of such family. (Prior code § 17.08.210)

## 17.04.230 Educational institution, college or university.

"Educational institution, college or university" means an institution of higher learning offering academic instruction equivalent to the standards prescribed by the State Board of Education. (Prior code § 17.08.220)

# 17.04.235 Emergency Shelter.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to an occupancy of six months or less as defined in California Government Code Section 65582(d) and Health and Safety Code Section 50801(e).

## 17.04.240 Family.

"Family" means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a roominghouse, motel, hotel, or similar use. (Ord. 3964 § 3, 2000; prior code § 17.08.230)

# 17.04.242 Farmers market.

"Farmers market" means a group of vendors or farmers that form a collective organization and are certified by the Kern County Agricultural Commissioner to sell fresh fruits, vegetables and other farm produce to the general public. This use typically occurs in the parking lot of the main business for limited durations and is considered a secondary use. (Ord. 3695 § 1, 1995)

#### 17.04.245 Food vending vehicle.

"Food vending vehicle" includes any vehicle as defined in the <u>California Vehicle Code</u>, from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that "food vending vehicle" does not include a vehicle that only delivers food or beverage products ordered by home delivery customers. (Ord. 4872 § 1, 2016)

#### 17.04.250 Flood, intermediate regional.

"Intermediate regional flood" means the flood having an average frequency of occurrence of once in one hundred years which is determined from an analysis of flood records and computed hydrographs of synthetic floods. This flood is used in this title for determining the lateral boundaries of the floodplain area to be subject to floodplain regulations. (Prior code § 17.08.232)

## 17.04.260 Floodplain.

"Floodplain" means the relatively flat area adjacent to the Kern River, in the city, which may be subject to periodic inundation by flood. (Prior code § 17.08.234)

#### **17.04.270** Floodplain primary.

"Floodplain primary" means the streambed and that portion of the adjacent floodplain through which the main waterflow is channelized during flood conditions. (Prior code § 17.08.236)

#### **17.04.280** Floodplain secondary.

"Floodplain secondary" means the fringe of the floodplain within the boundaries of the intermediate regional flood which is subject to a less severe and less frequent inundation than found in the floodplain primary in times of flooding, generally where inundation is caused by overflow and backwater which is relatively free of any current. (Prior code § 17.08.238)

#### 17.04.281 Floor area, conditioned or net.

"Conditioned or net floor area" means the total of all gross floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior parking or loading areas, other non-heated space, and all floors below the first or ground level not used for human occupancy. (Ord. 4521 § 4, 2008)

## **17.04.281.5** Floor area, gross.

"Gross floor area" means the sum of the gross horizontal area of all floors of a building from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excludes any space where the floor-to-ceiling height is less than six feet. (Ord. 4521 § 5, 2008)

#### **17.04.282** Floor area ratio.

"Floor area ratio (FAR)" is the gross floor area of all buildings on a parcel or site divided by the net parcel or site area.

FAR = total gross building floor area (sq. ft.)\_total net parcel/site area (sq. ft.) (Ord. 3631 § 1, 1995)

#### 17.04.285 Food and/or shelter service agency.

"Food and/or shelter service agency " means any entity, whether or not for profit, not operated by the city, county, state, or federal government, and not deemed a "residential use of property" under state law applicable to charter cities, which regularly provides lodging and/or food services providing shelter, food and/or day care free, or intentionally below cost, two or more days per week to persons in need of such assistance. For purposes of this title, the term "food and/or shelter service agency" does not include any incorporated entity providing food or shelter during any duly proclaimed emergency. For purposes of this title, the term "food and/or shelter" as defined in California Government Code-Section <u>65582(d)</u> and Health and Safety Code Section <u>50801(e)</u>. (Ord. 5048 § 1, 2021; Ord. 3720 § 1, 1996; Ord. 3174 § 1, 1988)

#### 17.04.287 Freeway.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access and which is declared to be a freeway as provided by the <u>Streets and Highways Code</u> of the state. (Ord. 3586 § 1, 1994)

#### **17.04.288** Front foot of building occupancy.

"Front foot of building occupancy" means a single lineal dimension measured horizontally along the front of the building which defines the limits of a particular occupancy at that location. (Ord. 3586 § 1, 1994)

#### 17.04.290 Garage, private.

"Private garage" is an accessory building or portion of a building designed for and used to store or cover motor vehicles used by occupants of the attached or adjoining dwelling unit. (Ord. 2694 § 1, 1982; prior code § 17.08.240)

#### 17.04.300 Garage, public or commercial.

"Public or commercial garage" is a building other than a private garage used for the care, repair of automobiles, including the storage of such vehicles prior to sale or hire, storage or storage for remuneration. (Ord. 2694 § 1, 1982; prior code § 17.08.250)

#### 17.04.305 Garage or yard sale.

"Garage or yard sale " is a sale of personal goods which is undertaken by the occupant of a residence where the garage sale occurs, which is no longer than two consecutive days in duration, nor which occurs more frequently than twice a year. (Ord. 4710 § 1, 2012; Ord. 2694 § 2, 1982)

#### 17.04.310 Grade.

"Grade" (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk adjacent to the foundation of the building. If a building is within five feet of a sidewalk, said grade level shall be the finished elevation of the sidewalk surface. (Ord. 2694 § 1, 1982; prior code § 17.08.260)

#### 17.04.320 <u>GuesthouseGross acreage</u>.

<u>Gross acreage</u>" means the entirety of the legal lot. "Guesthouse" means an accessory, detached dwellingwithout kitchen facilities designed and used to house nonpaying visitors or guests of the occupant of the maindwelling. Guesthouse may have sinks or wet bars and small refrigerator facilities, but may not have cookingfacilities, full size refrigerators or other kitchen facilities. (Ord. 3836 § 1, 1998; prior code § 17.08.270)

#### 17.04.322 Height.

"Height" means the vertical distance measured from the finished grade of the parcel to the highest point of a building, tower, or other structure, including the base pad. (Ord. 4231 § 4, 2005)

## 17.04.330 Home occupation.

"Home occupation" means any use or occupation for the purpose of generating income by the occupant of a dwelling. It is conducted such that it is clearly incidental and secondary to the use of the property for residential purposes and does not change the residential character of the home or neighborhood. (Ord. 3768 § 5, 1997; Ord. 2862 §§ 1—3, 1983; Ord. 2773 § 1, 1982; prior code § 17.08.280)

## 17.04.340 Hospital, sanitarium.

"Sanitarium hospital" means any institution, place, building or agency which maintains and operates organized facilities for diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy or which maintains and operates organized facilities for any such purpose and to which persons may be admitted for overnight stay or longer. Hospital includes nursing home, maternity home and lying-in asylum. (Prior code § 17.08.290)

#### 17.04.350 Hotel.

"Hotel" means any building containing six or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or an accessory building. (Prior code § 17.08.300)

#### **17.04.352** Housing, employee, agriculture.

"Employee Housing, Agriculture" means housing provided for farmworkers. Housing consists of any living quarters or dwelling, boarding house, barracks, bunkhouse, mobile home, manufactured home, travel trailer, or other accommodations maintained in one or more structures. Employee housing, agriculture, shall be in compliance with the California Health and Safety Code 17021.5, 17021.6 and 17021.8.

#### 17.04.353 Housing, employee.

"Employee Housing" means housing provided for six or fewer employees and shall be deemed a single-unit dwelling. Residents of the employee housing must be employed by the owner of the home.

#### **17.04.354** Housing, supportive.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 2, 2021)

## <u>17.04.355</u> Housing, transitional.

"Transitional housing" means buildings configured as rental housing, but operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 4, 2021)

### 17.04.358 Hydrozone.

"Hydrozone" means a portion of a landscaped area having plants with similar water needs that are served by one irrigation valve or set of valves with the same schedule. (Ord. 4624 § 1, 2010)

#### 17.04.360 Junkyard.

"Junkyard" means the use of more than four hundred square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any public street, for the storage, keeping or abandonment of worn or discarded articles; salvageable waste such as paper, glass, wood, or metal; and dismantled or wrecked vehicles, whether self-propelled or not, and their parts. (Ord. 2694 § 1, 1982; prior code § 17.08.310)

## 17.04.365 Kennel, dog.

"Dog kennel" means any premises, building, or structure in or on which more than three dogs, at least twelve weeks of age, are harbored. (Ord. 3882 § 1, 1999; Ord. 2694 § 2, 1982)

#### 17.04.367 Retail development.

"Retail development" includes any single or combination of retail establishments and shopping centers, including movie theaters and indoor recreational uses, in a single building or in separate but abutting buildings,

being on one or more parcels that is planned, developed, owned, or managed as a single unit. (Ord. 5006 § 1, 2020; Ord. 4427 § 1, 2007)

#### 17.04.370 Lot.

"Lot" means a parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a street (other than an alley) or a private easement determined by the advisory agency to be adequate for purposes of access. (Ord. 3748 § 15, 1997; prior code § 17.08.320)

#### 17.04.380 Lot area.

"Lot area" means the total horizontal area within the lot lines of a lot. (Prior code § 17.08.330)

#### 17.04.390 Lot, corner.

"Corner lot" is a lot situated at the junction of two or more streets whose centerlines have an angle or intersection of not more than one hundred thirty-five degrees, with a boundary line thereof bordering on each of the streets. (Ord. 2694 § 1, 1982; prior code § 17.08.340)

#### 17.04.395 Lot, flag.

A "flag lot" means a lot with two discernible portions, one is the flag portion (building site) not fronting on or abutting a street and located behind another lot; and the second is the pole portion which provides private access to and from the flag portion of the lot and the abutting street. (Ord. 4600 § 2, 2009)

## 17.04.400 Lot, interior.

"Interior lot" means a lot other than a corner lot. (Prior code § 17.08.350)

# 17.04.410 Lot, key.

"Key lot" is the first interior lot to the rear of a reversed corner lot whether it is separated by an alley or not. (Ord. 3824 § 2, 1998; Ord. 2694 § 1, 1982; prior code § 17.08.360)

#### **17.04.420** Lot line, front.

"Front lot line" means the right-of-way line dividing a lot from a public or private street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line. (Ord. 3837 § 1, 1998; prior code § 17.08.390)

#### 17.04.430 Lot line, rear.

"Rear lot line" means the line opposite the front lot line. (Prior code § 17.08.400)

#### 17.04.440 Lot line, side.

"Side lot line" means any lot lines other than front lot lines or rear lot lines. (Prior code § 17.08.410)

### 17.04.450 Lot, reversed corner.

"Reversed corner lot" means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear. (Prior code § 17.08.370)

#### 17.04.460 Lot, through.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Prior code § 17.08.380)

#### **17.04.460** Low Barrier Navigation Center.

"Low Barrier Navigation Center" means a shelter focused on temporarily housing persons and connecting them with income opportunities, public benefits, and health services prior to moving to permanent housing, in compliance with Government Code Section 65660. Low barrier navigation centers must meet the diverse needs of the population by allowing and accommodating people with disabilities, pets and pet owners, partners, the storage of possessions, and for survivors of domestic violence. means a lot having frontage on two parallel or approximately parallel streets.

#### 17.04.461 Marquee.

\_"Marquee" means a permanent roofed structure attached to and supported by a building and projecting over public or private property. (Ord. 3586 § 1, 1994)

## 17.04.462 Masonry.

"Masonry" is that form of construction composed of stone, brick, concrete, filled concrete block or other similar building units or materials, or combination of these materials, laid up unit by unit or set in mortar. (Ord. 2694 § 2, 1982)

### 17.04.463 Medical marijuana dispensary.

"Medical marijuana dispensary" means a facility or location where marijuana is made available for medical purposes in accordance with California Health and Safety Code Section <u>11362.5</u> et seq. (Ord. 4731 § 1, 2013)

#### **17.04.464** Metal storage container.

"Metal storage container" means any structure of one hundred twenty square feet or more designed to carry cargo to be shipped by truck or rail and designed to I.S.O. Standard 668-1979(E) or equivalent, or any roll-off storage bin with a fixed cover. (Ord. 3869 § 1, 1998)

## 17.04.465 Mined land.

\_"Mined land" means the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which results from, or are used in, surface mining operations are located. (Ord. 3943 § 1, 1999)

#### <u>17.04.466 Mixed-Use.</u>

"Mixed-Use" means a development consisting of one or more parcels developed as a cohesive development project and designed with a blend of uses (e.g., commercial retail, retail service, office, residential, civic, and institutional). The uses may be located vertically in the same structure (see "Mixed-Use, Vertical" or horizontally (see "Mixed-Use, Horizontal) in separate structures in compliance with the standards established by this Title.

## 17.04.467 Mixed-use, horizontal.

"Mixed-Use, Horizontal" means any mixed-use development that incorporates two or more different use categories alongside one another, either in one mixed-use structure, or as two or more separate structures on one parcel.

#### 17.04.468 Mixed-use, vertical.

"Mixed-Use, Vertical" means any mixed-use development that incorporates two or more different use categories stacked in one multi-story mixed-use structure.

## **17.04.466** Mobile home.

"Mobile home" means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach or factory-built housing, as defined in Section <u>19971</u> of the California Health and Safety Code. (Ord. 2694 § 2, 1982)

## 17.04.467 Mobile home park.

"Mobile home park" is any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. (Ord. 2694 § 2, 1982)

#### 17.04.468 Motel.

"Motel" means a group of buildings designed for use by tourists or transients with living or sleeping rooms, garages, parking spaces and related facilities advertised or offered on a commercial basis, including an auto court, motor court and motor lodge. (Ord. 2694 § 2, 1982)

## 17.04.470 Nonconforming, illegal.

"Illegal nonconforming" means a structure, use, or lot that was unlawful when constructed or established, and which does not conform to present regulations and standards. (Ord. 3741 § 5, 1997; prior code § 17.08.420)

## 17.04.472 Nonconforming lot, legal.

"Legal nonconforming lot" means a lot, its area, frontage, or dimensions, that complied with subdivision and zoning ordinances for the zone district that was in place when the lot was created, but which no longer conforms to the present subdivision and zoning ordinances. (Ord. 3741 § 1, 1997)

## 17.04.474 Nonconforming structure, legal.

"Legal nonconforming structure" means a structure or building, its size, dimensions, setbacks, proximity to other buildings, or other location, that complied with the zoning ordinance for the zone district that was in place when the structure was constructed, but which no longer conforms to the present zoning ordinance. (Ord. 3741 § 2, 1997)

#### 17.04.476 Nonconforming use, legal.

"Legal nonconforming use" means a use or activity that complied with the zoning ordinance for the zone district that was in place when the use was established, but which no longer conforms to the present zoning ordinance. (Ord. 3741 § 3, 1997)

#### **17.04.485** Nonprofit organization.

"Nonprofit organization" means any organization that holds a valid nonprofit organization status document for the state or the federal government. (Ord. 3586 § 1, 1994)

## 17.04.490 Nursery school.

"Nursery school" means the same as day nursery. (Prior code § 17.08.432)

## 17.04.491 Overburden.

"Overburden" means soil, rock or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (Ord. 3943 § 2, 1999)

# 17.04.492 Parcel of property.

"Parcel of property" means any separate legal lot or parcel of land. (Ord. 3586 § 1, 1994)

## 17.04.493 Parking garage.

"Parking garage" means any structure for the parking of passenger vehicles for short-term or long-term periods. (Ord. 4521 § 7, 2008)

## 17.04.493.5 Parking lot.

"Parking lot" means an off-street open area solely for the parking of passenger vehicles. Such an area or portion thereof shall be considered a parking lot whether on the same lot as another use, whether required by code for any structure or use, and whether classified as an accessory, permitted or conditional use. (Ord. 4521 § 6, 2008)

## 17.04.494 Permitted use.

"Permitted use" is a use listed as such and allowed by right which only requires compliance with the zoning ordinance. (Ord. 3835 § 2, 1998; Ord. 2694 § 2, 1982)

## 17.04.494.25 Places of assembly, commercial.

"Places of Assembly, Commercial" means a facility for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities; meeting halls for clubs, and other membership organizations.

# 17.04.494.5 Public and Quasi-Public Uses.

"Public and Quasi-Public Uses" means a facility for public or semipublic use such as civic buildings, community buildings and uses, and public utility uses including substations, governmental buildings, museums, art galleries, fire houses, post offices, police stations, libraries, parks, essential services, and similar uses, any of which may have additional requirements to use set forth herein.

## 17.04.495 Reclamation.

"Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and incidental to underground mines, so that mined

lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures. (Ord. 3943 § 3, 1999)

#### **17.04.496** Recreational vehicle.

"Recreational vehicle" is a motorhome, travel trailer, track camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. (Ord. 2694 § 2, 1982)

#### 17.04.498 <u>Religious institution</u>Residential facility.

"Religious Institution" means a building, its accessory buildings and uses, where persons regularly assemble for worship, which is maintained and controlled by a religious body organized to sustain public worship. Includes Sunday school but excludes schools and other educational institutions."Residential facility" means any group care or similar facility, licensed by the state of California, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of dailyliving or for the protection of the individual as provided in Section <u>1502</u> of the California Health and Safety-Code. (Ord. 3964 § 4, 2000)-

#### **17.04.500** Rest home or convalescent home.

"Rest home or convalescent home" means a building and premises in and on which two or more sick, injured or infirm ambulatory persons are housed or intended to be housed for compensation and which is not equipped or intended to be used as a hospital. (Prior code § 17.08.450)

## 17.04.502 Retail establishment.

"Retail establishment" is a business engaged in selling goods or merchandise, or providing services or entertainment to the general public for personal or household use. (Ord. 4427 § 2, 2007)

# 17.04.508 Roofline.

"Roofline" means the upper exterior line of a roof or top enclosure surface and includes eaves, fascia, parapets or similar projections or extensions. (Ord. 4657 § 1, 2011; Ord. 3586 § 1, 1994)

#### 17.04.510 Roominghouse.

"Roominghouse" means a building containing three or more guestrooms, used, designed, or intended to beused, let or hired, to be occupied or which are occupied by three or more individuals with or without meals, for compensation, as permanent guests pursuant to a previous arrangement for compensation for definite periods, by the month or greater term, and in which rooms are not occupied by, nor meals served, to transients. (Priorcode § 17.08.460)

## 17.04.515 Sanctuary.

"Sanctuary" means a religious building or room in which general worship services are held <u>as an element of a</u><u>religious institution</u>. (Ord. 3377 § 1, 1991)

### 17.04.520 School, elementary.

"Elementary school" means all public and private schools in which instruction is given in kindergarten through sixth grade, or in any one or more such grades, or their equivalents, as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 1, 1982; prior code § 17.08.470)

## 17.04.530 School, high.

"High school" means all public and private schools in which instruction is given in the ninth, tenth, eleventh and twelfth grades or in any one or more such grades, or their equivalents as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 1, 1982; prior code § 17.08.480)

#### 17.04.535 School, junior high.

"Junior high school" means all public and private schools in which instruction is given in seventh and eighth grades, or in any one such grade, or their equivalents, as prescribed by the <u>Education Code</u> of the state. (Ord. 2694 § 2, 1982)

## 17.04.537 School, Sunday.

"Sunday school" means a school held for purposes of religious education. (Ord. 3377 § 1, 1991)

#### 17.04.539 Accessory dwelling unit.

"Accessory dwelling unit" means an additional attached or detached residential dwelling unit subordinate insize and use to an existing dwelling unit on a lot zoned for residential use and containing a separate entranceand independent living facilities. (Ord. 4996 § 1, 2019; Ord. 3613 § 3, 1994)

#### 17.04.540 Service station.

"Service station" means a retail business establishment primarily supplying gasoline and oil and minor accessories and services for automobiles, excluding steam cleaning of motor vehicles. (Prior code § 17.08.500)

#### 17.04.545 Setback.

"Setback" means the distance measured from any point on a lot line and the main building or a covered or enclosed patio within which no structure or buildings may be placed. (Ord. 4679 § 1, 2012; Ord. 2694 § 2, 1982)

#### 17.04.546 Shopping/business center.

"Shopping/business center" means a group of two or more commercial businesses planned, constructed and managed as a total entity, and may be linked together by an architectural, historical or geographic theme, or by a commonality of goods and services. These businesses function as an integral unit on a single parcel or separate parcels of property, and share off-street parking facilities, access and pedestrian ways. (Ord. 3586 § 1, 1994)

## 17.04.547 Sign.

"Sign" means and includes every message, announcement, device, declaration, demonstration, display, illustration, insignia, advertising statuary, surface or space, including the supporting structure and component parts, erected or maintained for attraction of, attention to, identification of or advertisement of a business, profession, product or service. Exemptions to this definition are listed in Section <u>17.60.080</u>. Specific sign definitions are identified as follows:

"Abandoned sign" means a sign that includes copy that remains in place or is not maintained, for a period of ninety days or more, which no longer advertises or identifies an on-going business, product or service available on the premises where the sign is located.

"Advertising statuary" means a three-dimensional imitation, representation or similitude of a person, animal or object which is sculptured, molded or cast in any solid or plastic substance, materials or fabric and is used for advertising purposes.

"A-frame" means any sign with two or more faces or surfaces usable for advertising display, not attached to the wall of a building or structure, whether portable or affixed to the ground and commonly known as A-frame, T-frame and sandwich board.

"Animated sign" means any sign which uses movement or change of lighting to depict action, or to create a special effect or scene.

"Awning, canopy or marquee sign" means a sign that is mounted on or painted on, or attached to an awning, canopy, marquee, or other such overhang. Such signs shall be considered wall signs for the purpose of calculating allowable sign area.

"Banner, flag, pennant, streamer or balloon" means any fabric, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing or vehicle, including captive balloons and other such inflatable signs, but not including official flags of the United States, state of California and other states of the nation, counties, municipalities, foreign nations and national/international nonprofit organizations.

"Bench sign" means a bench located outdoors with advertising matter thereon.

"Building identification sign" means a sign which serves to identify individual buildings on a site to assist in providing direction to the public. Such sign does not contain commercial advertisement or business identification.

"Business identification sign" means any sign which is used to identify or advertise the occupant of a commercial or industrial business.

"Center identification sign" means any sign which is used to identify or advertise a shopping or business center as defined in this title.

"Commercial sign" means a sign which advertises a product or service for profit or for a business purpose.

"Construction or home improvement sign" means a temporary sign stating the names of those individuals, firms or corporations connected with the construction project and which is placed upon the premises where construction, repair or renovation is in progress. Said sign may include the name of the city in which their business is located and emergency telephone numbers.

"Copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

"Directional sign" means an on-premises, incidental sign designed to guide or direct pedestrian or vehicular traffic.

"Directory" means any sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

"Electric message display" means a sign displaying words, symbols, figures, images or video that is automatically controlled by mechanical, electronic, or computerized means.

"Flashing sign" means any sign which contains or is illuminated by lights which flash, scintillate, blink, travel, go on and off intermittently, change in intensity or color or is illuminated by light not providing constant illumination, also including flashing beacons or flashing arrows and parts of attachments to signs which are illuminated by such lights.

"Freestanding sign" means a sign which is supported by one or more columns, uprights, or braces in or upon the ground and not attached to a building. Monument, pylon and pole signs are considered freestanding signs.

"Freeway-oriented sign" means any pylon sign identifying premises where food, lodging and places of business engaged in supplying goods and services essential to the normal operation of motor vehicles and which are directly dependent upon an adjacent freeway.

"Future facility sign" means a temporary sign which identifies the future use or tenant, consistent with what use is permitted by the existing zoning of the site.

"Garage sale sign" means a temporary sign which announces the sale of personal used goods, furniture, or clothing at a residence by the occupant for a limited period of time. Sign may also be referred to as a yard sale or estate sale.

"Indirectly illuminated sign" means a sign whose illumination is derived entirely from a light source which is arranged so that no direct rays of light are projected from such light source into adjacent properties or public streets.

"Logo" means a symbol, design, or graphic representation which may or may not include text, which identifies a business, activity or company.

"Menuboard" means a sign similar to a readerboard which is a permanent structure upon which is displayed a menu of items for sale and may or may not include prices, of which the copy is of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

"Monument sign" means a low profile freestanding sign supported from grade to the bottom of the sign face with or having the appearance of a solid base. The width of the base shall be at least seventy-five percent of the dimension of the width of the sign face, and the area of said base shall not exceed fifty percent of the allowable area of the sign face.

"Moving sign" means any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by action of wind currents.

"Nameplate" means a small sign that contains the name and/or address of the occupant of a residence or building, and is located near or on the door of the entrance.

"Neighborhood/subdivision identification sign" means a sign which identifies a single-family-unit\_development, condominium development, or apartment complex. This type of sign also includes signs identifying public parks.

"Nonconforming sign" means a sign which was legally installed under laws or ordinances in effect prior to the effective date of this title or subsequent revisions as they pertain to signage, but which is currently in conflict with those provisions. This definition does not include signs illegally installed contrary to the laws or ordinances in effect when it was established.

"Off-premises or off-site sign" means a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"On-premises or on-site sign" means a sign that directs attention to a business, profession, product, commodity, or service that is the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"Outdoor advertising sign (billboard)" means a sign that is rented or leased for limited durations as specified by Section <u>17.60.070(E)</u>, has temporary or changeable copy, and is not to be used as permanent off-premises identification sign for a business or activity, and directs attention to a business, profession, product, commodity or service that is not the primary business, profession, product, commodity or service conducted, sold, manufactured or offered on the site on which the sign is located.

"Outlining of a building" means the placing and maintaining of neon tubing, fluorescent lighting, or incandescent lighting in a line marking the outer limits or edges of a building or window or roof of a building. Such definition shall not apply to any customary Christmas lighting placed and maintained for a reasonable time during the holiday season.

"Pole banner" means a sign on a rectangular piece of lightweight fabric or similar non-rigid material that is attached on the longest side to a vertical pole, and is framed along the top and/or bottom by a solid structural unit attached to the pole to ensure that it hangs flat.

"Portable sign" means a sign not permanently affixed to the ground or a building or structure on the premises it is intended to occupy.

"Projecting sign" means an identification sign other than a wall sign, which projects more than twelve inches from and is supported by, a wall of a building or structure.

"Promotional sign" means a temporary sign that promotes an individual business's merchandise, services or products on sale, but does not include the business's name.

"Public service sign" means any sign or portion thereof intended to promote items of general interest to the community such as public events or public messages, time, temperature, atmospheric conditions.

"Pylon sign" means a freestanding sign that is supported by pylons, pillars, poles, columns, or similar structures, and that the area between grade and the bottom of the sign face is more than fifty percent open. Such sign may also be referred to as a pole sign.

"Readerboard" means a sign which is a permanent structure upon which is displayed advertising material or copy of a temporary or changeable nature. Advertisement or copy shall not be displayed on materials constructed of cloth, fabric, paper, cardboard, placards, or similar such materials.

"Real estate sign" means a temporary sign offering real property, personal property, or a business, or any combination thereof, for sale, lease or exchange and includes signs pertinent to open houses and property management. It does not include merchandise sold in the usual course of business.

"Residential subdivision/project directional kiosk" means an off-site sign structure with individual name panels identifying subdivisions where new home sales are taking place. Each panel informs the viewer as to the specific project and the route or change of direction of travel for potential buyers to visit the project.

"Roof sign" means an identification sign or portion thereof located on, or extending over the roof line of a building and either supported by the roof of a building or by independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure which is a part of the enclosed floor area of the building shall be considered a roof sign. Mansard type roof signs or any single-faced sign attached to or mounted upon a roof which has a slope which exceeds forty-five degrees from the horizontal plane and which does not project above the highest sight line of such roof, shall be deemed a wall sign for the purposes of this chapter.

"Rotating sign" means any sign that moves or that portion of any sign which moves or rotates in any manner.

"Shingle sign" means a sign that is suspended from a marquee, canopy, awning, or similar overhang, and is oriented to be viewed by pedestrians.

"Skyline building sign" means a wall sign comprised solely of individual letters or logo that provides long distance visual identification of a building or its primary tenant. Such sign shall only be permitted for a building that is three or more stories and shall be located on the top story or between the top story and top of the building.

"Special event sign" means a temporary sign publicizing a unique happening, action, purpose or occasion. These signs may be promotional; however, the event occurs infrequently or one time such as grand openings, clearance sales, seasonal sales, carnivals, and fund raising events.

"Temporary sign" means a sign usually constructed of cloth or fabric, cardboard, wallboard, wood, aluminum, or other light material intended to be displayed for a limited period of time.

"Vehicle sign" means an advertising display or sign that is exposed to public view, attached to, painted on, or supported from a parked or mobile automobile, truck trailer or other mobile vehicle, for the purpose of advertising a business, service or products, or directing people to a business activity, located on any private or public property, but shall not refer to standard advertising or identification practices where such sign is painted on or permanently attached to a commercial or business vehicle used in the conduct of such business. "Wall sign" means a sign attached to, embedded in, painted on or erected against the exterior wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of the wall, and does not project more than twelve inches from the wall that is attached. Signs attached to or painted on an awning, canopy, marquee, or other such overhang shall be considered wall signs for the purpose of calculating allowable sign area.

"Window sign" means any sign painted, attached, glued or otherwise affixed to, and visibly displayed on the inside or outside of a ground floor window and facing a public street, walkway, mall or parking lot available for public use. If a window is painted or otherwise covered in that it resembles the building wall or no longer functions to provide a view within or outside the building, then any signs within or on that space shall be considered as and subject to the minimum area permitted for wall signs. (Ord. 4953 § 1, 2018; Ord. 4489 § 1, 2008; Ord. 3755 § 1, 1997; Ord. 3586 § 1, 1994)

#### 17.04.550 Stables, commercial.

"Commercial stables" means a stable for horses to be let, hired, or used on a commercial basis. (Prior code § 17.08.510)

#### 17.04.560 Stables, private.

"Private stables" means a stable for horses to be used by the owners of the property or boarded for noncommercial purposes. (Ord. 2694 § 1, 1982; prior code § 17.08.520)

#### 17.04.570 Story.

"Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or underfloor space is more than six feet above grade as defined in Section <u>17.04.310</u> of this title, for more than fifty percent of the perimeter, or is more than twelve feet above grade as defined herein at any point, such basement, cellar or underfloor space should be considered as a story. (Ord. 2694 § 1, 1982; prior code § 17.08.530)

#### 17.04.580 Story, half.

"Half story" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it. (Prior code § 17.08.540)

#### 17.04.590 Streambed.

"Streambed" means that portion of the floodplain through which the natural flow of water is channelized during normal flows. (Prior code § 17.08.545)

#### 17.04.594 Street.

"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Ord. 3586 § 1, 1994)

#### 17.04.595 Street frontage.

"Street frontage" means the linear frontage of a parcel of property abutting a street. (Ord. 4601 § 1, 2009; Ord. 3586 § 1, 1994)

#### 17.04.600 Structure.

"Structure" means anything constructed, or erected, which requires location on the ground or attached to something having a location on the ground, but not including tents, vehicles, trailers or fences or walls used as fences less than six feet in height. (Prior code § 17.08.560)

#### **17.04.602** Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target populationand that is linked to on-site or off-site services that assist the supportive housing resident in retaining thehousing, improving his or her health status, and maximizing his or her ability to live and, when possible, workin the community. Supportive housing units are residential uses subject only to those requirements andrestrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 2, 2021)

#### **17.04.604** Surface mining operation.

"Surface mining operation" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). (Ord. 3943 § 4, 1999)

#### **17.04.606** Tandem parking space.

"Tandem parking space" means a parking space that is adjacent to the end of a legal off-street parking space, opposite the drive aisle. The orientation of the tandem parking space is the same as and only accessible through said legal off-street parking space. (Ord. 4521 § 8, 2008)

#### **17.04.608** Target population.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Ord. 5048 § 3, 2021)

### **17.04.610** Temporary promotional activity.

"Temporary promotional activity" means an activity such as an arts and/or crafts sale, petting zoo, carnival, amusement ride or rides, or similar activity conducted on the premises of an existing business or shopping center, with the permission of and to promote such business or shopping center, for a period of time not to exceed five consecutive days or ten days in any calendar year. (Ord. 2988 § 1, 1985)

#### 17.04.618 Tower.

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, television, and similar communications purposes. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (Ord. 4231 § 5, 2005)

#### **17.04.620** Trailer court or trailer park.

"Trailer court" or "trailer park" means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or trailer houses. (Prior code § 17.08.590)

#### **17.04.624** Transit facility.

"Transit facility" means a public use facility designed to provide access to public transportation services that may consist of single or multimodal functions, including but not limited to, bus, bus rapid transit, trolley, and light rail, and also contains buildings or structures that provide seating and weather protection for the public using said services (Ord. 4521 § 9, 2008)

## 17.04.626 Transitional housing.

"Transitional housing" means buildings configured as rental housing, but operating under programrequirements that require the termination of assistance and recirculation of the assisted unit to another eligibleprogram recipient at some predetermined future point in time, which shall be no less than six months from thebeginning of the assistance. Transitional housing units are residential uses subject only to those requirementsand restrictions that apply to other residential uses of the same type in the same zone. (Ord. 5048 § 4, 2021)

# 17.04.630 Travel trailer.

"Travel trailer" is a vehicle, other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeurs license, or both, without violating any provision of the State <u>Vehicle Code</u>. (Ord. 2694 § 1, 1982)

#### 17.04.640 Use.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. (Prior code § 17.08.600)

#### 17.04.650 Use, change of.

"Change of use" means a change from one to another of the following categories:

- <u>1</u>A. Commercial/retail other than restaurant or convenience store;
- <u>2</u>B. Restaurant or convenience store;
- <u>3</u> $\leftarrow$ . Industrial;

#### <u>4</u>D. Multi-<u>unit</u>family residential;

- 5E. Office, other than medical office;
- 6F. Religious institutionChurch;
- <u>7</u>G. Hospital;
- <u>8</u>H. Medical office.

**<u>9</u>**<sup>1</sup>. Changes from one use to another which is substantially dissimilar, as determined by the planning director. (Ord. 3746 § 1, 1997; prior code § 17.08.610)

#### 17.04.653 Winery.

"Winery" means an agricultural processing plant used for the commercial purpose of fermenting and processing of fruit juice into wine, or the refermenting of still wine into sparkling wine in which the manufacturing is greater than ten thousand cases per year. Retail sales and tasting facilities of wine may be permitted as part of the winery operations. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved wastewater discharge plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5052 § 1, 2021)

#### 17.04.656 Winery, boutique.

"Winery, boutique" means the manufacturing of ten thousand cases, or less, per year of still wine or sparkling wine. Operations shall continuously comply with the following operational standards:

- 1. Maintain an approved wastewater discharge plan from the Bakersfield public works department.
- 2. Maintain a valid California Department of Alcohol and Beverage Control (ABC) license.

3. Obtain appropriate permit from the San Joaquin Valley Air Pollution Control District, if applicable; and adhere to industry best practices for odor reduction. (Ord. 5052 § 1, 2021)

#### 17.04.660 Yard.

"Yard" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building. (Prior code § 17.08.620)

#### 17.04.670 Yard, front.

"Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shorter street frontage, except in those cases where the latest deed restrictions specify another line as the front lot line. (Prior code § 17.08.630)

#### 17.04.680 Yard, rear.

"Rear yard" means an open unoccupied space on the same lot with the main building between the rear line of the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto and the rear line of the lot and extending the full width of the lot. (Prior code § 17.08.640)

#### 17.04.690 Yard, side.

"Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. (Prior code § 17.08.650)

#### 17.04.700 Zone.

"Zone" means reference to residential zones or districts, commercial or industrial zones or districts, or any other such zones or districts as set forth in Chapter <u>17.06</u> of this code. The terms zone and district are used interchangeably. (Ord. 3586  $\S$  1, 1994)

# Chapter 17.06 ZONES ESTABLISHED—ZONING MAP BOUNDARIES

#### Sections:

17.06.010	Establishment of zones—Map adopted.
17.06.020	Zoning map.
17.06.030	Boundaries adopted—Rules of construction when boundaries uncertain.
17.06.040	Uses permitted in zones.
17.06.050	Designation of zones.
17.06.060	Zoning by specific plan.

#### 17.06.010 Establishment of zones—Map adopted.

A. The location and boundaries of various zone districts are established and geographically delineated on an <u>electronic</u> map or set of maps known as the "Official Zoning Map" of the city of Bakersfield.

B. The map, and all amendments, changes and extensions thereof, and all legends, symbols, notations, references, and other matters shown thereon shall be a part of this title and shall constitute Section <u>17.06.020</u>. (Ord. 4602 § 1, 2009; amended during 1981 codification; prior code § 17.12.010)

## 17.06.020 Zoning map.

The official zoning map of the city and amendments thereto shall be located in and maintained by the planning department. <u>The official zoning map may be printed and available for viewing</u>. <u>The online electronic file is not</u> <u>the official map</u>. (Ord. 4602 § 2, 2009; amended during 1981 codification; prior code § 17.12.020)

# 17.06.030 Boundaries adopted—Rules of construction when boundaries uncertain.

A. The boundaries of such zones as are shown upon the zoning map, or amendments thereto, are adopted and the specific regulations as set forth in this title for each zone and the general regulations applicable in this title are established and declared to be in effect upon all lands included within the boundaries of each and every zone as shown upon said zoning map.

B. Where uncertainty exists as to the boundaries of any zone shown on the map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, as the case may be, such lines shall be construed to be such boundaries;

2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

3. Where these rules are inapplicable, the planning commission shall determine the location of boundaries;

4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley;

5. Where any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned property;

6. All property in the city not otherwise classified and all property hereafter annexed and not zoned upon annexation, is classified as an R-1 zone. (Prior code § 17.12.030)

## **17.06.040** Uses permitted in zones.

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone, as shown upon the zoning map, except in accordance with the regulations established by this title. (Prior code § 17.12.040)

#### **17.06.050 Designation of zones.**

The several classes of zones into which the city is divided are designated as follows:

А	Agricultural zone;
A-20A	Agricultural (twenty-acre minimum lot size) zone;
A-WR	Agriculture—WR (agricultural—water recharge combining) zone;
AA	Airport approach zone;

AÐ	Architectural design zone;
C-1	Neighborhood commercial zone;
C-2	Regional commercial zone;
C-B	Central business zone;
C-C	Commercial center zone;
C-0	Professional and administrative office zone;
<del>CH</del>	Church combining zone;
DI	Drilling island district;
E	Estate, one-family dwelling zone;
FP-P	Floodplain primary zone;
FP-S	Floodplain secondary zone;
HD	Hillside development combining zone;
HOSP	Hospital zone;
M-1	Light manufacturing zone;
M-2	General manufacturing zone;
M-3	Heavy industrial zone;
MH	Mobile home zone;
<u>MX-1</u>	Mixed-Use Neighborhood
<u>MX-2</u>	Mixed-Use Transit
OS	Open space zone;
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PCD	Planned commercial development zone;
PE	Petroleum extraction combining zone;
PUD	Planned unit development zone;
R-1	One family- <u>Single-unit</u> dwelling zone;
<del>R-1-4.5</del>	Small lot single one-dwelling zone (four- thousand five hundred square foot minimum lot- size);
R-2	Limited multi <del>ple-<u>unit</u>family</del> dwelling zone- (minimum lot area, two thousand five hundred- square feet per unit);
R-3	Multi <del>ple-<u>unit</u>family</del> dwelling zone-(minimum lot area, one thousand two hundred fifty square feet per unit);
R-4	High density multi <del>ple-<u>unitfamily</u> dwelling zone- (minimum lot area, six hundred square feet per- unit);</del>
<u>R-5</u>	Very high density multi-unit dwelling zone;
<u>R-6</u>	Urban Core zone:
R-S	Residential suburban zone;
<del>R-S-10A</del>	Residential suburban (ten-acre minimum lot- size) zone;
<del>R-S-1A</del>	Residential suburban (one-acre minimum lot- size) zone;
<del>RS-2.5A</del>	Residential suburban (two-and-one-half-acre- minimum lot size) zone;
<del>R S 5</del> A	Residential suburban (five-acre-minimum lot- size) zone;

RH	Residential holding zone;
<del>SC</del>	<del>Senior citizen zone;</del>
TT	Travel trailer park zone.

(Ord. 4991 § 1, 2019; Ord. 4938 § 1, 2018; Ord. 4820 § 1, 2015; Ord. 4602 § 3, 2009; Ord. 3477 § 6, 1992; Ord. 2695 § 1, 1982; prior code § 17.12.050)

# 17.06.060 Zoning by specific plan.

Notwithstanding any other provision of this title or provision of state law, a specific plan adopted pursuant to Article 8 of Chapter 3, Division 1 of Title 7 of the Government Code (Section <u>65450</u> et seq.) and including those matters specified in Section 64451 thereof, may if so designated upon adoption by the city council, constitute zoning standards and regulations for and establish the zone districts, permitted uses and conditional uses for, the area covered by the plan. (Ord. 3046 § 1, 1986)

# Chapter 17.08

# GENERAL REGULATIONS INCLUDING SITE PLAN REVIEW

Sections:	
17.08.010	Applicability.
17.08.020	Conflicting regulations.
17.08.030	Less restrictive uses prohibited.
17.08.040	Determination of use.
17.08.050	Prohibited uses.
17.08.060	Site plan approval required.
17.08.070	Exemptions from site plan review.
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# 17.08.010 Applicability.

The provisions of this chapter are general provisions that apply to development within the city in accordance with the requirements herein. (Ord. 3835 § 3, 1998; prior code § 17.52.010)

# **17.08.020** Conflicting regulations.

Where any provision of this title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern; provided, however, that where a subdivision has been approved by the planning commission and

the city council under the provisions of Chapter <u>16.36</u> of this code, then the approved standards for streets and highways, alleys, easements, blocks, lots, yards, pedestrian ways and access shall be considered as requirements of the zoning ordinance. (Prior code 17.52.020)

### 17.08.030 Less restrictive uses prohibited.

The express enumeration and authorization in this title of a particular class or building, structure, premises or use in a designated zone shall be deemed a prohibition of such buildings, structure, premises or use in all zones of more restrictive classification, except as otherwise specified. (Prior code § 17.52.030)

#### **17.08.040** Determination of use.

A. Uses permitted other than those specifically mentioned in this title as: (1) uses permitted; (2) uses permitted subject to a director review and approval; or (3) uses permitted subject to the approval of a conditional use permit, in each of the zone districts may be permitted therein subject to the approval of a determination of use.

B. "Determination of use" in this section refers to establishing whether a use that is not included in the applicable zone district use schedule and is not reasonably similar to uses identified within the applicable use schedule can be allowed nonetheless. In such cases, an applicant shall submit an application for determination of use to the planning department for processing, which will be referred to the planning commission for review and approval.

C. The applicant shall submit a completed application form, a completed operational statement, pay a fee as determined by the council, and such information necessary to discern the exact nature and extent of the requested use as may be required by the planning director.

D. The planning department shall schedule the request for determination of use to the next available regular meeting of the planning commission for public hearing.

E. The decision on the determination of use shall provide the applicant with a written explanation, that includes, at a minimum:

1. A definition of the proposed use, which may include edit of or insertion into previously existing definitions; and

2. A classification of the use within the use schedule of the zoning ordinance for all applicable zone districts; and

3. The classification of the use which can be determined to be a prohibited use, a permitted use, a permitted use subject to a director's review and approval, and/or a permitted use subject to the approval of a conditional use permit; and

4. In all cases where a use is permitted to be established, the planning commission must make the findings that the determination of use is:

a. Consistent with the purpose and intent of the zone district(s) and underlying general plan land use designation(s) as assigned, and

b. Not more detrimental to the public peace, health, safety or welfare of the community than the permitted or conditionally permitted uses specifically mentioned for the respective zone(s), and

c. Similar to and compatible with other uses allowed or conditionally allowed in the designated zone district(s).

F. The determination of use may require:

- 1. Additional entitlements be approved prior to the establishment of the use; and/or
- 2. Operational limits to the use; and/or
- 3. Development requirements to the use as a component of those entitlements.

G. The planning director shall cause a list of such determinations and entitlements to be maintained and shall periodically initiate an amendment to the zoning ordinance to incorporate such changes into the zoning ordinance.

H. Determination of use shall be processed in accordance with public hearing procedures established by Section 17.64.050 and be subject to the findings required by subsection (E)(4) of this section.

I. The decision of the planning commission may be appealed to the city council consistent with Section <u>17.64.090</u>. (Ord. 5008 § 1, 2020; prior code § 17.52.040)

#### 17.08.050 Prohibited uses.

- A. The following uses are specifically prohibited within any zone district:
  - 1. Medical marijuana dispensary.
  - 2. Commercial cannabis activity.

B. Other uses may also be prohibited, provided such uses are, in the opinion of the planning commission, more detrimental to the public peace, health, safety or welfare of the community than the uses specifically mentioned for respective zone(s). (Ord. 5008 § 2, 2020; Ord. 4918 § 2, 2017; Ord. 4731 § 2, 2013; prior code § 17.52.050)

#### 17.08.060 Site plan approval required.

No person shall undertake, conduct, use or construct, or cause to be undertaken, conducted, used or constructed, any of the following without first obtaining site plan approval: any change in the actual use of land or improvements thereon, including, but not limited to, the construction of any improvements which require a building permit, enlargement, reconstruction or renovation of improvements; provided, however, site plan approval may be consolidated with other discretionary approvals such as conditional use permits and planned commercial developments. (Ord. 3835 § 6, 1998)

#### **17.08.070** Exemptions from site plan review.

The following are specifically exempt from and do not require site plan approval:

A. Uses allowed as permitted uses in the R-1, <del>E,</del> R-S, <del>R-S-1A, R-S-2.5A, R-S-5A, R-S-10A,</del> RH, A, A-20A, FP-P and FP-S zones;

B. Normal maintenance and repair of improvements and exterior remodeling not requiring a building permit;

C. Interior improvements which do not involve changes to the exterior of a building or a change of use or intensity of use;

D. Subdivision of land;

E. Change of use of an existing building from a permitted use of one class or type to a permitted use of a different class or type not associated with the enlargement of space or modification of development standards, zoning regulations or policies;

- F. Parking lot restriping/redesign;
- G. Outdoor advertising signs;
- H. Wireless telecommunication facilities in accordance with Chapter <u>17.59</u> of this code;
- I. Metal storage containers;
- J. Utility buildings and structures (unoccupied);
- K. Carports;
- L. Paint booth additions;
- M. Classroom additions to religious institutionschurches;
- N. Farmers market;
- O. Used car sales where lot is already improved;
- P. New surface parking lot;
- Q. Additions of accessory buildings on a developed commercial or industrial site;
- R. Equipment/contractor storage yards where there are no buildings or employees;
- S. Fallout shelter. (Ord. 4231 § 6, 2005; Ord. 3835 § 6, 1998)

#### **17.08.080** Site plan approval process.

A. *Application*. The application shall consist of a fee, based upon a schedule adopted by the city council, one legible copy of the application form and two legible copies of a site plan showing the intended use of all buildings to be constructed, elevations and floor plans, and a list of off-site improvements to be constructed in accordance with city ordinances and standards. The application shall also include sufficient information to determine whether the proposed project is consistent with the general plan and zoning ordinance as implemented by adopted city regulations and all information necessary to determine if the project is subject to review pursuant to the California Environmental Quality Act (CEQA), as determined by the planning director. All applications shall consist of the following:

1. *Application Form.* The application form shall be provided by the planning director and shall be filled out to the satisfaction of the planning director;

2. Check List. Hazardous materials compliance check list as required by the city fire marshal;

3. *Site Plan.* The site plan shall be neatly dimensioned and drawn to an appropriate scale (preferred scale is one inch equals twenty feet) with a minimum size of eight-and-one-half inches by eleven inches and shall depict the subject parcel. The site plan shall indicate the location of the site, project address, location of all existing improvements, the type and location of all proposed improvements, type and location of all improvements proposed to be demolished or constructed, all existing and proposed uses on-site and all evidence of a mappable nature which may be required, including:

a. Location, height and material of existing and/or proposed fences and walls,

b. Location of off-street parking, the number of required parking spaces, the number of provided parking spaces, and the number of and location of handicapped spaces, type of paving, direction arrows depicting traffic flow, parking dimensions, and total parking lot square footage,

c. Location and type of parking lot lighting, including pole locations, pole height, light source, illumination level and fixture types,

d. Locations and width of drive approaches,

e. Method of stormwater disposal,

f. Location of existing and/or proposed public improvements (such as curbs, gutters, sidewalks, sewers, utility poles, fire hydrants, street lights, traffic-control signing, traffic signal devices, specific plan lines for streets and highways, etc.),

- g. On-site drainage and method of sewage disposal,
- h. Location of trash refuse area,
- i. Landscaped areas,
- j. Summary of all proposed buildings, including:
  - i. Total gross floor area,
  - ii. Number of floors and square footage per floor,
  - iii. Existing use or uses of the building(s) and their respective square footage,
  - iv. Proposed use or uses of the building(s) and their respective square footage,
  - v. Required and provided parking ratios for each building;

k. Elevations and floor plans, including description of room use, of all proposed or existing buildings or additions to existing buildings. In the case of building additions, the plans shall clearly show existing and proposed areas and any areas proposed for demolition;

4. *Landscape Plan.* The applicant shall provide a landscape plan as set forth in Chapter <u>17.61</u> of this code which demonstrates the project complies with the requirements of that chapter and/or landscaping requirements set out in the zoning ordinance or specific plans for that area;

5. *Environmental Information*. The applicant shall provide such information as may be required by the planning director in satisfaction of the requirements of the California Environmental Quality Act (CEQA);

6. *Additional Information*. The applicant shall provide any other information as required by the planning director that is necessary to ensure that the project can be adequately evaluated;

7. *Fees.* The applicant shall pay a fee not to exceed the cost of processing and reviewing the plan as set forth in Chapter 3.70 of this code.

B. Procedure.

1. *Acceptance*. Applications shall be submitted to the planning director. Within thirty days, the planning director shall determine whether the application is complete and conforms to these requirements. No application shall be deemed complete unless the project is consistent with the general plan and zoning ordinance as implemented by adopted regulations of the city. If the application does not conform to the requirements of this chapter or is inconsistent with the general plan or zoning regulations, the planning director shall notify the applicant what additional requirements or applications may be necessary to comply with this section. If the application is complete, he/she shall accept it for processing.

2. *Referral and Review*. After the application is deemed complete, the planning director shall transmit one copy of the application to the site plan review committee which is established and shall consist of the planning director, building director, fire chief and public works director, or their designated representatives. The site plan review committee shall review and provide comments on such application to the planning director.

3. *Environmental Review*. The planning director shall conduct CEQA review pursuant to CEQA implementation guidelines and state law if the project is subject to CEQA.

4. *Approval.* After considering the recommendations from the site plan review committee and the planning director, and after approving any necessary CEQA documents, the development services director may approve, conditionally approve or deny the site plan. The development services director may impose time limits within which specified improvements shall be installed. Failure to complete installation of such improvements within the specified time limit shall void both the site plan approval and any building permit issued. A site plan may only be denied if the proposed project does not comply with city codes, standards or policies, or CEQA. The action of the development services director approving or denying site plan, if not appealed as provided hereinafter, shall be final.

5. *Building Permit Review*. Upon submittal by the applicant for a building permit for a project for which site plan approval has been given, the building director will transmit a copy of the construction plans to the site plan review committee who will review the plans for compliance with the conditions, requirements and mitigation measures imposed on the site plan. If the committee determines the applicant has not complied with one or more of the applicable codes, standards, mitigation measures or other conditions imposed by the development services director, the planning director shall notify the applicant in writing that the plans will be suspended from further processing until such compliance is satisfied. No certificate of occupancy shall be issued by the building director until all conditions, requirements and mitigation measures imposed on the site plan have been accomplished.

6. *Commencement of Construction.* No development or construction, including grading, for which site plan approval is required, may begin until the process set forth in this chapter has been completed, the time period for appeal has expired, and all other permits and licenses required for the project to commence have been obtained.

#### C. Revisions to Applications.

1. *Revisions Prior to Decision.* The applicant may submit revisions to the site plan application at any time before the site plan is approved or denied. The planning director may determine that the revisions require study by the staff or comment by one or more city departments and/or other public agencies, or further CEQA review, and may therefore reprocess the application as necessary, including recirculating any environmental document for public comment.

2. *Revisions After Denial of the Site Plan.* The applicant may resubmit the proposal with revisions together with any required processing fees. Such resubmittal shall be acted upon in the same manner as the original application.

3. *Revisions After Approval of the Site Plan.* At any time after approval, but before the approved site plan expires, the applicant may submit revisions to the plan. Such revisions shall be acted upon in the same manner as the original application; provided, however, minor revisions resulting from physical obstacles, compliance with conditions or mitigation measures, or other comparable constraints may be approved by the planning director. Revisions as provided in this subsection shall not extend the time the site plan expires.

D. *Expiration of Site Plan.* Approved site plans shall expire unless building permits have been issued on the project, or on projects not requiring a building permit construction has commenced on-site, within two years of the date of approval and the entire project completed not more than five years from the date of approval of the site plan. Time requirements may be extended for a period of one year by the planning director through resubmittal of final plans for check against current code requirements and/or written justification for the requested extension. No fees will be levied for such a compliance check and extension. Changes to the plans originally approved for purposes other than code requirements shall require an application for revisions pursuant to this chapter. Upon expiration of the building permit, a new site plan approval must be obtained. In any event, such site plan shall expire upon the rezoning of the site following approval of the site plan unless the proposed use is a permitted use in the subsequent zone.

#### E. Appeal Procedure.

1. Any person not satisfied with the decision of the development services director may, within ten days of the date of that decision, appeal to the city planning commission by filing a written notice of appeal and payment of fees with the planning director setting forth the precise basis and issues on appeal and requesting a hearing thereon. The planning commission shall, as soon as possible, hold a noticed public hearing thereon. Only appeals of issues subject to review by the planning commission will be accepted for filing.

2. Notice of the date, time and place of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property, the owner's duly authorized agent, the project applicant, and the appellant. Notice shall also be mailed to every person filing with the planning director a written request for notice, and those within the noticed area if the site plan was initially subject to a public hearing.

3. Review by the planning commission of an appealed site plan is limited to a determination of whether or not an adopted development standard, zoning regulation, or policy applied or not applied to the project was done consistent with authority granted by city ordinance. No authority is granted to add, delete, change or modify adopted standards, regulations or policies except as required to comply with conditions necessary to mitigate unavoidable environmental impacts. After hearing the appeal, the planning commission may deny, grant or partially grant the appeal by directing changes to the project or to the CEQA document adopted or to the mitigation measures as necessitated by their findings regarding the issues appealed. All findings, CEQA determinations and conditions made by the development services director not appealed to the planning commission shall remain in full force and effect and shall not be modified by the planning commission. The decision by the planning commission shall be final.

4. Any person not satisfied with the decision of the planning commission may, within ten days of the date of that decision, appeal to the city council. All procedures for notice, review of the appeal, and the holding of the public hearing within subsection  $\underline{\mathbf{E}}$  shall also apply to the city council.

5. Failure to file an appeal within the time period prescribed therefor shall be deemed a waiver of the right of appeal. (Ord. 4939 § 9, 2018; Ord. 4714 § 1, 2012; Ord. 3835 § 6, 1998)

## **17.08.090** Overlooks into residential rear yards.

A. The intent of this section is to provide a reasonable degree of privacy to and screening of residential rear yards adjacent to multistory office, commercial, industrial, apartment or condominium structures. Screening shall only apply to the rear yard of the impacted residential property, being defined as a three-dimensional area measured horizontally between the rear property line and the residential structure, and measured vertically between the grade of the residential structure's foundation and a plane five feet above such grade. This section

does not intend to provide a total screening of the affected yard area, or the affected residence's building walls and windows.

B. Screening shall apply to overlooks from all windows, balconies, and decks from the second floor and above, in office, commercial, industrial, apartment or condominium structures containing three or more units that are within one hundred fifty feet of property zoned for R-1, R-S, <u>R-S-1A, E</u>, MH, PUD projects and condominium projects of a single-<u>unitfamily</u> character with private rear yards. This section shall not apply to overlooks from buildings to yards within the same planned unit development projects.

C. If a building subject to this section begins construction and the property within one hundred fifty feet of it in the above cited residential zones is vacant, then it shall not be required to screen that vacant property from its view.

D. Where a project has a severe overlook problem because of topography, height of structure or other unusual conditions, the building and planning directors may require a landscape plan to provide a long term screening solution (effective within five years) within three hundred feet of property zoned R-1, R-S, <del>R-S-1A, E,</del> MH, PUD projects and condominium projects of a single-<u>unit family</u>-character with private rear yards.

E. Where a project falls under the provisions of this section, a conceptual screening plan shall be submitted with the site plan review application. Where possible, the screening plan shall incorporate the use of landscaping.

F. The decision as to what is a reasonable degree of privacy and a reasonable plan to accomplish such privacy shall be determined by the building and planning directors. In making such decision, the directors shall consider the following factors:

- 1. Topography and zoning of neighboring properties;
- 2. Design alternatives;
- 3. Cost;
- 4. Timing of development;
- 5. Building code and fire safety regulations;
- 6. Other factors determined to be significant by the directors.

G. Methods which may be used to accomplish screening include, but are not limited to:

- 1. No windows, balconies or decks facing the affected residential property;
- 2. Windows with sills a minimum of five feet above the floor;
- 3. Translucent glass;
- 4. Wing walls;
- 5. Louvers appropriately directed;
- 6. Landscaping;
- 7. Awnings when used as an interim screening in connection with a permanent landscaping plan;
- 8. Other design solutions which accomplish essentially the same results as determined by the directors;

9. Separation of the multistory building from the closest portion of the yard being protected by a minimum distance of one hundred fifty feet measured horizontally. (Ord. 3835 § 6, 1998)

#### **17.08.100** Dwellings to face access other than alley.

A. Except where otherwise provided for in this title, every dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement of passageway other than an alley.

B. Such easements shall be not less than ten feet in width. (Prior code § 17.52.100)

# 17.08.110 Height of buildings—Roof structures, chimneys and towers.

A. No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment; towers, steeples, roof signs or other structures shall exceed the height limit provided in this title.

B. Flagpoles, public utility poles and lines, chimneys and smokestacks may extend not more than thirty feet above the height limit provided in this title; provided, that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. Wireless telecommunication facilities, including antennas, satellite dish antennas, and towers shall be subject to the provisions of Chapter <u>17.59</u> of this code. (Ord. 4231 § 7, 2005; prior code § 17.52.110)

#### **17.08.120** Yard requirements when portion of other use is used as dwelling.

Where a portion of a building used for dwelling purposes is located above another portion of a building having another type of use in zones other than R-1, R-2, R-3 or R-4 zones, the rear and side yards for the floors occupied for dwelling purposes shall comply with the provisions of the R-4 zone. (Prior code § 17.52.120)

#### **17.08.125** Street setback exceptions—Front and side yard.

Where more than fifty percent of the lots along the same side of a street within the same block contains existing buildings having setbacks from the street less than the required minimum specified by the zone district in which the buildings are located, any new building may be set back a distance equal to the average setback of the existing buildings. However, in no instances, shall any building be required to be located more than the minimum setback specified by the zone district. (Ord. 4753 § 1, 2013; Ord. 3463 § 1, 1992; Ord. 2696 § 2, 1982)

#### 17.08.130 Accessory buildings.

A. Accessory buildings or structures may be located within an interior side or rear yard area in any residential zone district or project of a residential nature provided they do not exceed a height of seven feet and/or an area of one hundred twenty square feet.

B. Accessory buildings or structures exceeding a height of seven feet and/or an area of one hundred twenty square feet in any residential zone district or project of a residential nature, shall not be located nearer than five feet to any interior side or rear property line.

C. Accessory buildings and structures in commercial and industrial zone districts shall be subject to all development standards of that zone district.

D. No accessory buildings or structures shall be located within any required street side yard or front yard area. Fountains, ponds and other decorative water features, and garden/art decorations are exempt from this subsection provided that they do not exceed a height of six feet. Flag-poles are also exempt and are subject to

the regulations in subsection <u>B</u> of Section <u>17.08.110</u>. (Ord. 4680 § 1, 2012; Ord. 3964 § 5, 2000; Ord. 2696 § 3, 1982; prior code § 17.52.130)

#### **17.08.140** Design standards for retail developments.

A. *Purpose.* Bakersfield is concerned with the future design of its commercial areas, specifically with the growth of retail developments. At the same time, it is important to encourage economic development. These standards help mitigate unwanted design, while encouraging developers to incorporate good community architecture that enhances the city's character and quality of life. In addition to the requirements herein, all landscaping projects shall adhere to that certain Model Water Efficient Landscaping Ordinance (MWELO) as adopted in California Code of Regulations, Title 23, Chapter 2.7 of this code as adopted by the state.

#### B. Applicability.

1. These standards shall apply to all retail developments throughout the city within all commercial zone districts, and all nonresidential zones where the development contains retail commercial components, including but not limited to planned unit development zones, industrial zones, and recreation/open space zones. These standards also apply to all specific plan areas unless the plan has standards that are more restrictive. In Northeast Bakersfield, the building design standards in subsection  $\underline{C}$  of this section shall apply to all commercial and industrial projects, regardless of size, which are subject to site plan review.

2. These standards are in addition to any other development requirements as required by this title, including but not limited to zone district regulations, signs, parking, landscaping, and accessory uses.

#### 3. Expansion to Existing Retail Developments.

a. An addition to an existing retail development that was initially subject to these standards shall be required to comply with the requirements of this section.

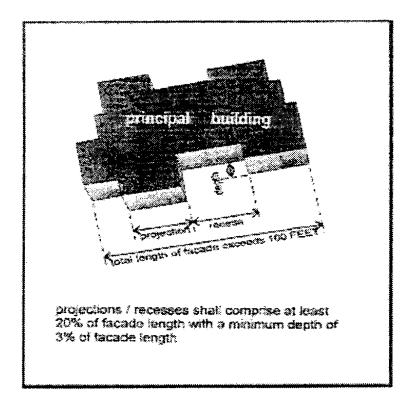
b. An addition to an existing retail development that was not previously subject to the requirements of this section is required to comply with this section if the gross floor area of such establishment as a single expansion or cumulatively is increased by fifty percent or more, or exceeds fifty thousand square feet.

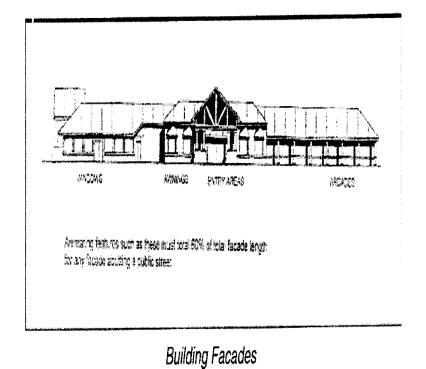
4. Reference may be made in this subsection to specific geographic areas, which are defined as follows:

a. Northeast Bakersfield includes all lands east of Fairfax Road (and any northern extension thereof) and north of the Union Pacific Railroad that parallels Edison Highway.

#### C. Building Design Standards.

1. Exterior building walls and facades over one hundred feet in length shall incorporate wall plane projections or recesses with a depth of at least three percent of the length of the facade and extending along at least twenty percent of the length of the facade. No facade shall have an uninterrupted length of flat wall that exceeds one hundred horizontal feet. Facades that face public streets shall include arcades, display windows, entry areas, or other such permanent features along no less than sixty percent of their horizontal length.



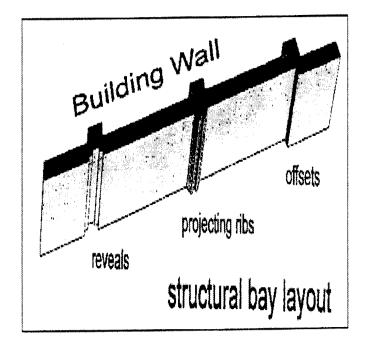


2. All building facades must include no less than three of the following elements. At least one of the elements (subsection (C)(2)(a), (C)(2)(b) or (C)(2)(c) of this section), shall occur horizontally. All

elements shall occur at intervals of no more than thirty feet, either horizontally or vertically.

- a. Color change;
- b. Texture change;
- c. Material change;

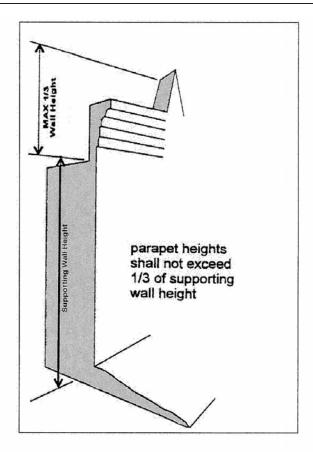
d. An expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib, or other architecturally appropriate feature.



Expression of Architectural or Structural Bay

3. In multiple building developments, each individual building shall include prominent architectural characteristics shared by all buildings in the center so that the development forms a cohesive sense of place.

4. Rooflines shall be varied with a change in height every one hundred linear feet of the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs of the roofline are acceptable. If parapets are used, they shall not at any point exceed one-third of the height of the supporting wall. All parapets shall feature three-dimensional cornice treatment.



Parapet Standards

5. Exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, and other native stone, manufactured stone (realistic), wood, glass, decorative metal elements, and tinted/textured concrete masonry units, including stucco and synthetic stucco-type materials.

a. For projects in Northeast Bakersfield, building materials consisting of river rock, native stone, cobblestone, ledge stone, rough-sawn timbers, and logs, either as a single element or combination thereof, shall be used as the predominant theme throughout the project area.

6. Primary facade colors shall be low reflectance, subtle colors over primary, bold or dramatic colors. The use of reflective metallic or fluorescent colors is discouraged. However, building trim and accent areas may feature brighter colors, including primary colors. Paint applied over brick, stone and concrete is prohibited.

a. For projects in Northeast Bakersfield, the predominant color palette shall consist of earth- and natural-toned colors that blend with the surrounding area. A variety of these colors is encouraged to allow individuality but maintain a cohesive sense of place for the entire center.

7. Finished exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels as a major component (more than fifty percent) of each façade or exterior wall.

#### 8. Entryways.

a. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, at least two sides of the retail development shall feature customer entrances. The two required sides shall be those planned to have the highest level of public pedestrian activity. One of the sides shall be that which most directly faces a primary public or private street with pedestrian access. The other may face a second street with pedestrian access or the main parking lot area if there is no second street. All entrances shall be architecturally prominent and clearly visible from the abutting public street.

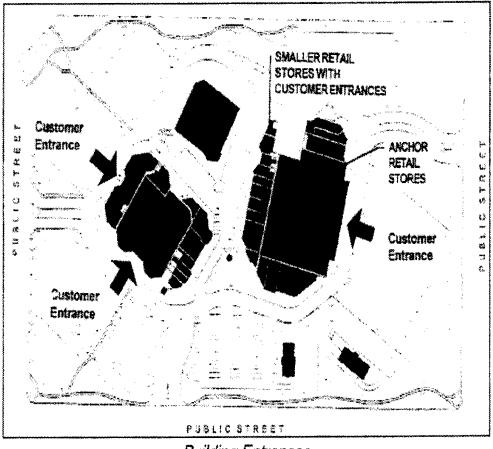
b. Public entrances must include architectural elements that emphasize the entry. Each retail development on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- i. Canopies or porticos;
- ii. Overhangs;
- iii. Recesses/projections;
- iv. Arcades;
- v. Raised corniced parapets over the door;
- vi. Peaked roof forms or towers;
- vii. Arches;
- viii. Plazas or outdoor patios;
- ix. Display windows;

x. Fountains or other water features;

xi. Architectural details such as tile work and moldings that are integrated into the building structure and design;

- xii. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- c. Weather protection elements shall be provided at all public entrances.



# (example of a development with customer entrances on all sides that face a public street)

#### D. Parking Lot Design.

1. Where minimum parking requirements are fifty or more spaces, no more than sixty percent of the offstreet parking area for the entire area of land devoted to the retail development shall be located between the front facade of the retail development and the abutting streets unless the parking lots are screened from view by other freestanding pad buildings, or landscaping with trees and incorporating berms, retaining walls, hedges, or combination thereof at least four feet high, plazas, water elements, or other such features that diminish the visual impression of a mass parking lot from the public rights-of-way. Option 2 shall include the planting of shrubs between the wall and the sidewalk.

2. Where minimum parking requirements are fifty or more spaces, parking lots shall be divided into sections of two hundred spaces or less with internal pedestrian walkways, buildings or landscaped open areas. Pedestrian ways shall be subject to the provisions of subsection  $\underline{E}$  of this section.

3. Areas for bicycle parking shall be provided throughout the center and shall not interfere with pedestrian walkways when required by building code.

4. If shopping carts are to be provided, cart corrals shall be installed and generally distributed across parking area.

#### E. Pedestrian Circulation.

1. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, meandering sidewalks at least six feet in width shall be provided along all sides of the retail development that abuts a public street.

2. For projects exceeding fifty thousand square feet of gross floor area, and/or five acres of net buildable area, continuous internal pedestrian walkways, no less than six feet in width, shall be provided from a public sidewalk or right-of-way to the principal customer entrances of all retail developments on the site, including all freestanding pad buildings. Pedestrian walkways shall link all buildings in the development. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty percent of the length of the walkway. Use of decorative arbors, freestanding arcades or other weather protection structures is permitted.

3. Sidewalks, no less than six feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

4. All internal pedestrian walkways shall be clearly distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

5. Parked vehicles shall not overhang into any pedestrian walkways.

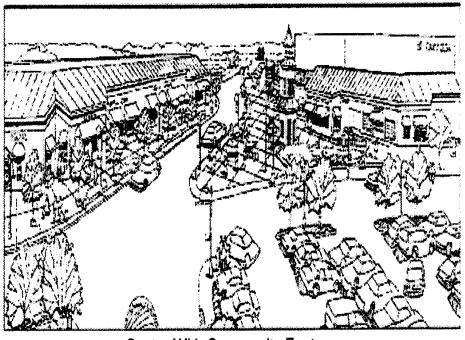
6. Pedestrian access to adjacent residential neighborhoods shall be provided where local streets abut the project. This access shall connect directly to focal points in the project such as, but not limited to, community/public spaces, main building or store entries, or transit stops without traversing through loading areas, buildings rears, etc. These pedestrian walkways shall be clearly distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. *Central Features and Community Space*. For projects exceeding twenty thousand square feet of gross floor area, and/or two and one-half acres of net buildable area, each retail establishment subject to the standards in this section shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- 1. Pedestrian plaza or patio with seating;
- 2. Transportation/transit center;
- 3. Covered window shopping walkway along at least seventy-five percent of primary building;
- 4. Outdoor playground area;
- 5. Water feature;
- 6. Clock tower;

7. Any other such deliberately shaped area and/or focal feature or amenity that enhances the community and public spaces of the center.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Center With Community Features

G. Delivery/Loading and Solid Waste Operations for Projects Exceeding Fifty Thousand Square Feet of Gross Floor Area and/or Five Acres of Buildable Area.

1. No delivery, loading, trash removal or compaction, or other such operations shall be within thirty feet of any properties zoned or developed with residential uses.

2. In addition to compliance with the noise level performance standards table in the noise element of the Metropolitan General Plan for exterior daytime/nighttime exterior noise levels, other than trash removal by the city or its contractors, all loading, unloading, delivery, private refuse collection and related operations shall not be permitted between the hours of ten p.m. and seven a.m. adjacent to any land zoned or developed with residential uses. These activities may occur if the developer submits evidence to the city that sound mitigation will reduce the noise generated by such operations to less than three dBA above the measured background noise level at the same period for any three continuous minutes in any hour during the operation as measured at the property line adjacent to said residential lands. Evidence of compliance must include background data (without the subject equipment operating) at said property line for the subject period, modeling results or test data from the proposed equipment, or noise data gathered from a similar location if approved by the city.

3. Loading docks shall include separate walls for noise attenuation adjacent to residential areas and be screened with landscaping (evergreen trees twenty feet on center) so the loading docks are not visible from residential areas or public streets.

4. Trash pickup areas shall not be visible from public streets unless the enclosure areas are architecturally designed matching the design of the center.

H. Storage, Seasonal Sales, Miscellaneous.

1. Storage of materials and merchandise is prohibited unless screened in accordance with this title, including use of landscaping. Vending equipment and shopping cart storage areas must be screened from public view and not impede pedestrian ways.

2. Seasonal sales of merchandise shall not be permitted in any required parking area but shall be within a screened area dedicated for such use.

3. Truck trailers shall not remain on the site for more than forty-eight hours (loading and unloading only). Truck or trailer storage, or use of trailers for product storage is prohibited.

4. Metal storage containers as defined in Section <u>17.04.464</u> and any other portable storage containers for permanent or temporary use, except for construction and/or remodeling purposes, are prohibited. (Ord. 5006 § 2, 2020; Ord. 4943 § 1, 2018; Ord. 4617 §§ 1, 2, 2010; Ord. 4603 §§ 1, 2, 2009; Ord. 4427 § 3, 2007)

#### **17.08.150** Special dwelling setbacks.

A. No dwelling or any part thereof shall be placed or constructed within fifty feet of any lot which adjoins property zoned agricultural or residential suburban, unless the property upon which the dwelling is placed or constructed is itself within one of the said zones.

B. No dwelling or any part thereof shall be placed or constructed within thirty feet of any freeway or railroad right-of-way,

C. The provisions in subsections <u>A</u>. and <u>B</u>. of this section shall not apply to accessory buildings; setbacks of said accessory buildings shall be subject to Section <u>17.08.130</u>. (Ord. 3520 § 2, 1993; prior code § 7.52.145)

#### **17.08.160** Through lots—Designation of front lot line.

On through lots, the front lot line shall be designated by the planning director. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the property is located. (Ord. 2696 § 4, 1982; prior code § 17.52.150)

#### 17.08.170 Yard encroachments.

Where yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

A. Cornices, canopies, carports, eaves, patio or porch covers, or other similar architectural features not providing additional floor or interior space within the building may extend into a required front, side <u>yard not</u> to exceed two feet or rear yard not to exceed three feet. This encroachment may include structural supports to the ground, however, the open area of the longest wall and one additional wall of a carport, patio, porch or similar enclosure shall be equal to at least sixty-five percent of the area of each wall. Openings may only be enclosed with insect screening or similar material that allows unrestricted outside air circulation.

B. Open unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, with the exception of guard rails as may be required by the building director, may extend into any front, side or rear yard not more than six feet.

C. Detached accessory buildings may occupy side and rear yards as provided in Section 17.08.130.

D. Carports, patios, porches, or similar enclosures that provide covered space constructed before January 1, 1988 shall be deemed legal nonconforming structures subject to the provisions of Chapter <u>17.68</u> of this code. The building director shall make the final determination as to the age of said structures. (Ord. 3826 § 1, 1998; Ord. 2817 § 1, 1983; Ord. 2696 § 5, 1982; prior code § 17.52.160)

#### 17.08.175 Clear sight view.

A. On all corner lots located on uncontrolled intersections, no obstruction to motor vehicle driver views in excess of three feet higher than curb flow line grade shall be placed on any corner or reversed corner lot within a triangular area formed by the intersecting street curblines and a line connecting them at points sixty feet from their intersection point.

B. On all lots abutting an alley or driveway, no obstruction to sight view shall be permitted within the triangular area formed by the alley or driveway edge and edge of the sidewalk closest to the interior property line, or the street right-of-way line in the absence of a sidewalk, and a line connecting them at points ten feet from their intersecting point.

C. Motor vehicle driver site distance at controlled intersections shall be maintained in accord with the following design standards:

Design speed (mph)	20	30	40	50	60
Minimum corner intersection sight distance (feet)	200	300	400	500	600

Corner sight distance measured from a point of the minor road at least fifteen feet from the edge of the major road pavement and measured from a height of eye of three and three-quarters feet on the minor road to a height of object of four and one-half feet on the major road. The location of the object to the left of the minor street is to be measured at twelve feet from the nearside edge of the major road with parking or six feet from the nearside edge of the major road without parking. The location of the object to the right of the minor road is to be measured at one-half the major street width plus three feet from the nearest edge of the major road. (Ord. 3169 § 1, 1988; Ord. 2883 § 1, 1983; Ord. 2696 § 6, 1982)

#### 17.08.180 Fence, walls and hedges—Regulations.

A. In the R-1, R-2, R-3, and-R-4, R-5, R-6, MX-1, and MX-2 zones, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet unless a greater height is required by city or state regulations for noise attenuation or sight screening. On all through lots located in these zones in which the rear lot line abuts a state highway, major highway or secondary highway and is below the grade of the roadway, at the roadway grade, or less than ten feet above the roadway grade, a masonry wall as defined by Section <u>17.04.462</u> shall be provided.

B. In the R-1, R-2, R-3, and R-4, R-5, R-6, MX-1, and MX-2 zones, no fence, wall or hedge located in the required front yard shall exceed a height of four feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of six feet:

1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.

2. Where, as determined by the city council, planning commission, or planning director, a higher fence or wall is necessary for purpose of noise attenuation.

C. Reserved.

D. In the R-1, R-2, R-3, and-R-4, R-5, R-6, MX-1, and MX-2 zones no barbed or electrified wire shall be used or maintained in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. In the C-O, C-C, C-1, C-2, M-1 and M-2 zones no barbed or electrified wire shall be erected, installed, used or maintained or caused to be erected, installed, used or maintained on, in or about any fence, wall or hedge along the front, side or rear lines of any lot, nor shall any barbed wire be erected, installed, used or maintained or caused to be erected, installed, used or maintained, for fencing purposes, or as a barrier across or around any lot, or portion thereof, or around any building or structure upon or along any street, alley or public way, unless the lowest strand of barbed wire is installed not less than six feet three inches above the highest adjoining grade on either side of such fence; where barbed or electrified wire is erected, installed, used or maintained in accordance with this subsection, it shall not extend over or into any abutting property or public right-of-way and shall, in all cases, either extend in toward the owner's side of such fence or directly vertical, subject to approval by the building director.

F. In the A zone barbed or electrified wire for agricultural fencing purposes shall be permitted to be erected, installed, used or maintained at locations at least one thousand three hundred feet from any residential area as defined in Section 17.32.020, and not otherwise, subject to approval by the building director.

G. Fences constructed prior to September 1, 1983, intended to act as protective enclosures and to make canals inaccessible to small children, are exempted from the restrictions of subsections <u>D</u>, <u>E</u> and <u>F</u> of this section. (Ord. 5020 § 18, 2020; Ord. 4781 § 1, 2014; Ord. 3824 § 3, 1998; Ord. 3610 § 2, 1994; Ord. 3021 § 3, 1986; Ord. 2696 § 7, 1982; prior code § 17.52.170)

#### **17.08.190** Conditional zoning.

A. *Definitions*. "Conditional zoning" means an amendment of the zoning ordinance, concerning a specific parcel or parcels of property, which is enacted only after the owner of such real property has met specified conditions or, where appropriate, has entered into a contract with the city agreeing to satisfy specified conditions, performance of which is secured by surety bond.

B. *Conditions*. Requirements which may be made a condition of an amendment to the zoning ordinance as provided in subsection <u>A</u> of this section include, but are not limited to, the dedication of rights-of-way and easements, the waiver of direct access rights of any street abutting the property to be rezoned and construction of reasonable improvements. Such conditions shall relate to problems arising or potentially arising from the property if rezoned and used in accordance with the new zoning, such as vehicular or pedestrian traffic, police and fire services, grading or topography, access, drainage, water supply, sewers, utilities and/or proposed physical development affecting nearby properties. The conditions imposed shall fulfill public needs reasonably expected to result from the allowable uses and/or development of the property and/or avoid circumstances adverse to the public health, safety, convenience or welfare.

C. *Procedure*. In considering a proposed zone change pursuant to Section <u>17.64.110</u> of this code, the planning commission may, by resolution, conditionally approve the proposed zone change and recommend enactment of an ordinance effectuating such change subject to satisfaction of specified conditions and, where appropriate, the contractual commitment of the property owner to satisfy the specified conditions within a specified period of time and a surety bond guaranteeing performance of such contract. The owner of the property to be rezoned shall, within ten days after adoption by the planning commission of such resolution, either:

1. Commence preparation of a contract agreeing to the conditions specified in such resolution, conditioned upon city council enactment of an ordinance effectuating the zone change, and provide the planning director with a surety bond in the amount of one hundred percent of the total estimated cost of any improvements required by the specified conditions as estimated by the public works director;

2. Have satisfied the specified conditions; or

3. Appeal to the city council the recommendation of the planning commission imposing such conditions pursuant to Section <u>17.64.090</u> of this code. Failure of the owner to take any of the three actions specified above shall constitute withdrawal of the application for rezoning of his or her property. (Ord. 3964 §§ 6, 7, 2000; Ord. 2696 § 8, 1982; prior code § 17.52.200)

#### 17.08.200 Drilling for and production of petroleum.

Drilling, operation or maintenance of any well or well site for petroleum, natural gas or related drilling, or operation or maintenance of any production operation, are allowed in the city pursuant to the requirements of Chapter <u>15.66</u> of this code. (Ord. 3477 § 2, 1992; prior code § 17.52.250(A))

# 17.08.210 Approval of development entitlement conditioned on indemnification of city.

The applicant and/or property owner and/or subdivider of any development entitlement, including, but not limited to, a zone change, general plan amendment, conditional use permit, modification or site plan review, shall indemnify, defend, and hold harmless the city of Bakersfield, its officers, agents, employees, departments, commissioners, and boards against any and all liability of any kind arising from the terms and provisions of the development entitlement application, including, without limitation, any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions. Terms of the agreement shall be subject to approval by the city attorney. (Ord. 4909 § 1, 2017; Ord. 4711 § 1, 2012; Ord. 4676 § 3, 2012)

#### Chapter 17.10

## **R-1 ONE-FAMILY DWELLING <u>RESIDENTIAL</u> ZONES**

#### Sections:

- **17.10.010 Purpose and Intent of Residential Zones**Generally.
- 17.10.020 Residential Land Use Regulations and Allowable Uses Uses permitted.
- **17.10.025** Uses permitted only by conditional use permit.
- 17.10.030 Residential Zone Development StandardsBuilding height.
- 17.10.040 Other Applicable Standards and Regulations Front yard.
- 17.10.050 Side yards.
- 17.10.060 Rear yard.
- 17.10.070 Minimum lot area.
- 17.10.072 R-1-4.5 zone (small lot one-family dwelling).
- 17.10.075 E (Estate one-family dwelling) zone.
- **17.10.080 Distance between buildings on the same lot.**

#### 17.10.010 <u>Purpose and Intent of Residential ZonesGenerally</u>.

A. Purpose. The purpose of this Chapter is to describe the character and intent of the City's residential zones, describe allowed land uses and permit requirements in residential zones, identify any supplemental land use regulations applicable to residential zones, and establish development standards for the same.

B. Zoning Map. The boundaries, designations, and locations of the zones established by this Zoning Code shall be in compliance with Chapter 17.06 (Zones Established – Zoning Boundaries) and shown upon the map(s) entitled "Official Zoning Map" of the City of Bakersfield " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws.

#### C. Zone Purpose Statements.

1. R-S (Residential Suburban) Zone. The purpose of the R-S Zone is to provide land areas for the use and occupancy of single-unit detached dwellings and accessory dwelling units. It is the intent of this zone to promote a range of single-unit products types on larger parcels, as well as the allowance of animal keeping under specifc guidelines and operating standards. The residential density range for this zone is 0 to 2 dwelling units per net acre. 2. R-1 (Single-Unit Dwelling) Zone. The purpose of the R-1 Zone is to provide land areas for the use and occupancy of single-unit detached dwellings and accessory dwelling units. It is the intent of this zone to protect and preserve existing neighborhoods and promote the future development of lower-density residential single-unit neighborhoods that provide a livable, walkable and sustainable residential environment. The residential density range for this zone is 2.1 to 6 dwelling units per net acre.

3. R-2 (Small Lot Single-Unit Dwelling) Zone. The purpose of the R-2 Zone is to provide land areas for the use and occupancy of single-unit dwellings and accessory dwelling units and two-unit duplex dwellings. It is the intent of this zone to promote and encourage single-unit and two-unit neighborhoods that provide a livable, walkable and sustainable residential environment. The residential density range for this zone is 6.1 to 13 dwelling units per net acre.

4. R-3 (Medium-Density Multi-Unit Dwelling) Zone. The purpose of the R-3 Zone is to provide land areas for the use and occupancy of accessory dwelling units, two-unit dwellings, medium-density singleunit dwellings and medium-density multi-unit dwellings. It is the intent of this zone to provide a livable, walkable and sustainable residential environment similar to that found in small-lot single-unit neighborhoods at densities that promotes medium-density duplexes, condominiums, townhomes and apartments. The residential density range for this zone is 13.1 to 20 dwelling units per net acre.

5. R-4 (High-Density Multi-Unit Dwelling) Zone. The purpose of the R-4 Zone is to provide land areas for the use and occupancy of multi-story, multi-unit dwellings (e.g., rowhouses, flats, condominiums, townhouses and apartments) at higher densities that include on-site recreational amenities. It is the intent of this zone to provide a livable, walkable, and sustainable residential environment that ensures compatibility with surrounding lower-density single-unit and multi-unit dwellings and neighborhood commerce. The residential density range for this zone is 20.1 to 30 dwelling units per net acre.

6. R-5 (Very-High Density Multi-Unit Dwelling) Zone. The purpose of the R5 Zone is to provide land areas for the use and occupancy of multi-unit dwellings (e.g., condominiums, townhouses, and apartments) at very-high densities in proximity to neighborhood commercial centers. It is the intent of this zone to provide a livable, walkable, and sustainable residential environment that encourages development types that use innovative site planning . . The residential density range for this zone is 30.1 to 50 dwelling units per net acre.

7. R-6 (Urban Core) Zone. The purpose of the R-6 Zone is to provide land areas for the use and occupancy of multi-unit dwellings (e.g., condominiums, mid-rise, and high-rise apartments). It is the intent of the R-6 Zone to encourage high-intensity and centralized urban development along major corridors, interchanges, transit hubs, and throughout downtown Bakersfield. Development within this Zone should initiate a transition to a more dense, highly urban, walkable, and transit-oriented environment that serves as the link between residential development and adjacent employment centers. Projects in this Zone should

incorporate development standards to increase street activation, provide a variety of onsite recreational amenities for residents, and have direct access to employment centers. The minimum residential density for this zone is 50.1. There is no maximum residential density for the R-6 Zone.

8. R-H (Residential Holding) Zone. The purpose of the R-H Zone to retain large undeveloped land areas for future urban development. Once development is proposed, a General Plan Amendment and change of zoning will be required for consistency with the proposed development. This will ensure that development progresses in an orderly and logical manner consistent with the city's growth policies. The R-H zone is considered agricultural in nature as it will allow both agricultural and petroleum resource uses to continue their operations until such time urbanization takes place.

The regulations set out in this chapter shall apply in the R-1 one family dwelling zone unless otherwiseprovided in this title. (Prior code § 17.13.010)

## 17.10.020 <u>Residential Land Use Regulations and Allowable Uses</u> permitted.<sup>1</sup>

A. Residential Zones Allowed Uses and Permit Requirements. Table 17.10-1 states the uses allowed within each residential zone and any permits required to establish the use, in compliance with Chapter 17.08 (General Regulations Including Site Plan Review).

B. Additional Regulations. Where the last column in Table 17.10-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code, Municipal Code, and State Law may also apply.

C. Definitions. See Chapter 17.04 (Definitions) for land use definitions and explanations.

D. Uses Not Listed. Uses not listed below may be reviewed by the Planning Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required.

<u>Key:</u>	P = Allowed by Right; DRA = Director Review and Approval; (N) = Not Allowed CUP = Conditional Use Permit								
	Permit Requirement by Zone								
Land Use	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>RH</u>	Additional <u>Regulations</u>
Agricultural and Resource Uses									

#### <u>Table 17.10-1</u> <u>Residential Zones Allowed Uses and Permit Requirements</u>

		ones Allo							
<u>Key:</u>		<u>ved by Righ</u> onditional L			Review	and Appr	<u>roval; (N</u>	<u>) = Not J</u>	Allowed
Land Use	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>RH</u>	Additional Regulations
Accessory Agricultural Structures and Uses	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	
Agricultural and Horticulture	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	
Animal Raising and Breeding	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>17.10.040</u>
Drilling for and Production of Petroleum	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CUP</u>	<u>15.66</u>
<b>Recreation, Education, and P</b>	ublic Asse	mbly Uses	<u>I</u>				<u> </u>	I	
Educational Institutions									
Elementary School	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	
<u>Junior High School</u> High School	N N	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	<u>Р</u> Р	N N	
<u>College or University</u>	<u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>r</u> <u>N</u>	<u>N</u>	
					11	<u> 11</u>		<u></u>	
Religious Institution	CUP	CUP	CUP	CUP	N	N	N	CUP	17.04.500
Public and Quasi-Public Uses	DRA	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.10.040
Residential Uses			•						
Accessory Dwelling Unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	17.65
(detached, attached, junior) Accessory Structure						<u> </u>	<u>P</u>		
Child Day Care Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u> </u>	<u> </u>	<u>P</u>	<u>17.10.040</u> 17.04.160
	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Gov. Code</u> <u>Section 1597.30-</u> <u>1597.622</u>
Community Care Facility, Large	<u>CUP</u>	<u>CUP</u>	CUP	CUP	CUP	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	17.04.499 California Welfare and Institutions Code Sections 5115 – 5120
Community Care Facility, Small	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.04.499</u> <u>California</u> <u>Welfare and</u> <u>Institutions Code</u> <u>Sections 5115 –</u> <u>5120</u>
Emergency Shelter	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>N</u>	
Employee Housing, up to six residents	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Home Occupation	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.04.330</u> <u>17.63</u>
Low Barrier Navigation Center	<u>N</u>	<u>N</u>	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	Assembly Bill 101 (AB 101)
Mobile Home Park	<u>N</u>	N	<u>CUP</u>	<u>CUP</u>	N	<u>N</u>	N	N	
Multi-Unit Dwellings	N	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	<u>17.14</u>

## Table 17.10-1 Residential Zones Allowed Uses and Permit Requirements

The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

<u>Key:</u>	Allowed								
		<u>P</u>	ermit R	equirem	ent by Z	<u>Lone</u>			
Land Use	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>RH</u>	Additional Regulations
Single-Room Occupancy Units	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	
Single-Unit Dwellings	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	N	N	<u>P</u>	
Supportive Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Gov. Code Section 65651
Transitional Housing	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Gov. Code Section 65651
<b>Retail, Service, and Office Us</b>	es								
Certified Farmer's Market	N	<u>N</u>	<u>N</u>	N	DRA	DRA	DRA	N	
Construction Trailer/ Temporary Contractor's Office	DRA	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	<u>DRA</u>	DRA	
Real Estate Tract Sales Office and Model Homes	DRA	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	<u>17.10.040</u>
Private Nurseries and Greenhouses	<u>P</u>	DRA	<u>DRA</u>	<u>DRA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>17.10.040</u>
Stable, Commercial	<u>CUP</u>	<u>N</u>	<u>N</u>	N	N	N	N	<u>N</u>	
Utility, Transportation, and C	Communic	ation Uses							
Domestic Water Wells (private)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public Utilities, Structures, and Services	<u>DRA</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

#### <u>Table 17.10-1</u> <u>Residential Zones Allowed Uses and Permit Requirements</u>

The following uses are permitted in an R-1 zone:

A. A one-family dwelling;

B. Accessory buildings or structures, including a private garage the area of which shall not exceed twelvepercent of the area of the lot;

C. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees, not used orintended for commercial purposes;

D. Home occupations, as defined in Section <u>17.04.330</u> and in compliance with the provisions of Chapter-<u>17.63</u> of this code;

E. Swimming pools and hot tubs;

F. Garage and yard sales as defined in Section 17.04.305;

G. Real Estate Tract Sales Office and Model Homes.

1. Each subdivision tract is permitted a maximum of six model homes, one of which may include a salestract office, for each home builder in the tract. Additional model homes may be permitted subject toapproval by the planning director,

2. Model homes may be constructed prior to recordation of a final map for the tract; however, no suchhome shall be offered for sale or rent, or be sold or rented, until the final map has been recorded pursuantto Title <u>16</u> of this code,

3. Sales offices shall only be used during the original sales of the lots and/or homes within the subdivision tract in which they are located,

4. A sales office shall be located in a model home; however, a separate temporary office which mayinclude a commercial coach or mobile home is permitted for a period not to exceed ninety days pendingcompletion of construction of the model home. Any sales office located in the garage portion of a modelhome shall be removed and converted to a garage prior to the building department releasing covenantsrestricting the model home's sale and issuing a certificate of occupancy,

5. The vehicle route leading to and in front of any sales office shall be paved from an existing improvedpublic street prior to the public being invited to that office regarding sales of lots and/or homes in thetract;

H. Family day care home as defined in Section <u>17.04.160;</u>

I. Second unit, as defined in Section <u>17.04.539</u> and in compliance with the provisions of Chapter <u>17.65</u> of this code;

J. Ramp, platform, basin, pool or other accessory structure used for the riding of skateboards, rollerskates, rollerblades, bicycles, motorcycles, or similar devices, provided the structure does not exceed a vertical height (above or below grade) of four feet, or a horizontal area (one structure or total combined area if multiple-structures) of one hundred twenty square feet. Such structures made nonconforming by this subsection shall be brought into conformance, obtain conditional use approval, or be removed by March 31, 1999;

K. Residential facility serving six or fewer persons;

L. Park for passive daytime recreation use with no lighted fields;

M. Domestic water well(s). (Ord. 5040 § 1, 2020; Ord. 4300 § 1, 2006; Ord. 3964 §§ 8, 9, 2000; Ord. 3868 § 1, 1998; Ord. 3838 § 1, 1998; Ord. 3768 § 6, 1997; Ord. 3613 § 4, 1994; Ord. 3518 § 2, 1993; Ord. 3477 § 7, 1992; Ord. 3226 § 3, 1989; Ord. 3087 § 1, 1987; Ord. 2985 § 1, 1985; Ord. 2697 § 1, 1982; prior code § 17.13.020)

1 Code reviser's note: Ord. <u>5027</u> added subsection (O) regarding hens to this section, and this subsection was relettered as (N) by Ord. <u>5040</u>. However, Ord. <u>5027</u> was rescinded; therefore, this subsection does not appear in this code.

#### **17.10.025** Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Roominghouse. (Ord. 5008 § 3, 2020)

#### 17.10.030 <u>Residential Zone Development Standards</u>Building height.

A. Residential Zone Development Standards. The intent of Table 17.10-2 is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking (if included in a project), landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

B. Density. Maximum density standards shall be consistent with this Title and the General Plan (or applicable Master Plan, Specific Plan, or Area Plan).

C. Parking. Parking standards are no longer required for residential construction. Setbacks to garages, carports and/or parking lots as a potential feature of development are addressed herein. Pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

		Development Feature											
	Zone	(minimum unless otherwise specified)											
		Parcel Area	Parcel Area per		<b>Distance</b>	<u>e between St</u> (min. ft.)	<u>ructures</u>	Setbacks (min. ft.) (to garage/living space/porch)					
		(min square feet or acres)	Dwelling (min square feet)	<u>Height</u> (max. ft.)	Between Dwelling Units	Between Dwelling/ Accessory Units	Between Accessory <u>Units</u>	<u>Front (ft.)</u>	Side (ft.)	<u>Side-</u> <u>Corner</u> <u>(ft.)</u>	<u>Rear (ft.)</u>		
	<u>R-S</u>	<u>15,000 sf</u>	<u>15,000</u>	<u>35</u>	<u>10</u>	<u>3</u>	<u>3</u>	25 garage 20 living 15 porch	<u>5</u>	<u>10</u>	<u>25</u>		
	<u>R-1</u>	<u>4,500</u>	<u>4,500 sf</u>	<u>35</u>	<u>8</u>	<u>3</u>	<u>3</u>	20 garage 15 living 12 porch	<u>4</u>	<u>10</u>	<u>5</u>		
	<u>R-2</u>	Single-Unit: 2,000 sf	Single-Unit: 2,000	<u>35</u>	<u>8</u>	<u>3</u>	<u>3</u>	20 garage 12 living 9 porch	<u>4</u>	<u>10</u>	<u>5</u>		

#### <u>Table 17.10-2</u> <u>Residential Zones Development Standards</u>

		Res	sidential	Zones I	Developm	ent Stand	lards				
				De	velopmen	t Feature					
				(minim	um unless othe	erwise specifie	<u>d)</u>				
<u>Zone</u>	Parcel Area	Parcel Area per	Height (max. ft.)	Distanc	e between St (min. ft.)	ructures_	Setbacks (min. ft.) (to garage/living space/porch)				
	(min square feet or acres)	Dwelling (min square feet)		Between Dwelling <u>Units</u>	Between Dwelling/ Accessory Units	Between Accessory <u>Units</u>	Front (ft.)	Side (ft.)	<u>Side-</u> <u>Corner</u> <u>(ft.)</u>	<u>Rear (ft.)</u>	
	Multi-Unit: <u>6,000 sf</u>	<u>Multi-Unit:</u> 2,000 sf		<u>10</u>			<u>15</u>	<u>4/10</u>	<u>10</u>	<u>10/15</u>	
<u>R-3</u>	Single-Unit 2,000 sf	Single-Unit 2,000	<u>45</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>20 garage</u> <u>9 living</u> <u>6 porch</u>	<u>4</u>	<u>10</u>	<u>5</u>	
	<u>Multi-Unit</u> <u>6,000 sf</u>	<u>Multi-Unit</u> <u>1,500 sf</u>		<u>10</u>			<u>15</u>	<u>4/10</u>	<u>10</u>	<u>10/15</u>	
<u>R-4</u>	<u>10,000 sf</u>	<u>N/A</u>	<u>65</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>10 living</u> <u>5 porch</u>	<u>4</u>	<u>10</u>	<u>10/15</u>	
<u>R-5</u>	<u>10,000 sf</u>	<u>N/A</u>	<u>80</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>10 living</u> <u>5 porch</u>	<u>4</u>	<u>10</u>	<u>10/15</u>	
<u>R-6</u>	<u>10,000 sf</u>	<u>N/A</u>	<u>120</u>	<u>8</u>	<u>3</u>	<u>3</u>	<u>5 living</u> <u>0 Porch</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<u>R-H</u>	<u>20 ac</u>	<u>N/A</u>	<u>35</u>	<u>100</u>	<u>3</u>	<u>3</u>	<u>110</u>	<u>5</u>	<u>10</u>	<u>25</u>	
<u>Other</u> <u>Applicable</u> <u>Regulations</u>					<u>17.10.0</u>	<u>40</u>					
			4	Additiona	ı <mark>l Regulati</mark>	<u>ons</u>					
Regulation					Section or	Chapter					
Accessory Dwe	elling Units				Chapter 17.	<u>65</u>					
Accessory Stru	ctures				Section 17.0	08.130					
Fences, Walls,					Section 17.0						
Height of Build					Section 17.0						
Landscape Star		D : 0	1 1		Chapter 17.						
Multi-Unit Dw			idards		Chapter 17.						
Off-Street Park Street Setback		ng			Chapter 17. Section 17.0						
Yard Encroach					Section 17.0						
Signs	<u>inciits</u>				Chapter 17.						
012110					chapter 17.	00					

#### <u>Table 17.10-2</u> Residential Zones Development Standards

Building height requirements in an R-1 zone shall not exceed thirty-five feet. (Ord. 3964 § 10, 2000; prior code-§ 17.13.030)

### 17.10.040 Other Applicable Standards and Regulations Front yard.

A. General Applicable Standards for All Residential Zones.

Development Standards.

1. Non-Conforming Lots (Area and Frontage).

a. A lot with less area or frontage than what is required in this Title shall be permitted if the lot was legally created as a separate lot and recorded as such prior to this zoning ordinance being applicable to that lot.

2. Structure Separation.

a. The distance between a dwelling unit and accessory structure and between accessory structures can be a less than three feet, however, the buildings will be considered attached and subject to all regulations as they may pertain to dwelling units and accessory structures based on this combined area, and the regulations of the Building Code as adopted by the City.

B. R-S (Residential Suburban) Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Animal Raising and Breeding. The following animals and numbers of animals are permitted:

a. Breeding, hatching, raising, and keeping of poultry, fowl, rabbits, chinchillas, Vietnamese potbellied pigs, fish, frogs, and bees for the domestic use of the resident/occupant of the lot.

b. Keeping of cattle, sheep, goats, horses, mules, and burros in a ratio not exceeding one adult animal of the foregoing for each one-quarter acre of fenced enclosure area dedicated for the habitation of said animals.

c. A Temporary Animal Permit is required for the raising and breeding of animals that exceed the allowed numbers permitted above in Subsection (1).

2. No fowl or animals, nor any pen, coop, stable, corral or other structure or enclosure housing livestock or poultry shall be kept or maintained within:

a. 50 feet of any dwelling unit or other structure used for human habitation;

b. 100 feet of the front lot line of the lot upon which such animal or structure is located;

c. 10 feet of the street side of a corner lot; or

d. 100 feet of any public park, school, hospital, or similar institution.

e. Raising, killing, or dressing of any such animals or poultry for commercial purposes is prohibited.

3. Temporary Animal Permits. The breeding and raising of animals in numbers greater than those allowed by Subsection (a) above, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization, shall be permitted upon submission of an application for a temporary animal permit to and approval by the planning director in accordance with the procedures set forth in this section.

a. Application. An application for a temporary animal permit shall include the following:

i. The name and address of the applicant;

ii. Name and age of minor raising the animal(s);

iii. The name(s) and address(es) of the property owner(s) or legal description of the subject property:

iv. Assessor's parcel number;

v. Name of the organization sponsoring the minor, including name, phone number, and acknowledgement from the sponsor that the minor is engaging in an activity under their program;

vi. A plot plan showing the location of proposed pens, coops or areas for the breeding and raising of animals in relation to existing residences and other buildings and structures within one hundred feet of pens, coops, or areas housing livestock.

b. Conditions of Approval. A Temporary Animal Permit shall be issued by the Planning Director under the following conditions:

i. The minor shall be sponsored by a bona fide organization such as, but not limited to, Future Farmers of America and 4-H Club. ii. The increase in animal density shall not exceed the density allowed by more than 50 percent; provided, however, that at least two and no more than six additional animals shall be allowed.

iii. The Planning Director may permit the raising of one swine provided all other standards in this Chapter are satisfied.

iv. The written consent of the owners or occupants of all abutting property shall be obtained.

v. The applicant shall allow inspection of animal maintenance facilities by the City and any animal control agencies during the effective period of the permit upon request.

c. Each additional animal authorized by the Temporary Animal Permit over the allowable animal density specified in this Subsection of this Chapter shall be removed upon expiration of the permit.

d. Any permit issued pursuant to this section may be revoked or modified whenever the Planning Director has a reasonable suspicion that any person to whom such permit has been issued has violated any of the provisions of this chapter. Notification of such revocation or modification shall be served by certified mail upon the permit-holder and shall be effective upon mailing. Such revocation or modification may be appealed to the City Council within 10 days of receipt of notification of such revocation or modification.

e. All Temporary Animal Permits shall be effective for a period not to exceed six months from the effective date of the permit. No more than one such permit shall be approved for any lot within a one-year period.

4. Private Nurseries and Greenhouses.

a. Salesrooms or other structures used for the sales of the products produced are prohibited.

#### C. R-1 (Single-Unit Dwelling) Zone.

Additional Standards per Allowable Uses in Table 17.10-1.

1. Accessory Structures.

a. Ramps, platforms, basins, pools, or other accessory structure used for the riding of skateboards, roller skates, rollerblades, bicycles, motorcycles, or similar devices, provided the structure does not

exceed a vertical height (above or below grade) of four feet, or a horizontal area (one structure or total combined area if multiple structures) of 120 square feet. Such structures made nonconforming by this subsection shall be brought into conformance, obtain conditional use approval, or be removed as directed by the Code Enforcement Manager.

b. Accessory structures, including a private garage, shall not exceed 12 percent of the area of the lot.

2. Private Nurseries and Greenhouses.

a. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees, shall not be used for commercial purposes.

3. Public and Quasi-Public Uses.

a. Parks with passive daytime recreation shall not include lighted fields for nighttime recreation and activities.

4. Real Estate Tract Sales Office and Model Homes.

a. Each subdivision tract is permitted a maximum of six model homes, one of which may include a sales tract office, for each home builder in the tract. Additional model homes may be permitted subject to approval by the Planning Director.

b. Model homes may be constructed prior to recordation of a final map for the tract; however, no such home shall be offered for sale or rent, or be sold or rented, until the final map has been recorded pursuant to Title 16 of this code.

c. Sales offices shall only be used during the original sales of the lots and/or homes within the subdivision tract in which they are located.

d. A sales office shall be located in a model home; however, a separate temporary office which may include a commercial coach is permitted for a period not to exceed ninety days pending completion of construction of the model home.

e. Any sales office located in the garage portion of a model home shall be removed and converted to a garage prior to the building department releasing covenants restricting the model home's sale and issuing a certificate of occupancy.

f. The vehicle route leading to and in front of any sales office shall be paved from an existing improved public street prior to the public being invited to that office regarding sales of lots and/or homes in the tract.

Additional Development Standards per those in Table 17.10-2.

5. Front Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of -20 feet.

b. If a garage or carport (attached or detached) opening is parallel to a public street, the setback shall be a minimum of 15 feet.

c. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

d. Front yard structural setbacks shall be a minimum of 15 feet to living space and 12 feet to architectural extensions, such as porches.

e. Where 50 percent or more of the front lot line is along a cul-de-sac or street knuckle curvature, the front yard setback line shall be a minimum of 15 feet in depth measured from the front lot line; and if a garage or carport (attached or detached from the main structure) opening faces a public or private street, the setback shall be a minimum of 20 feet.

6. Side Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

7. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a private alley, the setback shall be a minimum of 3 feet, provided the alley is a minimum width of 20 feet.

8. Minimum Lot Area.

a. When there is an alley at the rear of the lot, the minimum lot area may be measured to the center of the alley.

D. R-2 (Small-Lot Single-Unit Dwelling) Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Accessory Structures.

a. Accessory structures on lots developed with one single-unit dwelling shall not exceed 12 percent of the area of the lot.

Additional Development Standards per those in Table 17.10-2.

2. Front Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening is parallel to a public or private street, the setback shall be a minimum of 15 feet.

c. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

d. Front yard structural setbacks shall be a minimum of 12 feet to living space and 9 feet to architectural extensions, such as porches.

3. Side Setback.

a. If a garage or carport (attached or detached) opening faces a public street, the setback shall be a minimum of 20 feet.

b. If a garage or carport (attached or detached) opening faces a private street, the setback shall be a minimum of 3 feet.

c. For multi-unit developments where the side setback separates a lot in an R-2 zone from an adjacent lot zoned R-1, MH, or a PUD development, the side yard shall not be less than 10 feet. For all other adjacent lots, the side yard shall not be less than 4 feet.

4. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a public or private alley or garage court, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet.

b. For multi-unit developments where the rear setback separates a lot in an R-2 zone from an adjacent lot zoned R-1, MH, or a PUD project consisting of single-unit dwellings, the rear yard shall not be less than 10 feet for the first story and 15 feet for the second and additional stories.

E. R-3 (Multi-Unit Dwelling) Zone.

Additional Development Standards per those in Table 17.10-2.

1. Front Setback.

a. For both single units and multi-unit residential development in the R-3 zone, no direct access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

b. If a garage or carport (attached or detached) opening takes access to internal vehicular circulation and/or an alley providing site ingress/egress to a public street, the setback shall be a minimum of 3 feet.

c. All proposed parking shall have a minimum 5-foot setback from public streets.

2. Side Setback.

a. No direct access shall be allowed from a garage and/or carport from a side yard onto a public street.

b. For multi-unit developments where the side setback separates a lot in an R-3 zone from an adjacent lot zoned R-S, R-1, MH, R-2, or a PUD project consisting of single-unit dwellings, the side yard shall not be less than 10 feet. For all other adjacent lots, the side yard shall not be less than 4 feet.

3. Rear Setback.

a. If a garage or carport (attached or detached) opening faces a public or private alley or garage court, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet in width.

b. For multi-unit developments where the rear setback separates a lot in an R-3 zone from an adjacent lot zoned R-S, R-1, , MH, R-2, or a PUD project consisting of single-unit dwellings, the rear yard shall be not less than 10 feet for the first story and 15 feet for any second and additional stories.

4. Minimum Lot Area.

a. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of said alley.

5. Separation of Uses.

a. Multi-unit residential developments where the rear or side property line separates a lot zoned R-1, MH, R-2, or PUD project consisting of single-unit dwellings shall include a solid masonry wall with a minimum height of six feet from highest grade.

b. If the masonry wall is located within the front setback, the maximum height of the wall shall not exceed four feet.

c. This requirement does not apply to any lot less than 10,000 square feet and, that is not part of, or adjacent to, multi-unit subdivisions or other multi-family projects that existed prior to the effective date of the ordinance codified in this section.

F. R-4 (High-Density), R-5 (Very-High Density Multi-Unit Dwelling), and R-6 (Urban Core) Zones.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Residential Facility for Court-Ordered Individuals.

a. Housing for court-ordered individuals is limited to juveniles or adults in custody or court-ordered living restrictions for violations of local, state, and federal law, including, but not limited to, halfway houses and detention centers.

Additional Development Standards per those in Table 17.10-2.

2. Front Setback.

a. No direct front yard access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

b. All proposed parking shall have a minimum 5-foot setback from public streets.

3. Side Setback.

a. No direct side yard access shall be allowed from a garage or carport onto a public street. All parking shall access internal vehicular circulation and/or alleys to provide for site ingress/egress.

4. Rear Setback.

a. For multi-unit developments where the rear setback separates a lot in an R-4 or R-5 zone from an adjacent lot zoned R-S, R-1, MH, R-2, or a PUD project consisting of single-unit dwellings, the rear yard shall be not less than 10 feet for the first story and 15 feet for any second and additional stories.

b. If a garage or carport (attached or detached) opening faces a public or private alley or garage court at the rear of the parcel, the setback shall be a minimum of 3 feet, provided the alley or garage court is not less than 20 feet in width.

5. Minimum Lot Area.

a. 10,000 square feet in the R-4, R-5, and R-6 zones. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of said alley.

b. A lot may be less than the minimum provided the lot is as shown on a recorded subdivision map approved by the City prior to adoption of this ordinance. 6. Sound Attenuation Wall.

a. Multi-unit residential developments where the rear or side property line separates a lot zoned R-S, R-1, MH, R-2, or PUD project consisting of single-unit dwellings shall include a solid masonry wall with a minimum height of six feet from highest grade.

b. If the masonry wall is located within the front setback, the maximum height of the wall shall not exceed four feet.

c. This requirement does not apply to any lot less than 10,000 square feet and, that is not part of, or adjacent to, multi-unit subdivisions or other multi-unit projects that existed prior to the effective date of the ordinance codified in this section.

G. R-H – Residential Holding Zone.

Additional Standards per the Allowable Uses in Table 17.10-1.

1. Accessory Agricultural Structures.

a. Accessory agricultural structures and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection with livestock shall be located within 100 feet to the front lot line, nor nearer than 50 feet to any existing dwelling on any contiguous property, nor within than 100 feet to any public park, school, hospital, or similar institution.

2. Agricultural and Horticulture.

a. Allowable agricultural and horticulture include nurseries, greenhouses, orchards, aviaries or the raising of field crops, tree crops, berry or bush crops or vegetable or flower gardening on a commercial scale.

3. Animal Raising and Breeding.

a. The keeping of bovine animals, horses, mules, and sheep; provided that the number thereof shall not exceed a number per acre equal to four adult animals in any combination of the foregoing animals and their immature offspring.

b. Includes the breeding, hatching, and raising of poultry and fowl and breeding and raising of rabbits and other fur-bearing animals.

Additional Development Standards per those in Table 17.10-2.

4. Setback from the Centerline of Roadways.

a. All structures shall be located not less than 110 feet from the centerline of any existing or proposed public street or highway.

A. Except as otherwise provided in Section 17.08.125 and subsection <u>C</u> of this section, there shall be a frontyard of not less than twenty feet in depth measured from the front lot line. If a garage or carport opening facesa public or private street, such garage or carport, whether attached to or detached from the main building, shallbe set back not less than twenty five feet.

B. Where fifty percent or more of the front lot line is along a cul de sac or street knuckle curvature, the frontyard setback line shall not be less than fifteen feet in depth as measured from the front lot line; and if a garageor carport opening faces a public or private street, such garage or carport, whether attached to or detached from the main building, shall be set back not less than twenty feet.

C. Within the R-1 4.5 zone only, there shall be a front yard of not less than fifteen feet in depth measuredfrom the front lot line. If a garage or carport opening faces a public or private street, such garage or carportwhether attached to or detached from the main building, shall be set back not less than twenty feet. (Ord. 4771-§ 2, 2014; Ord. 4641 § 1, 2011; Ord. 2697 § 2, 1982; prior code § 17.13.040)

#### 17.10.050 Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport whether attached to or detached from the main building, shall be set backnot less than twenty feet. (Ord. 3539 § 2, 1993; prior code § 17.13.050)

#### 17.10.060 Rear yard.

A. There shall be a rear yard in an R-1 zone behind every main building of not less than twenty five feet ortwenty percent of the depth of the lot, whichever is less; provided, however, the rear yard may be reduced tofive feet if not more than forty-five percent of the lot is covered by buildings or structures.

B. Within the R-1-4.5 zone only, there shall be a rear yard behind every main building of not less than five-feet. (Ord. 4771 § 3, 2014; prior code § 17.13.060)

#### 17.10.070 Minimum lot area.

A. The minimum lot area shall be not less than six thousand square feet per dwelling unit; provided, however, that when a nonconforming lot has less than herein required and the lot description was recorded in the officeof the county recorder at the time of the passage of the ordinance codified in this section as a separate lot, thelot may be occupied by not more than one dwelling unit.

B. When there is an alley at the rear of the lot, the minimum lot area may be measured to the center of the alley.

C. A lot may be of less than the minimum provided it is a lot as shown on a recorded subdivision mapapproved by the city. (Ord. 2697 § 3, 1982; prior code § 17.13.070)

#### 17.10.072 R-1-4.5 zone (small lot one-family dwelling).

All permitted uses and regulations in the R-1-4.5 (small lot one-family dwelling) zone shall be the same as the-R-1 zone, except that the minimum lot area shall not be less than four thousand five hundred square feet. (Ord.-4771 § 1, 2014)

#### 17.10.075 E (Estate one-family dwelling) zone.

All permitted uses and regulations in the E (Estate one-family dwelling) zone shall be the same as the R-1zone, except that the minimum lot area shall not be less than ten thousand square feet. (Ord. 3368 § 1, 1991)

#### **17.10.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-1 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted, however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 11, 2000; prior code § 17.13.080)

## Chapter 17.12

## **RESIDENTIAL SUBURBAN MIXED-USE ZONES**

#### Sections:

17.12.010	<u>Purposes of Mixed-Use ZonesR-S (residential suburban) zone</u> .
<del>17.12.015</del>	- Minimum lot area.
<del>17.12.016</del>	- Minimum lot frontage.
17.12.020	Mixed-Use Land Use Regulations and Allowable Uses R-S-1A (residential suburban one-
	<del>acre minimum lot size) zone</del> .
17.12.030	<u>Mixed-Use Zone Development Standards</u> R-S-2.5A (residential suburban two-and-one-
	half-acre minimum lot size) zone.
17.12.040	Other Applicable Regulations and StandardsR-S-5A (residential suburban five-acre-
	minimum lot size) zone.
<del>17.12.050</del>	- R-S-10A (residential suburban ten-acre minimum lot size) zone.
<del>17.12.060</del>	Temporary animal permits.

#### 17.12.010 <u>Purposes of Mixed-Use Zones</u><del>R-S (residential suburban) zone</del>.

A. Purpose. The purpose of this Chapter is to describe the character and intent of the City's mixed-use zones, describe allowed land uses and permit requirements in mixed-use zones, identify any supplemental land use regulations applicable to mixed-use zones, and establish development standards for the same.

B. Zoning Map. The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for City of Bakersfield " and referred to in this Zoning Code as the Zoning Map. Any additional maps adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws.

C. Zone Purpose Statements. The purpose of the individual mixed-use uses and the way they are applied are as follows:

1. MX-1 (Mixed-Use Neighborhood) Zone. The purpose of the MX-1 Mixed-Use Neighborhood Zone is to provide areas within the city for pedestrian oriented developments that focus on neighborhood-serving commercial uses (e.g., coffee shops, grocery stores, retail establishments). This zone also allows mixed-use development comprised of medium-density multi-unit developments (i.e., cottage court apartments, low-rise apartments, and condominiums), It is the intent of the MX-1 Zone to encourage a mix of residential and commercial uses, with residential on the upper floors and commercial on the lower floors (vertical mixed-use format), as well as, stand-alone uses in certain circumstances (horizontal mixed-use format). The residential density range for this zone is 20-30 dwelling units per acre.

2. MX-2 (Mixed-Use Transit) Zone. The purpose of the MX-2 Mixed-Use Transit Zone is to provide for transit- and pedestrian-oriented mixed-use development comprised of high density multi-unit developments (i.e., low-rise, mid-rise apartments, and condominiums). The focus of such development will be on centralized urban development along major corridors, interchanges, transit hubs, and throughout downtown Bakersfield, in conjunction with existing and planned transit facilities to support and maximize transit use. This zone is intended to encourage high quality integrated development consisting of residential and commercial uses in a horizontal and or vertical arrangement to maximize open space of active and passive use and provide opportunities for place making. The residential density range for this zone is 30.1 to 100 dwelling units per acre.

A. All permitted uses and regulations in the RS zone shall be the same as the R-1 zone, except that the following additional uses are permitted:

1. Breeding, hatching, raising and keeping of poultry, fowl, rabbits, chinchillas, Vietnamese pot belliedpigs, fish, frogs and bees for the domestic use of the resident/occupant of the lot.

2. Keeping of cattle, sheep, goats, horses, mules and burros in a ratio not exceeding one adult animal of the foregoing for each one quarter acre of lot area.

B. The keeping of such fowl and animals shall conform to all other provisions of law governing same.

C. No fowl or animals, nor any pen, coop, stable, corral or other structure or enclosure housing livestock orpoultry shall be kept or maintained within fifty feet of any dwelling or other building used for humanhabitation; nor within one hundred feet of the front lot line of the lot upon which such animal or structure islocated; nor within ten feet of the street side of a corner lot; nor within one hundred feet of any public park,school, hospital, or similar institution.

D. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes. (Ord. 3465 § 1, 1992; Ord. 2698 § 1, 1982; Ord. 2491 § 1, 1984; prior code § 17.14.010)

#### 17.12.015 Minimum lot area.

The minimum lot area shall not be less than twenty-four thousand square feet; provided, however, that a lot ofless area than herein required shall be permitted if a description of said lot was recorded as a separate lot in the office of the county recorder prior to the time of the enactment of this section. (Ord. 2698 § 3, 1982)

#### 17.12.016 Minimum lot frontage.

The minimum lot frontage shall be not less than eighty feet on a standard street or forty feet on a cul-de-sac orflag lot: provided, however, that a lot with less frontage than herein required shall be permitted if a descriptionof said lot was recorded as a separate lot in the office of the county recorder prior to the time of the enactmentof the ordinance codified in this section. (Ord. 2698 § 4, 1982)

## 17.12.020 <u>Mixed-Use Land Use Regulations and Allowable Uses</u><del>R-S-1A</del> (residential suburban one-acre minimum lot size) zone.

A. Mixed-Use Zones Allowed Uses and Permit Requirements. Table 17.12-1 indicates the uses allowed within each mixed-use zone and any permits required to establish the use, in compliance with Chapter 17.08 (General Regulations Including Site Plan Review).

B. Additional Regulations. Where the last column in Table 17.12-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code, Municipal Code, and State Law may also apply.

C. Definitions. See Chapter 17.04 (Definitions) for land use definitions and explanations.

D. Uses Not Listed. Uses not listed below may be reviewed by the Planning Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required.

<u>Key:</u>	$\frac{P = Allowed by Right; DRA = Director Review and Approval; N = Not Allowed; CUP = Conditional Use Permit}{N = Not Allowed; CUP = Conditional Use Permit}$						
		equirement Zone					
Land Use	<u>MX-1</u>	<u>MX-2</u>	Additional Regulations				
Residential Uses	-						
Accessory Dwelling Unit (detached, attached, junior)	<u>P</u>	<u>P</u>	<u>17.65</u>				
Accessory Structure	<u>P</u>	<u>P</u>	<u>17.12.040</u>				
Assisted Living Facility	<u>CUP</u>	CUP					
Child Day Care Home	<u>P</u>	<u>P</u>	<u>17.04.160</u> Gov. Code Section 1597.30-1597.622				
Community Care Facility, Large (six or more residents)	<u>CUP</u>	<u>CUP</u>	California Welfare and Institutions Code Sections 5115 – 5120				

## <u>Table 17.12-1</u> Mixed-Use Zones Allowed Uses and Permit Requirements

The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

<u>Key:</u>	P = Allowed by Right; DRA = Director Review and Approval; N = Not Allowed; CUP = Conditional Use Permit						
		equirement Zone					
Land Use	<u>MX-1</u>	<u>MX-2</u>	Additional Regulations				
Community Care Facility, Large (up to six residents)	<u>P</u>	<u>P</u>	California Welfare and Institutions Code Sections 5115 – 5120				
Employee Housing, up to six residents	<u>P</u>	<u>P</u>					
Home Occupation	<u>P</u>	<u>P</u>	<u>17.04.330</u> <u>17.63</u>				
Low Barrier Navigation Center	<u>P</u>	<u>P</u>	Gov. Code Section 65660-65668				
Mobile Home Parks/Travel Trailer Parks	CUP	N					
Multi-Unit Dwellings (standalone or incorporated)	<u>P</u>	<u>P</u>					
Single-Room Occupancy Units	<u>P</u>	<u>P</u>					
Supportive Housing	<u>P</u>	<u>P</u>	Gov. Code Section 65651				
Transitional Housing	<u>P</u>	<u>P</u>	Gov. Code Section 65651				
C-1 Neighborhood Commercial Zone Uses		•					
C-1 Uses Permitted	<u>P</u>	<u>n/a</u>	<u>17.22.020</u>				
C-1 Uses Permitted Subject to Planning Director Review and Approval	DRA	<u>n/a</u>	<u>17.22.030</u>				
C-1 Uses Permitted Only by Conditional Use Permit	CUP	<u>n/a</u>	<u>17.24.040</u>				
C-2 Regional Commercial Zone Uses							
C-2 Uses Permitted	<u>n/a</u>	<u>P</u>	<u>17.24.020</u>				
C-2 Uses Permitted Subject to Planning Director Review and Approval	<u>n/a</u>	DRA	<u>17.24.030</u>				
C-2 Uses Permitted Only by Conditional Use Permit	<u>n/a</u>	CUP	<u>17.24.040</u>				

#### <u>Table 17.12-1</u> <u>Mixed-Use Zones Allowed Uses and Permit Requirements</u>

All permitted uses and regulations in the R S 1A (residential suburban one acre minimum lot size) zone shallbe the same as the R 1 and R S zones except that the minimum lot size shall not be less than one acre. (Prioreode § 17.14.020)

# 17.12.030 <u>Mixed-Use Zone Development Standards</u><del>R-S-2.5A (residential suburban two-and-one-half-acre minimum lot size) zone</del>.

A. Table 17.12-2 Mixed-Use Zone Development Standards. The intent of the mixed-use zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the mixed-use zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signage, fences and obstructions, and performance standards, apply to mixed-use zones.

<u>B.</u> Density. Maximum density standards shall be consistent with this Title, the General Plan (or applicable Master Plan, Specific Plan, or Area Plan).

					Developi							
		(minimum unless otherwise specified)										
Zone	Dered	Parcel		Distance	e between St (min. ft.)	<u>between Structures</u> (min. ft.)		Setbacks (min. ft.)				
	Parcel     Area per       Area (min square feet or acres)     Area per       Dwelling (min square feet)     Dwelling	Dwelling	<u>Height</u> (max. ft.)	Between	<u>Between</u> Dwelling/	Between Accessory	Front_	<u>Side</u> ( <u>ft.)</u>	Side-Corner (ft.)	<u>Rear</u> (ft.)		
		<u>11.7</u>	<u>Dwelling</u> <u>Units</u>	<u>Accessory</u> <u>Units</u>	<u>Accessory</u> <u>Units</u>	<u>(ft.)</u>	<u>1</u>	<u>Adjacent to:</u> <u>Commercial Zone /</u> Non-Commercial Zone				
<u>MX-1</u>	<u>N/A</u>	<u>N/A</u>	<u>75</u>	<u>10</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>5/10</u>	<u>5/10</u>	<u>10/15</u>		
<u>MX-2</u>	<u>N/A</u>	<u>N/A</u>	<u>120</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0</u>	<u>5/10</u>	<u>0/10</u>	<u>5/15</u>		
Other Applicable Regulation				<u> </u>	<u>17.12.040</u>							
				Additio	nal Regula	<u>itions</u>						
<b><u>Regulation</u></b>					Section or Chapter							
Accessory Dy	welling Units				Chapter 17.65							
Accessory Str	ructures				Section 17.08.130							
Fences, Walls					Section 17.08.180							
Height of Bui					<u>Section 17.08.110</u>							
Landscape St					Chapter 17.61							
		tive Design S	<u>tandards</u>		<u>Chapter 17.14</u>							
Off-Street Par		laing			Chapter 17							
Street Setback Yard Encroac					Section 17.							
Signs	mients				Chapter 17							
orgno					Chapter 17	.00						

## Table 17.12-2 Mixed-Use Zones Development Standards

A. *Uses Permitted.* All permitted uses and regulations in the R-S-2.5A (residential suburban two and onehalf-acre minimum lot size) zone shall be the same as the R-1, R-S and R-S-1A zones, except that the minimum lot size shall not be less than two and one-half acres.

B. *Uses Permitted Subject to Planning Director Review and Approval.* The following uses may be permitted subject to review and approval by the planning director:

1. Nurseries and greenhouses, but not including any salesrooms or other buildings used for the sales of the products produced;

2. Public utility or public service buildings, structures and uses;

3. Public and private parks, playgrounds, golf courses and accessory buildings or structures necessary tosuch uses; 4. Temporary recreational uses (not to exceed sixty calendar days in any twelve-month period).

C. Uses Permitted Only by Conditional Use Permit. While any use may be permitted by conditional usepermit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the R-S-2.5Azone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> ofthis code:

1. Commercial stables;

2. Permanent recreational facilities.

(Ord. 3964 § 13, 2000; Ord. 2698 § 2, 1982; prior code § 17.14.030)

## 17.12.040 <u>Other Applicable Regulations and Standards</u>R-S-5A (residential suburban five-acre minimum lot size) zone.

#### A. MX-1 – Mixed-Use Neighborhood Zone.

Additional Standards per the Allowable Uses in Table 17.12-2.

1. Accessory Structures.

a. The accessory buildings or structures necessary for such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons and employees of the above stores or businesses.

2. Caretaker Unit.

a. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel.

#### Additional Development Standards per those in Table 17.10-2.

3. Side Setback.

a. The side and side-corner setback shall be a minimum of 10 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone.

4. Rear Setback.

a. The rear setback shall be a minimum of 15 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone. If the lot abuts a commercial zone the rear setback can be 10 feet.

5. Multi-Story Step-backs.

a. A minimum step-back of three feet is required for all structures greater than two stories on all elevations of the structure on no less than 60 percent of the first story structure's wall length.

## 6. Separation of Uses.

a. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet.

## 7. Rooftop Equipment.

a. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of 50 percent or more of the roof structure or an addition of 50 percent or more to the floor area of the commercial structure.

## 8. Encroachments.

a. An Encroachment Permit is required for any sidewalk uses including, but not limited to those identified in Table 17.12-3.

Regulation	
Sills, eaves, cornices, canopies, and other similar architectural features 8 feet or more above surface grade	Allowed in setback area
Movable tables, chairs, umbrellas, outdoor heaters (outdoor seating) as allowed with an Encroachment Permit	Allowed in setback area
Movable partitions or planters to define an outdoor seating area	Allowed in setback area
Bicycle racks	Allowed in setback area
Trees and tree wells	Allowed in setback area
Planters and planting beds extending not more than 18 inches into the setback area and not more than 18 inches in height above grade	Allowed in setback area
Bay windows, on a foundation or cantilevered, chimneys, or wells for basement windows or stairs, occupying in the aggregate not more than 20 percent of the length of the side of the structure on which they are located.	Allowed in setback area
Utility structures	Allowed in setback area

## Table 17.12-3 Mixed-Use Zone Setback Encroachments

### B. MX-2 – Mixed-Use Transit Zone.

Additional Development Standards per those in Table 17.10-2.

### 1. Side Setback.

a. The side and side-corner setback shall be a minimum of 10 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone.

### 2. Rear Setback.

a. The rear setback shall be a minimum of 15 feet when the lot abuts upon the side of a lot in any zone other than a commercial zone. If the lot abuts a commercial zone the rear setback can be 5 feet.

All permitted uses and regulations in the R S-5A (residential suburban five acre minimum lot size) zone shallbe the same as for the R-S-2.5A zone, except that the minimum lot size shall not be less than five acres. Usespermitted in the R-S-2.5A zone subject to planning director review and approval or conditional use permit aresimilarly permitted in this zone. (Ord. 2698 § 5, 1982)

## 17.12.050 R-S-10A (residential suburban ten-acre minimum lot size) zone.

All permitted uses and regulations in the R-S-10A (residential suburban ten-acre minimum lot size) zone shallbe the same as for the R-S-2.5A zone, except that the minimum lot size shall not be less than ten acres. Usespermitted in the R-S-2.5A zone subject to planning director review and approval or conditional use permit aresimilarly permitted in this zone. (Ord. 2697 § 6, 1982)

## 17.12.060 Temporary animal permits.

A. The breeding and raising of animals in numbers greater than those allowed by Section <u>17.12.010</u> of this chapter, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural-organization, shall be permitted upon submission of an application for a temporary animal permit to and approval by the planning director in accordance with the procedures set forth in this section.

B. An application for a temporary animal permit shall include the following:

1. The name and address of the applicant;

2. Name and age of minor raising the animal(s);

3. The name(s) and address(es) of the property owner(s) or legal description of the subject property;

4. Assessor's parcel number;

5. Name of the organization sponsoring the minor, including name, phone number, and acknowledgement from the sponsor that the minor is engaging in an activity under their program;

6. A plot plan showing the location of proposed pens, coops or areas for the breeding and raising of animals in relation to existing residences and other buildings and structures within one hundred feet of pens, coops or areas housing livestock.

C. A temporary animal permit shall be issued by the planning director under the following conditions:

1. The minor shall be sponsored by a bona fide organization such as, but not limited to, Future Farmersof America, 4-H Club, Cow-Belles and Junior Farmer.

2. The increase in animal density shall not exceed the density allowed by Section <u>17.12.010</u> of this chapter by more than fifty percent; provided, however, that at least two and no more than six additional animals shall be allowed.

3. The planning director may permit the raising of one swine provided all other standards in this chapterare satisfied.

4. The written consent of the owners or occupants of all abutting property shall be obtained.

5. The applicant shall allow inspection of animal maintenance facilities by the city and any animal control agencies during the effective period of the permit upon request.

6. Each additional animal authorized by the temporary animal permit over the allowable animal density specified in Section <u>17.12.010</u> of this chapter shall be removed upon expiration of the permit.

D. Any permit issued pursuant to this section may be revoked or modified whenever the planning director has a reasonable suspicion that any person to whom such permit has been issued has violated any of the provisions of this chapter. Notification of such revocation or modification shall be served by certified mail upon the permit-holder, and shall be effective upon mailing. Such revocation or modification may be appealed to the city council within ten days of receipt of notification of such revocation or modification.

E. All temporary animal permits shall be effective for a period not to exceed six months from the effective date of the permit. No more than one such permit shall be approved for any lot within a one year period. (Ord. 3465 § 2, 1992)

## Chapter 17.14

## R-2 LIMITED MULTIPLE-FAMILY DWELLING ZONEMULTI-UNIT RESIDENTIAL OBJECTIVE SITE DESIGN STANDARDS

#### Sections:

17.14.010	Purpose and Intent <del>Generally.</del>
17.14.020	Required Amenities for All Multi-Unit Dwelling ProjectsUses permitted.
<del>17.14.025</del>	Uses permitted only by conditional use permit.
<del>17.14.026</del>	Additional requirements.
17.14.030	Multi-Unit Objective Standards Applicable to the R-2 and R-3 ZonesBuilding height.
17.14.040	Multi-Unit Objective Standards Applicable to the R-4, R-5, R-6, MX-1, and MX-2
	ZonesFront yard.
<del>17.14.050</del>	- Side yards.
<del>17.14.060</del>	<del>Rear yard.</del>
<del>17.14.070</del>	- Minimum lot area.
<del>17.14.080</del>	Distance between buildings on the same lot.

## 17.14.010 <u>Purpose and IntentGenerally</u>.

A. Purpose and Intent. The purpose of Multi-Unit Objective Design Standards is to provide developers with a clear understanding of the City's expectations for all multi-unit residential project design. The design standards are written as objective requirements that use "shall" and "will" statements to confer mandatory compliance, opposed to the more permissive/subjective language. Accordingly, all multi-unit residential projects shall comply with each objective design standard. Importantly, the design standards regulate site and structure design only. All multi-unit residential projects are required to comply with all applicable building permit requirements, zoning ordinance requirements, development standards (e.g., ingress/egress, height and setbacks, drainage, etc.), and all other applicable City regulations.

The regulations set out in this chapter shall apply in the R-2 limited multiple family dwelling zone unlessotherwise provided in this title. (Prior code § 17.15.010)

## 17.14.020 <u>Required Amenities for All Multi-Unit Dwelling Projects</u><del>Uses</del>permitted.

<u>A. Purpose. All multi-unit dwelling projects shall include a mixture of amenities and open space</u> (private/public) components based on a points system. Projects shall select amenities out of the list provided in

Table 17.14-2 below based on the required points for the size of the proposed development as shown in Table 17.14-1.

B. Swimming Pool Requirements. Swimming pools are required for multi-unit residential developments with 51 or more dwelling units, in addition to the required amenities and points associated with each amenity in Tables 17.14-1 and 17.14-2.

## <u>C. Table 17.14-1</u> <u>Multi-Unit Dwelling Project Size and Required Amenities</u>

Size of Project (number of dwelling units)	Points Value (minimum)
<u>1-10</u>	<u>25</u>
<u>11-25</u>	<u>75</u>
<u>26-50</u>	<u>125</u>
<u>51-100</u>	<u>150</u>
<u>101 and up</u>	200

<u>Type of Amenity</u>	Points Value per Amenity
Courtyard	-
With seating and/or tables for at least 4 people	25
With seating and/or tables for at least 10 people	35
With seating and/or tables for at least 20 people	50
Pergola, shade, trellis, or arbor structure (maximum height of	<u>15</u>
<u>10 feet)</u>	
Tot Lot with at least 3 pieces of play equipment including	<u>35</u>
slides, swings, monkey bars, climbing walls, etc.	
Community Garden with at least five garden beds measuring	<u>20</u>
25 square feet each	
Permanent affixed barbecue (per barbeque unit)	<u>15</u>
Outdoor kitchen with a countertop, sink, an appliance and	<u>50</u>
seating and tables for at least 10 people	
Sports Courts	<u>_</u>
<u>Tennis Court</u>	<u>50</u>
<u>Pickleball Court</u>	<u>25</u>
<u>Basketball</u>	<u>50</u>
<u>Bocce ball</u>	<u>30</u>
Swimming Pool	<u>80</u>
Hot tub	<u>40</u>
Splash Pad Fountain no smaller than 50 square feet	<u>25</u>
Open Lawn Areas no smaller than 100 sq ft	<u>10</u>
Amphitheater seating for at least 25 people	75
Podium Outdoor Area	<u>40</u>
Rooftop Outdoor Area	<u>65</u>
Community Room	
Library Room with bookshelves and seating for at	20
least 5 people	
Media Room with television and seating for at least	25
<u>10 people</u>	
Game Room with a least two game tables or consoles	35
Gathering Room with countertop, cabinets, and sink	<u>50</u>
Gym/Fitness Room with at least 5 pieces of gym	50
equipment	
Co-working space with wi-fi, tables and seating for	75
at least 8 people, and a bathroom	
Bicycle Lockers	<u>20</u>
Package Lockers	10
On-site laundry facilities	20
Pet Washing Stations for up to a minimum of two 50 lb dogs	20
Fenced Dog Park with trash can	-
Measuring at least 50 feet by 20 feet	25
Measuring at least 100 feet by 20 feet with a dog	45
waste bag dispenser and dog water fountain.	_
Yoga room	10

## <u>Table 17.14-1</u> <u>Multi-Unit Dwelling Amenities Points System</u>

The following uses are permitted in an R-2 zone:

A. Any use permitted in an R-1 zone;

B. Limited multiple family dwellings;

C. The accessory buildings or structures necessary to such use, located on the same lot or parcel or land. Accessory buildings on lots developed with one family dwellings shall not exceed twelve percent of the area of the lot. (Ord. 3681 § 2, 1995; prior code § 17.15.020)

## 17.14.025 Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-2 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Roominghouse. (Ord. 5008 § 4, 2020)

## 17.14.026 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code. In addition, projects with four units or less a block wall and landscaping is required along arterial streets.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. For multiple family dwellings with four units or less, the living room, main entrance and windows for the street facing end unit and side units must face the street and public sidewalk. For all units, utility and other-mechanical equipment shall not be visible from the street, and architectural elevations for adjacent buildings-shall be significantly different (i.e.: different elevation, roof types, colors, or other structural elements.) This requirement shall not apply to any lot less than ten thousand square feet and, that is not part of, or adjacent to-multi-family subdivisions or other multi-family projects that existed prior to the effective date of this ordinance. Duplexes and triplexes shall comply with these requirements regardless of lot size, location or-adjacent development. Refuse containers shall not be located within the front yard, and if visible from the street shall be located within a masonry enclosure with metal gates.

F. Each multi-family development shall provide and maintain a minimum of twenty percent of the gross area of the site as open space. This shall include two hundred square feet of contiguous landscape space per lot, not-

less than twenty feet in width or depth at any point. Open space shall not be deemed to include buildings, driveways, parking areas, or other surfaces designed or intended for vehicular travel. Required front building-setbacks and street frontage setbacks shall not be included in calculating usable open space. This requirement-shall not apply to any lot less than ten thousand square feet and, that is not part of, or adjacent to multi-family-subdivisions or other multi-family projects that existed prior to the effective date of this section.

G. A solid masonry wall constructed at a minimum height of six feet from highest grade shall be required formulti-family development proposed where the rear or side property line separates a lot zoned R-1, R-2 of asingle family character, MH or a PUD project of a single-family character. Any wall located within or alongthe front yard area shall not exceed a height of four feet. This requirement shall not apply to any lot less thanten thousand square feet and, that is not part of, or adjacent to multi-family subdivisions or other multi-familyprojects that existed prior to the effective date of this section. (Ord. 4104 §§ 1-3, 2003; Ord. 3925 § 1, 1999; Ord. 3875-§§ 3, 4, 1998; Ord. 3835 § 7, 1998; Ord. 2699 § 1, 1982)

# 17.14.030Multi-Unit Objective Standards Applicable to the R-2 and R-3ZonesBuilding height.

## A. Connectivity.

1. Vehicular Circulation.

a. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development. Developments are not required to share driveways with neighboring properties.

b. Parking areas shall not be located in the front setback area.

c. Side and rear parking areas visible from a street shall include a minimum two-foot landscape buffer including a planting strip; a screening feature, such as a hedge, that is three feet high; and trees planted every 30 lineal feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3) in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be of evergreen variety to provide screening throughout the year.

## d. Parking Lot Shade.

i.One shade tree shall be planted for every six parking spaces.

ii.A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter.

iii.Covered parking areas with solar capture technology are exempt from this requirement.

2. Pedestrian/Bicycle Circulation.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

c. Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.

3. Fences and Walls.

a. The following materials are prohibited for all fences and walls:

i.Electrified fencing; ii.Barb wire/razor wire; iii.Fencing using other sharp objects such as spires and glass; iv.Cyclone fencing; v.Vinyl; and vi.Chain link. vii.Materials not originally intended as fencing materials, such as pallets, corrugated metal or fiberglass, plywood or particle board sheeting, plastic tarps, sailcloth etc. 4. Glazing. a. Structures shall incorporate the use of energy efficient glazing on windows and glass doors to reduce heat loss and gain. 5. Multi-Unit Dwellings Trash and Recycling Enclosures. a. Trash and recycling enclosures shall include the following: i.Constructed with masonry walls with finished metal doors. Masonry walls and metal doors shall be painted in accordance with the approved color palette for the project. ii.Both a vehicle access gate and pedestrian access gate. iii.Downward lighting for safety and security. 6. Multi-Unit Dwelling Storage Spaces. a. A minimum of 10 square feet (80 cubic feet) of outdoor storage space accessible from each unit's ground floor patio or upper floor balcony shall be provided for all units. b. Outdoor storage areas shall be covered and able to be locked. 7. Outdoor Lighting. a. Pedestrian-oriented lighting shall be provided in active pedestrian areas (i.e., paseos, sidewalks, pathways, etc.) b. Lighting for upper floor unit entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level. c. Pedestrian pathway lighting features shall not exceed eight feet in height. d. Lighting in parking areas shall not exceed 16 feet in height. e. Active pedestrian areas shall incorporate free-standing lighting separate from structures. f. Bicycle parking areas shall be illuminated. g. Pedestrian pathways shall have illumination levels of 0.5 foot-candles as a maintained minimum at the walking surface to identify any level changes or changes in walking conditions. h. Overhead sports court lighting shall illuminate only the intended area. i. Light trespass onto neighboring lots is prohibited. j. Outdoor lighting shall use energy efficient lighting technology and shall be shielded downward to reduce glare and light pollution. k. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night. 1. Exposed bulbs are prohibited. m. Colored bulbs and lenses are prohibited. 8. Primary Structure Entrances. a. Entry Lighting. i.All primary structure entrances shall include dusk to dawn lighting for safety and security.

b. Interior-Facing Structures.

- i.The primary entrance of each interior-facing structure shall be oriented to paseos, courtyards, pathways, and active landscape areas.
- ii.For safety, units not facing the street shall be oriented to provide visual access to entryways, pedestrian pathways, recreation areas, and common facilities from private dwelling units.
- c. Street-Facing Structures.
  - i.Structures at the street shall have a front entry oriented to the street.
- 9. Property Access.

a. If parking facilities are provided, there shall be vehicular access from a dedicated and improved street, easement, or alley to off-street parking facilities.

10. Crime Prevention through Environmental Design (CPTED).

a. To provide "eyes on the street" surveillance, the largest window or group of windows of a minimum of one of the following rooms shall view the street: living room, dining room, family room, or kitchen.
b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and roads.

<u>11. Signs.</u>

a. Entryways, structure addresses, amenities, and individual units shall be identified with signage.

b. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways.

c. All signs shall comply with Chapter 17.60 of the Zoning Code.

12. Structure Orientation.

a. Structures shall incorporate parcel design measures that reduce heating and cooling needs by orienting structures (both common facilities and private dwelling units) on the parcel to reduce heat loss and gain depending on the time of day and season of the year.

Building heights in an R-2 zone shall not exceed thirty-five feet. (Ord. 4301 § 1, 2006; prior code § 17.15.030)

## 17.14.040Multi-Unit Objective Standards Applicable to the R-4, R-5, R-6, MX-<br/>1, and MX-2 ZonesFront yard.

A. Connectivity.

1. Vehicular Circulation. If parking is proposed for the mulit-unit residential development, the following vehicular standards shall be implemented:

a. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development. Developments are not required to share driveways with neighboring properties.

b. Parking areas shall not be located in the front setback area.

c. Side and rear parking areas visible from a street shall include a minimum two foot landscaped buffer including a planting strip; a screening feature, such as a hedge, that is three feet high; and trees planted every 30 lineal feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3)

in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be of evergreen variety to provide screening throughout the year.

d. Parking Lot Shade.

i.One shade tree shall be planted for every six parking spaces. A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter.

ii.Covered parking areas with solar capture technology are exempt from this requirement.

2. Pedestrian circulation.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

<u>c.</u> Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.3. Glazing.

a. Structures shall incorporate the use of energy efficient glazing on windows and glass doors to reduce heat loss and gain.

4. Ground Floor Commercial Spaces.

a. Mixed-used structures with nonresidential ground floor uses shall design the ground floor with minimum 15-foot ceiling height to accommodate a variety of uses.

5. Fences and Walls.

a. The following materials are prohibited for all fences and walls:

i.Electrified fencing;

ii.Barb wire/razor wire;

iii.Fencing using other sharp objects such as spires and glass;

iv.Cyclone fencing;

v.Vinyl; and

<u>vi.Chain link.</u>

vii.Materials not originally intended as fencing materials, such as pallets, corrugated metal or fiberglass, plywood or particle board sheeting, plastic tarps, sailcloth etc.

6. Outdoor Lighting.

a. Pedestrian-oriented lighting shall be provided in active pedestrian areas (i.e., paseos, sidewalks, pathways, etc.)

b. Lighting for upper floor unit entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level.

c. Pedestrian pathway lighting features shall not exceed eight feet in height.

d. Lighting in parking areas shall not exceed 16 feet in height.

e. Active pedestrian areas shall incorporate free-standing lighting separate from structures.

f. Bicycle parking areas shall be illuminated.

g. Pedestrian pathways shall have illumination levels of 0.5 foot-candles as a maintained minimum at the walking surface to identify any level changes or changes in walking conditions.

h. Overhead sports court lighting shall illuminate only the intended area. Light trespass onto neighboring lots is prohibited.

i. Outdoor lighting shall use energy efficient lighting technology and shall be shielded downward to reduce glare and light pollution.

j. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night.

k. Exposed bulbs are prohibited.

1. Colored bulbs and lenses are prohibited.

7. Multi-Unit Dwelling Storage Spaces.

a. A minimum of 10 square feet (80 cubic feet) of outdoor storage space accessible from each unit's ground floor patio or upper floor balcony shall be provided for all units.

b. Outdoor storage areas shall be covered and able to be locked.

8. Parking Structures.

a. If parking structures are proposed as part of the multi-unit residential development, the parking structure openings on each level shall be screened with decorative paneling or vertical vegetation (e.g., vines).

9. Crime Prevention through Environmental Design (CPTED).

a. To provide "eyes on the street" surveillance, the largest window or group of windows of a minimum of one of the following rooms shall view the street: living room, dining room, family room, or kitchen.
b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and roads.

10. Screening.

a. All screening of ground-mounted and roof-mounted equipment shall be painted in accordance with the approved color palette for the project.

11. Signs.

a. Entryways, structure addresses, amenities, and individual units shall be identified with signage. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways.

b. All signs shall comply with Chapter 17.60 of the Zoning Code.

12. Street-facing façade transparency.

a. Mixed-use structures with ground floor commercial uses shall have windows that make up a minimum of 60 percent of the ground floor frontage.

13. Structure Entry.

a. All structures located adjacent to a street shall have at least one primary entry door facing the sidewalk.

b. All ground floor entrances shall include a direct connection to the sidewalk.

c. Exterior stairways/stairwells that are not enclosed shall not be visible from the public right-of-way.

14. Trash and Recycling Enclosures.

a. All trash and recycling enclosures shall include the following:

- i.Constructed with masonry walls with finished metal doors. Masonry walls and metal doors shall be painted in accordance with the color palette submitted for the project.
- ii.Both a vehicle access gate and pedestrian access gate.

iii.Downward lighting for safety and security.

iv.Separated from adjacent parking stalls by a minimum 3-foot-wide planter with low growing native plants.

A. Except as otherwise provided in Section <u>17.08.125</u>, there shall be a front yard of not less than fifteen feetin depth measured from the front lot line. If a garage or carport opening faces a public or private street, suchgarage or carport whether attached to or detached from the main building, shall be set back not less thantwenty feet. However, the garage/carport provision shall not apply to homes located within Tract 5728.

B. The front yard setback shall be determined by the intersection of the first or each successive story with a forty-five degree airspace diagonal as defined in Section <u>17.04.035</u>. Roofs, parapets and appurtenances may not extend more than ten feet beyond the air space diagonal.

C. For multiple-family dwellings with four units or less front yard setbacks shall be a minimum of fifteen feet and shall have an average setback of twenty feet or every third lot shall have a front yard setback of twentyfeet. (Ord. 3875 § 1, 1998; Ord. 3539 § 3, 1993; Ord. 2699 § 2, 1982; prior code § 17.15.040)

## 17.14.050 Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport, whether attached to or detached from the main building, shall be set back not less than twenty feet.

C. For multiple family dwellings only, where the side yard separates a lot in an R-2 zone from an adjacent lot zoned R-1, E, MH, or a PUD or R-2 project of one family character with private rear and/or side yards, the side yard shall not be less than ten feet for the first story and twenty five feet for the second and additional stories. (Ord. 3797 § 1, 1997; Ord. 3681 § 2, 1995; Ord. 3539 § 4, 1993; prior code § 17.15.050)

## 17.14.060 Rear yard.

A. There shall be a rear yard upon each lot in an R-2 zone behind every main building of not less than twentyfive feet or twenty percent of the depth of the lot, whichever is less; provided, however, the rear yard may bereduced to five feet if not more than fifty percent of the lot is covered by buildings or structures.

B. For multiple family dwellings only, where the rear property line separates a lot in an R-2 zone from an adjacent lot zoned R-1, E, MH or a PUD or R-2 project of one family character with private rear and/or sideyards, the rear yard shall not be less than ten feet for the first story and twenty-five feet for the second andadditional stories. (Ord. 3681 § 2, 1995; Ord. 2980 § 1, 1985; prior code § 17.15.060)

## 17.14.070 Minimum lot area.

A. For multiple family dwellings with five units or more per lot the minimum lot area shall be not less thansix thousand square feet, and the minimum lot area shall be not less than two thousand five hundred square feet per dwelling unit. When a nonconforming lot has less than six thousand square feet and was recorded in theoffice of the county recorder at the time of the passage of the ordinance codified in this section, said lot may be occupied by not more than one dwelling unit for each two thousand five hundred square feet.

B. For one family dwellings the minimum lot size may be reduced to four thousand five hundred square feetper dwelling unit in accordance with Section <u>16.28.170(O)(3)</u>. (Ord. 4232 § 7, 2005; Ord. 4104 § 6, 2003; Ord. 3875-§ 2, 1998; Ord. 3681 § 2, 1995; Ord. 2699 § 3, 1982; prior code § 17.15.070)

## **17.14.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-2 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted, however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 14, 2000; prior code § 17.15.080)

## Chapter 17.16

## **<u>RESERVED</u>R-3 MULTIPLE-FAMILY DWELLING ZONE**

#### Sections:

<del>17.16.010</del>	-Generally.
<del>17.16.020</del>	Uses permitted.
<del>17.16.025</del>	Uses permitted only by conditional use permit.
<del>17.16.026</del>	Additional requirements.
<del>17.16.030</del>	Building height.
<del>17.16.040</del>	Front yard.
<del>17.16.050</del>	Side yards.
<del>17.16.060</del>	<del>-Rear yard.</del>
<del>17.16.070</del>	Minimum lot area.
<del>17.16.080</del>	-Distance between buildings on the same lot.

## 17.16.010 Generally.

The regulations set out in this chapter shall apply in the R-3 multiple family dwelling zone unless otherwise provided on this title. (Ord. 4302 § 2, 2006; prior code § 17.17.010)

## 17.16.020 Uses permitted.

The following uses are permitted in an R-3 zone:

A. Any use permitted in the R-1 and R-2 zones;

B. Multiple-family dwellings and apartment houses;

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Priorcode § 17.17.020)

## **17.16.025** Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-3 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

1. Roominghouse. (Ord. 5008 § 5, 2020)

## **17.16.026** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. A solid masonry wall constructed at a minimum height of six feet from highest grade shall be required formulti-family development proposed where the rear or side property line separates a lot zoned R-1, R-2 of asingle-family character, MH or a PUD project of a single-family character. Any wall located within or alongthe front yard area shall not exceed a height of four feet. This requirement shall not apply to any lot less thanten thousand square feet and, that is not part of, or adjacent to multi-family subdivisions or other multi-familyprojects that existed prior to the effective date of the ordinance codified in this section. (Ord. 4910 § 1, 2017; Ord. 3835 § 8, 1998; Ord. 2700 § 1, 1982)

### 17.16.030 Building height.

Building heights in an R-3 zone shall not exceed forty-five feet. (Ord. 4302 § 3, 2006; prior code § 17.17.030)

#### **17.16.040** Front yard.

A. Except as otherwise provided in Section <u>17.08.125</u>, there shall be a front yard of not less than fifteen feetin depth measured from the front lot line. If a garage or carport opening faces a public or private street, suchgarage or carport whether attached to or detached from the main building, shall be set back not less thantwenty feet.

B. The front yard setback shall be determined by the intersection of the first or each successive story with a forty-five degree airspace diagonal as defined in Section <u>17.04.035</u>. Roofs, parapets and appurtenances may not extend more than ten feet beyond the air space diagonal. (Ord. 3539 § 5, 1993; Ord. 2700 § 2, 1982; prior code-§ 17.17.040)

### **17.16.050** Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport whether attached to or detached from the main building, shall be set backnot less than twenty feet. (Ord. 3539 § 6, 1993; prior code § 17.17.050)

#### 17.16.060 Rear yard.

There shall be a rear yard upon each lot in an R-3 zone behind every main building of not less than fifteen feet; provided, however, except where the rear property line separates a lot in an R-3 zone from an adjacent lotzoned R-1, R-S, R-S-1A, MH or a PUD project of single family character with private rear and/or side yards, the rear yard may be reduced to five feet if not more than fifty five percent of the lot is covered by buildings or structures. Whenever the rear property line separates the lot from a lot described in the above exception, the rear yard shall be not less than ten feet for the first story and twenty-five feet for any second and additional stories. (Ord. 2980 § 2, 1985; prior code § 17.17.060)

## 17.16.070 Minimum lot area.

A. The minimum lot area shall be not less than six thousand square feet, and the minimum lot area shall be not less than one thousand two hundred fifty square feet per dwelling unit. When a nonconforming lot has less than six thousand square feet and was recorded in the office of the county recorder at the time of passage of the ordinance codified in this section, such lot may be occupied by not more than one dwelling unit for each one thousand two hundred fifty square feet.

B. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of saidalley.

C. A lot may be less than the minimum provided it is a lot shown on a recorded subdivision map approved by the city. (Ord. 2700 § 3, 1982; prior code § 17.17.070)

### **17.16.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-3 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted, however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 15, 2000; prior code § 17,17.080)

## Chapter 17.18

## **<u>RESERVED</u>R-4 HIGH DENSITY MULTIPLE-FAMILY DWELLING ZONE**

Sections:

<del>17.18.010</del>	-Generally.
<del>17.18.020</del>	Uses permitted.
<del>17.18.025</del>	Uses permitted only by conditional use permit.
<del>17.18.026</del>	Additional requirements.
<del>17.18.030</del>	Building height.
<del>17.18.040</del>	Front yard.
<del>17.18.050</del>	Side yards.
<del>17.18.060</del>	-Rear yard.
<del>17.18.070</del>	Minimum lot area.
<del>17.18.080</del>	Distance between buildings on the same lot.

## 17.18.010 Generally.

The restriction set out in this chapter shall apply in the R-4 high density multiple family dwelling zone unlessotherwise provided in this title. (Ord. 4303 § 2, 2006; prior code § 17.19.010)

## 17.18.020 Uses permitted.

The following uses are permitted in an R-4 zone:

- A. Any use permitted in the R-1, R-2 or R-3 zones;
- B. Any of the following uses:
  - 1. Apartment house,
  - 2. Apartment hotel,
  - 3. Church,

4. School, elementary or high,

5. Residential facility housing groups of people with disabilities as required to be permitted by federallaw, 6. Roominghouse,

7. Institutions of educational, philanthropic or charitable nature,

8. Lodge halls and private clubs, excepting clubs the chief activity of which is a service customarilycarried on as a business;

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Ord. 3964 § 16, 2000; Ord. 3362 § 1, 1991; Ord. 3324 § 1, 1990; prior code § 17.19.020)

## 17.18.025 Uses permitted only by conditional use permit.

A. The following uses are permitted in an R-4 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Certified farmers markets;

2. Food and/or shelter service as defined in Section 17.04.285;

3. Residential facilities housing seven or more juveniles or adults in custody or court-ordered livingrestrictions for violations of local, state and federal law, including, but not limited to, halfway houses and detention centers. (Ord. 5008 § 5, 2020; Ord. 3746 § 3, 1997; Ord. 3362 § 2, 1991; Ord. 3324 § 2, 1990; Ord. 3174 § 2, 1988; Ord. 2818 § 2, 1983)

## **17.18.026** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. A solid masonry wall constructed at a minimum height of six feet from highest grade shall be required formulti-family development proposed where the rear or side property line separates a lot zoned R-1, R-2 of asingle-family character, MH or a PUD project of a single-family character. Any wall located within or alongthe front yard area shall not exceed a height of four feet. This requirement shall not apply to any lot less thanten thousand square feet and, that is not part of, or adjacent to multi-family subdivisions or other multi-familyprojects that existed prior to the effective date of the ordinance codified in this section. (Ord. 4910 § 2, 2017; Ord. 3835 § 9, 1998; Ord. 2701 § 1, 1982)

## 17.18.030 Building height.

Building heights in an R-4 zone shall not exceed sixty five feet. (Ord. 4303 § 3, 2006; Ord. 2701 § 2, 1982; prior code § 17.19.030)

## **17.18.040** Front yard.

A. Except as otherwise provided in Section <u>17.08.125</u>, there shall be a front yard of not less than fifteen feetin depth measured from the front lot line. If a garage or carport opening faces a public or private street, suchgarage or carport whether attached to or detached from the main building, shall be set back not less thantwenty feet.

B. The front yard setback shall be determined by the intersection of the first or each successive story with a forty-five degree airspace diagonal as defined in Section <u>17.04.035</u>. Roofs, parapets and appurtenances may not extend more than ten feet beyond the air space diagonal. (Ord. 3539 § 7, 1993; Ord. 2701 § 2, 1982; prior code § 17.19.040)

#### 17.18.050 Side yards.

A. There shall be a side yard for the main building of not less than five feet.

B. For corner lots, the side yard on the street side frontage shall not be less than ten feet; however, the sideyard may be reduced to five feet for swimming pools and spas. If a garage or carport opening faces a public orprivate street, such garage or carport whether attached to or detached from the main building, shall be set backnot less than twenty feet. (Ord. 3539 § 8, 1993; prior code § 17.19.050)

## 17.18.060 Rear yard.

There shall be a rear yard upon each lot in an R-4 zone behind every main building of not less than fifteen feet; provided, however, except where the rear property line separates a lot in an R-4 zone from an adjacent lotzoned R-1, R-S, R-S-1A, MH, or a PUD project of single-family character with private rear and/or side yards, the rear yard may be reduced to five feet if not more than sixty percent of the lot is covered by buildings orstructures. Whenever the rear property line separates the lot from a lot described in the above exception, therear yard shall not be less than ten feet for the first story and twenty-five feet for any second and additionalstories. (Ord. 2980 § 3, 1985; prior code § 17.19.060)

## 17.18.070 Minimum lot area.

A. The minimum lot area shall be not less than six thousand square feet, and the minimum lot area shall be not less than six hundred square feet per dwelling unit. When a nonconforming lot has less than six thousand square feet and was recorded in the office of the county recorder at the time of the passage of the ordinance codified in this section, such lot may be occupied by not more than one dwelling unit for each six hundred square feet.

B. Where there is an alley to the rear of the lot, the minimum lot area may be measured to the center of the alley.

C. A lot may be less than the minimum provided it is a lot as shown on a recorded subdivision map approved by the city. (Ord. 2701 § 3, 1982; prior code § 17.19.070)

## **17.18.080 Distance between buildings on the same lot.**

Minimum distance requirements between buildings on the same lot in an R-4 zone shall be as follows:

A. Ten feet between dwelling units;

B. Three feet between a dwelling unit and an accessory building. A lesser distance is permitted, however, the buildings will be considered attached and subject to all dwelling unit setbacks, and the regulations of the Building Code as adopted by the city;

C. Three feet between accessory buildings. A lesser distance is permitted; however, the buildings will beconsidered attached and subject to all regulations as they may pertain to accessory buildings based on thiscombined area, and the regulations of the Building Code as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3964-§ 17, 2000; prior code § 17.19.080)

## **Chapter 17.19**

## <u>RESERVED</u> RH (RESIDENTIAL HOLDING) ZONE

Sections:

<del>17.19.010</del>	Generally.
<del>17.19.020</del>	Uses permitted.
<del>17.19.030</del>	Building height, yards and distance between buildings.
<del>17.19.040</del>	Minimum lot area.

## **17.19.010** Generally.

The following regulations shall apply in the RH (residential holding) zone unless otherwise provided in thistitle. This zone is intended to be used to retain large undeveloped or underdeveloped land areas for futureurban development. Once development is proposed, a change of zoning will be required to zone districtsconsistent with the general plan. This will ensure that development progresses in an orderly and logical manner eonsistent with the city's growth policies. The RH zone is considered agricultural in nature as it will allowboth agricultural and petroleum resource uses to continue their operations until such time urbanization takesplace. (Ord. 3564 § 2, 1993; Ord. 2702 § 1, 1982)

## 17.19.020 Uses permitted.

The following uses are permitted in an RH zone:

A. Agricultural and horticultural uses including nurseries, greenhouses, orchards, aviaries or the raising offield crops, tree crops, berry or bush crops or vegetable or flower gardening on a commercial scale;

B. The keeping of bovine animals, horses, mules and sheep; provided, that the number thereof shall notexceed a number per acre equal to four adult animals in any combination of the foregoing animals and theirimmature offspring;

C. Accessory agricultural buildings and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection withlivestock shall be located nearer than one hundred feet to the front lot line, nor nearer than fifty feet to any existing dwelling on any contiguous property, nor nearer than one hundred feet to any public park, school, hospital or similar institution;

D. Any use permitted in the R-1 zone;

E. Breeding, hatching and raising of poultry and fowl;

F. Breeding and raising of rabbits and other fur bearing animals. (Ord. 3964 § 18, 2000; Ord. 3564 §§ 4, 5, 1993; Ord. 3477 § 7, 1992; Ord. 2702 § 1, 1982)

## **17.19.030** Building height, yards and distance between buildings.

The regulations shall be the same as the R-1 zone; however, all buildings shall be located not less than onehundred ten feet from the centerline of any existing or proposed public street or highway, and all dwellingsshall be located not less than one hundred feet apart. (Ord. 3564 § 3, 1993; Ord. 2702 § 1, 1982)

## 17.19.040 Minimum lot area.

The minimum lot area shall not be less than twenty acres; provided however, that a lot of less area than hereinrequired shall be permitted if said lot was legally created as a separate lot and recorded as such prior to thiszone being applicable to that lot. (Ord. 3564 § 6, 1993)

## **Chapter 17.20**

## C-O PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE\*

Sections:

17.20.010	Generally.
17.20.020	Uses permitted.
17.20.030	Uses subject to planning director review and approval.
17.20.040	Uses permitted only by conditional use permit.
17.20.050	Additional requirements.
17.20.060	Building height.
17.20.070	Front yard.
17.20.080	Side yards.
17.20.090	Rear yard.
17.20.100	Minimum lot area.
17.20.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.23.010—17.23.070 and Ord. 2703.

## 17.20.010 Generally.

The regulations set out in this chapter shall apply in the C-O professional and administrative office zone unless otherwise provided in this title. The purpose of this zone is to designate areas suitable for business and professional office development. The C-O zone may also serve as a buffer between regional commercial and residential areas. (Ord. 3395 § 1, 1991)

## 17.20.020 Uses permitted.

The following uses are permitted in a C-O zone;

- A. Any one or more of the following uses:
  - 1. Accounting, auditing, tax preparation and bookkeeping services.
  - 2. Advertising agencies.
  - 3. Banks, savings and loans, credit unions and other financial institutions.
  - 4. Business and management consulting services.

- 5. Business and professional membership organizations.
- 6. Church, excluding schools.
- 76. Commercial art and graphic design.
- <u>87</u>. Commercial photography, including portrait studios.
- <u>98</u>. Computer programming and data processing services.
- <u>109</u>. Consumer credit reporting and collection services.
- 1<u>40</u>. Day care nursery.
- 121. Detective and security systems services.
- 1<u>32</u>. Direct mail advertising services.
- 14<u>3</u>. Employment agency and help supply services.
- 154. Engineering, surveying, architectural and environmental planning services.
- 165. Family and social service, clinics and centers.

17<u>6</u>. Governmental services and administration, including libraries, museums, galleries and judicial courts; police, fire, and other emergency service alarm centers.

187. Insurance services.

198. Legal services.

2019. Management and public relations services.

24<u>0</u>. Medical, dental, psychiatric and other health practitioner offices and clinics, including chiropractic, acupuncture, massage therapy and blood banks.

- 221. Medical and dental laboratories.
- 2<u>32</u>. Mortgage, loan and personal credit institutions.
- 24<u>3</u>. Palm reading, fortune telling, astrologic and psychic services.
- 245. Pharmacies, in conjunction with medical clinics.
- 2<u>56</u>. <u>Places of assembly, commercial</u>
- <u>26.</u> Post office and other courier or parcel delivery services.
- 27. Public and private utility administration.
- 28. Real estate development, sales and property management services.
- 29. Secretarial and court reporting services.
- 30. Telecommunications administration.
- 31. Television, radio and cable broadcasting stations.
- 32. Title and escrow offices.
- 33. Travel agencies.
- 34. Trusts and investment agencies.
- B. Accessory buildings or structures necessary to such use located on the same lot or parcel of land.

C. Temporary offices including portable, modular or prefabricated structures constructed in conformance with the uniform codes adopted by the city (Title <u>15</u> of this code) and not attached to permanent foundations may be allowed for a period not to exceed two years, plus one-year extension subject to the approval of the planning commission.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 3964 § 19, 2000; Ord. 3746 § 4, 1997; Ord. 3395 § 1, 1991)

## 17.20.030 Uses subject to planning director review and approval.

The following uses may be permitted in a C-O zone subject to review and approval by the planning director:

- A. Public utility structures.
- B. Water pump stations. (Ord. 3395 § 1, 1991)

## 17.20.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-O zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

- 1. Bail bond services;
- 2. Body art establishment;
- 3. Garment cleaning, pressing, alteration and repair;
- 4. Hair styling shop and beauty salon, including tanning salons;
- 5. Photocopying and duplicating services;

6. Recycling centers, as defined by Public Resources Code Section 14520, that are within a convenience zone, as defined by Public Resources Code Section 14509.4;

- 7. <u>Religious institution;</u>
- 8. School, elementary, junior high, and high;
- 9. Scientific research and testing services;

<u>\$10</u>. Vocational and specialized schools providing technical and cultural training;

911. Veterinary services. (Ord. 5008 § 6, 2020; Ord. 4944 § 1, 2018; Ord. 3746 § 5, 1997; Ord. 3395 § 1, 1991)

## **17.20.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure.

I. Retail developments shall comply with design standards listed in Section <u>17.08.140</u>. (Ord. 5006 § 3, 2020; Ord. 4939 § 10, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 20, 2000; Ord. 3835 § 10, 1998; Ord. 3395 § 1, 1991)

## 17.20.060 Building height.

Building height requirements in a C-O zone shall not exceed sixty feet (approximately four stories). (Ord. 3395 § 1, 1991)

## 17.20.070 Front yard.

Front yard requirements in a C-O zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

## 17.20.080 Side yards.

Side yard requirements in a C-O zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a professional or administrative office building shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

## 17.20.090 Rear yard.

Rear yard requirements in a C-O zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 1, 2005; Ord. 3395 § 1, 1991)

## 17.20.100 Minimum lot area.

<u>No</u> The minimum lot area <u>shall be required</u> in a C-O zone<u>, shall be as follows: none; however, all buildings</u>used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

## **17.20.110** Distance between buildings on the same lot.

<u>No d</u>Distance requirements between buildings on the same lot in a C-O zone shall be as follows: none, exceptall buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 1, 1991)

## Chapter 17.22 C-1 NEIGHBORHOOD COMMERCIAL ZONE\*

Sections:

17.22.010	Generally.
17.22.020	Uses permitted.
17.22.030	Uses permitted subject to planning director review and approval.
17.22.040	Uses permitted only by conditional use permit.
17.22.050	Additional requirements.
17.22.060	Building height.
17.22.070	Front yard.
17.22.080	Side yards.
17.22.090	Rear yard.
17.22.100	Minimum lot area.
17.22.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.25.010-17.25.080 and Ords. 2704 and 2877.

## 17.22.010 Generally.

The regulations set out in this chapter shall apply in the C-1 neighborhood commercial zone unless otherwise provided in this title. The purpose of this zone is to provide an adequate variation of retail establishments and services that conveniently serve the needs of residents in the immediate neighborhood. It is highly desirable to blend uses into the area thereby protecting the residential character of the area; but not create architectural or traffic conflicts nor permit the commercial development to expand into a regional center of such scope and variety as to attract significant volumes of traffic from outside the neighborhood. (Ord. 3395 § 2, 1991)

## 17.22.020 Uses permitted.

The following uses are permitted in a C-1 zone:

- A. Any use listed in the uses permitted section in the C-O zone;
- B. Any one or more of the following uses:
  - 1. Apparel and accessory specialty shops, does not include large scale chain department stores;

- 2. Automobile service stations, including convenience markets but excluding truck stops;
- 3. Bakery, retail only;
- 4. Book and stationery store;
- 5. Candy, nut and confectionery store;
- 6. Christmas tree sales, limited between November 15th to December 26th each calendar year;
- 7. Church, excluding schools;
- <u>87</u>. Cosmetic store;
- 98. Drugstore, pharmacy;
- 109. Fabric, yardage store;
- 1<u>10</u>. Florist;
- 121. Fireworks ("safe and sane") sales, limited between July 1<sup>st</sup> and July 4<sup>th</sup> each calendar year;
- 132. Garment cleaning, pressing, alteration and repair;
- 143. Grocery stores, including meat, fish, fruit, vegetable, delicatessen and convenience stores;
- 1<u>54</u>. Hair styling shop and beauty salon, including tanning salons;
- 165. Interior decorating, including drapery, curtain and upholstery sales;
- 176. Jewelry, watch, clocks, silverware, coins and gemstones including repair;
- 187. Laundromat;
- 198. Liquor store;

<u>2019</u>. Locksmith;

240. Newspaper, magazine store;

2<u>21</u>. Pet and pet supply store, including grooming services;

2<u>32</u>. Photocopying and duplicating services;

2<u>3</u>4. Photographic shops and developing services;

254. Physical fitness facility;

265. Private service clubs, lodges;

276. Restaurants and related eating places, excluding on-site alcohol sales, entertainment or drive-through service;

28<u>7</u>. Rest home, convalescent home, adult care facility, residential care facility as defined in California Health and Safety Code Section <u>1502</u>;

298. Temporary promotional activity as defined in Section 17.04.610;

3029. Tobacco store;

340. Video disk/tape rental;

321. Veterinary (small animal only), excluding kennel services;

3<u>32</u>. Shopping centers.

C. Accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel.

E. Temporary offices, including portable, modular or prefabricated structures constructed in conformance with the building codes adopted by the city (Title <u>15</u> of this code) and not attached to permanent foundations may be allowed for a period not to exceed two years, plus one-year extension subject to the approval of the planning commission.

F. The specified store, shops or businesses in subsection  $\underline{B}$  of this section shall be establishments selling new merchandise exclusively, except used merchandise clearly incidental to the regular business conducted on the premises, and shall be permitted only under the following conditions:

1. Such stores, shops or businesses, except automobile service stations and outdoor seating for restaurants, shall be conducted entirely within an enclosed building. No outside storage of materials is permitted.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

3. All public entrances to such stores, shops or businesses shall be from the principal street upon which the property abuts or within one hundred feet thereof, except that a rear or side entrance from the building to a public parking area may be provided.

4. The accessory buildings or structures necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons and employees of the above stores or businesses. (Ord. 5092 § 1, 2022; Ord. 4715 § 1, 2012; Ord. 3964 § 21, 2000; Ord. 3395 § 2, 1991)

## 17.22.030 Uses permitted subject to planning director review and approval.

The following uses may be permitted in a C-1 zone subject to review and approval by the planning director:

A. Public utility structures;

B. Water pump stations. (Ord. 3395 § 2, 1991)

## **17.22.040** Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Adult day care;

2. Any use listed in the uses permitted section in the R-1, R-2, R-3 and R-4 zones;

<u>32</u>. Assisted living facility;

4<u>3</u>. Automobile accessory or parts store, including stereo, phone, upholstery, and tires;

54. Automobile tuneup specialty shops providing electrical and carburetor tuneup services and related work, when not done as a part of, or incidental to, the operation of an automobile service station;

65. Banquet venue;

76. Carwashes, including detailing;

<u>87</u>. Food and/or shelter service as defined in Section <u>17.04.285</u>;

<u>98</u>. Funeral services, including a crematory, provided it is incidental to the main use;

<u>109</u>. Hotels and motels;

140. Kennels;

121. Mobilehome or travel trailer parks;

1<u>32</u>. Movie theaters serving alcohol;

143. Nurseries, lawn and garden supplies;

1<u>54</u>. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

16<u>5</u>. <u>Religious institution;</u>

16. School, elementary, junior high, and high;

<u>17.</u> Restaurant and related eating places with on-site alcohol sales, entertainment or drive-through services;

178. Scientific research and testing services;

1819. Small appliance and electronic goods repair;

1920. Theaters, cinemas;

201. Trade, vocational or specialized schools. (Ord. 5106 § 1, 2022; Ord. 5092 § 2, 2022; Ord. 5008 § 7, 2020; Ord. 4945 § 1, 2018; Ord. 3746 § 6, 1997; Ord. 3395 § 2, 1991)

# **17.22.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 4939 § 11, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 22, 2000; Ord. 3835 § 11, 1998; Ord. 3395 § 2, 1991)

### 17.22.060 Building height.

Building height requirements in a C-1 zone shall not exceed sixty feet (approximately four stories). (Ord. 3395 § 2, 1991)

# 17.22.070 Front yard.

Front yard requirements in a C-1 zone shall be as follows:

- A. All buildings shall be located a minimum of ten feet from the front property line.
- B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 2, 1991)

# 17.22.080 Side yards.

Side yard requirements in a C-1 zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard for a commercial building shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 2, 1991)

### 17.22.090 Rear yard.

Rear yard requirements in a C-1 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 2, 2005; Ord. 3395 § 2, 1991)

# 17.22.100 Minimum lot area.

<u>There shall be no m</u>Minimum lot area requirements in a C-1 zone shall be as follows: none; however, allbuildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 2, 1991)

# **17.22.110** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in a C-1 zone shall be as follows: none, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4zone. (Ord. 3395 § 2, 1991)

# Chapter 17.24 C-2 REGIONAL COMMERCIAL ZONE\*

Sections:

17.24.010	Generally.
17.24.020	Uses permitted.
17.24.030	Uses permitted subject to planning director review and approval.
17.24.040	Uses permitted only by conditional use permit.
17.24.050	Additional requirements.
17.24.060	Building height.
17.24.070	Front yard.
17.24.080	Side yards.
17.24.090	Rear yard.
17.24.100	Minimum lot area.
17.24.110	Distance between buildings on the same lot.

\* Prior history: Prior code §§ 17.27.010-17.27.080 and Ords. 2705, 2752, 2926, 3105 and 3174.

# **17.24.010** Generally.

The regulations set out in this chapter shall apply in the C-2 regional commercial zone unless otherwise provided in this title. The purpose of this zone is to permit development of concentrated large-scale retail operations providing a broad range of goods and services which serve the metropolitan market area. (Ord. 3395 § 3, 1991)

# 17.24.020 Uses permitted.

The following uses are permitted in the C-2 zone:

A. Any use listed in the uses permitted section in the C-O and C-1 zones.

B. Any of the following uses:

1. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code.

2. Apparel and accessory stores.

3. Appliance store, including stoves, refrigerators, washers, dryers, and other electric or gas appliances, including repair.

4. Automobile accessory or part stores, including stereo, phone, tire, upholstery and tune-up specialty shops but excluding heavy or major mechanical work and all body or paint work, and where all work is conducted inside a building.

- 5. Automobile dealership, new and used.
- 6. Automobile rental agency, including limousine service.
- 7. Bowling center, billiards.
- 8. Brewery or distillery, small.
- 9. Camera and photographic supply.
- 10. Card room, bingo parlor.
- 11. Carpet and upholstery cleaners.
- 12. Carwash, detailing.
- 13. Computers and computer software store.
- 14. Department store.

15. Farmers market; provided it is conducted on a paved surface, shall not be operated more than two days per calendar week, has been certified by the Kern County Agricultural Commissioner, and that adequate parking is available through joint, shared or other arrangement as approved by the planning director pursuant to Chapter <u>17.58</u> of this code.

- 16. Food vending vehicle.
- 17. Floor covering store.

18. Funeral services, including a crematory provided it is incidental to the main use.

- 19. Furniture store, including rental.
- 20. Garage for public or commercial parking.
- 21. Gift, novelty and souvenir store.
- 22. Hardware store, including home building and garden supply.
- 23. Hobby, toy and game store.

24. Home furnishings, including kitchenware, glassware, lamps and lighting, and fireplace inserts.

25. Hospital, sanitarium.

26. Hotel, motel, including restaurants, bars and cocktail lounges, provided they are incidental to the main use.

- 27. Luggage and leather goods.
- 28. Military surplus store.
- 29. Motion picture theater and auditoriums, excluding drive-in.
- 30. Motorcycle dealership, new and used.
- 31. Musical instrument store.
- 32. Nurseries.
- 33. Paint, glass and wallpaper store.
- 34. Pool and spa sales, provided there is no outside storage of material.

35. Radio, television and other consumer electronics store, including repair.

36. Record, tape, disk and other pre-recorded music and video store.

37. Restaurant and related eating places, including drive-through services and on-site alcohol sales when served together with and incidental to the serving of food, or in a cocktail lounge or bar which is an accessory use to the restaurant, including entertainment.

#### 38. School, elementary, junior high, and high;

- 389. Sewing, needlework and piece good store.
- <u>3940</u>. Skating rinks.
- 401. Sporting goods, including bicycles, camping equipment, firearms, skiing and golf.
- 412. Taxidermist.
- 423. Theater, cinema, excluding drive-in.
- 4<u>34</u>. Trade, vocational or specialized school.
- 44<u>5</u>. Used merchandise, including antiques, books, furniture, thrift shops, and pawnshops.
- 4<u>56</u>. Variety store.
- 467. Video arcade.
- 47<u>8</u>. Winery, boutique.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. Dwelling for use by caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 5053 § 1, 2021; Ord. 4926 § 2, 2018; Ord. 4873 § 1, 2016; Ord. 3695 § 2, 1995; Ord. 3395 § 3, 1991)

# **17.24.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-2 zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations. (Ord. 3395 § 3, 1991)

# 17.24.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-2 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Adult day care;
- 2. Amusement parks, including miniature golf, water parks, batting cages and miniature car tracks;
- 3. Any use listed in the uses permitted section in the R 1, R 2, R 3 and R 4 zones;
- 4<u>3</u>. Assisted living facility;
- <u>54</u>. Automobile body and fender repair and painting;
- 65. Automobile machine shops;
- 7<u>6</u>. Banquet venue;

<u>87</u>. Bars, cocktail lounges or other establishments selling alcoholic beverages for on-site consumption where said use is the primary business;

- 98. Boat and recreational vehicle dealership, new and used;
- <u>109</u>. Bus, train and other transit stations;
- 140. Food and/or shelter service as defined in Section 17.04.285;

121. Golf driving ranges;

1<u>32</u>. Helipad (in conjunction with a hospital);

14<u>3</u>. Kennels;

154. Mobilehome or travel trailer park;

165. Mobilehome sales, new and used;

176. Movie theater serving alcohol;

187. Pest control services;

198. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

#### 2019. Religious institution;

<u>20.</u> Scientific research and testing services;

- 21. Swap meet, flea markets and auction yards;
- 22. Tool, equipment and utility trailer rental establishments;
- 23. Warehouses. (Ord. 5008 § 8, 2020; Ord. 4946 § 1, 2018; Ord. 3746 § 7, 1997; Ord. 3395 § 3, 1991)

# **17.24.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 4939 § 12, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 23, 2000; Ord. 3835 § 12, 1998; Ord. 3395 § 3, 1991)

# 17.24.060 Building height.

Building height requirements in a C-2 zone shall not exceed ninety feet (approximately six stories). (Ord. 3395 § 3, 1991)

### 17.24.070 Front yard.

Front yard requirements in a C-2 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 3, 1991)

# 17.24.080 Side yards.

Side yard requirements in a C-2 zone shall be as follows:

A. Where a lot abuts upon the side of a lot in any R zone, E zone, MH zone or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

- C. In all other cases, a side yard for a commercial building shall not be required.
- D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 3, 1991)

# 17.24.090 Rear yard.

Rear yard requirements in a C-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

- B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.
- C. In all other cases, a rear yard shall not be required.
- D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 3, 2005; Ord. 3395 § 3, 1991)

# 17.24.100 Minimum lot area.

<u>There shall be no m</u>Ainimum lot area in a C-2 zone-shall be as follows: none; however, all buildings usedexclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3395 § 3, 1991)

# **17.24.110** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in a C-2 zone shall be as follows: none, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4zone. (Ord. 3395 § 3, 1991)

# Chapter 17.25 C-B CENTRAL BUSINESS ZONE

Sections:

17.25.010	Generally.
17.25.020	Uses permitted.
17.25.030	Uses permitted subject to planning director review and approval.
17.25.040	Uses permitted only by conditional use permit.
17.25.050	Additional requirements.
17.25.060	Building height.
17.25.070	Front, side and rear yards.
17.25.090	Public benefit features.
17.25.100	Minimum lot area.

# 17.25.010 Generally.

The regulations set out in this chapter shall apply in the C-B central business zone. This zone is intended to be applicable to the central business core area accommodating a diverse mix of medium/high density residential, commercial, financial and institutional uses serving both city-wide and regional needs. In addition to these uses, cultural, entertainment, specialty retail, convention services and lodging are also principal uses in this area. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# 17.25.020 Uses permitted.

A. Any use listed in the uses permitted section in the C-O, C-1 and C-2 zones;

B. Any of the following uses:

1. Bus, train and other transit station, provided that transit vehicles are not stored on site and no repair work or servicing of transit vehicles is conducted on site,

2. News/magazine stand,

3. Nightclub, bar, cocktail lounge or other establishment selling alcoholic beverages for on-site consumption where such use, including entertainment, is the primary business,

4. Parking garage or surface lot,

5. Police, fire and other emergency service alarm centers,

6. Post office and other courier or parcel delivery service,

7. Sidewalk use, including, but not limited to, outdoor seating, subject to issuance of an encroachment permit;

C. Residential uses provided they are located in the second story or above;

D. Employee housing, up to six residents

**E.** Mixed combinations of uses allowed in subsections  $\underline{A}$  and  $\underline{B}$  of this section are permitted;

EF. Accessory buildings, structures and uses necessary to support the principal use located on the same lot or parcel of land. (Ord. 5120 § 1, 2023; Ord. 4911 § 1, 2017; Ord. 3631 § 2, 1995)

# 17.25.030 Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-B zone subject to review and approval by the planning director:

- A. Itinerant merchant, including street vendors, subject to city permit and business license;
- B. Promotional activities as defined in this code;
- C. Public utility structures;
- D. Water pump stations;
- E. Public benefit features pursuant to Section <u>17.25.090</u>. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# 17.25.040 Uses permitted only by conditional use permit.

A. The following uses are permitted in a C-B zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

1. Adult day care;

- 2. Any residential use that is located on the first or ground floor;
- 3. Banquet venue;
- 4. Food and/or shelter service as defined in Section <u>17.04.285;</u>
- 5. Movie theater serving alcohol;

6. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

7. Scientific research and testing services;

8. Swap meets, flea markets and auction houses. (Ord. 5120 § 1, 2023; Ord. 5008 § 9, 2020; Ord. 4947 § 1, 2018;
Ord. 4311 § 1, 2006; Ord. 3746 § 8, 1997; Ord. 3695 § 4, 1995; Ord. 3631 § 2, 1995)

# **17.25.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

- C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.
- D. Signs shall be subject to the requirements of Chapter 17.60 of this code.
- E. Storage of material and equipment shall be enclosed entirely within a building.

F. All outside mechanical equipment shall be enclosed or screened from public street view. Bases of towers and antennas shall be screened or enclosed to a height of fifteen feet above grade if not camouflaged.

G. Roof-top areas of structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 5120 § 1, 2023; Ord. 4617 § 3, 2010; Ord. 4311 § 2, 2006; Ord. 3835 § 13, 1998; Ord. 3631 § 2, 1995)

# 17.25.060 Building height.

There shall be no maximum building height in a C-B zone. (Ord. 5120 § 1, 2023; Ord. 4231 § 8, 2005; Ord. 3631 § 2, 1995)

# 17.25.070 Front, side and rear yards.

There shall be no minimum front, side or rear yard in a C-B zone; however, where a lot abuts any R, E, MH zone, or PUD project of a single-family-unit nature, there shall be a minimum setback from any side or rear property line of twenty feet. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# **17.25.090** Public benefit features.

A. The following public benefit features are encouraged:

1. Open Space, Atrium, Plaza, or Garden Available to the Public.

a. These areas are intended to provide public open space which provides quiet retreats from surrounding activity in the intensely developed areas of downtown or a center. While relatively small, they should be flexible in design to accommodate passive recreational activities, as well as allow events and public gatherings. They should also be strategically located to denote important places, create a focus for surrounding development, and increase light and air at the street level. Weather protected areas can serve to function as an interior park to give the public relief from extreme weather conditions.

b. An open space area shall be directly accessible from a public sidewalk with accessibility to the handicapped meeting state handicapped requirements.

c. Permanent art may be incorporated as part of the open areas as set forth in this subsection.

d. Kiosks, displays, art exhibits, and retail vendors are permitted provided they are portable in nature and use of the open area by the public is not precluded. The total area occupied by such uses should not exceed twenty-five percent of the total open area.

- e. Interior pedestrian lighting shall be provided.
- f. Directory or directional signs may be permitted pursuant to Chapter <u>17.60</u> of this code.

### 2. Sculptured Building Tops.

a. Sculptured building tops are intended to provide visual interest and variety in the downtown or center skyline. They have the greatest impact in the downtown area where the tallest buildings are permitted. A sculptured building top which modifies the silhouette of a building by reducing the area of the top floor, reduces the overall bulk of the building to produce a more interesting building form. As the building increases in height, its upper portion should become more slender and ornamental. Mechanical equipment on the roof would be enclosed and integrated into the design of the building.

#### 3. Public Art Work.

a. There is a broad view of what constitutes art, and it is desired to encourage a high-quality, imaginative interpretation of the various media. Works of art may be merely decorative, or both decorative and functional. Over time, new materials and art forms may be developed. Therefore, art work may include, but is not limited to, two- or three-dimensional works in all media such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Art work may also include fountains, mobiles, special wall or paving surface, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works involving sound, touch and other senses.

b. Art work should be an integral part of the design of the building or public open space, and should be compatible in bulk, scale, design, texture, color, and shape with the space in which it is located. It shall be located so that it is clearly visible to people using the public space, and whenever possible, visible from the street.

c. The setting for art work shall be designed in such a way as to provide comfort and amenity, and accommodate people viewing it by incorporating such features as steps, ledges, benches and other seating, or provide rails or other architectural features to lean against.

d. The property owner shall be responsible for the maintenance of all art features for the life of the building or open space.

#### 4. Voluntary Building Setback.

a. Voluntary building setbacks are intended to expand the landscaped area along streets to encourage additional open space along public streets that link large open space areas, parks and plazas.

b. The additional setback area should provide ample room for landscaping that will complement existing street landscaping and the building.

#### 5. Overhead Weather Protection.

a. Overhead weather protection is intended to improve pedestrian comfort along pedestrian routes.

b. Overhead protections should be permanent and nonretractable with a minimum protection width of six feet.

c. At least one-half of the overhead protections should be over the public sidewalk or walkway. An encroachment permit shall be obtained from the public works department for any overhead protection over the public right-of-way.

d. No covering shall extend more than ten feet or to a point within two feet from the curb flow line, whichever is less. The entire area under the weather protection shall be unobstructed by structural elements such as columns.

e. The lower edge of the overhead protection shall be a minimum of eight feet and a maximum of twelve feet above the sidewalk.

#### 6. Day Care Facilities (Children and Adult).

a. Day care facilities provide a safe and supportive environment for a wide range of educational, social and health related services for both children and adults. Encouraging the integration of these facilities into mixed use developments allows these services to be near both homes and workplaces helping caregivers better manage quality time at both work and home. The location of these facilities near employment centers and residential neighborhoods can also contribute to reducing automobile

congestion, air pollution, and enhance the ability to blend civic, volunteer and work interests into sustainable communities. (Ord. 5120 § 1, 2023; Ord. 4311 § 4, 2006; Ord. 3631 § 2, 1995)

# 17.25.100 Minimum lot area.

There shall be no lot minimum requirement in a C-B zone. (Ord. 5120 § 1, 2023; Ord. 3631 § 2, 1995)

# Chapter 17.26 C-C COMMERCIAL CENTER ZONE\*

Sections:

17.26.010	Generally.
17.26.020	Uses permitted.
17.26.030	Uses permitted subject to planning director review and approval.
17.26.040	Uses permitted subject to conditional use permit.
17.26.050	Additional requirements.
17.26.060	Building height.
17.26.070	Front, rear and side yards.
17.26.090	Public benefit features.
17.26.100	Minimum lot area.
17.26.110	Distance between buildings on the same lot.

\* Prior history: prior code §§ 17.29.010—17.29.060 and Ords. 2706, 2831 and 3395.

# 17.26.010 Generally.

The regulations set out in this chapter shall apply in the C-C (commercial center) zone. This zone is intended for those areas in the city that are planned for large-scale mixed use development centers consisting of commercial and high density residential uses with a minimum density of 20.1 dwelling units an acre. Residential development in the C-C zone will still be subject to the R-4 standards with the exception of the density maximum. (Ord. 5120 § 2, 2023; Ord. 4312 § 1, 2006; Ord. 3631 § 4, 1995)

# 17.26.020 Uses permitted.

The following uses are permitted in a C-C zone:

- A. Any use listed in the uses permitted section in the C-O, C-1 and C-2 zones.
- B. Any of the following uses:

1. Apartment hotel, roominghouse, single room occupancy;

<u>1</u>2. Bus, train and other transit station; provided, that transit vehicles are not stored on site and no repair work or servicing of transit vehicles is conducted on site;

2. Employee housing, up to six residents

3. Multiple-unit dwelling;

 $\underline{43}$ . Parking garage or surface lot;

54. Police, fire and other emergency service alarm centers;

<u>65</u>. Post office and other courier or parcel delivery service;

<u>76</u>. Sidewalk use, including but not limited to outdoor seating, subject to issuance of an encroachment permit;

7. Multiple-family dwelling;8. Single-room occupancy unit;

8. Single family dwelling provided it is attached to and accessory to a commercial use.

C. Mixed combinations of uses allowed in subsections  $\underline{A}$  and  $\underline{B}$  of this section are permitted.

D. Accessory buildings, structures or uses necessary to support the principal use located on the same lot or parcel of land. (Ord. 5120 § 2, 2023; Ord. 4312 § 3, 2006; Ord. 3631 § 4, 1995)

# **17.26.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted in the C-C zone subject to review and approval by the planning director:

- A. Public utility structures;
- B. Water pump stations;
- C. Itinerant merchant, including street vendors, subject to city permit and business license;
- D. Promotional activities as defined in this code;
- E. Public benefit features pursuant to Section <u>17.26.090</u>. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

# **17.26.040** Uses permitted subject to conditional use permit.

A. The following uses are permitted in a C-C zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Adult day care;
- 2. Assisted living facility;
- 3. Banquet venue;

4. Bars, nightclubs, cabarets, cocktail lounges or other establishments selling alcoholic beverages for onsite consumption where such use, including entertainment, is the primary business;

- 5. Food and/or shelter service as defined in Section 17.04.285;
- 6. Kennels;
- 7. Movie theater serving alcohol;

8. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- 9. Scientific research and testing services;
- 10. Swap meets, flea markets and auction houses;

11. Single family dwelling that is not accessory to a commercial use. (Ord. 5120 § 2, 2023; Ord. 5008 § 10, 2020; Ord. 4948 § 1, 2018; Ord. 3746 § 9, 1997; Ord. 3695 § 4, 1995; Ord. 3631 § 4, 1995)

# **17.26.050** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the commercial development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. All outside mechanical equipment shall be enclosed or screened from public street view. Bases of towers and antennas shall be screened or enclosed to a height of fifteen feet above grade if not camouflaged.

H. Roof-top areas of commercial structures shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new commercial construction and remodeling of existing commercial structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the commercial structure. (Ord. 5120 § 2, 2023; Ord. 4939 § 13, 2018; Ord. 4714 § 1, 2012; Ord. 4617 § 4, 2010; Ord. 4312 § 4, 2006; Ord. 3964 § 24, 2000; Ord. 3835 § 14, 1998; Ord. 3631 § 4, 1995)

### 17.26.060 Building height.

Building height requirements in a C-C zone shall not exceed one hundred eighty feet (approximately twelve stories). (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

### 17.26.070 Front, rear and side yards.

There shall be no minimum front, side or rear yard in a C-C zone; however, where a lot abuts any R, E, MH zone, or PUD project of a single-<u>unitfamily</u> nature, there shall be a minimum setback from any side or rear property line of twenty feet. (Ord. 5120 § 2, 2023; Ord. 4312 § 5, 2006; Ord. 3631 § 4, 1995)

# **17.26.090** Public benefit features.

A. The following public benefit features are encouraged:

1. Open Space, Atrium, Plaza, or Garden Available to the Public.

a. These areas are intended to provide public open space which provides quiet retreats from surrounding activity in the intensely developed areas of downtown or a center. While relatively small, they should be flexible in design to accommodate passive recreational activities, as well as allow events and public gatherings. They should also be strategically located to denote important places, create a focus for surrounding development, and increase light and air at the street level. Weather protected areas can serve to function as an interior park to give the public relief from extreme weather conditions.

b. An open space area shall be directly accessible from a public sidewalk with accessibility to the handicapped meeting state handicapped requirements.

c. Permanent art may be incorporated as part of the open areas as set forth in this subsection.

d. Kiosks, displays, art exhibits, and retail vendors are permitted provided they are portable in nature and use of the open area by the public is not precluded. The total area occupied by such uses should not exceed twenty-five percent of the total open area.

- e. Interior pedestrian lighting shall be provided.
- f. Directory or directional signs may be permitted pursuant to Chapter <u>17.60</u> of this code.

#### 2. Sculptured Building Tops.

a. Sculptured building tops are intended to provide visual interest and variety in the downtown or center skyline. They have the greatest impact in the downtown area where the tallest buildings are permitted. A sculptured building top which modifies the silhouette of a building by reducing the area of the top floor, reduces the overall bulk of the building to produce a more interesting building form.

As the building increases in height, its upper portion should become more slender and ornamental. Mechanical equipment on the roof would be enclosed and integrated into the design of the building.

#### 3. Public Art Work.

a. There is a broad view of what constitutes art, and it is desired to encourage a high-quality, imaginative interpretation of the various media. Works of art may be merely decorative, or both decorative and functional. Over time, new materials and art forms may be developed. Therefore, art work may include, but is not limited to, two- or three-dimensional works in all media such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Art work may also include fountains, mobiles, special wall or paving surfaces, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works involving sound, touch and other senses.

b. Art work should be an integral part of the design of the building or public open space, and should be compatible in bulk, scale, design, texture, color, and shape with the space in which it is located. It shall be located so that it is clearly visible to people using the public space, and whenever possible, visible from the street.

c. The setting for art work shall be designed in such a way as to provide comfort and amenity, and accommodate people viewing it by incorporating such features as steps, ledges, benches and other seating, or provide rails or other architectural features to lean against.

d. The property owner shall be responsible for the maintenance of all art features for the life of the building or open space.

#### 4. Voluntary Building Setback.

a. Voluntary building setbacks are intended to expand the landscaped area along streets to encourage additional open space along public streets that link large open space areas, parks and plazas.

b. The additional setback area should provide ample room for landscaping that will complement existing street landscaping and the building.

5. Overhead Weather Protection.

a. Overhead weather protection is intended to improve pedestrian comfort along pedestrian routes.

b. Overhead protections should be permanent and nonretractable with a minimum protection width of six feet.

c. At least one -half of the overhead protection should be over the sidewalk within the public rightof-way. An encroachment permit shall be obtained from the public works department.

d. No covering shall extend more than ten feet or to a point within two feet from the curb flow line, whichever is less. The entire area under the weather protection shall be unobstructed by structural elements such as columns.

e. The lower edge of the overhead protection shall be a minimum of eight feet and a maximum of twelve feet above the sidewalk.

6. Day Care Facilities (Children and Adult).

a. Day care facilities provide a safe and supportive environment for a wide range of educational, social and health related services for both children and adults. Encouraging the integration of these facilities into mixed use developments allows these services to be near both homes and workplaces helping caregivers better manage quality time at both work and home. The location of these facilities near employment centers and residential neighborhoods can also contribute to reducing automobile congestion, air pollution, and enhance the ability to blend civic, volunteer and work interests into sustainable communities. (Ord. 5120 § 2, 2023; Ord. 4312 § 7, 2006; Ord. 3631 § 4, 1995)

# 17.26.100 Minimum lot area.

There shall be no lot minimum requirement in a C-C zone; however, all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

### **17.26.110** Distance between buildings on the same lot.

None; however, all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 5120 § 2, 2023; Ord. 3631 § 4, 1995)

# Chapter 17.28 M-1 LIGHT MANUFACTURING ZONE

Sections:

17.28.010	Generally.
17.28.020	Uses permitted.
17.28.030	Uses permitted only by conditional use permit.
17.28.035	Additional requirements.
17.28.040	Building height.
17.28.050	Front yard.
17.28.060	Side yards.
17.28.070	Rear yard.
<u>17.28.080</u>	Minimum lot area.
17.28.090	Distance between buildings on the same lot
17.20.090	Distance between buildings on the same lot.

# 17.28.010 Generally.

The regulations set out in this chapter shall apply in the M-1 light manufacturing zone unless otherwise provided in this title. (Prior code § 17.31.010)

# 17.28.020 Uses permitted.

The following uses are permitted in an M-1 zone:

A. Any use permitted in the C-O, C-1 and C-2 zones; provided, however, that no building shall be used as a dwelling except accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building.

B. Any use specified below, provided such use does not produce, cause or emit any fumes, odor, dust, smoke, gas, noise or vibration detrimentally impacting neighboring property and the occupants thereof. Where adopted city or other public agency standards are applicable and available to measure such impacts, such standards shall be used to determine whether a use constitutes or will constitute such a detrimental impact.

1. Adult day care;

2. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code;

- 3. Animal hospitals, kennels and veterinaries;
- 4. Automobile and light truck, two-axle vehicles, parking and storage;

5. Automobile assembling, body and fender works, painting, upholstering, dismantling and used parts storage, when operated or maintained wholly within a building;

- 6. Bakeries;
- 7. Banquet venue;
- 8. Boat buildings;
- 9. Bottling plant;
- 10. Building materials storage yards;
- 11. Cabinet or carpenter shop;
- 12. Carpet, awning, blinds, mattress or upholstery shops, including cleaning and repair;
- 13. Concrete batch plants, portable, not to exceed two-yard capacity;
- 14. Contractor's plants and storage yards;
- 15. Distributing plants;
- 16. Electric welding and electroplating;
- 17. Frozen food lockers;
- 18. Furniture and automobile upholstering operations not confined wholly to a building;

- 19. Ice and cold storage plants;
- 20. Laboratories, experimental research and testing;
- 21. Laundries, cleaning and dyeing plants;
- 22. Lumberyards;

23. Machine shops (except punch presses of over twenty tons rated capacity, drop hammers and automatic screw machines);

24. Paint mixing plants (not employing a boiling process);

- 25. Public utilities service yards, power plants or distributing stations;
- 26. Rubber fabrication or products made from finished rubber;
- 27. Sheet metal shops;
- 28. Stone monument works;
- 29. Storage spaces for transit and transportation equipment;
- 30. Tool rental and equipment;
- 31. Truck repairing and overhauling shops;
- 32. Welding, metal fabricating and blacksmith shops;
- 33. Wholesale businesses, storage buildings and warehouses;
- 34. Manufacturer of:
  - a. Arts and crafts,

- b. Billboards and advertising structures, electric neon signs,
- c. Ceramic products,
- d. Clothing or garments,
- e. Cosmetics, perfumes and toiletries, drugs and pharmaceuticals,
- f. Electronic instruments and devices, radios, televisions, phonographs and business machines,
- g. Food products (except the rendering or refining of fats or oils),
- h. Furniture,
- i. Musical instruments and toys,
- j. Prefabricated buildings,
- k. Shoes,
- 1. Soap (cold mix only),

m. *Textiles*. Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yards and paint, not employing a boiling process.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land.

D. The Bakersfield Airpark provides an expanded airport/aircraft landing field for recreation, agricultural, and commercial/industrial uses. Therefore, in addition to the uses allowed in this section, the following additional uses are permitted within the Bakersfield Airpark property:

- 1. Agricultural crop dusting services and related chemical storage;
- 2. Aircraft rental;

- 3. Aircraft repair and maintenance;
- 4. Aircraft runways and landing fields;
- 5. Aviation related businesses;
- 6. Aviation fuel sales;
- 7. Aviation related manufacturing;
- 8. Flight training schools;
- 9. Freight and package delivery services;

10. Hangars and aircraft tie-downs. (Ord. 5008 § 11, 2020; Ord. 3995 § 1, 2001; Ord. 3059 § 1, 1986; Ord. 2926 § 2, 1984; Ord. 2707 § 1, 1982; prior code § 17.31.020)

# 17.28.030 Uses permitted only by conditional use permit.

A. The following uses are permitted in the M-1 zone only with the approval of a conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- 1. Agricultural packing plants;
- 2. Aircraft and automobile factories;
- 3. Automobile parts manufacturer;
- 4. Battery manufacturer;
- 5. Breweries or distilleries, large;

6. Clinics, hospitals, sanitariums or other buildings for contagious, mental, drug or liquor addiction cases;

7. Equestrian establishments, stables, riding academies, schools or amusements;

- 8. Food and/or shelter service as defined in Section <u>17.04.285;</u>
- 9. Freighting or trucking yards or terminals;
- 10. Helipad (in conjunction with a hospital);
- 11. Livestock slaughtering and processing, wholly within a building;
- 12. Machine shops, including punch presses and automatic screw machines;
- 13. Movie theater serving alcohol;
- 14. Planing mills;

15. Recycling centers, as defined by Public Resources Code Section <u>14520</u>, that are within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

16. Residential dwellings;

176. Tire rebuilding, recapping and retreading plants;

187. Truck stop. (Ord. 5008 § 12, 2020; Ord. 4949 § 1, 2018; Ord. 4926 § 2, 2018; Ord. 4912 § 1, 2017; Ord. 3746 § 10, 1997; Ord. 3174 § 5, 1988; Ord. 2707 § 2, 1982; prior code § 17.31.026)

# **17.28.035** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Industrial and commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 14, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 25, 2000; Ord. 3835 § 16, 1998; Ord. 2707 § 3, 1982)

# 17.28.040 Building height.

Building height in an M-1 zone shall be six stories and not exceed seventy-five feet. (Prior code § 17.31.030)

# 17.28.050 Front yard.

Front yard requirements in an M-1 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 4, 2005; prior code § 17.31.040)

# 17.28.060 Side yards.

Side yard requirements in an M-1 zone shall be as follows:

A. Where the lot abuts any R, <del>E,</del> MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 5, 2005; prior code § 17.31.050)

### 17.28.070 Rear yard.

Rear yard requirements in an M-1 zone shall be as follows:

A. Where the lot abuts any R, <del>E,</del> MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 6, 2005; prior code § 17.31.070)

# 17.28.080 Minimum lot area.

There shall be no minimum lot area in an M-1 zone.

# **17.28.090** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in an M-1 zone shall be as follow: none, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R 4zone. (Prior code § 17.31.080)

# Chapter 17.30 M-2 GENERAL MANUFACTURING ZONE

Sections:

17.30.010	Generally.
17.30.020	Uses permitted.
17.30.030	Uses permitted only by conditional use permit.
17.30.035	Additional requirements.
17.30.040	Building height.
17.30.050	Front yard.
17.30.060	Side yards.
17.30.070	Rear yard.
17.30.080	Minimum lot area.
17.30.090	Distance between buildings on the same lot.

# 17.30.010 Generally.

The regulations set out in this chapter shall apply in the M-2 general manufacturing zone unless otherwise provided in this chapter. (Prior code § 17.32.010)

### 17.30.020 Uses permitted.

The following uses are permitted in an M-2 zone:

A. Any use permitted in the M-1 zone; provided, however, that no building shall be used as a dwelling except accessory buildings which are incidental to the permitted use of the land, and that no building shall have a dwelling unit except when such use as a dwelling unit is incidental to the primary use of the building.

B. Any of the following uses:

1. Acetylene gas manufacture or storage;

2. Adult entertainment establishments as defined in Section 17.69.020 and subject to the regulations of Chapter 17.69 of this code;

3. Aircraft and automobile factories;

- 4. Agricultural packing plants (vegetables and fruits);
- 5. Alcohol and alcoholic beverages manufacture;
- 6. Ammonia, chlorine and bleaching powder manufacture;
- 7. Automobile and truck manufacture;
- 8. Automobile and truck parts manufacturer;
- 9. Bag cleaning;
- 10. Battery manufacturer;
- 11. Blast furnaces;
- 12. Boiler or tank works;
- 13. Breweries or distilleries, large;
- 14. Brick, tile or terra cotta products manufacture;
- 15. Building materials manufacture;
- 16. Carpet and rug manufacture;

17. Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases;

- 18. Clay product manufacture;
- 19. Coke ovens;
- 20. Cotton gins or oil mills;

- 21. Creameries;
- 22. Crematories;
- 23. Creosote treatment or manufacture;
- 24. Disinfectant manufacture;
- 25. Distillation of coal, wood or tar;
- 26. Dyestuffs manufacture;
- 27. Exterminator or insect poison manufacture;
- 28. Feed, flour and grains mills;
- 29. Firearms manufacture;
- 30. Food and/or shelter service as defined in Section 17.04.285;
- 31. Forge plants;
- 32. Freighting and trucking yards and terminals;
- 33. Freight classification yards;
- 34. Glass and glass product manufacture;
- 35. Grain elevator;
- 36. Helipad (in conjunction with a hospital);
- 37. Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting;
- 38. Lamp black manufacture;

- 39. Linoleum or oiled products manufacture;
- 40. Machine shops including punch presses and automatic screw machines;
- 41. Metal container manufacturer;
- 42. Ore reduction;
- 43. Paint, oil, shellac, turpentine or varnish manufacture;
- 44. Paper or pulp manufacture;
- 45. Petroleum refining and reclaiming plants;
- 46. Planing mills;
- 47. Plastic manufacture;
- 48. Potash works;
- 49. Railroad roundhouses and repair shops;
- 50. Rolling mills;
- 51. Rubber processing and manufacture;
- 52. Sawmills;
- 53. Soap manufacture;
- 54. Sodium compounds manufacture;
- 55. Starch manufacture;
- 56. Tar roofing or waterproofing or other tar products manufacture;

57. Tire rebuilding, recapping, and retreading plants;

58. Truck stop.

C. The accessory buildings or structures necessary to such use located on the same lot or parcel of land. (Ord. 5008 § 13, 2020; Ord. 4926 § 2, 2018; Ord. 4604 § 1, 2009; Ord. 2926 § 3, 1984; Ord. 2708 § 1, 1982; prior code § 17.32.020)

## 17.30.030 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to Section 17.64.020(B), the following uses are not permitted in the M-2 zone except by conditional use permit issued in accordance with the procedures provided in Chapter 17.64 of this code:

- A. Acid manufacture;
- B. Ammunition manufacture;
- C. Cement, lime, gypsum or plaster of Paris manufacture;
- D. Chemical manufacture;
- E. Curing, tanning and storage of rawhide or skins;
- F. Distillation of bones;
- G. Drop forge industries manufacturing forgings with power hammers;
- H. Dumps and refuse disposal areas;
- I. Explosives, manufacture or storage;
- J. Fat rendering;
- K. Feed and fuel yards;

- L. Fertilizer manufacture;
- M. Garbage, offal or dead animal reduction or dumping;
- N. Gas manufacture;
- O. Gelatin or size manufacture;
- P. Glucose or dextrine manufacture;
- Q. Glue manufacture;
- R. Nonmineral oil extraction plants;

S. Recycling center, as defined by Public Resources Code Section <u>14520</u>, that is within a convenience zone, as defined by Public Resources Code Section <u>14509.4</u>;

- T. Sewer farms or sewage disposal plants;
- U. Smelting of tin, copper, zinc or iron ores;
- V. Slaughterhouse;
- W. Scrap metal yards, junkyards;

X. Wineries. (Ord. 4950 § 1, 2018; Ord. 4604 § 2, 2009; Ord. 4044 § 1, 2002; Ord. 3746 § 11, 1997; Ord. 3174 § 6, 1988; prior code § 17.32.026)

# 17.30.035 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

D. Signs shall be subject to the requirements of Chapter 17.60 of this code.

E. Industrial and/or commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 15, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 26, 2000; Ord. 3835 § 16, 1998; Ord. 2708 § 2, 1982)

## 17.30.040 Building height.

Building height in an M-2 zone shall be thirteen stories and shall not exceed one hundred fifty feet. (Prior code § 17.32.030)

#### 17.30.050 Front yard.

Front yard requirements in an M-2 zone shall be as follows:

A. All buildings shall be located a minimum of ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R 4 zone. (Ord. 4236 § 7, 2005; prior code § 17.32.040)

#### 17.30.060 Side yards.

Side yard requirements in an M-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 8, 2005; prior code § 17.32.050)

#### 17.30.070 Rear yard.

Rear yard requirements in an M-2 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 9, 2005; prior code § 17.32.060)

#### 17.30.080 Minimum lot area.

<u>There shall be no m</u>Minimum lot area in an M-2 zone-<u>shall be as follows: none, except all buildings used</u> exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Prior code § 17.32.070)

# **17.30.090** Distance between buildings on the same lot.

<u>There shall be no d</u>Distance requirements between buildings on the same lot in an M-2 zone shall be asfollows: nine, except all buildings exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Prior code § 17.32.080)

# Chapter 17.31 M-3 (HEAVY INDUSTRIAL) ZONE

Sections:

17.31.010	Generally.
17.31.020	Uses permitted.
17.31.030	Uses permitted only by conditional use permit.
17.31.040	Additional requirements.
17.31.050	Building height.
17.31.060	Front yard.
17.31.070	Side yards.
17.31.080	Rear yard.
17.31.090	Minimum lot area.
17.31.100	Distance between buildings on the same lot.

## 17.31.010 Generally.

The regulations set out in this chapter shall apply in the M-3 (heavy industrial) zone unless otherwise provided in this chapter. The M-3 zone is intended to provide areas suitable for the development of heavy manufacturing and industrial uses, processing of animals for food or byproducts, waste recycling or disposal processing, and processing or manufacture of undesirable products. Uses allowed in the M-3 zone are incompatible with other land uses and should be located in places substantially removed from uses which may be impacted from M-3 uses. (Ord. 3383 § 1, 1991)

## 17.31.020 Uses permitted.

The following uses are permitted in an M-3 zone:

- <u>A</u><del>1</del>. Acetylene gas manufacture and storage,
- <u>B</u><sub>2</sub>. Acid manufacture,
- $\underline{C3}$ . Alcohol and alcoholic beverage manufacturing and distillation,
- <u>D</u>4. Beef, swine, poultry or rabbit slaughter,

E5. Blast furnaces,

<u>F6.</u> Cement and lime manufacturing when the manufacturing plant is equipped capable of collecting at least ninety-seven percent of all particulate matter from kiln gases,

<u>G</u>7. Chemical manufacture,

<u>H8</u>. Clay product manufacture,

<u>19</u>. Coke ovens,

- <u>J</u><del>10</del>. Cotton gins or oil mills,
- $\underline{K}$ <sup>11</sup>. Creosote treatment or manufacture,
- L12. Curing, tanning, and storage of raw hide or skins,
- <u>M</u>13. Disinfectant manufacture,
- <u>N</u>14. Distillation of coal, wood, bones, or tar,
- <u>015</u>. Drop forge industries manufacturing forgings with power hammers,
- <u>P16</u>. Explosives, manufacture or storage,
- <u>Q17</u>. Exterminator or insect poison manufacture,
- <u>**R**</u><del>18</del>. Fat rendering,
- <u>S</u>19. Feed and fuel yards,
- <u>T</u><del>20</del>. Fertilizer manufacture,
- U21. Forge plants,

- $\underline{V22}$ . Gelatin or size manufacture,
- W23. Glass or glass product manufacture,
- $\underline{X}$  24. Glucose or dextrine manufacture,
- Y25. Glue manufacture,
- $\mathbb{Z}^{26}$ . Iron, steel, brass or copper foundries or fabrication plants, and heavy weight casting,
- AA27. Nonmineral oil extracting plants,
- **<u>BB</u>28**. Ore reduction,
- CC29. Paint, oil, shellac, turpentine or varnish manufacture,
- DD30. Paper or pulp manufacture,
- EE31. Petroleum refining, reclaiming plants, and associated uses,
- FF32. Rolling mills,
- <u>GG</u>33. Rubber processing and manufacture,
- HH34. Sawmills,
- <u>**II**</u>35. Smelting of tin, copper, zinc, or iron ores,
- JJ36. Scrap metal yards, junkyards,
- KK37. Tar roofing or waterproofing or other tar products manufacture,
- LL38. Accessory buildings or structures necessary to such use located on the same lot or parcel of land,

<u>MM39</u>. Dwelling for use by a caretaker or night security, or as accessory and incidental to the permitted use on the parcel. (Ord. 3383 § 1, 1991)

#### 17.31.030 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the M-3 zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this code:

- A. Coal-fired cogeneration facility or steam generators;
- B. Community septic disposal systems;
- C. Electrical power generator plants;
- D. Hazardous waste disposal facilities;
- E. Mining and mineral extraction;
- F. Nonhazardous oily waste disposal facilities;
- G. Sanitary landfills;
- H. Septage disposal sites;
- I. Sewage treatment plants;
- J. Transfer station;
- K. Waste-to-energy facilities. (Ord. 3746 § 12, 1997; Ord. 3383 § 1, 1991)

## **17.31.040** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u> of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

E. Industrial and/or commercial development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

H. Roof-top areas of structures adjacent to properties zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 16, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 27, 2000; Ord. 3835 § 17, 1998; Ord. 3383 § 1, 1991)

#### 17.31.050 Building height.

Building height in an M-3 zone shall not exceed two hundred ten feet (approximately fourteen stories). (Ord. 3383 § 1, 1991)

#### **17.31.060** Front yard.

Front yard requirements in an M-3 zone shall be as follows:

A. All buildings shall be located not nearer than ten feet from the front property line.

B. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 3383 § 1, 1991)

#### 17.31.070 Side yards.

Side yard requirements in an M-3 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a side yard of not less than twenty feet.

B. On a corner lot, the side yard on the street side of the lot shall be not less than ten feet.

C. In all other cases, a side yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 10, 2005; Ord. 3383 § 1, 1991)

#### 17.31.080 Rear yard.

Rear yard requirements in an M-3 zone shall be as follows:

A. Where the lot abuts any R, E, MH zone, or PUD project of a residential nature, there shall be a rear yard of not less than twenty feet.

B. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of the alley.

C. In all other cases, a rear yard shall not be required.

D. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 4236 § 11, 2005; Ord. 3383 § 1, 1991)

#### 17.31.090 Minimum lot area.

There shall be no minimum lot area in an M-3 zone. (Ord. 3383 § 1, 1991)

# **17.31.100** Distance between buildings on the same lot.

There shall be no distance required between buildings on the same lot in an M-3 zone<del>, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone</del>. (Ord. 3383 § 1, 1991)

# Chapter 17.32 A AGRICULTURE ZONE

Sections:

17.32.010	Generally.
17.32.020	Uses permitted.
17.32.030	Uses permitted subject to planning director review and approval.
17.32.040	Building height, yards and distance between buildings on same lot.
17.32.050	A-20A (agricultural twenty-acre minimum lot size) zone.
17.32.060	A-WR (agricultural – water recharge combining) zone.

#### 17.32.010 Generally.

The regulations set out in this chapter shall apply in the A agricultural zone unless otherwise provided in this title. (Ord. 4970 § 1, 2019; prior code § 17.36.010)

#### 17.32.020 Uses permitted.

The following uses are permitted in an A zone:

#### A. Any use permitted in the R-1 zone One single-unit dwelling;

B. Accessory agricultural buildings and uses, including farm buildings, housing for agricultural workers, garages and implement shelters, provided no livestock or any building or enclosure used in connection with livestock shall be located nearer than one hundred feet to the front lot line, nor nearer than fifty feet to any existing dwelling on any contiguous property, nor nearer than one hundred feet to any public park, school, hospital or similar institution;

C. Hatching, raising and fattening of chickens, turkeys, or other fowl, or poultry or rabbits, fish or frogs for domestic or commercial use; provided, that no commercial poultry pen or coop or commercial rabbitry shall be maintained on a building site containing an area of less than one acre;

D. Agricultural and horticultural uses including nurseries, greenhouses, orchards, the keeping of one or more beehives or the raising of field crops, tree crops, berry or bush crops, or vegetable or flower gardening on a commercial scale;

E. The keeping of bovine animals, horses, mules, sheep, goats and hogs (none garbage fed); provided, that the number thereof shall not exceed a number per acre equal to four adult animals in any combination of the foregoing animals and their immature offspring; and provided, that in no event shall there be more than five hogs kept on any premises. (Ord. 4970 § 1, 2019; Ord. 2985 § 4, 1985; Ord. 2709 § 1, 1982; prior code § 17.36.020)

#### **17.32.030** Uses permitted subject to planning director review and approval.

The following uses may be permitted subject to review and approval by the planning director:

Private or public open recreational or sporting uses or events for a period of not to exceed one week at a time. (Ord. 4970 § 1, 2019; Ord. 3964 § 28, 2000; Ord. 2709 § 2, 1982; prior code § 17.36.025)

### 17.32.040 Building height, yards and distance between buildings on same lot.

None, except that on parcels or lots of less than fifteen thousand square feet in area and recorded as a separate lot in the office of the county recorder prior to the enactment of Ordinance No. <u>1010</u> (1954), the parcel or lot may be occupied by not more than one dwelling unit. Regulations shall be the same as required in the R-1 zone; provided, that all buildings shall be located not nearer than one hundred ten feet from the centerline of any existing or planned public street or highway. (Ord. 4970 § 1, 2019; Ord. 2709 § 3, 1982; prior code § 17.36.030)

### 17.32.050 A-20A (agricultural twenty-acre minimum lot size) zone.

All permitted uses and regulations in the A-20A (agricultural twenty-acre minimum lot size) zone shall be the same as for the A zone, except that the minimum lot size shall not be less than twenty acres. (Ord. 4970 § 1, 2019; Ord. 2709 § 4, 1982)

#### **17.32.060** A-WR (agricultural – water recharge combining) zone.

All permitted uses and regulations in the A-WR zone shall be the same as for the A zone, except that "surface water spreading grounds" may also occur as a permitted use. (Ord. 4970 § 1, 2019)

## **Chapter 17.34**

# **<u>RESERVED</u>P AUTOMOBILE PARKING ZONE**

Sections:

17.34.010Generally.17.34.020Uses permitted.17.34.030Additional requirements.

#### **17.34.010** Generally.

Land may be classified as being in the P zone and subject to development standards related thereto or the zonemay be used as an overlay to modify the R zones specified in this code, and subject to all restrictions applicable to the R zones, thereby providing more restrictive development in the R zones. (Ord. 2710 § 1, 1982; prior code § 17.40.010)

### 17.34.020 Uses permitted.

The following uses are permitted in a P zone:

A. Any use permitted in the R zone in which the land is classified and when so used subject to all of the provisions contained in the sections defining such zone;

B. Parking lot, except for trucks of over one ton capacity;

C. Farmers market; provided it is conducted on a paved surface, shall not be operated more than two daysper calendar week, has been certified by the Kern County agricultural commissioner, and that adequate parking is available through joint, shared or other arrangement as approved by the planning director pursuant to Chapter <u>17.58</u> of this code. (Ord. 3835 § 18, 1998; Ord. 3695 § 3, 1995; Ord. 2710 § 2, 1982; prior code § 17.40.020)

#### 17.34.030 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

C. Off street parking and loading shall be subject to the requirements of Chapter 17.58 of this code.

D. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code. (Ord. 3835 § 19, 1998; Ord. 2710 § 3, 1982; prior code § 17.40.024)

# Chapter 17.35 RE (RECREATION) ZONE

Sections:

17.35.010	Generally.
17.35.020	Uses permitted.
17.35.030	Conditional uses.
17.35.040	Additional requirements.

# 17.35.010 Generally.

The following regulations shall apply in the RE (recreation) zone unless otherwise provided in this title. (Ord. 2711 § 1, 1982)

## 17.35.020 Uses permitted.

Any of the following uses:

- A. Archery ranges;
- B. Baseball, football, soccer, track, field or basketball stadiums or facilities;
- C. Equestrian facilities;
- D. Golf courses;
- E. Gun clubs or shooting ranges;
- F. Automotive, cycle or horse racetracks;
- G. Racquetball facilities;
- H. Swimming pools;
- I. Tennis clubs or courts;

J. Support uses to commercial recreation listed herein, including, but not limited to, offices, restaurants, motels and gift and apparel shops. (Ord. 2711 § 1, 1982)

### 17.35.030 Conditional uses.

Establishments or enterprises designed or used for large assemblages of people, with the exception of those uses identified in Section <u>17.35.020</u>, may be permitted upon the granting of a conditional use permit. (Ord. 2711 \$ 1,1982)

#### **17.35.040** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be determined by the appropriate approving authority for each use based on established city ordinances and policies to ensure compatibility with adjoining land uses and promote the public health, safety and welfare of the neighborhood and community.

C. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

G. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

H. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director.

I. Roof-top areas of structures adjacent to property zoned or designated for residential development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 17, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 29, 2000; Ord. 3835 § 20, 1998; Ord. 2711 § 1, 1982)

# Chapter 17.36

# RESERVED CHURCH (CH) COMBINING ZONE

Sections:

<del>17.36.010</del>	
<del>17.36.020</del>	Uses permitted.
17.36.025	Uses permitted subject to conditional use permit.
17.36.030	

#### **17.36.010** Generally.

The CH zone is a combining zone in R-1, R-2 and R-3 zones and is subject to the restrictions set out in thischapter and the underlying zone district unless otherwise provided in this title. (Ord. 4938 § 2, 2018; Ord. 3375 § 1,-1991; prior code § 17.42.010)

#### 17.36.020 Uses permitted.

The following uses are permitted in a CH combining zone:

A. Churches;

**B.** Sanctuaries;

C. Sunday schools;

D. Unlighted playfields;

E. Any use permitted in the R 1, R 2 and R 3 zones in which the land is classified and when so subject to all of the provisions contained in the sections defining the zone. (Ord. 4938 § 3, 2018; Ord. 3835 § 21, 1998; Ord. 3375-§ 1, 1991; prior code § 17.42.020)

#### **17.36.025** Uses permitted subject to conditional use permit.

While any use may be permitted by conditional use permit pursuant to Section <u>17.64.020(B)</u>, the followinguses are not permitted in the CH (Church) combining zone except by conditional use permit issued inaccordance with the procedures provided in Chapter <u>17.64</u> of this code:

A. Certified farmers markets;

B. Lighted play fields;

C. Day care centers;

D. Private schools. (Ord. 4938 § 4, 2018; Ord. 3746 § 13, 1997; Ord. 3375 § 1, 1991; Ord. 2818 § 3, 1983)

#### 17.36.030 Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter <u>17.08</u> of this code.

B. Building height, distance between buildings, and yard requirements shall be the same as the other zone inwhich the land is classified. For church related development only, towers, steeples, cupolas, symbols and other architectural features not providing additional floor space within the building may extend not more than tenfeet above the height limit provided in the other zone in which the land is classified.

C. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter <u>17.60</u> of this code.

F. Churches and related development proposed adjacent to property zoned or designated for residentialdevelopment shall be required to be separated by a solid masonry wall constructed a minimum height of sixfeet from highest grade. Any wall located within or along the front yard area shall not exceed a height of fourfeet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residentialuses.

G. Roof top areas of churches and related development shall be completely screened from view by parapetsor other finished architectural features constructed to a height of the highest equipment and unfinishedstructural element or architectural feature of the building. This requirement shall apply to all new constructionand remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 18, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 30, 2000; Ord. 3835 § 22, 1998; Ord. 3375 § 1, 1991; Ord. 2712 § 1, 1982; prior code § 17.42.030)

# Chapter 17.37 OS (OPEN SPACE) ZONE

Sections:

17.37.010	Generally.
17.37.020	Purpose.
17.37.030	Uses permitted.
17.37.040	Uses permitted subject to planning director permit.
17.37.050	Uses permitted only by conditional use permit.
17.37.060	Additional requirements.

## 17.37.010 Generally.

The regulations set out in this chapter shall apply in the OS (open space) zone unless otherwise provided. (Ord. 2713 § 1, 1982)

#### 17.37.020 Purpose.

The purpose of the OS (open space) zone is to provide for permanent open spaces and recreational uses and to safeguard the health, safety and welfare of the people by limiting developments in areas where protection from unstable soils, flooding, seismic activity or other special circumstances is required. (Ord. 2713 § 1, 1982)

## 17.37.030 Uses permitted.

The following uses are permitted in the OS zone:

A. Agricultural use;

- B. Parks for passive recreational use;
- C. Wildlife preserves;
- D. Riding and hiking trails;

E. Permanent unlighted recreation facilities for small-scale, unorganized use such as softball diamonds, soccer or football fields, playground equipment and tennis courts. (Ord. 3835 § 23, 1998; Ord. 2713 § 1, 1982)

#### 17.37.040 Uses permitted subject to planning director permit.

The following uses are permitted subject to a permit issued by the planning director:

Private or public open recreational or sporting uses or events for a period not to exceed one week at a time. (Ord. 3835 § 24, 1998; Ord. 2713 § 1, 1982)

#### 17.37.050 Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the OS zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

- A. Single-family-unit residential uses;
- B. Public and private campgrounds and recreational vehicle parks;
- C. Public utility structures;
- D. Archery ranges;
- E. Equestrian facilities;
- F. Golf courses and driving ranges;
- G. Gun clubs or shooting ranges;
- H. Racetracks;
- I. Baseball batting ranges;
- J. Wholesale nurseries. (Ord. 3746 § 14, 1997; Ord. 2713 § 1, 1982)

#### **17.37.060** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be determined by the appropriate approving authority for each use based on established city ordinances and policies to ensure compatibility with adjoining land uses and promote the public health, safety and welfare of the neighborhood and community.

C. Landscaping shall be subject to the requirements of Chapter <u>17.61</u> of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter 17.58.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Open storage of material and equipment permitted in this zone shall be surrounded and screened by a solid wall or fence, including solid gates where necessary, not less than six feet in height. Materials shall not be stacked above the height of the screening.

G. For developments under this section using outside storage, the areas devoted to outside storage shall be treated with a permanent dust binder or other permanent dust control measures consistent with air pollution control regulations, as approved by the planning director. (Ord. 3835 § 25, 1998; Ord. 2832 § 1, 1983; Ord. 2713 § 1, 1982)

# Chapter 17.38 HOSPITAL (HOSP) ZONING

Sections:

17.38.010	Generally.
17.38.020	Uses permitted.
17.38.030	Additional requirements.

## 17.38.010 Generally.

Land classified in R-1, R-2 and R-3 zones may also be classified as a hospital zone and the restrictions set out in this chapter shall <u>comply with the restrictions set out in this chapter apply in the hospital zone</u>-unless otherwise provided in this title. (Ord. 3376 § 1, 1991; prior code § 17.43.010)

#### 17.38.020 Uses permitted.

The following uses are permitted in a hospital zone:

A. Any use permitted in the R-1, R-2 and R-3 zones in which the land is classified and when so used subjectto all of the provisions contained in the sections defining the zone;

**B**<u>A</u>. Hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged, except animal hospitals, clinics, hospitals or sanitariums for mental, drug or liquor addict cases. (Ord. 3835 § 26, 1998; Ord. 3376 § 1, 1991; prior code § 17.43.020)

#### **17.38.030** Additional requirements.

The following requirements shall apply to all development permitted by this chapter:

A. All permitted and conditional uses pursuant to this chapter shall be subject to site plan review as provided in Chapter 17.08 of this code.

B. Building height, distance between buildings, and yard requirements shall be the same as the other zone in which the land is classified.

C. Landscaping shall be subject to the requirements of Chapter 17.61 of this code.

D. Off-street parking and loading shall be subject to the requirements of Chapter <u>17.58</u>.

E. Signs shall be subject to the requirements of Chapter 17.60 of this code.

F. Hospitals and related development proposed adjacent to property zoned or designated for residential development shall be required to be separated by a solid masonry wall constructed a minimum height of six feet from highest grade. Any wall located within or along the front yard area shall not exceed a height of four feet. Along street frontages, landscaping shall be required in lieu of or in combination with a solid wall, as determined by the development services director, to screen the proposed development from the residential uses.

G. Roof-top areas of hospitals and related development shall be completely screened from view by parapets or other finished architectural features constructed to a height of the highest equipment and unfinished structural element or architectural feature of the building. This requirement shall apply to all new construction and remodeling of existing structures which involve a change of fifty percent or more of the roof structure or an addition of fifty percent or more to the floor area of the structure. (Ord. 4939 § 19, 2018; Ord. 4714 § 1, 2012; Ord. 3964 § 31, 2000; Ord. 3835 § 27, 1998; Ord. 3376 § 1, 1991; Ord. 2714 § 1, 1982; prior code § 17.43.030)

# **Chapter 17.41**

## **<u>RESERVED</u>AD (ARCHITECTURAL DESIGN) ZONE**

Sections:

<del>17.41.010</del>	Purpose.
<del>17.41.020</del>	Overlay application.
<del>17.41.030</del>	Designation of architectural design districts, buildings and sites.
<del>17.41.040</del>	Architectural standards.
<del>17.41.050</del>	Approval of plans Procedure.

#### 17.41.010 Purpose.

The purpose of the AD (architectural design) zone is to promote the general welfare of the public through the establishment or the protection and enhancement of structures and districts within the city which exhibit unique historic, architectural and engineering design features which are deemed by the city council to be of eultural and aesthetic benefit to the community as a whole. (Ord. 2716 § 1, 1982)

#### 17.41.020 Overlay application.

Land classified in an AD zone shall also be classified in another zone, and the following regulations shallapply in the AD (architectural design) zone unless otherwise provided in this title. (Ord. 2716 § 1, 1982)

#### **17.41.030** Designation of architectural design districts, buildings and sites.

For the purposes of the chapter, an improvement may be designated as subject to architectural designrestrictions by the city council and any area within the city may be designated an architectural design districtby the city council pursuant to this section if the owner or owners thereof consent to such designation and itmeets any of the following criteria:

#### A. Historical and Cultural Significance.

1. The structure or district proposed for designation is particularly representative of a distinct historicalperiod, type, style, region or way of life. 2. The structure or district proposed for designation is or contains a type of building or buildings which was once common, but is now rare.

3. The structure or district proposed for designation was connected with someone renowned orimportant, or local personality.

4. The structure or district proposed for designation is connected with a business or use which was oncecommon, but is now rare.

5. The structure or district proposed for designation is the site of an important historic event or isassociated with events that have made a meaningful contribution to the nation, state or community.

B. Architectural, the Engineering Significance.

1. The structure or district proposed for designation exemplifies a particular architectural style or way of life important to the city.

2. The construction materials or engineering methods used in the structure or district proposed fordesignation embody elements of outstanding attention to architectural or engineering design, detail, material or craftsmanship. (Ord. 2716 § 1, 1982)

#### 17.41.040 Architectural standards.

In order that buildings, structures, signs and landscaping be consistent with the provisions of this chapter, architectural standards shall be adopted for application to improvements and districts designated with the AD-(architectural design) zone. The establishment of such standards shall include, but not be limited to, the following architectural characteristics:

- A. The height, bulk and area of buildings;
- B. The setback distances from all property lines;
- C. The colors and materials on the exterior;
- D. The type and pitch of roofs;
- E. The size, type and location of signs;
- F. Towers, chimneys, roof structures, flagpoles, radio and television masts;
- G. Plot plan landscaping and automobile parking area;
- H. The relation to the existing buildings and structures in the general vicinity and area;

I. Style and effect to be achieved. (Ord. 2716 § 1, 1982)

#### 17.41.050 Approval of plans Procedure.

A. Where the city council has made an independent finding of the necessity of imposing architectural controlfor one or more of the reasons set out in this chapter, plans of exterior architectural design and appearance of all buildings and structures, plot plans, landscape plans, advertising sign plans, parking area plans and building setback plans shall be subject to the approval of the planning commission in order that the proposed buildings, structures, signs and landscaping will be consistent with the adopted standards pursuant to Section 17.41.040.

B. In the event it is determined that any proposed structure is inconsistent with the standards required of Section <u>17.41.040</u>, the planning commission shall confer with the applicant in an endeavor to have the planschanged so that the structure will be harmonious in ap pearance with the surroundings. In case the applicant isnot satisfied with the action of the planning commission, he may, within thirty days after such action, appeal in writing to the city council. The city council shall hold a public hearing on the appeal and shall render itsdecision thereon within thirty days after the filing thereof. Upon approval by the city council, the buildingpermit shall be issued, provided all other requirements of law have been met. (Ord. 2716 § 1, 1982)

# Chapter 17.42 FP-P FLOODPLAIN PRIMARY ZONE

Sections:

17.42.010	Generally.
17.42.020	Purpose and application.
17.42.030	Uses permitted.
17.42.040	Uses permitted subject to building director permit.
17.42.060	Uses permitted only by conditional use permit.
17.42.070	Uses specifically prohibited.

### 17.42.010 Generally.

The regulations set out in this chapter shall apply in the FP-P floodplain primary zone unless otherwise provided in this chapter. (Prior code § 17.46.010)

## **17.42.020 Purpose and application.**

A. *Purpose.* The purpose of the FP-P zone, primary floodplain zone shall be the prevention of loss of life, the minimization of property damage, and the maintenance of satisfactory conveyance capacities of waterways through the prevention of obstructions in the floodplain which diminish the ability of the floodplain to carry overloads during periods of flooding and to permit economic recovery of oil, gas and hydrocarbon substances, to the end that such economically vital development will offer a minimum obstruction to flood-flow, will not cause peripheral flooding of other properties, will not materially impair the ability of the primary floodplain to discharge the waters resulting from an intermediate regional flood, will either be resistant to flotation or immune to extensive damage by flooding. This zone is intended for application in those areas of the city which lie within natural streambeds and those portions of adjacent floodplains through which high velocity waterflows are channelized in times of flood.

B. *Exclusive Zone*. This zone is an exclusive zone and may be applied only to those areas within the boundaries of the intermediate regional flood which have been determined to be the primary floodplain area. (Prior code § 17.46.020)

### 17.42.030 Uses permitted.

The following uses are permitted in the FP-P zone:

A. Remedial work, improvements and floodproofing which will permit development within such zone in accordance with this chapter so that any such development will offer no more obstruction to flood flow than that which will cause a zero rise in the surface of the intermediate regional flood in any section of the river, will not cause peripheral flooding of other properties, will not materially impair the ability of the primary floodplain to discharge the waters resulting from an intermediate regional flood, will either be resistant to flotation or immune to extensive damage by flooding and will not endanger life or property;

B. Flood control channels, surface water spreading grounds, streambed retarding basins and other similar facilities;

C. Grazing, field crops, truck gardening, wildlife preserves, horticultural specialties, excluding trees, and similar agricultural or open space uses, riding and hiking trails;

D. Public utility facilities excepting those structures for which a conditional use permit is required under Section <u>17.42.060</u>. (Ord. 5064 § 1, 2021; prior code § 17.46.030)

## 17.42.040 Uses permitted subject to building director permit.

The following uses are permitted in an FP-P zone subject to a permit issued by the building director:

A. Private or public open recreational or sporting uses or events for a period of not to exceed one week at a time;

B. Water wells, drilled not less than ten feet of the toe of the bank of the river. (Ord. 3477 § 7, 1992; Ord. 2800 § 1, 1983; prior code § 17.46.040)

## 17.42.060 Uses permitted only by conditional use permit.

Notwithstanding subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are the only uses permitted by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. Public and private open recreational or sporting uses, including parks, aquatic facilities, playgrounds, campgrounds, golf courses, golf driving ranges, fishing and hunting clubs.

B. Parking lots.

C. Public utility structures;

D. Temporary and readily removable structures accessory to uses permitted under Sections <u>17.42.030</u> and <u>17.42.040</u>. (Ord. 3746 § 15, 1997; Ord. 2981 § 4, 1985; Ord. 2717 § 2, 1982; prior code § 17.46.050)

#### 17.42.070 Uses specifically prohibited.

The following uses are specifically prohibited in the FP-P zone:

A. All uses not permitted by Sections <u>17.42.030</u>, <u>17.42.040</u> and <u>17.42.060</u>;

B. Human habitations;

C. Excavations that will tend to direct flood-flows out of the natural floodplain;

D. Storage of floatable substances or materials which will add to the debris load of a stream or watercourse;

E. Improvements, developments or encroachments which will endanger life or property or that will obstruct the natural flow of floodwater or impair the ability of the streambed and that portion of the floodplain that would be used to carry flood-flows, to carry and discharge the waters resulting from the intermediate regional flood;

F. Any use which endangers temporary safeguards erected until such time as flood protection or control works have been constructed;

G. Drilling for and production of petroleum, except that area located within the state approved boundary of the Kern River oil field as delineated on Map 457 of the D.O.G. (Ord. 3477 § 3, 1992; prior code § 17.46.060)

# Chapter 17.44 FP-S FLOODPLAIN SECONDARY ZONE

Sections:

17.44.010	Generally.
17.44.020	Purpose and application.
17.44.030	Uses permitted.
17.44.040	Uses permitted subject to building director permit.
17.44.060	Uses permitted only by conditional use permit.
17.44.070	Uses specifically prohibited.

## **17.44.010** Generally.

The regulations set out in this chapter shall apply in the FP-S floodplain secondary zone unless otherwise provided in this chapter. (Prior code § 17.46.090)

# **17.44.020 Purpose and application.**

A. *Purpose*. The purpose of the FP-S, secondary floodplain combining zone shall be the protection of life and property from the hazards and damages which may result from floodwaters of the intermediate regional flood and to permit economic recovery of oil, gas and hydrocarbon substances.

B. *Application.* This zone is intended for application to those areas of the city which lie within the fringe area of the floodplain and are subject to less severe inundation during flooding conditions than occurs in the FP-P zone. This zone may be applied only to those areas located within boundaries of the intermediate regional flood which lie outside the FP-P primary floodplain zone. Land may be classified as being solely in the FP-S zone and subject to the development standards and regulations set forth in this chapter or the FP-S zone may be used as an overlay to modify an underlying zone and provide more restrictive standards and regulations than would otherwise apply in such underlying zone. (Ord. 2800 § 2, 1983; prior code § 17.46.100)

#### 17.44.030 Uses permitted.

Subject to the prohibitions of Section <u>17.44.070</u>, the following uses are permitted in the FP-S zone:

A. All uses permitted by Section <u>17.42.030</u>;

B. Single-family-unit dwellings and accessory residential, recreational and agricultural structures shall be allowed if they are allowed in the underlying or base zone, if any, only if they comply with one of the following conditions:

1. The finish floor grade of any such building will be above the intermediate regional flood level, or

2.

a. All permanent buildings will be protected from flooding by dikes, levees or other flood protection works whose design is approved by the city engineer,

b. Individual sewage systems shall be maintained outside the limits of the FP-S zone, unless protected by flood-control devices approved by the city engineer and shall not be located closer than one hundred feet to any surface water source (domestic, agricultural wells, etc.). (Ord. 2800 § 3, 1983; prior code § 17.46.110)

#### **17.44.040** Uses permitted subject to building director permit.

The following uses are permitted in a FP-S zone subject to a permit issued by the building director:

A. Any use permitted under Section <u>17.42.040</u> subject to the regulations and conditions as provided in this section.

B. The building director shall issue a permit for the drilling of an oil, gas, or water well only if, in addition to determining that all other regulations applicable thereto have been or will be complied with, he determines to his satisfaction, after consultation with the director of the city department of water resources, that the proposed well is so located in coordination with other drilling locations so that the combined effect of such wells will not produce a rise in the surface of the one-hundred-year flood in excess of one foot. (Ord. 3477 § 4, 1992; Ord. 2800 §§ 4, 5, 1983; prior code § 17.46.120)

#### **17.44.060** Uses permitted only by conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the FP-S zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. All uses permitted in the underlying or base zone, if any, which are not allowed pursuant to Section <u>17.44.030</u>.

B. All uses which may be permitted subject to planning director approval and conditional use permit in the underlying or base zone, if any.

C. Recreation areas, parks, campgrounds, playgrounds, fishing lakes, hunting and gun clubs, golf courses, golf driving ranges, parking lots.

D. Temporary and readily removable structures accessory to recreational or agricultural uses.

E. Riding stables.

F. Public utility facilities. (Ord. 3943 § 10, 1999; Ord. 3746 § 16, 1997; Ord. 2800 §§ 6, 7, 1983; prior code § 17.46.130)

# 17.44.070 Uses specifically prohibited.

The following uses are specifically prohibited in the FP-S zone:

A. Landfills, improvements, developments or other encroachments which will, in the opinion of the city engineer, endanger life or property or that will significantly obstruct the natural flow of floodwater within the intermediate regional flood elevation;

B. Storage of floatable substances or materials which will add to the debris load of the watercourse;

C. Excavations that will tend to broaden the floodplain or direct flows out of the natural floodplain. (Ord. 2800 § 8, 1983; prior code § 17.46.140)

# Chapter 17.45 AA (AIRPORT APPROACH) ZONE

Sections:

17.45.010	Generally.
17.45.011	Legislative authority.
17.45.012	Definitions.
17.45.020	Types of zones and height limits.
17.45.030	Airport approach zoning map.
17.45.040	Enforcement.
17.45.050	Permits.

#### 17.45.010 Generally.

Land classified in an AA zone shall also be classified in another zone, and the provisions set forth in Section <u>17.45.020</u> shall apply in the AA (airport approach) zone unless otherwise provided in this title. (Ord. 2719 § 1, 1982)

# 17.45.011 Legislative authority.

This chapter is adopted pursuant to the Airport Approach Zoning Law of the state (commencing at Section 50485 of the Government Code of the state) and the Planning and Zoning Law of the state (commencing at Section 65000 of the Government Code of the state). (Ord. 2719 § 1, 1982)

# 17.45.012 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

A. "Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes, a map of which has been or is hereinafter included as part of the airport approach zoning map of the city.

B. "Airport elevation" means the elevation of the highest point on the usable or designed runway.

C. "Airport hazard" means any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

D. "Height," used for the purpose of determining height limits in all zones set forth in this chapter, means the vertical elevation in feet above the established airport elevation unless otherwise stated.

E. "Landing" area means the area of an airport used, or to be used, for the landing, taking off or taxiing of aircraft.

F. "Runway" means the paved surface of an airport landing area designated for the landing or taking off of aircraft.

G. "Structure" means any object constructed, installed or placed on or over real property, including, but not limited to, buildings, towers, smokestacks and overhead lines. (Ord. 2719 § 1, 1982)

# **17.45.020** Types of zones and height limits.

Six types of AA subzones, and height limits for such subzones, are established for the purposes of airport approach zoning. Except as otherwise provided in this chapter, no structure or tree, shrub or bush shall be erected, altered, allowed to grow or be maintained in any subzone to a height in excess of the height limit established for such subzone. The datum plan for measurement of such height, except as otherwise specified herein, shall be based on the airport elevation, as defined by subsection <u>B</u> of Section <u>17.45.012</u>. Appropriate subzones for heliports shall be established in accordance with Federal Aviation Regulations Part 77. Such subzones are as follows:

A. *Landing Subzone (L).* A surface, and the airspace above it, rectangular in shape, longitudinally centered on the runway and extending in length two hundred feet beyond the ends of the runway; the landing subzone shall have an elevation, at any point along its longitudinal profile, coincident with the runway centerline or centerline prolongations as appropriate; the landing subzone shall have width established in accordance with Federal Aviation Regulations Part 77 and shall be specified on each map adopted pursuant to Section 17.45.030.

B. *Final Approach Subzone (FA)*. A plane surface, and the airspace above it, trapezoidal in shape, longitudinally centered on the prolongation of the runway centerline, beginning at each end of each landing subzone, coinciding in width with the landing subzone where they join; the height and width of the final approach subzone shall be established in accordance with Federal Aviation Regulations Part 77 and shall be specified on each map adopted pursuant to Section <u>17.45.030</u>.

C. *Landing Transition Subzone (LT)*. A plane surface, and the airspace above it, rectangular in shape, lying adjacent and parallel to each side of each landing subzone, having a length equal to the landing subzone and extending outward and upward, at right angles to the runway centerline, at a slope of seven-to-one to a height of one hundred fifty feet above the established airport elevation.

D. *Approach Transition Subzone (AT).* A plane surface and the airspace above it, triangular in shape, lying adjacent to each side of each approach zone and at each end of each landing transition subzone, coinciding in height with the approach outward and upward, at right angles to the prolongation of the runway centerline, at a slope of seven-to-one to a maximum airport elevation or to the conical subzone surface, whichever is higher.

E. *Horizontal Subzone (H)*. A horizontal plane surface, and the airspace above it, one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii, established in accordance with Federal Aviation Regulations Part 77, from the center of each end of the landing subzone of each runway and connecting the arcs by lines tangent to such arcs; the horizontal subzone does not include the landing subzone or transition subzones.

F. *Conical Subzone (C)*. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet. The conical subzone does not include the final approach subzone at the approach transition subzone. (Ord. 2719 § 1, 1982)

#### **17.45.030** Airport approach zoning map.

The several subzones established by Section <u>17.45.020</u> shall be shown and delineated on the airport zoning map of the city which is adopted. Such zoning map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included with the provisions of this chapter. Additional parts of the airport approach zoning map may be adopted from time to time by ordinance. Each part of the airport approach zoning map of the city hereafter adopted by ordinance shall have a descriptive title and shall contain diagrams, including a plot plan of the subject runways, the location and dimensions of all subzones described in accordance with the formulas established for the regulation of any of the aforementioned subzones. (Ord. 2719 § 1, 1982)

## 17.45.040 Enforcement.

The city building director shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by Section 17.45.030 if such construction, reconstruction or structural alteration would result in violation of the provisions of this section. Any building permits so issued shall be null and void. (Ord. 2719 § 1, 1982)

#### 17.45.050 Permits.

Before that portion of any nonconforming structure which exceeds the height limitation established by the airport approach zoning map and Section <u>17.45.020</u> may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the planning director authorizing such structural alteration, replacement, reconstruction or change. These portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein without securing such a permit unless such structural alteration, repair, addition, or enlargement exceeds the applicable height limitation. No such permit shall be granted that would allow the creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the date that this chapter was made applicable to a particular airport. All other applications for such permits may be granted. (Ord. 5020 § 19, 2020; Ord. 2719 § 1, 1982)

# Chapter 17.46 DRILLING ISLAND (DI) DISTRICT\*

Sections:

17.46.010	Purpose and intent.
17.46.020	Permitted uses.
17.46.030	Reserved.
17.46.040	Reserved.
17.46.050	Minimum lot size.
17.46.060	Reserved.
17.46.070	Reserved.
17.46.080	Reserved.
17.46.090	Reserved.
17.46.100	Reserved.
17.46.110	Reserved.
17.46.120	Special review procedures and development standards.

\* Prior ordinance history: Ords. <u>3840</u> and <u>3856</u>.

# **17.46.010 Purpose and intent.**

The purpose of the drilling island (DI) district is to designate single lots and discrete areas within the boundaries of final map subdivisions and mobile home parks that contain productive or potentially productive petroleum resources to allow mineral access to explore for and develop such resources and to promote the development of such resources in a manner compatible with surrounding development. Uses in the DI district are limited to oil and gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto and compatible open space and passive recreational uses. (Ord. 4060 § 2, 2002)

## 17.46.020 Permitted uses.

The following uses are permitted in the DI district:

A. Oil or gas exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment structure or facilities thereto, pursuant to the provisions herein.

B. Subdivision drainage sump, as part of an application for a tentative tract map, provided that mineral rights owners have given written consent. (Ord. 4060 § 2, 2002)

#### 17.46.030 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.040 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.050 Minimum lot size.

No portion of any lot within the DI district shall contain less than two and one-half gross acres in size, shall have a minimum width of three hundred five feet and shall demonstrate that all set-back requirements can be accommodated internally within such lot. (Ord. 4060 § 2, 2002)

#### 17.46.060 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.070 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.080 Reserved.

(Ord. 4060 § 2, 2002)

#### 17.46.090 Reserved.

(Ord. 4060 § 2, 2002)

## 17.46.100 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.110 Reserved.

(Ord. 4060 § 2, 2002)

# 17.46.120 Special review procedures and development standards.

All drilling and other hydrocarbon development activity in the DI district shall be carried out in accordance with the standards and procedures set forth in Section 15.66.040(A). (Ord. 4060 § 2, 2002)

# Chapter 17.47

# (PE) PETROLEUM EXTRACTION COMBINING DISTRICT

Sections:

17.47.010	Purpose and intent.
17.47.020	Permitted uses.
17.47.030	Uses permitted with a conditional use permit.
17.47.040	Reserved.
17.47.050	Minimum lot size.
17.47.060	Minimum lot area per dwelling unit.
17.47.070	Yards and setbacks.
17.47.080	Height limits.
17.47.090	Minimum distance between structures.
17.47.100	Reserved.
17.47.110	Reserved.
17.47.120	Reserved.
17.47.130	Special review procedures and development standards.

\* Prior ordinance history: Ords. <u>3840</u> and Ord. <u>3856</u>.

#### **17.47.010 Purpose and intent.**

The purpose of the petroleum extraction (PE) combining district is to designate lands containing productive or potentially productive petroleum resources to promote the development of such resources in a manner compatible with surrounding development. The PE district may be applied only to those areas that are zoned estate (E), residential suburban (RS), professional and administrative office zone (CO), neighborhood commercial (C-1), or regional commercial (C-2). The uses allowed and the regulations established by the PE district shall be in addition to the regulations of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.020 Permitted uses.

The following uses are permitted in the PE district:

A. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances, if the well(s) are located more than three hundred feet away from any existing dwelling or existing building

utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.

B. Deepening or redrilling, within the existing well bore, of any well used for the production or development of oil, gas, or other hydrocarbon substances, or the replacement of any production facility which did not require a conditional use permit on the date drilling began or the date the facility was installed.

C. Drilling of a replacement well when the original well did not require a conditional use permit, and when the original well has been abandoned in accordance with Geological Energy Management Division (CalGEM) regulations and drilling of a replacement well commences within one year of the conclusion of abandonment procedures, and the replacement well is located within twenty feet of the original well or is farther from any existing dwelling or commercial building than the original well.

D. Uses permitted by the base district with which the PE district is combined. (Ord. 5093 § 1, 2022; Ord. 4060 § 3, 2002)

#### **17.47.030** Uses permitted with a conditional use permit.

While any use may be permitted by conditional use permit pursuant to subsection <u>B</u> of Section <u>17.64.020</u>, the following uses are not permitted in the PE zone except by conditional use permit issued in accordance with the procedures provided in Chapter <u>17.64</u> of this title:

A. Wells for the exploration and development, production, storage, transmission, and treatment, and any accessory or ancillary equipment, structure, or facilities thereto, of oil, gas, or other hydrocarbon substances if the well(s) are located within three hundred feet of any existing dwelling or existing building utilized for commercial purposes, excluding those premises utilized solely for storage of equipment, material, household goods, or similar material.

B. Conditional uses permitted by the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.040 Reserved.

(Ord. 4060 § 3, 2002)

# 17.47.050 Minimum lot size.

Minimum lot size requirements in a PE district are per the requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.060 Minimum lot area per dwelling unit.

Requirements for minimum lot area per dwelling unit in a PE district are per the requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

# 17.47.070 Yards and setbacks.

Yard and setback requirements in a PE district for all uses permitted by the base district, except for drilling, shall conform to the yard and setback requirements of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.080 Height limits.

Height limit requirements in a PE district for all uses permitted by the base district, except for drilling, shall conform to the height limits of the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

#### 17.47.090 Minimum distance between structures.

Requirements for minimum distance between structures in a PE district for all uses, except for drilling, shall comply with the base district with which the PE district is combined. (Ord. 4060 § 3, 2002)

## 17.47.100 Reserved.

(Ord. 4060 § 3, 2002)

# 17.47.110 Reserved.

(Ord. 4060 § 3, 2002)

#### 17.47.120 Reserved.

(Ord. 4060 § 3, 2002)

# **17.47.130** Special review procedures and development standards.

All drilling and hydrocarbon development activities in a PE district shall be carried out in accordance with the standards and procedures set forth in Section 15.66.040(A). (Ord. 4060 § 3, 2002)

# Chapter 17.48 TT TRAVEL TRAILER PARK ZONE

Sections:

17.48.010	Generally.
17.48.020	Definitions.
17.48.030	Conformity to state law.
17.48.040	Uses permitted.
17.48.050	Permit to locate travel trailer park—Application—Hearing—Issuance.
17.48.060	Disposition of moneys collected.
17.48.070	Minimum requirements.
17.48.080	Fire protection.
17.48.090	Setback requirements.

# 17.48.010 Generally.

The regulations set out in this chapter shall apply in the TT travel trailer park zone unless otherwise provided. (Prior code § 17.49.010)

## 17.48.020 Definitions.

For the purpose of this chapter, the general provisions of the <u>Health and Safety Code</u> of the state and the definitions as set forth in Division 13, Parts 2 and 2.1 of the code and Title 25 of the California Administrative Code shall apply to this chapter except that the following special definitions shall apply as set forth hereinafter: Enforcement agency is the city building department, the health department of the county and the Department of Housing and Community Development of the state. (Prior code § 17.49.040)

# 17.48.030 Conformity to state law.

All travel trailer parks within the city shall conform to construction and operation requirements of the California Health and Safety Code, Division <u>13</u>, Parts <u>2</u> and <u>2.1</u>, and the applicable provisions of Title 25 of the California Administrative Code. (Prior code § 17.49.030)

#### 17.48.040 Uses permitted.

The following uses are permitted in a TT (travel trailer park) zone:

A. Travel trailer parks, recreational vehicle parks and temporary trailer parks as defined in Sections 18220, 18215 and 18217, respectively, of the <u>California Health and Safety Code</u>. No travel trailer park shall be constructed or located within a mobile home park unless such mobile home park, or a portion thereof, is in the TT zone.

B. The following accessory uses are permitted:

- 1. Travel trailers, recreational vehicles and tents;
- 2. Community recreation facilities;
- 3. Laundry rooms;
- 4. Toilets, showers, lavatories;

5. One mobile home or a one-story, permanent office building to be used only for business or for residence of a manager or caretaker. In no event shall a mobile home or permanent structure be located on a designated travel trailer space.

6. Home occupations, as defined in Section <u>17.04.330</u> and in compliance with the provisions of Chapter <u>17.63</u> of this code. (Ord. 3768 § 2, 1997; Ord. 2720 § 1, 1982; prior code § 17.49.020)

# 17.48.050 Permit to locate travel trailer park—Application—Hearing— Issuance.

A. No travel trailer park shall be located within the city until the location thereof is approved by the planning commission of the city in the manner set forth in this chapter. The person desiring to locate and operate a travel trailer park in the city shall file an application therefor with the planning commission.

B. Such application shall be accompanied with the following:

- 1. True legal description of the grounds and property upon which the park is to be constructed;
- 2. Filing fee;

3. Plot plan showing the recreational vehicle sites and parking spaces for other vehicles, location of proposed buildings or structures, complete plans and specification of the proposed construction and a description of the water supply, ground drainage and method of sewage disposal;

4. Plans showing the location and dimensions of access ways, landscaping, lighting, refuse container locations, connections for use by vehicles of water, sewage and electricity and other improvements required by the planning commission.

C. Upon receipt of the application, the planning director shall set the matter for consideration by the planning commission at the earliest practicable time.

D. The planning commission shall consider the plans and shall approve or conditionally approve the plans, providing the commission determines from the evidence presented that all of the following are true:

1. That the land is classified in a TT travel trailer park zone;

2. That it appears that the plans, as modified, will comply with all standards and requirements of Division 13, Parts 2 and 2.1 of the <u>Health and Safety Code</u> and all rules and regulations promulgated thereunder and with all applicable provisions of city law, including this chapter.

E. The planning commission shall disapprove the plans and deny the application if, in its determination, adequate evidence has not been shown that the plans will conform in all respects to the said standards and requirements.

F. In case the applicant is not satisfied with the action of the planning commission, he may, within thirty days after the action, appeal in writing to the city council. The city council shall hold a public hearing on the appeal and shall render its decision thereon within thirty days after the filing thereof.

G. Upon approval by the planning commission or city council, the building director shall issue the appropriate permits, providing all other requirements of law have been complied with. (Ord. 3964 § 32, 2000; prior code § 17.49.050)

#### **17.48.060** Disposition of moneys collected.

All moneys received under the provisions of this chapter shall be paid into the office of the finance director and credited to the city's general fund. (Prior code § 17.49.060)

#### **17.48.070** Minimum requirements.

Each travel trailer park shall meet the following additional minimum requirements and standards:

A. Sites or lots shall be of a size and shape which will provide reasonable area for the parking of the recreational vehicles next to the utility connections and for the parking of another vehicle (with motive power) side by side. This requirement may be varied by the planning commission to meet the plans of the applicant for parking vehicles other than the recreational vehicles.

B. Each site or space in the park shall be identified with an individual number in logical sequence and shown on the plot plan for the park.

C. A six-foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear property lines of the park at the discretion of the planning commission to protect the existing or future use of the adjacent property.

D. Each lot in a travel trailer park shall have direct access to an abutting roadway. Such roadways may not have less than eighteen feet of clear travel lanes for two-way traffic and twelve feet of clear travel lane for one-way traffic. One-way roadways must originate and terminate at two-way, on-site roadway. A single, isolated lot may have access by a ten-foot width of unobstructed roadway.

E. Access ways shall not be used for parking of vehicles, excepting that parallel parking shall be permitted on one side of an access way that is constructed to city standards for commercial alleys or in compliance with Section <u>18612(a)</u>, (b) of the Health and Safety Code of the state.

F. All travel trailer parks shall have at least two means of ingress or egress leading to a public thoroughfare.

G. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan approved by the planning commission. Such landscaping shall include provision for an interior open space common area and to buffer the park from adjacent uses.

H. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan, approved by the planning commission.

I. If such park contains a public address system or loudspeakers they shall be installed, operated and maintained in such a way that they cannot be heard beyond the boundaries of the travel trailer park.

J. Refuse containers shall be provided in a location meeting the requirements of the public works director.

K. Lighting shall be provided in accordance with plans approved by the planning commission. (Ord. 2720 § 2, 1982; prior code § 17.49.070)

#### **17.48.080** Fire protection.

A. There shall be in each travel trailer park a water system with fire hydrants of sufficient size and delivering sufficient pressure and located within a sufficient distance to provide adequate fire protection for each site in the park.

B. The placement and installation of fire hydrants must be approved by the chief of the fire department. (Prior code § 17.49.080)

# 17.48.090 Setback requirements.

A. Each travel trailer, recreation vehicle or other structure shall meet the minimum setback requirements of Title 25 of the California Administrative Code and all other state regulations.

B. A travel trailer, recreational vehicle or other structure shall not be located closer than three feet from a property line or lot line except that the minimum distance of three feet will not be required from a lot line which borders on-site roadway.

C. All structures located in the TT zone shall have a minimum setback of fifteen feet from a public right-ofway, with the exception of public alleys. (Ord. 2720 § 3, 1982)

# Chapter 17.50 MH MOBILE HOME ZONE

Sections:

17.50.010	Generally.
17.50.020	Uses permitted.
17.50.040	Approval of plan for mobile home park.
17.50.050	Appeal of planning commission action on mobile home park proposal.
17.50.060	Mobile home subdivision—Intent.
17.50.070	Mobile home subdivision—Requirements in MH Zone.
17.50.080	Mobile home park and subdivision—Development standards.
17.50.090	Mobile home park and subdivision—Application of state law.
17.50.100	Mobile home subdivision—Maintenance of common areas and nondedicated
	improvements.
17.50.110	Land previously classified.

# 17.50.010 Generally.

The regulations set out in this chapter shall apply in the MH mobile home zone unless otherwise provided. (Prior code § 17.50.010)

#### 17.50.020 Uses permitted.

The following uses are permitted in an MH zone:

A. A mobile home park;

B. A mobile home subdivision;

C. Mobile home accessory buildings or structures for which a building permit is required. In no event shall any accessory building or structure be placed or permitted to remain on any lot in the MH zone unless a mobile home is first placed on said lot. The use of any such accessory building or structure in the MH zone for housekeeping purposes is prohibited;

D. Community recreation facilities for the use of renters of lots within a mobile home park or for use of individual lot owners within a mobile home subdivision;

E. Temporary real estate office to be used only for and during the original sale of lots within a subdivision, but not to exceed a period of one year; such period of time may be extended for one additional year for good cause, upon approval of the planning commission;

F. One-story office building to be used for the business of a mobile home park by the owner or operator of said park or to be used for the business of the legal entity required to be formed for maintenance of common areas of a subdivision;

G. Any use permitted in the R-1 zone. (Ord. 3964 §§ 33, 34, 2000; Ord. 3768 § 3, 1997; prior code § 17.50.020)

# 17.50.040 Approval of plan for mobile home park.

The planning commission shall hold a public hearing on the proposed plan with notice given in accordance with Section <u>17.64.050</u>. Plans and elevations showing the exterior architectural design and appearance of all permanent buildings and structures and plot plans showing locations and dimension of access ways, structures, landscaping, parking areas and other improvements of the individual mobile home park to be established shall be subject to the approval of the planning commission in order that the proposed mobile home park will be in harmony with other structures and improvements in the area and will comply with all standards and requirements as set forth in Section <u>17.50.080</u> and in Chapter <u>15.68</u> of this code. In the event the planning commission determines that the mobile home park as proposed to be developed does not meet the intent of the regulations set forth in such chapters and all laws and regulations adopted pursuant thereto, the planning commission shall deny the permit for the mobile home park. (Ord. 3964 § 35, 2000; Ord. 2721 § 1, 1982; prior code § 17.50.040)

#### 17.50.050 Appeal of planning commission action on mobile home park proposal.

Appeal of the planning commission's decision shall be in accordance with Section <u>17.64.090</u>. (Ord. 3964 § 36, 2000; prior code § 17.50.050)

## 17.50.060 Mobile home subdivision—Intent.

A. It is the intent of this chapter to also provide regulations for the replacement of mobile home on lots within a subdivision filed under the provisions of Chapter 16.36 of this code and not otherwise, which subdivision is designed and designated for the sale, not rental, of lots to accommodate mobile homes as the dwelling unit.

B. The subdivider shall comply with all the provisions of said Chapter 16.36 of this code unless otherwise provided in this chapter. (Ord. 3964 § 37, 2000; prior code § 17.50.060)

# 17.50.070 Mobile home subdivision—Requirements in MH Zone.

The subdivision shall be subject to the requirements set forth in Title <u>16</u>, and the development standards set forth in this chapter; provided, however, that all such requirements and standards may be varied and reasonable exceptions thereto may be granted by the planning commission as may be permitted under these regulations. (Ord. 3964 § 38, 2000; prior code § 17.50.070)

# 17.50.080 Mobile home park and subdivision—Development standards.

Notwithstanding anything to the contrary stated in the subdivision or zoning regulations of the city, the following shall be the minimum standards of development within the MH zone for mobile home parks and subdivisions:

A. *Height*. No building, structure, or vehicle, except a recreation building, erected on or moved onto a lot shall have a height greater than one story or exceed fifteen feet. No recreation vehicles shall be stored in said front yard.

B. *Front Yard*. There shall be a front yard depth of not less than fifteen feet. No recreation vehicle shall be stored in said front yard.

C. Rear Yard. There shall be a rear yard depth of not less than five feet.

D. Side Yards. There shall be a side yard of at least five feet on both sides.

E. *Lot Size*. Every lot shall be of a size and shape which will provide reasonable area for private use and development and for convenient placement of one mobile home and appropriate accessory buildings or structures. The total number of lots provided in any mobile home subdivision shall conform to the maximum density of seven lots per acre.

F. *Roofed Area*. The total roofed area including mobile home and accessory buildings or structures shall not exceed sixty percent of the net area of the lot.

G. *Open Space.* There shall be an overall total of at least five hundred square feet per lot devoted to open space which may be on the individual lot or common areas within the development.

H. *Wall.* A six-foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear perimeter boundaries of the development, where required to protect existing future use of the adjacent property.

I. *Access.* The park or subdivision shall have at least two means of ingress or egress leading to a public street. One of the access points may be restricted to emergency vehicles only, with a breakaway barricade or other removable barrier subject to approval of the police chief and fire chief.

J. *Off-street Parking*. The development shall contain two off-street automobile parking spaces consisting of approved concrete slabs for each mobile home lot. In addition to such parking spaces for lot owners, there shall be established and maintained with the subdivision of an off-street automobile parking area or areas for use of guests. The number of spaces shall be equal to one space for every eight mobile home lots or fraction thereof, each space to be no less than eight and one-half by twenty feet, plus the additional area as is necessary to afford adequate ingress and egress therefrom. (Ord. 2721 § 2, 1982; prior code § 17.50.080)

## 17.50.090 Mobile home park and subdivision—Application of state law.

The provisions of Part 2.1 of Division 13 of the Health and Safety Code (commencing with Section <u>18000</u>) and the rules and regulations promulgated thereunder shall apply to mobile home parks and subdivisions in the MH zone. (Ord. 2721 § 3, 1982; prior code § 17.50.090)

# 17.50.100 Mobile home subdivision—Maintenance of common areas and nondedicated improvements.

A. All common areas, including open or green spaces, community recreation facilities, washrooms, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Chapter <u>16.32</u> of this code of the subdivision regulations which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the planning commission.

B. Such provision may be satisfied by a Declaration of Covenants, Conditions and Restrictions duly signed and acknowledged by the owner; Articles of Incorporation to be filed with the Secretary of State, forming a corporation or association, which shall include clauses empowering the entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of the entity to be fully set forth in the Declaration; bylaws of the entity which shall set forth rules of membership, fees and assessments, membership rights and principles; and forms of deeds incorporating the Declaration by reference to its recording data. C. All documents must be referred to the city attorney for review and have the approval of the planning commission as to their sufficiency to accomplish this purpose.

D. The owners of the individual lots shall, as a condition of ownership of said lots, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 3964 § 39, 2000; prior code § 17.50.100)

# 17.50.110 Land previously classified.

Land heretofore classified in a zone and also classified in an MH mobile home park zone may be developed in accordance with the law in effect at the time of such classification. (Prior code § 17.50.110)

# **Chapter 17.51**

## <u>RESERVED</u>SC (SENIOR CITIZEN) ZONE

Sections:

 17.51.010
 Purpose.

 17.51.020
 Generally.

 17.51.030
 Uses permitted.

 17.51.040
 Restriction.

 17.51.050
 Definitions.

#### 17.51.010 Purpose.

This chapter is enacted pursuant to the authority of the city as set forth in Section <u>12</u> of the Charter of the cityof Bakersfield and is intended to facilitate establishment of new specially designed accessible housing forsenior citizens and preservation of such housing as presently exists. (Ord. 3194 § 1, 1988)

#### **17.51.020** Generally.

Land classified in R-I, R-S, R-2, R-3, R-4 and MH zones may also be classified as an SC (senior citizen) zone and the restrictions set forth in this chapter shall apply; provided, that the following findings are made with respect thereto:

A. The land is developed or is to be developed with a housing development, with not less than one hundredfifty dwelling units. which has been or will be developed for and initially put to use as housing for seniorcitizens or has been substantially rehabilitated or renovated for and immediately afterwards put to use ashousing for senior citizens:

B. For developments commenced after July 1, 1986, the developers have obtained a public report as a seniorcitizen housing development under Section <u>11010.05</u> of the Business and Professions Code. (Ord. 3194 § 1, 1988)

#### 17.51.030 Uses permitted.

The following uses are permitted in an SC (senior citizen) zone:

A. Any use pertained in the R-1, R-S, R-2, R-3, R-4 or MH zone in which the land is classified, subject to all of the regulations applicable within such zone;

B. Yard requirements shall be the same as the underlying zone; and

C. Parking requirements shall be as set forth in Chapter <u>17.58</u> of this code. (Ord. 3964 § 40, 2000; Ord. 3194 § 1, 1988)

#### 17.51.040 Restriction.

All occupied dwelling units within an SC (senior citizen) zone must be occupied by at least one qualifyingresident or qualified permanent resident.

No one other than a senior citizen, qualified permanent resident or houseguest may occupy a dwelling unitwithin an SC (senior citizen) zone unless a senior citizen or qualified permanent resident occupies thatdwelling at the same time. Houseguests may occupy the dwelling unit for no more than sixty days in any oneyear period absent occupation by the senior citizen or qualified permanent resident at the same time. (Ord. 3405-§ 1, 1991; Ord. 3194 § 1, 1988)

#### 17.51.050 Definitions.

A. For purposes of this chapter, senior citizen and qualifying resident mean persons aged fifty-five or older.

B. For the purposes of this chapter, cohabitant means persons who live together as husband and wife.

C. For the purposes of this chapter, housing development means any residential development, whether detached single family residences, condominium residences, or otherwise.

D. For purposes of this chapter, any person occupying a dwelling unit within a SC (senior citizen) zone as of the date that zoning classification is applied to a specific development shall be deemed a qualifying resident for such period as he/she continuously occupies such dwelling.

E. For the purposes of this chapter, qualified permanent resident means a person who meets all of the following requirements:

1. Was residing with the qualifying resident or senior citizen prior to the death, hospitalization, or otherprolonged absence of, or the dissolution of marriage with, the qualifying resident;

2. Was forty five years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident;

3. Has an ownership interest in, or is in expectation of an ownership interest in, the dwelling unit within the housing development.

F. For the purposes of this chapter, house guest means a relative of a senior citizen or a qualified permanent resident who occupies a dwelling unit in an SC zone, or any person occupying such dwelling unit free of charge. (Ord. 3405 § 2, 1991; Ord. 3194 § 1, 1988)

# Chapter 17.52 PUD PLANNED UNIT DEVELOPMENT ZONE\*

Sections:	
17.52.010	Intent and purpose.
17.52.020	Uses permitted.
17.52.030	Application.
17.52.040	Rezoning procedure.
17.52.050	Final development plan.
17.52.060	Latitude of regulations.
17.52.070	Required findings.
17.52.080	Expiration of zone or plans.
17.52.090	Minimum site area.
17.52.100	Residential density.
17.52.110	Modifications to approved preliminary and final development plans.
17.52.120	Maintenance of common areas and non-dedicated improvements and facilities.

\* Prior history: prior code Sections 17.51.010 through 17.51.120.

#### **17.52.010** Intent and purpose.

It is recognized that an integrated development provides an opportunity for creative design when flexible regulations are applied. The planned unit development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open space while ensuring substantial compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict residential development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a residential neighborhood which ensures that the uniqueness of the project design is preserved. These standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of residential neighborhoods. Land may be classified as being solely within a PUD zone (exclusive zone), or the PUD zone may be used as a combining zone in a R-1, R-2, R-3, <u>-or</u>R-4, <u>R-5, or R-6</u> zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.020 Uses permitted.

A. Uses permitted in a PUD zone used as a combining zone are those uses permitted by the base zone with which the PUD zone is combined.

B. Uses for land classified as being within a PUD zone are as follows:

- 1. Single-unit One-family dwellings;
- 2. Multiple-unitfamily dwellings;
- 3. Condominiums;
- 4. Cluster developments;
- 5. Parks and playgrounds, public and/or private;

6. Commercial uses, when the planning commission finds that such uses are incidental to, and compatible with, the nature and type of development proposed;

- 7. Real estate tract sales offices and model homes pursuant to the provisions of Section 17.10.020(H);
- 8. Uses and structures which are incidental or accessory to any of the uses permitted in PUD zones;
- 9. ChurchesReligious institution;
- 10. Schools, public and/or private;
- 11. Golf courses, including associated clubhouse and driving range;
- 12. Tennis courts, including associated clubhouse;
- 13. Swimming pools;
- 14. Equestrian facilities;
- 15. Hiking, bicycle and equestrian trails;
- 16. Open space areas including natural and wildlife areas;

17. Home occupations, as defined in Section 17.04.330 and in compliance with the provisions of Chapter 17.63 of this code.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the function of the planned unit development. (Ord. 4542 § 1, 2008; Ord. 4304 § 1, 2006; Ord. 4009 § 1, 2001; Ord. 3964 § 41, 2000; Ord. 3768 § 4, 1997; Ord. 3656 § 1, 1995)

#### 17.52.030 Application.

A. When the PUD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation;
- 2. A statement of reasons for including any commercial uses in the development;

3. A statement concerning any proposal to locate public, quasi-public, recreational and educational areas within the development, including size, estimated employment, anticipated financing, development and maintenance;

4. Residential density of the subject area including the estimated population;

5. If commercial uses are proposed, indicate building sizes, signs, and estimated employment;

6. A completed zone change application on such forms as provided by the city, signed by the owner in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if-any;

7. A statement indicating procedures and programming for the development and maintenance of semipublic or public areas, buildings and structures;

8. A statement indicating the stages of development proposed for the entire development;

9. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PUD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(5) and (A)(7) through (A)(9) shall be required prior to approval of a subdivision map pursuant to Section 16.28.170(O) or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modification to approved plans will be subject to the provisions set forth in Section 17.52.100.

C. When the PUD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section <u>17.64.050(B)</u>. (Ord. 4304 § 2, 2006; Ord. 4009 § 1, 2001; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

# 17.52.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter <u>17.64</u> of this code regarding zone changes;

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PUD. If the PUD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PUD (Example: R-2/PUD).

C. The preliminary development plan as approved with a PUD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PUD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 1, 2001; Ord. 3903 § 1, 1999; Ord. 3656 § 1, 1995)

#### 17.52.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure*. The final development plan shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction of all conditions set forth in the city councils final decision. In instances where the planning commission desires to review the final development plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 1, 2001; Ord. 3903 § 3, 1999; Ord. 3874 §4, 1998; Ord. 3835 § 29, 1998; Ord. 3656 § 1, 1995)

#### **17.52.060** Latitude of regulations.

In the approval of PUD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities in the subject community, which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements on buildings and structures, lot and yard requirements, and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

E. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;

F. Construction of fences, walls and floodlighting of an approved design;

G. Limitations upon the size, design, number, lighting and location of signs and advertising structures;

H. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

I. Location and size of off-street loading areas and docks;

J. Uses of buildings and structures by general classifications, and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property;

K. Architectural design of buildings and structures;

L. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof;

M. Requiring of performance bonds to insure development as approved;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4304 § 3, 2006; Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# 17.52.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned unit development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a residential environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community; and

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, open space, utilities and other amenities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of persons occupying or utilizing the property. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.080 Expiration of zone or plans.

A. When the PUD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zone change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

2. If a certificate of occupancy has not been issued for a substantial portion of the dwelling units or other structures in the first phase of a PUD zone within five years of the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

3. Where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PUD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PUD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to the PUD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

B. When the PUD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section <u>17.08.080D</u>.) If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.090 Minimum site area.

The minimum area for a PUD zone shall be <u>one ten gross</u> acres. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### 17.52.100 Residential density.

Open area and density per dwelling unit shall be as shown on the final development plan for the particular PUD zone as approved by the planning commission and the city council. The permitted number of dwelling units may be distributed within the planned residential development zone in accordance with the conditions and terms established pursuant to this chapter consistent with the density standard of the applicable land use designation of the general plan. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

#### **17.52.110** Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other districts permitted in any initial approval of a PUD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.52.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of architecture or the landscape architecture as established in the planning commission or city councils approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning directors report, may further modify the planning directors approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 1, 2001; Ord. 3903 §§ 2, 4, 1999; Ord. 3874 § 3, 1998; Ord. 3656 § 1, 1995)

# 17.52.120 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements listed in Section 16.32.060 of the subdivision regulations of the city which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the owner: Articles of Incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 1, 2001; Ord. 3656 § 1, 1995)

# Chapter 17.54 PCD PLANNED COMMERCIAL DEVELOPMENT ZONE\*

C	
Nec	tions:
SUC	uons.

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17.54.110 Maintenance of common areas and non-dedicated imp	rovements and facilities.

\* Prior code history: prior code §§ 17.47.010—17.47.130

### **17.54.010** Intent and purpose.

It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The planned commercial development zone is intended to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring compliance with the general plan and the intent of the municipal code. In addition, the development would provide adequate improvements and standards necessary to satisfy the requirements of the public health, safety and general welfare. This zone is not to be used to restrict commercial development or to compromise other zoning districts that may be more appropriate for a site. Instead, it enables a developer to obtain approval of a specific, detailed plan for a commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as being solely within a PCD zone (exclusive zone), or the PCD zone may be used as a combining zone in a C-O, C-1, C-2, or CC zone to assign a base zone defining allowable uses and ensure future site development will be compatible with surrounding development and/or to recognize unique site characteristics. (Ord. 4305 § 1, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.020 Uses permitted.

A. Uses permitted in a PCD zone used as a combining zone are those uses permitted by the base zone with which the PCD zone is combined.

B. Uses for land classified as being within a PCD zone are as follows:

1. Any permitted use listed in Chapters <u>17.20</u> (C-O), <u>17.22</u> (C-1) and <u>17.24</u> (C-2) of this code. Any use that is conditional in these zones may be requested as part of the initial zone change and approved as conditional uses subject to the findings, conditions and revocation of rights as set forth in Chapter <u>17.64</u> of this code. Uses which are conditional that are proposed once the PCD zone is effective shall be subject to the provisions of Chapter <u>17.64</u> of this code.

2. Uses and structures which are incidental or accessory to any of the uses permitted in PCD zones.

C. The permitted uses may be allowed in combinations in this zone, provided such use or uses are in harmony with each other and serve to fulfill the intent and purposes of the planned commercial development. (Ord. 4542 § 2, 2008; Ord. 4305 § 2, 2006; Ord. 4009 § 2, 2001; Ord. 3752 § 1, 1997; Ord. 3656 § 2, 1995)

### 17.54.030 Application.

A. When the PCD zone is to be assigned as an exclusive zone classification, the zone change application shall include the following:

1. A preliminary development plan, drawn to scale, which shall be at the minimum scale indicated and shall include all the information as required for site plan review pursuant to Section 17.08.080(A)(3). The number and type of plans shall be as follows:

- a. Eight copies at scale of all plans submitted;
- b. One copy of each plan reduced to a size of eight and one-half inches by eleven inches;
- c. One color rendition at scale of the site/landscape plan, and elevation plan;

2. If the proposed project is to be developed in several stages, indicate the anticipated sequence of development;

3. Show the proposed methods by which the applicant will govern the maintenance and continued protection of the development including any common areas;

4. Indicate all proposed signs for the development;

5. A completed zone change application on such forms as provided by the city, signed by the owner or owners in fee of the subject land and the owner of any option to purchase the property or any portion thereof, if any;

6. Any additional information, plans, drawings, elevations, photos, diagrams and improvements as may be required by the planning director to adequately review the project.

B. When the PCD zone is used as a combining zone, the zone change application is not required to include development plans. Development plans as indicated in subsections (A)(1) through (A)(4) and (A)(6) shall be required prior to approval of a subdivision map pursuant to Section <u>16.28.170(O)</u> or prior to issuance of a building permit as appropriate, and shall be considered at an advertised public hearing before the planning commission. A complete application and fee shall be required. The application and fee shall be the same as that for a site plan review hearing. The hearing shall constitute the review and approval of the preliminary development plans. Modifications to approved plans will be subject to the provisions set forth in Section <u>17.54.100</u>.

C. When the PCD zone is used as a combining zone, approval of development plans by the planning commission is final. If appealed, development plans shall be presented to the city council for final action at a noticed public hearing in accordance with Section <u>17.64.050(B)</u>. (Ord. 4305 § 3, 2006; Ord. 4009 § 2, 2001; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

### 17.54.040 Rezoning procedure.

An application shall be processed as follows:

A. Pursuant to Chapter 17.64 of this code regarding zone changes.

B. If the application is approved by the city council, the zoning map of the area shall be changed by identifying the area with the map symbol PCD. If the PCD zone is approved as a combining zone, the base zone shall be identified, followed by the map symbol PCD (Example: C2/PCD).

C. The preliminary development plan as approved with a PCD exclusive zone, shall be filed with the city and shall, by reference, be incorporated into and thereby become a part of the zoning ordinance of the city.

D. After the effective date of the ordinance change to an exclusive PCD zone, no building or structure shall be erected, moved or altered on the subject property except when in compliance with the final development plan as approved by the site plan review committee. (Ord. 4009 § 2, 2001; Ord. 3903 § 5, 1999; Ord. 3656 § 2, 1995)

### 17.54.050 Final development plan.

A. *Contents.* The final development plan shall be drawn to the same scale and include the information as required for a preliminary development plan, together with any modifications or conditions that were required by the planning commission and city council.

B. *Procedure*. The final development plan for a building permit shall be submitted and processed the same as required for a final site plan pursuant to Section <u>17.08.080B5</u>. The site plan review committee shall review the plan for substantial compliance with the approved preliminary plan and satisfaction with all conditions set forth in the city council's final decision. In instances where the planning commission desires to review the final plan, they may place a condition on the project requiring said plan to be brought back before them for review and approval. (Ord. 4009 § 2, 2001; Ord. 3903 § 7, 1999; Ord. 3874 § 2, 1998; Ord. 3835 § 31, 1998; Ord. 3656 § 2, 1995)

### **17.54.060** Latitude of regulations.

In the approval of PCD plans, the planning commission or city council may approve or require in the final development plan, standards, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in the municipal code and which are designed to protect and maintain property values and provide or protect community amenities which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

A. Height limitations or any bulk requirements of buildings or structures, lot and yard requirements and distances between buildings;

B. Percent coverage of land by buildings and structures;

C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

D. Limitations upon the size, design, number, lighting and location of all signs;

E. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

F. Construction of fences and walls;

G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

H. Location and size of off-street loading areas and docks;

I. Uses of buildings and structures by general classification and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property or of other property in the development;

J. Architectural design of buildings and structures;

K. Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof,

L. Requiring of performance bonds to insure development as approved;

M. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscape plan;

N. Any additional improvements and dedications reasonably necessary to fulfill public needs for the general health, safety and welfare of the neighborhood and the city. (Ord. 4305 § 4, 2006; Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.070 Required findings.

In approving and adopting the rezoning application with the preliminary development plan, the planning commission and city council shall find the following:

A. The proposed planned commercial development zone and preliminary development plan is consistent with the general plan and objectives of this ordinance;

B. The proposed development will constitute a commercial environment of sustained desirability and stability, and it will compliment and harmonize with the character of the surrounding neighborhood and community;

C. The proposed development justifies exceptions from the normal application of this code in that it integrates such elements as the location of structures, circulation pattern, parking, landscaping and utilities,

together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided on the property. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### 17.54.080 Expiration of zone or plans.

A. When the PCD zone is assigned as an exclusive zone, the following shall apply:

1. The applicant shall commence construction no later than three years from the effective date of the zoning change. If, within such period, the construction specified in the approved preliminary development plan has not been commenced, the planning director shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned in order to commence construction of the project. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

2. With the exception of satellite pads, if a certificate of occupancy has not been issued for a substantial portion of the commercial structures in the first phase of a PCD zone within five years of the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

3. With the exception of satellite pads, where the first phase is substantially developed and the remaining phases are undeveloped or in various stages of development and five years have lapsed since the effective date of the PCD zone as determined by the planning director, he/she shall notify the planning commission of same and the commission shall consider whether changed circumstances justify a zone change to rescind the PCD zone for the area containing the uncompleted phases or if additional time is necessary to be conditioned for the project to be completed. Initiation of a zone change to rescind the PCD zone, or to change any conditions of approval including those extending time periods, shall be subject to the provisions of Section <u>17.64.070</u> of this code.

B. When the PCD zone is used as a combining zone, no status review or other notification shall be required. Approved preliminary plans shall be subject to the same time periods as an approved site plan (Section <u>17.08.080D</u>). If more than one preliminary development plan is approved for a site, the most recent approval shall supersede all previously approved plans. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

#### 17.54.090 Minimum site area.

The minimum area for a PCD zone shall be one acre. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

### **17.54.100** Modifications to approved preliminary and final development plans.

A. An approved preliminary development plan may be modified by submitting an application for such modification according to the same procedure as is required in the initial review and approval of said plan.

B. The flexibility of code requirements ordinarily required in other zones permitted in any initial approval of a PCD zone shall not be considered as a precedent setting, or as a lone compelling reason for approving any modification.

C. Any application for a modification to an approved preliminary plan may be approved only after it has been found that it does not deviate from the intent and purpose of this zone and the required findings in Section 17.54.070 can be made.

D. The planning director shall have the authority to administratively approve minor changes, modifications, alternations, deviations, or substitutions to an approved preliminary development plan with respect to colors, materials, architectural elevations, landscape plans and other physical changes of a similar nature provided any such change does not alter any use, environmental mitigation measure, condition of approval or substantially affect the basic character of the architecture or landscape architecture as established in the planning commission or city council's approval of the project. Such minor changes, modifications, alterations, deviations, or substitutions to an approved preliminary or final development plan shall be reported to the planning commission at its next regular meeting. At that time, the planning commission may accept the planning director's report, may further modify the planning director's approved changes or may direct staff to set the matter for hearing in accordance with the provisions of Chapter <u>17.64</u> of this code. (Ord. 4009 § 2, 2001; Ord. 3903 §§ 6, 8, 1999; Ord. 3874 § 1, 1998; Ord. 3656 § 2, 1995)

# 17.54.110 Maintenance of common areas and non-dedicated improvements and facilities.

A. All common areas, if any, including open or green spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and any improvements listed in Section 16.32.060 of the subdivision regulations of the city which are not dedicated and accepted may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the city.

B. Where ownerships are to be separate, such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the original owner or owners; articles of incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and forms of deeds incorporating the declaration by reference to its recording data.

C. All documents must be referred to the city attorney for review and have the approval of the planning director as to their sufficiency to accomplish their purpose.

D. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance. (Ord. 4009 § 2, 2001; Ord. 3656 § 2, 1995)

# Chapter 17.55 SPECIFIC PLAN LINES FOR STREETS AND HIGHWAYS

Sections:

17.55.010	Definitions.
17.55.020	Adoption—Procedure.
17.55.030	Construction restriction.

### 17.55.010 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the words set out in this section shall have the following meanings:

A. "Map" means an illustration, including, aerial photograph or photo map, accurately indicating the precise location of a planned right-of-way or portion thereof.

B. "Right-of-way" means all or any part of the entire width of a road, street or highway whether or not such entire area is actually used for road, street or highway purposes.

C. "Specific plan line" means the boundaries and limits of a planned right-of-way, including the future rightof-way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway or other type of public way, which planned right-of-way is based upon the general plan of the city. (Ord. 3356 § 1, 1991)

### 17.55.020 Adoption—Procedure.

Specific plan lines, and all amendments thereto, shall be adopted by resolution in the manner prescribed by law and shall constitute an amendment of this chapter. Each such resolution shall include a map of the street or highway project which is the subject of the specific plan. (Ord. 3356 § 1, 1991)

### 17.55.030 Construction restriction.

A. Except as otherwise allowed by this chapter and by chapter <u>16.41</u>, no building, structure, well, utility or other improvement shall be constructed, erected, enlarged or established within the planned right-of-way of any adopted specific plan line, or within the space between the specific plan line and any required building

setback line; provided, however, no restriction shall apply to any form of agricultural or horticultural plantings or crops, the maintenance of domestic animals or the maintenance of fences.

B. Permitted uses shall not be inadvertently prohibited in the South Beltway specific plan line. Oil and gas related uses located within the specific plan line are specifically exempted from the restrictions contained in this section.

C. The planning director may authorize the construction, erection, enlargement or establishment of a building, structure, well, utility or other improvement within the planned right-of-way of any adopted specific plan line, or within the space between the specific plan line and any required building setback line, if he finds that to prohibit such construction, erection, enlargement or establishment would constitute an economic hardship on the applicant, or would destroy all economic use of the applicant's property. (Ord. 3963 § 1, 2000; Ord. 3356 § 1, 1991)

# Chapter 17.56 FALLOUT SHELTERS

Sections:

17.56.010	Definitions.
17.56.020	Permit required.
17.56.030	Zoning.
17.56.040	Waiver of restrictions.
17.56.050	Shelters within front and side yard areas.
17.56.060	Appeal.
17.56.070	Structural standards.
17.56.080	Time limit for construction pursuant to waiver of restrictions.
17.56.090	Use restricted.
17.56.100	Covenant to remove.

### 17.56.010 Definitions.

A. "Building official" means the chief building inspector of the city.

B. "Fallout shelter" means a structure designed and used exclusively for the purpose of protecting human life from the effects of nuclear weapons.

C. "Yard area" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title surrounding a building. (Ord. 5020 § 20, 2020; prior code § 17.69.010)

### 17.56.020 Permit required.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any fallout shelter in the city or cause the same to be done, without first obtaining a permit from the building official of the city. (Ord. 5020 § 20, 2020; prior code § 17.69.020)

### 17.56.030 Zoning.

A fallout shelter may be constructed in and shall be a permissible accessory use in any land use zone within the city; provided, that the structure is built in compliance with all regulations and restrictions applicable to such zoned area under this title, entitled Zoning, including but not limited to front yard, side yard and setback

regulations, with the exception of those modifications to zoning regulations or restrictions which have been approved within a director review and approval permit or the city council as provided in Section <u>17.56.040</u>. (Ord. 5020 § 20, 2020; prior code § 17.69.030)

### 17.56.040 Waiver of restrictions.

A. When special circumstances exist which are applicable to a parcel of property upon which any interested person desires to construct a fallout shelter such as size, shape, topography, location, surroundings, access or similar physical factors which make it impossible for the applicant to comply with all zoning regulations or restrictions which would otherwise be applicable to such property, the applicant may file a verified application for a director review and approval with the planning director requesting that such regulations or restrictions be modified or waived.

B. The planning director shall hold a public hearing consistent with Section <u>17.64.050</u> (Hearings—Notices) at which time the planning director may either grant or deny the application.

C. In granting any such application the planning director may impose such conditions as deemed necessary or desirable to protect the neighborhood or adjoining properties. (Ord. 5020 § 20, 2020; prior code § 17.69.040)

### **17.56.050** Shelters within front and side yard areas.

Notwithstanding any provision in Section 17.56.040 to the contrary, a fallout shelter shall not be permitted by the planning director in any front yard or any side yard as defined in Title 17 of this code unless the following conditions are satisfied:

A. The fallout shelter will not protrude above the existing grade of the lot, with the exception of ventilators and entrance ways;

B. The entrance ways will not exceed twenty-four inches in height above the existing grade of the lot;

C. Projecting vents will not exceed more than thirty-six inches above the existing grade of the lot;

D. The structure will not be located closer than five feet to the front property line, the official plan line or the future street line as defined on official master plans. (Ord. 5020 § 20, 2020; prior code § 17.69.050)

### 17.56.060 Appeal.

A. Any person who is dissatisfied with the decision of the planning director concerning any matter affecting his application for the installation of a fallout shelter may appeal to the planning commission.

B. All decisions of the planning director acting under the authority of this chapter shall be final and conclusive upon the expiration of ten days following the decision of the director unless a written appeal is filed with the planning department within said ten-day period.

C. The planning director shall cause a written notice of the decision to be mailed to the applicant. (Ord. 5020 § 20, 2020; prior code § 17.69.060)

### 17.56.070 Structural standards.

Each fallout shelter must conform to the requirements of Chapter <u>15.13</u> of this code. (Ord. 5020 § 20, 2020; Ord. 2612 § 1, 1980; prior code § 17.69.070)

### **17.56.080** Time limit for construction pursuant to waiver of restrictions.

Any waiver of restrictions granted pursuant to Section 17.56.040 shall be null and void if the applicant does not exercise the privilege of constructing a fallout shelter within six months following the date the application is granted by the planning director or by the planning commission. (Ord. 5020 § 20, 2020; prior code § 17.69.080)

### 17.56.090 Use restricted.

A. Any fallout shelter which has been constructed in a front or side yard area pursuant to Section <u>17.56.040</u> shall not be used for any purposes other than protection from nuclear fallout and the storage of emergency supplies.

B. The use of such a shelter for purposes other than those referred to in this section shall constitute a public nuisance. (Ord. 5020 § 20, 2020; prior code § 17.69.090)

### 17.56.100 Covenant to remove.

Whenever any application for a waiver of restrictions is granted pursuant to Section 17.56.040 the owner of the property upon which the fallout shelter is to be constructed shall record a covenant in the chain of title for the

benefit of the city stating that the owner and his successors in interest will remove said fallout shelter within six months after the adoption by the city council of a resolution declaring that such shelters are no longer necessary for the protection of human life. (Ord. 5020 § 20, 2020; prior code § 17.69.100)

# Chapter 17.57 METAL STORAGE CONTAINERS\*

Sections:

17.57.010	Purpose.
17.57.020	Permitted.
17.57.030	Permitted only by conditional use permit.
17.57.040	Emergency use.
17.57.050	Use in conjunction with construction projects.
17.57.060	General regulations.
17.57.070	Amortization period for and removal of nonconforming uses.

\* Prior ordinance history: Ord. 3012.

### 17.57.010 Purpose.

Placement of metal storage containers on lots within the city for use as permanent storage facilities constitutes a use of such structures other than that for which they were designed and intended. Such placement, except for emergency purposes or in conjunction with construction projects, may negatively impact the aesthetics of neighborhoods in which they are placed, or discourage investment in permanent improvements in such neighborhoods. Metal storage containers may, however, reasonably be utilized to provide alternative permanent storage facilities if their potentially blighting influences and other potential adverse impacts are mitigated. The regulations set forth in this chapter are intended to accomplish such mitigation. (Ord. 3869 § 2, 1998)

### 17.57.020 Permitted.

A. Subject to approval of a plot plan and issuance of building permits, and subject to the regulations set forth in this chapter, metal storage containers, as accessory uses, are permitted in only the zones listed below as follows:

Zone	Parcel or Site Area	Maximum Number of Containers
C-1, C-2, P.C.D.	less than 1/2 acre	1
	1/2 acre or more	2

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Zone	Parcel or Site Area	Maximum Number of Containers
M-1, M-2, M-3	less than 1/2 acre	1
	1/2 acre or more but less than 1 acre	2
	1 acre or more but less than 2 acres	3
	2 acres or more	4

B. Additional containers may be allowed by the planning director in the zone districts listed in subsection <u>A</u> for temporary storage from October 1st to January 1st, each calendar year. The number of additional containers shall be based on a ratio of one container for every twenty thousand square feet of gross floor area of a business or center, not to exceed a maximum of six additional containers on a site. A plot plan of the site or center shall be approved annually for each request of additional containers. These containers shall be subject to all regulations of this chapter, except that no building permit is required. They are also not required to be on a permanent foundation; however, they shall be placed on a paved surface. (Ord. 3869 § 2, 1998)

### **17.57.030 Permitted only by conditional use permit.**

A. Subject to the limitation that the ratio of square footage of metal storage container(s) to the area of any lot or parcel not exceed one to fifty, metal storage containers, as accessory uses, may be permitted in any other zone district not listed in Section <u>17.57.020</u> by conditional use permit.

B. Subject to the limitation that the ratio of square footage of metal storage container(s) to the area of any lot or parcel not exceed one to fifty, additional square footage of metal storage containers above that permitted by Section 17.57.020 may be permitted by conditional use permit. (Ord. 3869 § 2, 1998)

### 17.57.040 Emergency use.

Metal storage containers may be permitted on any surface in any zone for a period not to exceed ninety days for emergency storage, subject to approval by the building director. The building director's decision may be

appealed to the planning commission. For purposes of this section, emergency storage is storage necessitated by damage to or destruction of another structure on the same parcel or a contiguous parcel by fire, flood, earthquake, accident or similar occurrence. (Ord. 3869 § 2, 1998)

### **17.57.050** Use in conjunction with construction projects.

Metal storage containers may be permitted on any surface in any zone for use as storage facilities in conjunction with construction projects, subject to approval by the building director. Any such container shall be removed immediately upon issuance of a certificate of occupancy for the constructed project or upon expiration of the building permit issued for such project. In no event shall such use exceed twenty-four months in duration. (Ord. 3869 § 2, 1998)

### **17.57.060** General regulations.

A. Setbacks and Yard Area Restrictions.

1. On property zoned C-1, C-2 and P.C.D., metal storage containers shall be prohibited within any front yard or street side yard.

2. On property zoned M-1, M-2 or M-3, metal storage containers otherwise permitted and in conformance with the requirements of this chapter may be located in a front yard or street side yard; however, they shall be set back a minimum of thirty feet from any property line abutting any public or private street.

3. All other setbacks of the zone district in which the metal storage containers are located shall apply, except that no rear yard setback shall be required if adjacent to a nonresidential zone.

B. Each metal storage container shall be painted a neutral, earth-tone, site-compatible color.

C. Each metal storage container shall be placed on either a minimum four inch thick concrete slab, or a minimum three inch thick asphalt concrete over two inch thick aggregate base, as required by the building director.

D. Under no circumstances shall any metal storage container be used for an office, residence or other purpose involving human occupancy.

E. Signs shall not be permitted on any metal storage container, except those required that contain public safety information for the container.

F. A shopping center or other coordinated development as defined in Section <u>17.04.546</u> shall be considered a single parcel or site.

G. Metal storage containers shall not exceed a height of eight feet.

H. A metal storage container shall not exceed an area of three hundred twenty square feet.

I. Metal storage containers shall not be stacked.

J. Use of truck trailers, shipping boxes, railroad cars, and similar materials are prohibited.

K. Metal storage containers shall not be permitted in required parking areas, drive aisles, landscape areas, or emergency access ways.

L. Metal storage containers shall be screened so that they are not visible from public streets.

M. This chapter does not apply to a business that sells, leases, or stores metal storage containers as legally permitted and conforming to the regulations of the zone district in which the business is located. (Ord. 3869 § 2, 1998)

### 17.57.070 Amortization period for and removal of nonconforming uses.

Any metal storage container which is a legal nonconforming use on January 1, 1999, which is located on an approved foundation and for which a building permit has been issued, shall be removed or brought into conformance with the provisions of this chapter within two years. (Ord. 3869 § 2, 1998)

# Chapter 17.58 PARKING AND LOADING STANDARDS

Sections:

17.58.010	Purpose.
<u>17.58.020</u>	Residential parking exemption.
17.58.02 <u>3</u> 0	Facilities required.
17.58.0 <u>34</u> 0	Minimum dimensions for required parking and freight loading spaces.
17.58.04 <u>5</u> 0	Rules for calculating required parking and freight loading areas.
17.58.0 <u>56</u> 0	General standards as to location and arrangement of parking.
17.58.0 <del>55</del> 70	Transit credit.
17.58.06 <u>8</u> 0	Parking lots.
17.58.07 <u>9</u> 0	Required parking on the same lot as the structure or use served—Exceptions.
17.58. <del>080</del> 100	Shared use of required parking.
17.58. <del>09<u>11</u>0</del>	Reduction of parking where area requirements are satisfied.
17.58.1 <u>02</u> 0	On-street parking credit.
17.58.14 <u>3</u> 0	Parking space requirements by land use.
17.58.1 <u>24</u> 0	Parking space requirements within the "central district," "Old Town Kern," and other
	mixed-use areas.
17.58.1 <u>35</u> 0	Freight loading space requirements.

**Prior legislation:** Ords. 4236, 4104, 3964, 3839, 3835, 3458, 3285, 2891, 2851, 2819, 2722; prior code §§ 17.56.010 through 17.56.030, 17.56.090, 17.56.100 and 17.58.010 through 17.58.080.

### 17.58.010 Purpose.

The purpose of these regulations is to:

A. Allow flexibility in addressing vehicle parking, loading and access issues;

B. Provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities;

C. Ensure access and maneuverability for emergency vehicles;

D. Maintain and enhance a safe and efficient transportation system that is consistent with community and environmental goals;

E. Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;

F. Assist in encouraging mixed-use and pedestrian friendly settings throughout the city;

G. Reduce the amount of parking area within the urban setting to help reduce the heat island affect;

H. Encourage infill and investment into the city's central district;

I. Promote the location of housing and services near transit facilities;

J. Reduce vehicle trip lengths by encouraging mixed use, infill, and transit sensitive uses using shared parking standards as an incentive. (Ord. 4521 § 10, 2008)

#### **<u>17.58.020</u>** Residential parking exemption.

A. Parking standards are no longer required for residential construction. If parking facilities are provided for the residential development, the parking development standards outlined in this Chapter apply. Additionally, pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

#### 17.58.0230 Facilities required.

A. For each new dwelling, new multiple-family dwelling, new business or new industrial establishment or other new or moved structures, or for any change of use of any existing structure, or for any addition to an existing use, there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles required by the use of the property or structures as set forth in this chapter.

B. All parking for residential uses shall be on the same lot or parcel except where allowed pursuant to Section <u>17.58.070(B)</u>. Parking for all other uses shall be located on the same lot or parcel as the use served or be immediately adjacent to the subject property subject to the provisions of Section <u>17.58.070(A)</u> and <u>(C)</u>. (Ord. 4521 § 10, 2008)

## 17.58.0340 Minimum dimensions for required parking and freight loading spaces.

A. *Parking Spaces.* Each off-street parking space shall be a minimum of nine feet wide by eighteen feet deep. Compact parking spaces may be provided at a minimum of eight feet wide by fifteen feet deep at a ratio of twenty percent of all spaces beyond the first twenty spaces required. All spaces shall be designed according to standards established by the traffic engineer.

B. *Freight Loading Spaces*. Each off-street loading space shall have a minimum length of thirty-five feet, a minimum width of ten feet, and a minimum vertical clearance, including entry and exit, of fourteen feet, except the minimum length for the first such space required for any structure or use shall be twenty-five feet and the minimum vertical clearance, including entry and exit, shall be twelve feet. These dimensions shall be exclusive of platform, driveways, drive aisles, and maneuvering areas.

C. *Motorcycle Spaces*. Each off-street parking space dedicated for motorcycle parking shall be a minimum of four feet wide by eight feet deep and shall be designed according to standards established by the traffic engineer. (Ord. 5121 § 1, 2023; Ord. 4521 § 10, 2008)

## 17.58.0450 Rules for calculating required parking and freight loading areas.

A. In calculating off-street parking and freight loading spaces, the following rules shall apply:

1. Parking computations will be based on the gross floor area of entire buildings and structures unless otherwise stated in this chapter. For buildings and structures being remodeled or to which additional floor area is being added, the parking computations shall also be based on the gross area of the entire building or structure.

2. When after computing the number of parking spaces required for a structure there appears a fractional requirement of one-half or more of a parking space, one additional parking space shall be required. If after such computation the fractional requirement for a given number of spaces is below one-half space, no additional parking will be required for that fractional parking space.

3. Parking for buildings containing three or more stories shall be based on the conditioned or net floor area.

B. The requirements for off-street parking and loading for any use not specifically mentioned shall be the same as for a use specified which is similar, as determined by the planning director.

C. Where a parcel or site contains a use with existing legal nonconforming parking, no additional parking shall be required unless there is a change of use, a new building or use is proposed, or an existing building or use is enlarged. Parking will then be assessed as follows:

- 1. Building additions will only be required to provide new parking based on the added floor area.
- 2. If a new use requires less parking than the previous use, no additional parking shall be required.

3. Parking lots or garages with legal non-conforming design standards may remain subject to approval of the planning director and traffic engineer provided such does not compromise traffic circulation or public safety. (Ord. 4521 § 10, 2008)

### **17.58.0560** General standards as to location and arrangement of parking.

A. Every new off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley that is designed and paved in accordance to adopted city standards. Every required off-street parking or loading space shall be independently accessible, except where tandem parking spaces are allowed. Access to off-street loading spaces shall be provided on private property.

B. The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be clearly marked according to city standards.

C. Parking spaces for people with disabilities shall be provided and designed in accordance with Title 24 of the California Administrative Code and Americans with Disabilities Act (ADA) requirements. These parking stalls shall be allowed to be counted as part of the total number of parking spaces required for the use or building.

D. Off-street parking and loading facilities shall be arranged so as to prevent encroachments upon street rights-of-way, adjacent properties, and landscaping areas required pursuant to Chapter <u>17.61</u> of this code. In approving the design of said parking and loading facilities the approving authority shall consider the maneuvering, standing and storage of vehicles, and layout of the facilities, and may require the use of curbing, bumper or wheel guards, or other such devices as necessary to ensure compliance with this section.

E. Freight and merchandise loading docks or loading areas shall not be visible from any public street. Landscaped buffers and/or walls shall be used to screen these areas from public view.

F. For all multiple-<u>family-unit</u> projects, driveways shall not exceed a width of thirty feet (top-to-top) or the minimum width necessary for two-way travel as determined by the traffic engineer.

G. Driveways crossing sidewalks shall be arranged, to the extent practical, to minimize the width and frequency of curb cuts, and conflicts with pedestrian and transit movements as determined by the traffic engineer.

H. Every off-street parking or loading facility and access thereto shall be suitably graded, paved, drained, and maintained according to standards adopted by the city engineer. Whenever corrosive materials are loaded or unloaded, docks, driveways, off-street loading and parking areas shall be concrete or equivalent as required by the city engineer.

I. New off-street parking facilities, or additions or alterations to existing off-street parking facilities shall be subject to approval pursuant to Chapter 17.08 of this code.

J. No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used for off-street loading. No area credited as all or part of a required loading space shall also be credited as all or part of a required off-street parking space, or used for off-street parking.

K. In no event shall any parking required and provided pursuant to Section 17.58.010 through 17.58.1340 be situated in such way that vehicles entering the parking area be allowed to back onto any street or thorough fare in order to leave said property, except as follows.

1. This provision shall not apply to any single-family-unit residence in an area zoned residential.

2. On streets which have not been designated by the traffic authority as arterial or collector streets, the traffic authority is granted the power to permit backing onto such streets for multiple-<u>family-unit</u> projects containing four units or less on a site that is not part of a multiple-<u>unit family</u>-subdivision project where such backing will not adversely affect traffic, and the design, width and function of the driveway is similar to a single-<u>unit family</u>-residential driveway use.

L. Neither the area of a required side yard abutting a street nor the required front yard shall be used for offstreet parking or drive aisles required by this code except as allowed in Section 17.58.0650(M). In the P zone, off street parking shall be setback a minimum of ten feet along all street frontages. M. Notwithstanding the provisions of Section <u>17.58.1430</u>, the area of a required front yard or street side yard in an R-2, R-3, <u>or</u> R-4, <u>R-5</u>, or <u>R-6</u> zone may be encroached to the extent of four feet for off-street parking required by this chapter, subject to the following limitations and conditions:

1. The encroaching parking space must be an extension of and parallel to a row of parking containing two or more spaces;

2. The prohibition against backing onto streets contained in Section <u>17.58.0560(K)</u> shall apply;

3. On corner lots or lots at intersecting streets, no such encroachment is permitted in a sixty-foot corner cutoff area as measured along the intersecting street curb-lines as extended;

4. Any landscaping or walls required by subsection  $\underline{N}$  of this section in the encroached area or the sixty-foot corner cutoff area must be approved by the city traffic engineer.

N. Where the parking area or lot, including driveways, drive aisles, delivery areas, and loading and unloading areas, is adjacent to property zoned residential, it shall be separated by a continuous solid wall of masonry construction a minimum height of six feet as measured from highest adjacent grade and by a continuous landscaped strip at least seven feet in width; however, this landscape strip shall not be required for projects containing four units or less in any R-2, R-3, or R-4 zone and not adjacent to any single-<u>unit family</u>-residential zone except to satisfy minimum shading requirements in Section <u>17.61.030(H)</u>. Additionally, where common, shared, or joint use of parking or drive aisles exist or will occur between residentially and/or commercially zoned properties and such is recorded according to Section <u>17.58.100080</u>, the wall and landscape separation shall not be required. Any wall located within or along the front yard setback shall not exceed a height of four feet.

O. All delivery, loading and solid waste operations shall be subject to the provisions of Section 17.08.140(G).

P. Within the "central district" and properties zoned C-B and C-C, any off-street freight loading area located within fifty feet of any residential zoned or developed property shall be completely enclosed within a building if such freight loading is used between the hours of 10:00 pm and 7:00 am. (Ord. 4521 § 10, 2008)

### 17.58.0<u>5570</u> Transit credit.

Except for the "central district" and properties zoned C-B and C-C, which already receive a fifty percentreduction under Section <u>17.58.120</u>, required parking may be reduced by ten percent if there exists a transit facility as defined in Section <u>17.04.624</u> within one thousand feet of the front or main customer door of the building that is linked with an improved and paved pedestrian way. (Ord. 4521 § 10, 2008)

### 17.58.0680 Parking lots.

A. All parking lots shall be paved, including driveways, drive aisles and loading areas, with concrete, asphaltic concrete, or any other paved street surfacing material approved by the city engineer. Unless otherwise approved by the city engineer, if asphaltic concrete is used, it shall be a minimum thickness of two inches over three inches of approved base material with adequate drainage provided; if concrete is used, it shall be a minimum thickness of four inches.

B. Lighting shall be installed in all parking lots and parking garages which accommodate passenger vehicles, with the exception of parking areas for residential projects with four units or less, in compliance with the following provisions:

1. Illumination shall be generally distributed across the parking area and operational during business hours. Lighting shall be designed and arranged in such a manner so that light is directed downward and is reflected away from adjacent properties and streets. The building official may at any time require use of glare shields or baffles for glare reduction or control of backlight.

2. Light poles, standards and fixtures, including bases or pedestals, shall not exceed a height of forty feet. Light sources less than fifty feet from the property line of any residentially zoned or designated lot or existing residential development shall not exceed a height of fifteen feet.

3. Lighting sources, fixtures and related structures shall be maintained in sound operating condition at all times. Maintenance shall include but is not limited to replacement of broken lenses, burned out light sources, adjustments to fixture tilt, cleaning of fixtures and lenses, painting of standards and replacement of shields or baffles.

4. All parking lots established prior to the effective date of this subsection shall be exempt from the provisions of this subsection; however, at such time changes or modifications occur on the site that necessitate a site plan review pursuant to Chapter <u>17.08</u> of this code, the planning director or designee shall determine whether some or all said provisions will be implemented under the approved site plan.

C. No parking lot for any number of automobiles shall have conducted upon it any dead storage, dismantling, or sale of vehicles, or any repair or servicing of vehicles other than that of an emergency nature.

D. Sales or storage of materials and merchandise, including seasonal merchandise, shall not be permitted in any required parking or loading area but shall be within a screened area dedicated for such use.

E. Any parking lot with more than ten spaces adjacent to a public street shall be screened via one of the following options: (1) landscaped berms, (2) retaining walls, (3) evergreen hedges or (4) a combination thereof, a minimum height of forty-eight inches at the time of installation, as measured from the adjacent parking lot top of pavement. Option 2 shall include the planting of shrubs between the wall and the sidewalk.

F. Shopping cart corrals, if provided, shall not be located within required parking stalls, drive aisles or loading areas. (Ord. 4943 § 1, 2018; Ord. 4521 § 10, 2008)

## 17.58.07<u>9</u>0 Required parking on the same lot as the structure or use served— Exceptions.

A. The nonresidential parking requirements of <u>this</u> Sections <u>17.58.010</u> through <u>17.58.110</u> may be satisfied by owning adjacent parking facilities or leasing the required parking spaces from properties adjacent to the subject property. If parking is proposed on an adjacent parcel, said parking must be considered readily accessible to the subject property as determined by the planning director. If off-street parking is proposed on an adjacent parcel, said parking shall conform to the requirements in Section <u>17.58.07090(C)</u>. of this code.

B. Off-site parking for uses within the "central district" and properties zoned C-B and C-C shall be subject to the following exceptions and requirements:

1. Required off-street parking spaces for one-family or two-family dwellings in residential zones shall be located on the same lot as the dwellings served.

2. Required off-street parking spaces for all other dwellings shall be located on the same lot as the dwelling served, as an accessory use, or within a walking distance of five hundred feet, as either a permitted or a conditional use, depending upon the use provisions applicable to the zone in which such parking is located, and such parking shall be easily recognized for that project, such as but not limited to, signs, dedicated and improved pedestrian ways, and other identification as approved by the planning director. Required off-street parking spaces for projects designed for senior citizens or the handicapped shall be on site.

3. Required off-street parking spaces for all uses other than dwellings shall be located on the same lot as the use served, as an accessory use, or within a walking distance of one thousand feet, as either a permitted or a conditional use, depending upon the use provisions applicable to the zone in which such parking is located, and such parking shall be easily recognized for that project, such as but not limited to, signs, dedicated and improved pedestrian ways, and other identification as approved by the planning director.

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4. Walking distance for purposes of subsections (B)(2) and (B)(3) above shall mean the distance from the front or main customer door of the building to the nearest point of the off-street parking facility assigned to such structure or use or part thereof, along the shortest and most convenient improved pedestrian walkway open to the user or users of such off-street parking space.

5. Whenever the planning director determines that sufficient spaces are available in a public parking facility within one thousand feet of a new business, he or she may accept a contract pursuant to Section 17.58.07090(C) for such spaces in satisfaction of the off-street parking requirements of this chapter.

C. In order to be credited toward the parking requirements of any development, use, or structure, any offstreet parking space located on a lot other than the lot on which the structure or use to be served is located must meet the following criterion:

1. Assurances as to the availability of remote parking spaces must be provided. Such availability shall be assured either by ownership of both the lot containing the structure or use to be served and the lot containing the off-street parking space by at least one common owner, or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or until a change of use or modification to an existing use occurs. An attested copy of any such instrument shall be filed with the planning department prior to approval of any building permit application affected by this arrangement for provision of required off-street parking. In addition, in either case, a document in a form approved by the city attorney shall be executed by the parties concerned, and recorded in the office of the Kern county recorder, serving as a notice of the restrictions under this code applying both to the lot requiring and the lot containing the off-street parking space, by virtue of this arrangement for provision of required parking space, by virtue of this arrangement for provision of required parking space, by virtue of this arrangement for provision of required parking space.

### 17.58.<u>1</u>080 Shared use of required parking.

A. Shared parking for projects of one acre or less that contains a mix of residential and retail/office commercial uses that maintain the existing scale, architectural character, and general neighborhood character of the area, will be assessed based on the highest single-use demand as determined by the planning director.

B. Shared use of the same off-street parking spaces to meet the requirements of two or more structures or uses may be permitted where the normal hours of operations of such structures or uses are such as to assure the feasibility of such shared use of parking, and where the total quantity of spaces provided is at least equal to the total of the projected parking demand for the structures or uses in operation at any given time. Use of a shared parking model from the Urban Land Institute, International Council of Shopping Centers, or other recognized shared parking model may be used to determine minimum parking requirements in lieu of the standard schedule of parking in Section <u>17.58.1430</u> as approved by the planning director.

C. In order to be credited toward the parking requirements of this chapter, an off-street parking space made available for shared use and located on a lot other than the lot on which the structure or use to be served is located, must be available for the actual lifetime of the structure or use to be served. Such availability shall be assured in the manner provided for in Section <u>17.58.0790</u> of this chapter. In addition, an attested copy of a contract among all the parties concerned setting forth their agreement to such shared use shall be filed with the planning department prior to approval by said department of any building permit application affected by the arrangement for joint use of parking. In any such case a notice of restrictions upon the affected properties shall be executed in a form approved by the city attorney and recorded in the office of the Kern county recorder, making specific reference to said contract and describing the arrangement for shared use of parking. (Ord. 4521 § 10, 2008)

#### 17.58.<u>11</u>090 Reduction of parking where area requirements are satisfied.

In instances in which the city council has officially determined that the required off-street parking space requirements for uses in a defined area will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed, off-street parking required for a use may be correspondingly reduced. (Ord. 4521 § 10, 2008)

### 17.58.1020 On-street parking credit.

Along local streets only and where on-street parking is permitted, on-street parking credit will be given along the street frontage of the project site as follows:

A. On-street parking credits will be allowed for all nonresidential uses.

B. For residential uses, only fifty percent of the guest parking that is required by this code will qualify for onstreet parking credit, unless otherwise provided by this chapter.

<u>CB</u>. On-street parking for disabled persons that is required by Section 17.58.0560(C) shall not be credited unless the space is authorized by the building director in accordance with Title 24 referenced in the aforementioned section, and is approved by the traffic engineer.

 $\overrightarrow{PC}$ . Parallel spaces will be credited at one space per twenty-two feet and angled spaces will be credited at one space per fourteen feet of uninterrupted curb along the parcel or site frontage minus driveways, fire hydrant breaks, and other space not permitted for parking by the traffic engineer.

ED. On-street parking credits may be permitted along collector streets at the discretion of the traffic engineer. However, his or her approval will consider such issues that include, but are not limited to, traffic safety, circulation patterns, speed limits, traffic volume, future improvements, and other traffic planning considerations where on-street parking may need to be limited or prohibited.

**FE**. If on-street parking along a street is restricted or prohibited in the future by the city, the use or building will not be required to make up the lost spaces on site and will be deemed legal nonconforming subject to the provisions of Section <u>17.58.0450(C)</u>. (Ord. 5043 § 1, 2021; Ord. 4521 § 10, 2008)

### 17.58.1<u>13</u>0 Parking space requirements by land use.

A. The minimum number of off-street parking spaces shall be provided and maintained for the following specified uses or facilities identified in the table in subsection  $\underline{\mathbf{E}}$  of this section. The number of off-street parking spaces shall not exceed one hundred fifty percent of the minimum requirement-(limit does not apply to residential uses).

B. Parking standards are no longer required for residential construction. If parking facilities are provided for the residential development, the parking development standards outlined in this Chapter apply. Additionally, pursuant to Government Code Section 65863.2(f) and relevant sections of the California Government Code as amended from time to time, this section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

<u>C</u>B. Tandem parking <u>for non-residential uses</u> will not be counted toward the requirement for legal off-street parking, except one tandem parking space will be permitted for a single-family dwelling, and for each unit of a multiple-family dwelling that contains four units or less on a site that is not part of a multiple-familysubdivision project.

 $\underline{D}\mathbf{C}$ . Motorcycle parking that is provided and clearly identified for such use may be counted as part of the total number of parking spaces required for a nonresidential use or building. However, this credit shall not exceed twenty-five spaces or five percent of the total parking required, whichever is less.

<u>E</u>D. For uses not listed in the parking space requirements table, parking will be determined by the planning director based on the listed use(s) that most closely resembles the proposed use.

**<u>FE</u>**. Parking space requirements by land use table:

## PARKING SPACE REQUIREMENTS BY LAND USE

<del>1.</del>	One-family dwellings	2 spaces per dwelling unit-
<del>2.</del>	Accessory dwelling unit (per Chapter <u>17.65</u> )	<del>1 space per dwelling unit. If the unit is a garage - conversion or within 1/2 mile of public transit, no- parking spaces are required</del>
<del>3.</del>	Multiple family dwelling and condominium (efficiency, studio and 1-bedroom units)	1 space per unit, plus an additional 10% for guest- parking on parcels containing 5 or more units
		Moderate, low, and very low income projects with 5 or- more units and being recorded as such by declaration or- covenant that runs with the land, may reduce required- parking by 25% (moderate, low and very low income is- defined as being at or below 120% of the median income of Kern County as established by the state of California).
4 <del>.</del>	Multiple-family dwelling and condominium (2 or more- bedrooms)	2 spaces per unit, plus an additional 10% for guest - parking on parcels containing 5 or more units
		Moderate, low, and very low income projects with 5 or- more units and being recorded as such by declaration or covenant that runs with the land, may reduce required- parking by 25% (moderate, low and very low income is- defined as being at or below 120% of the median income of Kern County as established by the state of California).
<del>5.</del>	Dwelling designed for senior citizens	62 years and over: 1 space per 2 units 55 years and over: 1 space per unit
	(a recorded covenant is required limiting occupancy of at- least 1 resident per unit by age as noted or is physically- handicapped)	Plus an additional 10% for guest parking on parcels- containing 5 or more units
<u>1</u> 6.	General office	1 space per 250 square feet of gross floor area
	(i.e., real estate, finance companies, architects, engineers, attorneys, C.P.A. and other similar uses)	
<u>2</u> 7.	Medical and dental office, including chiropractic office, specialized medical offices and other similar uses	1 space per 200 square feet of gross floor area
<u>3</u> 8.	Physical and occupational therapy	1 space per 300 square feet of gross floor area
<u>49</u> .	Medical laboratory such as diagnostic dental and x-ray laboratories and other similar uses	1 space per 250 square feet of gross floor area
	Surgery center and other out-patient facilities	

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<u>5</u> 10.	Office park or complex	1 space per 200 square feet of gross floor area up to and
	(single and multiple tenant buildings with both general and medical office uses)	including 15,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 15,000 square feet
<u>6</u> 11.	Neighborhood and regional shopping center	1 space per 200 square feet of gross floor area up to and
	(freestanding satellite pads such as fast food restaurants or banks shall be computed separately unless satellite buildings contain 2 or more tenants)	including 35,000 square feet, plus an additional 1 space per 250 square feet of gross floor area in excess of 35,000 square feet
<u>7</u> <del>12</del> .	General retail	1 space per 300 square feet of gross floor area
	(single tenant only; for multiple tenant buildings, refer to No. 11 above)	
<u>8</u> 13.	Restaurant, including fast food restaurant	1 parking space per 75 square feet of gross floor area (no additional parking is required for outdoor seating)
	(Note: take-out restaurants where food is consumed off premises shall be parked in accordance with general retail in No. 12 above)	If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given
		If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements
		Whenever the planning director determines that any restaurant with less than 3,000 square feet of gross floor area serves primarily those that may be conducting other business within the central district or properties zoned C- B or C-C, he/she may waive all or any portion of the parking requirements.
<u>9</u> 14.	Night club, including live entertainment	1 parking space per 50 square feet of gross floor area (no additional parking is required for outdoor seating)
	(Note: For breweries and wineries, including boutique wineries, parking for food service, retail sales, office, and warehousing/storage shall be computed separately by use)	Whenever the planning director determines that any night club with less than 3,000 square feet of gross floor area is open after 3:00 p.m. within the central district or properties zoned C-B or C-C, he/she may waive all or any portion of the parking requirements.
1 <u>0</u> 5.	Convenience market with or without fueling services	1 space per 200 square feet of gross floor area, minimum of 10 spaces required;
		If use has 1 or more fuel pump islands, credit for 2 parking spaces per pump shall be given
1 <u>1</u> 6.	Bank, savings and loan, credit union	1 space per 300 square feet of gross floor area;

		If use has 1 or more drive-up windows with drive-in lanes 24 feet in length, credit for 1 parking space per window shall be given;
		If such lane exceeds 44 feet, 2 spaces per window shall be credited in computing parking requirements
1 <u>2</u> 7.	Hotel, motel <del>, roominghouse</del>	1 space per sleeping unit
	(additional parking required for meeting rooms, restaurants, bars, and office space)	
1 <u>3</u> 8.	Furniture store	1 space per 1,000 square feet of gross floor area
	Plus office space for above	1 space per 300 square feet of gross floor area
1 <u>4</u> 9.	Beauty salon and barbershop	1 space per 150 square feet of gross floor area or 2 spaces per barber or styling chair, whichever is less
<u>15</u> 20.	Veterinary hospital and clinic	1 space per 500 square feet of gross floor area
<u>16</u> 21.	Museum	1 space per 500 square feet of gross floor area
	Library	
	Cultural center	
<u>17</u> 22.	Nursery sales	1 space per 4,000 square feet of inside or outside sales
	Vehicle sales area	area
	Trailer and camper sales area	
	Boat and farm machinery sales area	
	(office, retail sales, service department, and repair area shall be computed separately by use)	
<u>18</u> 23.	Health club, such as aerobics and gymnastics studio, private gym, karate and judo club, and similar uses	1 space per 300 square feet of gross floor area
<u>19</u> 24.	Bowling alley	4 spaces per alley
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
2 <u>0</u> 5.	Billiards	2 spaces per table
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	

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2 <u>1</u> 6.	Golf course	6 spaces per tee
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
2 <u>2</u> 7.	Tennis, racquetball, and handball court	3 spaces per court
	(restaurants, video arcades, pro shops and other related uses shall be computed separately by use)	
2 <u>3</u> 8.	Stadium, sports arena, exhibition hall	1 space per 6 seats
		Where benches are provided, 18 inches of bench space shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space shall be the equivalent of 1 seat
2 <u>4</u> 9.	Park, outdoor recreational facility	1 space per 6 people that the facility is designed to accommodate
		or
		If seating is provided, 1 space per 4 seats, whichever is greater
<u>25</u> 30.	Lodges, halls	1 space per 4 seats provided in accordance with
	Banquet rooms, including those associated with a restaurant	applicable fire code occupancy standards
	ChurchReligious institution	Where benches are provided, 18 inches of bench space
	Funeral home	shall be the equivalent of 1 seat; where no fixed seating is provided, 7 square feet of public assembly floor space
	Mortuary	shall be the equivalent of 1 seat
	Theater	
	Auditorium, including school multi-purpose buildings and similar places of assembly	
	(figure main public meeting areas only)	
<u>26</u> 31.	Hospital	3/4 space per bed
	Medical in-patient clinic and other overnight treatment facilities	
	(additional parking required for administrative offices, out-patient clinic, testing, teaching, research and other similar activities)	

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<u>27</u> <del>32</del> .	Convalescent hospital and extended medical care facility	1/2 space per bed
	Nursing and convalescent home	
	Homes for the aged	
	Conjugate care and extended care facility	
	Residential care or group home	
	(additional parking required for administrative offices, testing, teaching, research and other similar activities)	
<u>28</u> 33.	Child or adult day care center	1 space per 6 clients plus 1 space per staff member of the largest shift, with drop-off and pick-up area approved by the traffic engineer
<u>29</u> 34.	Family day care home	1 space per employee of the largest shift
	(The residential driveway is acceptable if the parking space does not conflict with any child drop-off/pick-up area)	
3 <del>5</del> 0.	Elementary or middle school	1 space for each faculty member and employee (based on the maximum number of faculty and employees on site at any given time)
		or
		1 space per 4 seats in the primary public assembly area, whichever is greater
3 <u>1</u> 6.	High school, trade, secondary and post secondary school	1 space for each faculty member and employee, and 1 space for every 4 students (based on the maximum number of faculty, employees and students on site at any given time)
		or
		1 space per 4 seats in the primary public assembly area, whichever is greater
3 <u>2</u> 7.	Manufacturing, wholesale, service and automotive repair	1 space per 500 square feet of gross floor area
	Plus office space for above	1 space per 300 square feet of gross floor area
3 <u>3</u> 8.	Warehouse	1 space per 1,000 square feet of gross floor area up to and including 10,000 square feet, plus an additional 1 space per 3,000 square feet in excess of 10,000 square feet

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	Plus office space for above	1 space per 300 square feet of gross floor area
3 <u>4</u> 9.	Self-service storage facility	2 spaces for the manager's living unit and 3 spaces with public access for the office (note: rows between storage buildings shall be at least 20 feet wide to allow for simultaneous vehicle parking and passage, and fire access)
<u>35</u> 4 <del>0</del> .	Industrial office/warehouse complex	1 space per 400 square feet of gross floor area
	(multi-tenant shell buildings in either an M-1 or M-2 zone containing a mix of office, commercial, industrial and storage uses)	
<u>36</u> 41.	Contractor's storage yard	1 space per company vehicle plus 1 space per 2 employees on the maximum working shift (a person stationed or working out of the storage or service yard)
	Public buildings and grounds other than administrative offices	
<u>37</u> 42.	Electric distribution substation	No parking required
	Electric transmission substation	
	Gas regulator station	
	Public utility/water well station	
	Automated/computerized communications equipment buildings (where no permanent employees assigned)	

(Ord. 5054 § 1, 2021; Ord. 5043 § 2, 2021; Ord. 4995 § 1, 2019; Ord. 4754 § 1, 2013; Ord. 4521 § 10, 2008)

# 17.58.1240 Parking space requirements within the "central district," <del>"Old Town-Kern," and other mixed-use areas</del>.

The following supplemental off-street parking standards shall be applicable within the "central district" as defined in Chapter <u>17.04</u> of this code, <u>C-B zone-district</u>, or <u>C-C zone district</u>:

A. *Mixed-Use Development Parking Incentives.* For a mixed-use combined residential and retail/officecommercial project where the design and development function as an integrated unit, the following incentivesshall apply:

1. Off street parking may be reduced by up to fifty percent of the minimum requirement assessed under-Section <u>17.58.110</u>. 2. The amount of reduction shall be scaled to the degree the design and development function as an integrated unit. The greater the balance of residential to commercial/office space, the greater the reduction.

3. The exact amount of reduction shall be determined by the planning director on a case by case basis. The decision of the planning director may be appealed to the planning commission.

4. Where the applicable project requires planning commission approval, the exact amount of reductionshall be determined by the planning commission. Any decision of the planning commission may beappealed to the city council.

B. *Multiple-Family Residential Development Parking Incentives.* For exclusively multiple-family residential development projects, the following incentives shall apply:

1. On-site guest parking shall not be required.

2. Tandem parking will be permitted for each unit containing two or more bedrooms.

3. Only one parking space per unit is required regardless of the number of bedrooms.

AC. Any change of use of an existing building in the "central district" shall not be subject to additional offstreet parking requirements set forth in this chapter, provided there is no expansion of the square footage of the building.

BD. If not specifically addressed within these supplemental standards, the parking and loading standards of this chapter shall apply. (Ord. 5043 § 3, 2021; Ord. 4998 § 1, 2019; Ord. 4754 § 2, 2013; Ord. 4521 § 10, 2008)

## 17.58.1<u>35</u>0 Freight loading space requirements.

A. In addition to off-street parking spaces required by the preceding sections, off-street freight loading spaces shall be provided in the minimum quantities specified in the table in subsection  $\underline{B}$  of this section. Non-accessory parking spaces, driveways and maneuvering areas incidental thereto shall not be counted.

B. Freight loading space requirements by land use table:

Freight Loading Space Requirements by Land Use									
Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Spaces Required							
1. Retail, wholesaling and	0—8,500	0							
all other uses primarily engaged in the	8,501—60,000	1							
handling of goods	60,001—100,000	2							
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.							
2. Office, hotel, apartments and	0—100,000	0							
all other uses not included above	100,001— 200,000	1							
	200,001— 500,000	2							
	over 500,000	3 plus 1 for each additional 300,000 sq. ft.							

(Ord. 4521 § 10, 2008)

# Chapter 17.59 WIRELESS TELECOMMUNICATION FACILITIES NOT IN THE PUBLIC RIGHT-OF-WAY

#### Sections:

17.59.010	Purpose.
17.59.020	Review process.
17.59.030	Development and design standards.
17.59.040	Abandonment and removal.

## 17.59.010 Purpose.

The purpose of this chapter is to establish general guidelines for the siting of wireless telecommunication facilities not in the public right-of-way, including towers and antennas, in accordance with the Telecommunications Act of 1996, as amended. The goals of this chapter are to protect residential areas and land uses from potential adverse impacts of towers and antennas, encourage their location in industrial and commercial areas, encourage the joint use of new and existing facilities, encourage users to configure such facilities in a way that minimizes the adverse visual impacts, and consider the public health and safety in the siting and use of the facilities. In furtherance of these goals, the city shall give due consideration to the general plan, zoning of existing land uses, and environmentally sensitive areas in approving sites for the location of wireless telecommunication facilities. Notwithstanding any other provision of this chapter as provided herein, Chapter <u>12.30</u> of this code shall apply to the placement, construction, or modification of wireless telecommunication facilities within the public right-of-way, as provided therein. (Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

### 17.59.020 Review process.

A. All wireless telecommunication facilities not in the public right-of-way, including antennas, towers, mounted poles, and satellite dishes shall be subject to review as follows:

1. *Exemptions*. The following installations are exempt from the provisions of this chapter:

a. The installation of one ground-mounted satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than ten feet in diameter and less than fifteen feet in height and complies with all applicable accessory structure setbacks.

b. One satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than twenty-four inches in diameter installed on a building providing that such antenna does not extend above the roof-line of the building.

c. One single-pole, tower roof, or ground-mounted television, or amateur radio antenna for the private, personal use of the occupants of a dwelling provided such antenna is no more than sixty-five feet in height from grade and complies with all applicable accessory structure setbacks.

B. *Director Review and Approval.* The following shall be reviewed by the planning director or designee, prior to the issuance of a building permit. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly show how the proposed facilities will meet the required development standards.

1. Antennas mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

2. Antennas architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as clock towers, carillon towers, flagpoles, and steeples. These antennas may be permitted in any zone district.

3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, field lighting and signs (excluding outdoor advertising structures), where the antenna height does not exceed the structure height nor project more than eighteen inches from the structure. The antenna shall also be painted to match the color of the building or structure, and/or be covered or architecturally screened with materials using the latest stealth design features so that it is indistinguishable from the main structure. These antennas may be permitted in any zone district.

4. Antennas mounted on existing electrical transmission towers in any zone district where the antenna height is no more than ten feet above the height of the tower, the antenna blends with the architectural design of the tower, and the utility company has given written permission for such co-location.

5. Co-location of new equipment on an existing legally approved antenna or tower that blends with the architectural design of the existing facility and meets all other requirements of this chapter.

6. Modification of existing telecommunications facilities that existed prior to the effective date of the ordinance codified in this chapter where the physical area of the reconfigured or altered antenna does not exceed twenty-five percent of the original approval, blends with the architectural design of the existing facility, and meets all other requirements of this chapter.

7. Stand-alone monopole camouflaged as a palm tree, pine tree or other natural object.

8. Stand-alone slim-line monopole with flush-mounted vertical antennas employing the latest stealth design features. A slim-line monopole shall measure no more than twenty-four inches in diameter at the base that tapers smaller toward the top. The maximum distance of antenna arrays projecting from the pole shall not exceed eighteen inches.

C. *Director Review and Approval.* The following shall be reviewed by the planning director, subject to a director review and approval permit in accordance with Chapter <u>17.64</u> of this code. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly show how the proposed facilities will meet the required development standards.

1. Facilities that do not meet the requirements of subsection <u>B</u> of this section or the development standards in Section <u>17.59.030</u>.

2. New uncamouflaged monopoles.

3. All other wireless communication facilities not in the public right-of-way, including lattice towers.

4. Placement of a commercial antenna or satellite dish antenna on any building not screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

5. On property zoned or designated residential, residential suburban, agricultural, or open space unless otherwise provided by this chapter. (Ord. 5020 § 21, 2020; Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

### **17.59.030** Development and design standards.

A. Minimum setbacks of any antenna or tower subject to this chapter, including equipment and equipment buildings, shall be as follows:

1. Fifty feet from the property line abutting any public or private street.

2. Where the property line separates the lot from an adjacent lot zoned or designated residential, fifty feet for camouflaged and slim-lined monopoles, three hundred feet for uncamouflaged monopoles and lattice towers, and twenty feet for equipment buildings.

3. All other setbacks of the zone district in which the facilities are located shall apply, except that no rear yard setback shall apply to commercial or industrial zone districts adjacent to same.

B. The maximum height of an antenna or tower, including equipment and equipment buildings, shall be as follows:

1. Sixty-five feet or no more than twenty percent above the existing height of adjacent natural objects, whichever is less, for stand-alone monopoles on property zoned or designated residential, residential suburban, agricultural, or open space. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

2. One hundred twenty-five feet or no more than twenty percent above the existing height of adjacent natural objects, whichever is less, for standalone monopoles on property zoned or designated commercial or industrial. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

3. If the antenna or tower is mounted on a roof, no taller than fifteen feet above the roof or twenty percent of the building height, whichever is less.

4. If the antenna is architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as a clock tower, carillon tower, and steeple, its height is limited by the height of that building or structure.

5. Equipment buildings shall not exceed a height of twelve feet and an area of seven hundred fifty square feet.

C. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. Buildings shall be painted similar nonreflective colors as the antenna or tower structure, and blend with the surrounding area. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping that is installed and maintained in accordance with Chapter <u>17.61</u> of this code. Use of electrified, barbed or razor wire is prohibited. Trees may be required by the approving authority when deemed necessary to ensure compatibility with the surrounding area.

D. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.

E. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080(F).

F. The antenna shall be located to assure visual compatibility with surrounding development and not adversely impact area land uses. Guy wires are prohibited.

G. If an antenna is attached or integrated into a building, it shall be painted to match the color of the building and/or covered with similar materials and use the latest stealth design features.

H. Nonreflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.

I. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7300 latest edition. This may include beacons, sidelights, and/or strobes.

J. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.

K. Uncamouflaged monopoles, slim-lined monopoles, and lattice structures shall be located no closer than one thousand feet apart. Camouflaged monopoles shall be located no closer than three hundred feet apart. Co-location is encouraged to minimize the number of antennas and towers in an area.

L. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything deemed to the appearance of the overall facility.

M. Landscaping may be required to further screen, aesthetically enhance, or blend the facility with adjacent natural features or development when deemed necessary by the approving authority to ensure compatibility with the surrounding area. (Ord. 4876 § 2, 2016; Ord. 4782 § 1, 2014; Ord. 4231 § 1, 2005)

## 17.59.040 Abandonment and removal.

Any wireless telecommunication facility not in the public right-of-way, including antennas, towers and satellite dish antennas, that are not operated for a continuous period of twelve months, shall be considered abandoned and the owner of such facility, or the property owner of the facility site shall remove the same within ninety

days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned facility within such ninety days shall be grounds to declare it a public nuisance and to cause such to be removed at the owner's or property owner's expense. This section shall not limit the city's remedies and city shall have all remedies available at law or equity. (Ord. 4876 § 2, 2016; Ord. 4231 § 1, 2005)

## Chapter 17.60 SIGNS\*

Sections:

17.60.010	Purpose.
17.60.020	Permits.
17.60.030	Comprehensive sign plans.
17.60.040	Sign area computations.
17.60.050	Sign location restrictions.
17.60.060	Sign development standards.
17.60.070	Specialized signs.
17.60.080	Exempt signs.
17.60.090	Prohibited signs.
17.60.100	Nonconforming signs.
17.60.110	Violation and abandonment.
17.60.120	Interpretation and enforcement.

\* Prior history: Ords. <u>2647</u>, <u>2674</u>, <u>2797</u>, <u>2887</u>, <u>2930</u>, <u>2953</u>, <u>2969</u>, <u>2979</u>, <u>3038</u>, <u>3074</u>, <u>3098</u>, <u>3231</u>, <u>3320</u>, <u>3378</u> and prior code §§ 17.54.010—17.54.170, 17.54.190—17.54.230.

### 17.60.010 Purpose.

The purpose of this chapter is to promote the growth of the city in an orderly and attractive manner and to provide standards to safeguard life, health, property and public welfare by regulating and controlling the type, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. The use of signs is regulated by zone. Their placement and physical dimensions are regulated primarily by type and length of street frontage. This chapter is not intended to, nor shall any of its provisions be construed to modify or repeal the Uniform Sign Code, Chapter <u>15.36</u> of this code, except as specified.

The sign regulations of this chapter are intended to accomplish the following results:

A. Protect and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs.

B. Promote and maintain healthy commercial centers and property values for effective identification and communication of the nature of goods and services and avoidance of wasteful and unsightly competition in signs.

C. Attract and direct persons to various activities and enterprises, in order to provide for public convenience.

D. Provide a reasonable system of sign control throughout the city.

E. Encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing.

F. Encourage a desirable urban character.

G. Enhance the economic value of the community and each area thereof through the reasonable regulation of such things as type, number, area, height, location and illumination of signs.

H. Encourage signs which are harmonious with adjacent land uses and to encourage architectural compatibility.

I. Reduce possible traffic and safety hazards through good signing.

J. Provide a reasonable amortization period for the removal of nonconforming signs.

K. Implement the objectives, policies and programs of the general plan. (Ord. 3586 § 2, 1994)

## 17.60.020 Permits.

A. *Permit Required*. No sign shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected, re-erected, installed, altered or otherwise permitted or maintained without first obtaining a permit from the building director in accordance with the requirements of this chapter and Chapter <u>15.36</u> of this code.

B. *Permit Not Required*. Regardless of subsection  $\underline{A}$  of this section, permits from the building director are not required for the following signs:

1. Real estate sales, rent, lease or open house; construction/home improvement, future facility use or tenant signs, and agricultural signs not exceeding sixteen square feet in area and six feet in height, placed on the property subject to such sign;

2. Changing of the advertising copy or message on a theater marquee, readerboard, menuboard, or similar such sign;

3. Repainting or cleaning of an outdoor advertising structure or changing the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;

- 4. Nonilluminated promotional window sign as regulated by the zone district in which it is located;
- 5. Garage/yard sale and estate sale signs, pursuant to the requirements of Section 17.60.060(B);
- 6. Noncommercial signs, pursuant to the requirements of Section 17.60.070(C);
- 7. Flags for model homes as regulated in the residential districts;
- 8. Nameplate, as regulated;
- 9. Signs that are exempt as specified in Section <u>17.60.080</u>;
- 10. Nonprofit special event signs subject to the provisions of Section <u>17.60.070(B)</u>;

11. Pole banners, pennants/streamers in compliance with the provisions of Sections 17.60.060(B)(4) and (5).

C. *Other Actions*. Uses permitted under conditional use permits, wall and landscape plans, zone changes, specific plans, and other such projects may include signage as part of and in accordance with the permit or project. The planning commission or city council may approve, deny, limit or grant modifications to such signage consistent with the provisions of this chapter. If a comprehensive sign plan is required as a condition of approval for such project, a separate application for said plan shall be required pursuant to Section <u>17.60.030</u>.

D. *Exceptions*. The building director may, in writing, grant exceptions to the following sign regulations provided it has been determined that strict application of the provisions of this chapter places an unnecessary hardship in satisfying the purposes of this chapter:

1. Reduction of the minimum sign setbacks or minimum distance between signs of not more than ten feet;

2. Signage on properties having no street frontage; provided, that any such sign permitted shall not exceed the regulations as delineated by the zone district in which they are located;

3. Additional on-site residential project identification signs, not to exceed two additional per project, or an increase in sign area of one residential identification project sign to sixty-four square feet;

4. An increase of a monument sign located within a commercial or industrial zone district to sixty square feet in area and twelve feet in height, provided the total number of monument signs per street frontage shall not exceed two signs and no pylon sign exists along that street frontage or will be permitted.

E. *Modification of Regulations Not Permitted*. Signs shall only be permitted provided they meet the regulations of the zone district in which they are located for that type of sign. With the exception of subsection  $\underline{D}$  of this section or Section  $\underline{17.60.030}$  regarding comprehensive sign plans, no waivers of, exceptions to, or modification of any regulation of this chapter shall be permitted.

F. *Fees.* The city may impose fees to offset the costs associated with permit administration and monitoring pursuant to Chapter <u>3.70</u> of this code. (Ord. 5020 § 22, 2020; Ord. 4953 § 2, 2018; Ord. 4712 § 1, 2012; Ord. 3870 §§ 1, 2, 1998; Ord. 3755 § 4, 1997; Ord. 3586 § 2, 1994)

## **17.60.030** Comprehensive sign plans.

The comprehensive sign plan is a program that may allow developers or business owners of a shopping/business center or other such project to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of this section to be used to request relief of the sign regulations in order to circumvent any requirements or purpose of this chapter.

A. *General Requirements*. Any person may file with the city a comprehensive sign plan application for only the following projects:

1. *Shopping/business center developments as defined in this title, including office and industrial complexes.* The application for the plan shall be signed by more than fifty percent of the property owners, not including royalty interests, of the real property constituting the center.

- 2. PCD (planned commercial development) projects.
- 3. Areas covered by a specific plan where signage was not identified in said plan.

4. Public and semi-public institutional projects.

5. Neighborhood/subdivision identification sign program. This program is limited to developments of one hundred acres or more that have frontage along an arterial and/or collector street of one-half mile or more.

B. *Condition of Project Approval*. Comprehensive sign plans may be required by the city council or planning commission as part of any project approval as specified in Section <u>17.60.020(C)</u>.

C. *Application Information*. Any comprehensive sign plan application shall be submitted to the planning department on a form provided by that department. Information submitted shall include, but is not limited to, location, size, height, color, lighting, number, visual effects, and orientation of all proposed and existing signs as they pertain to the comprehensive sign plan.

D. *Authority and Review*. The planning commission shall have the authority under the conditions provided in this chapter to permit the utilization of comprehensive sign plans and may approve signs that are more or less restrictive than the sign regulations set forth in this chapter.

1. All comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing before the planning commission at least ten days before hearing.

2. Exceptions to the sign regulations in this chapter may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this chapter and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.

3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.

4. The planning commission shall either approve, conditionally approve or disapprove the comprehensive sign plan at the public hearing. All decisions by the planning commission are final and conclusive.

5. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.

6. Where an application for a comprehensive sign plan has been denied by the planning commission, no reapplication or new application for the same or nearly the same such plan on the property shall be considered for a period of one year from the date of the decision. However, where a change has occurred which, in the discretion of the planning commission, indicates that the new application is significantly different and that reconsideration would serve the public interest, this time period may be waived provided the planning commission makes such a finding.

7. The planning director may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

E. *Future Signs*. A comprehensive sign plan may be approved where signs for satellite pads or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of the C-1 zone district.

F. *Existing Signs as Part of a Comprehensive Sign Plan.* If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

G. *Permits Prohibited Until Decision Rendered*. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.

H. *Withdrawal of Plan.* An approved comprehensive sign plan may be withdrawn by the applicant provided:
(1) it is not required as a condition of project approval;
(2) no signs have been installed pursuant to such plan;
(3) all signs installed since approval of said plan comply with the requirements of the zone district in which they are located; or (4) all signs in the center or project comply with the provisions of the zone district in which they are located. The withdrawal shall be submitted in writing to the planning department.

I. *Binding Effect.* After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this chapter. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this chapter, the approved plan shall control. (Ord. 5020 § 23, 2020; Ord. 4729 § 2, 2013; Ord. 4489 § 2, 2008; Ord. 3586 § 2, 1994)

## **17.60.040** Sign area computations.

The following criteria shall control the computation of sign area and sign height:

A. *Area of Individual Signs (Single Face).* The area of a sign face, which is also the area of a wall sign or other sign with only one face, shall be computed by means of the smallest measurable polygon that will encompass the extreme limits of the writing, representation, emblem, color, logo, or other display, together with any material or color forming an integral part of the background of the display, or used to differentiate the sign from the background or structure against which it is placed. If a sign is composed of individual letters or symbols with no added decoration, the total sign area shall be calculated by measuring the area of each individual letter and/or symbol; the combined areas shall be the total sign area.

B. *Area of Multifaced Signs*. The sign area for a sign with more than one face shall be computed by adding together the area of a single sign face pursuant to subsection  $\underline{A}$  of this section. When sign faces are placed back to back or in a way that only one face can be viewed from any point, and when such sign faces are part of the same structure and are not more than two feet apart, the total sign area shall be computed by measuring one of the faces if they are all of equal area or the largest face if they are of unequal area.

C. *Structural Support Area.* The area of a sign does not include any supporting framework, bracing or other support, whether or not it has been architecturally treated, provided said support does not exceed twenty-five percent of the allowable sign area for a pylon sign, and fifty percent of the allowable sign area for a monument sign. If the support area exceeds these percentages, any excess shall be computed as part of the total sign area.

D. *Sign Height*. The height of a sign shall be computed as the distance from the base of the sign including any of its structural support, at grade as defined in this title, to the top of the highest component of the sign. (Ord. 3586 § 2, 1994)

## **17.60.050** Sign location restrictions.

A. Signs shall not be placed on any curb, sidewalk, post, pole, light standard, hydrant, bridge, tree or other surface located on public property, and shall not be located within, over or across any public right-of-way or public parkway including street median islands, except as may otherwise be authorized by this chapter. These restrictions do not apply to signs by a public agency that identify public facilities; such signs shall be subject to the zone district in which the facility is located. Any such sign hereby prohibited constitutes a nuisance, and shall not become a legal nonconforming sign.

B. Signs shall not be permitted near the intersection of any street, pedestrian crosswalks, alley or any vehicle access in such a manner as to obstruct free and clear vision of motor vehicle operators, or at any location where

by reason of its position, shape, illumination or color, it may interfere with or be confused with any authorized sign, signal or device, or which makes use of a work, symbol, phrase illumination, shape or color in such a manner as to interfere with, mislead or confuse traffic. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

C. Permanent freestanding signs, except monument and directional signs, shall be prohibited in the following areas:

1. The Truxtun Avenue corridor between the west right-of way line of State Highway 99 and the east right-of-way line of Coffee Road, a width of five hundred feet from the right-of-way of Truxtun Avenue or between the north right-of-way line of the Cross Valley Canal and the south right-of-way line of the Carrier Canal/Santa Fe Railroad, whichever distance is greater;

2. Along or within one thousand feet of the right-of-way of State Highway 178 east of Oswell Street, commencing at a point five hundred feet east of the centerline of Oswell Street;

3. Along or within one thousand feet of the right-of-way of Alfred Harrell Highway;

4. Along or within one thousand feet of the right-of-way of Stockdale Highway west of the Arvin-Edison canal;

5. Along or within one thousand feet of the right-of-way of Panorama Drive;

6. Along or within one thousand feet of the right-of-way of the Westside Parkway from State Highway 99 to its western terminus.

A map delineating these corridors prohibiting freestanding signs is shown at the end of this chapter. (Ord. 4729 § 3, 2013; Ord. 4489 § 3, 2008; Ord. 3870 § 3, 1998; Ord. 3586 § 2, 1994)

## **17.60.060** Sign development standards.

A. *General Regulations*. The following provisions shall apply to all signs unless otherwise stated in this chapter:

1. Signs or their supporting members shall not be erected, altered, relocated, or maintained so as to interfere with or restrict access to a window or other opening in a building in such manner as to limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door,

ventilator or window, or similar opening. Any such sign constitutes a nuisance and shall not become a legal nonconforming sign.

2. All signs shall be constructed, installed and maintained to structurally comply with all applicable requirements of the Building Code and Uniform Sign Code, as adopted and amended by the city. Those signs incorporating electrical components shall be constructed and maintained to also comply with the Electrical Code as adopted by the city.

3. Where signs are permitted to be illuminated, the following regulations shall apply:

a. Floodlighting is permitted only when such lighting is installed on private property or property maintained by a maintenance district, and is hooded or shielded so that the light source is not a nuisance or detrimental to persons viewing such area, nor affect or interfere with vehicular traffic, pedestrians, or adjacent properties in any manner.

b. Outlining of a building by means of exposed neon tubing is permitted only where the amperage does not exceed thirty milliamperes. Outlining of a building by means of exposed incandescent lighting is permitted if the wattage does not exceed forty watts per bulb and the units of lights forming the line marking the outer limits or edges of a building, or window or roof of a building, are at least two feet apart.

c. Exposed bulbs forming a part of a sign are permitted, provided they do not exceed fifteen watts per bulb; signs in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts may be allowed up to forty watts per bulb. Neon signs shall not exceed thirty milliamperes. Bulbs providing indirect lighting not visible from off the premises of the sign are not subject to this subsection. Exposed reflector-type lamps forming part of a sign or used to illuminate a sign are prohibited in all instances.

d. Flashing signs are only permitted in the C-2, C-C, C-B, M-1, M-2 and M-3 zone districts and shall not exceed a total of sixty milliamperes for neon signs, and ten watts for incandescent signs.

e. Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, cathode ray tubes (CRTs), plasma, or other such lighting devices, shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions, and ensure that the sign is visible but not excessively bright to adversely affect motorists or nearby residents.

4. Placards or posters advertising special community events are permitted as window signs or on public bulletin boards.

5. Public service signs may contain or include trade or professional name identification and logo only.

6. Theater marquee signs are permitted pursuant to the regulations of the Uniform Sign Code as adopted and amended by Chapter 15.36 of this code.

7. Permitted signs for a particular street frontage of a parcel may not be combined with that allowed for another street frontage for the purpose of placing the combined area of signs on one street frontage.

8. Any commercial sign which does not identify or advertise the occupant of a building, lot or premises, or relate to any merchandise or to any business or other activity available or being conducted at the building, lot or premises where the sign is located, except outdoor advertising signs and subdivision directional signs, is prohibited; however, in each instance and under the same conditions under which this chapter permits a sign, a sign containing copy with ideological, political, or other noncommercial message and constructed subject to the standards of the zone district in which it is located shall be permitted.

9. Persons owning or controlling any sign shall keep such sign, together with all supports, braces, guys and anchors in good repair and in proper state of preservation at all times. Signs shall be fully operational and present a satisfactory appearance in regard to painting, cleaning, broken faces, electrical outages, landscaping, or anything deemed related to the appearance of the sign.

10. Any sign structure, can, supports, anchors or other related component of a sign that will not be utilized due to new signs being permitted shall be removed prior to any new sign being installed.

B. *Regulations by Zone District—Sign Matrix.* The following tables identify the signs permitted in each zone district. In addition to the following regulations, all signs shall be in compliance with all other provisions of this chapter:

1. Signs permitted in the residential and agricultural/open space zone districts (R, E, A, OS, MH, TT, FP-P, DI zones):

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Nameplate	Wall or door	1 per residence	1 sq. ft.	Below roofline	Yes	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be attached to and parallel with the front wall or front door.</li></ul>	Shall identify only the name and/or street address of the occupant.
b. Apartment ID (over 4 units)	Wall or monument	1 per street frontage	32 sq. ft. each	20 ft. for wall sign and 6 ft. for monument sign Note: Wall signs may exceed the height max. if building is 3 or more stories per skyline sign standards.	Yes	Setbacks: - 10 ft. from interior property lines - 0 ft. from street rights-of- way	<ul> <li>a. Copy limited to project name and address only.</li> <li>b. Signs shall not be internally lighted.</li> <li>c. Building wall sign shall not exceed a horizontal length greater than 70% of the linear frontage elevation that sign is placed.</li> <li>d. If skyline signs are utilized, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>
c. Neighborhood Subdivision ID (includes parks)	Subdivision wall or monument	2 per major entrance not to exceed signs at 2 entrances	32 sq. ft. each	6 ft.	Yes	Signs shall be located at the entrances where arterial and/or collector streets intersect with local streets into the development.	a. Copy limited to project/neighborhood name only; use of developer/subdivider name or logo, or commercial advertising is prohibited.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							b. City parks div. shall approve of all material used in the sign to assure continued maintenance.
d. Temporary						<u> </u>	
Signs							
i. Residential Project ID (on-site)	Freestanding	2 per subdivision (multiple phases of a tract shall be considered a single subdivision)	32 sq. ft.	12 ft.	No	Shall be within the subdivision or project. Signs shall be prohibited on lots developed with residences.	<ul> <li>a. Limited to new projects only.</li> <li>b. Copy may include direction to model homes/sales office, the developer/builder's name, logo, prices, and any other information related to home sales.</li> <li>c. All signs shall be removed within 30 days after the initial sale/rent of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time extensions not to exceed 1 year each if necessary to complete all sales.</li> </ul>
ii. Residential Sub/Project Directional (off- site)	See Section <u>1</u>	 7.60.070(A).			<u> </u>		<u> </u>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
iii. Real Estate (sales, rent, lease)	Freestanding	1 per parcel	6 sq. ft.	6 ft.	No	<ul> <li>a. Shall be on premises</li> <li>being sold, rented or leased.</li> <li>b10 ft. from interior</li> <li>property lines.</li> <li>- 0 ft. from street rights-of-way.</li> </ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
iv. Real Estate (open house)	Freestanding	6 per residence (1 on-site, 5 off-site directional)	3 sq. ft.	6 ft.	No	Off-site directional signs shall not be located more than 1 mile from the open house.	<ul> <li>a. The maximum duration of the use of these signs shall not exceed 3 consecutive days each week.</li> <li>b. Use of A-frame signs is permitted provided they are not located in the public-right-of-way or maintained parkway/landscape area.</li> <li>c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.</li> </ul>
v. Garage, Yard and Estate Sales	Freestanding	2 per residence (1 on-site, 1 off-site)	3 sq. ft.	6 ft.	No	Off-site sign shall not be placed within right-of-way and shall not be affixed in any manner to any utility pole, street sign, fence, etc.	<ul><li>a. No property shall be allowed signage for more than 2 sales per calendar year.</li><li>b. The maximum duration of the use of these signs shall not exceed 3 consecutive days.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							c. Balloons, pennants, streamers and banners may be used in conjunction with on-site signs but not off-site signs.
vi. Construction/Home Improvement	Freestanding	1 per project or residence	4 sq. ft.	6 ft.	No	a. Shall be on premises. b. Shall be set back 10 ft. from all property lines.	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
vii. Future Use	Freestanding	1 per undeveloped parcel	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with existing zoning and may include ownership ID.</li><li>b. Sign shall be removed upon initial occupancy of site or building.</li></ul>
viii. Model Home/Tract Sales Office	Freestanding and flags	Signs: 1 per sales office 1 per model home Flags:	Sales office: 24 sq. ft. Model home: 8 sq. ft. Flag: 15 sq. ft.	Sales office: 8 ft. Model home: 4 ft. Flag:	No	Signs for sales office and model homes shall be located on the lot containing said office or model. Flags may be located anywhere on the project site where the new homes are being constructed for appropriate identification of the project, model homes or	<ul> <li>a. Limited to new projects only.</li> <li>b. Copy limited to name of development and/or company name/logo.</li> <li>c. All flags shall be removed within 30 days after the initial sale of the last unit in the project/subdivision tract, or 2 years after recordation of the final map, whichever occurs first. The director may grant up to 2 time</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
		20 per subdivision		25 ft. (pole height)		sales office, provided they are not located within any street right-of-way or public parkway. Flags shall be prohibited on developed lots with occupied residences or lots not owned by the builder/developer advertising on said signs.	<ul> <li>extensions not to exceed 1 year each if such flags are necessary to complete all sales.</li> <li>d. Signs shall be removed when model home is sold, sales office closed, or per subsection c above, whichever occurs first.</li> <li>e. Special event permits are not required for balloons (as limited per Section 17.60.070(B)(3)) or banners 6 ft. or less in height if only used on Saturdays and Sundays.</li> </ul>
ix. Special Event	See Section <u>1</u>	7.60.070( <u>B</u> ).	L	L			
x. Noncommercial	See Section <u>1</u>	7.60.070(C).					
e. Agricultural Products	Freestanding	1 per parcel	32 sq. ft.	8 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Shall be set back 10 ft.</li><li>from property lines, except</li><li>those fronting public streets</li><li>where no setback is</li><li>required.</li></ul>	<ul><li>a. Copy limited to products produced on the property or agricultural related affiliation, and may also include name of owner.</li><li>b. Sign is only permitted in the A and R-S zone districts.</li></ul>
f. <u>Churches</u> <u>Religious</u> <u>institutions</u> and Schools	Uses are subje	ect to the <del>CH (c</del>	hurch) combini	i <del>ng zone-</del> sign s	tandards pursua	nt to Section <u>17.60.060(B)(6)</u>	I <u>(C)</u> .

2. Signs permitted in the C-O (professional and administrative office) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the	e residential sign	n standards purs	suant to Section	n <u>17.60.060(B)</u> (	(1).	<u> </u>
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business's elevation sign is located or 100 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business's elevation sign is located or	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

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Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
			32 sq. ft., whichever is less.				
	Pylon or monument	4 per street frontage (see Remarks for additional monument signs)	32 sq. ft. each	8 ft.	Yes	<ul> <li>a. Setbacks</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights-of- way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>a. Business or center is limited to use of either pylon or monument.</li> <li>b. Business or center name is limited to being listed on only one sign per street frontage.</li> <li>c. If center name incorporates the name of an on-site business in any form, said name shall not be allowed on other sign per item b.</li> <li>d. One additional sign per street frontage is permitted that only identifies the center.</li> <li>e. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.</li> </ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 15 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by the public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only, not public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft. each	10 ft.	Yes	Wall only	<ul><li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li><li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li></ul>
d. Temporary Sign	S						·,
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Shall be set back 10 ft.</li><li>from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (2)(b).</li> <li>b. Area limitation does not include business identification under (2)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained for a reasonable time during a holiday season.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.		on-site light poles.	<ul><li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li><li>Business name/logo is limited to a maximum of 25% of the banner area.</li></ul>
v. Special Event	See Section <u>1</u>	7.60.070( <u>B</u> ).					
vi. Noncommercial	See Section <u>1</u>	7 <u>.60.070(C)</u> .					

3. Signs permitted in the C-1 (neighborhood commercial) zone district:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to res	idential sign sta	indards pursuar	nt to Section <u>17</u>	7.60.060(B)(1)		
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 150 sq. ft., whichever is less. Non-street elevations: 0.5 sq. ft. per linear foot of the business' elevation sign is located or 75 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Sign shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

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Sign Type Sign	n Style	aximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	lon or Pylo nument	on: ]		Pylon:	Yes	a. Setbacks:	a. Business is limited to either pylon or monument signs; however if center
	fr Mon 4 p fr (see Rem	nument: per street frontage e narks for litional	Monument:	25 ft. Monument: 8 ft.		<ul> <li>25 ft. from interior property lines</li> <li>(not part of a center)</li> <li>0 ft. from street rights-of- way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>identification is provided on a pylon then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage.</li> </ul>

Sign Typ	e Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decoration maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/ menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> <li>c. Minimum 1 ft. between signs.</li> </ul>	Copy limited to indicating prices, merchandise, or services offered; official public services provided on premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	a. Copy shall be limited to business/tenant name.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							b. Sign is limited to loading entrance only that is not the business' public entrance.
c. Building ID (multiple buildings on site) d. Temporary Sign	Wall	1 per building	10 sq. ft.	10 ft.	Yes	Wall only.	<ul><li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li><li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li></ul>
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	a. Shall be on premises. b. Sign shall be set back 10 ft. from property lines.	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back 10</li><li>ft. from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (3)(b).</li> <li>b. Area limitation does not include business identification under (3)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u>.</li> </ul>
	Pole banners	4 per light pole (2 on each side of pole, back to back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
v. Special Event	See Section <u>17</u>	7.60.070(B).					

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Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
vi. Noncommercial	See Section 17	7.60.070( <u>C)</u> .		<u>.</u>	· · · · · · · · · · · · · · · · · · ·		

4. Signs permitted in the C-2 (regional commercial) and manufacturing (M-1, M-2, M-3) zone districts:

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the residential	sign standards	pursuant to Sec	ction <u>17.60.06</u>	<u>)(B)(1)</u> .		·
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Street elevations: 2 sq. ft. per linear foot of the business' elevation sign is located or 250 sq. ft., whichever is less. Non-street elevations: 1 sq. ft. per linear foot of the business' elevation sign is located or 125 sq. ft.,	30 ft. Note: Wall signs may exceed the height maximum if building is more than 3 stories per skyline sign standards.	Yes	Signs shall not project above roofline of building.	<ul> <li>a. Each business shall be entitled a minimum of 16 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
			whichever is less.				
	Pylon or monument	<ul> <li>Pylon:</li> <li>1 per street frontage if pylon;</li> <li>Monument:</li> <li>4 per street frontage if monument.</li> <li>(see Remarks for additional signs)</li> </ul>	Pylon: 250 sq. ft. Monument: 32 sq. ft. each.	Pylon 35 ft. Monument 8 ft.	Yes	<ul> <li>a. Setbacks:</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights- of-way.</li> <li>b. Minimum 50 ft. between signs.</li> <li>c. 100 ft. from existing outdoor advertising structures.</li> </ul>	<ul> <li>a. Business is limited to either pylon or monument signs; however if center identification is provided on a pylon then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign,</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							<ul><li>then 1 for each 200 ft. of additional frontage along that street.</li><li>g. Centers with over 1,000 ft. of street frontage are allowed 1 additional pylon sign along that street; a minimum of 300 ft. shall be maintained between pylon signs.</li></ul>
	Window	1 per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul> <li>a. Shall not be portable.</li> <li>b. Shall not be placed or maintained upon any sidewalk area.</li> <li>c. Minimum 1 ft. between signs.</li> </ul>	Copy limited to indicating prices, merchandise, or services offered; official public services provided on-premises; credit cards honored; directions to customers; and like matters. Use of streamers, pennants and banners are prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance.	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only that is not the business' public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only	<ul> <li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li> <li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li> <li>c. See Section <u>17.60.070(F)</u> if building ID sign is proposed as a skyline building sign.</li> </ul>
d. Temporary Sign	S						
i. Real Estate	Freestanding, wall or window	1 per saleable or leasable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or</li><li>leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertise the sale, rent or lease and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Sign shall be set back</li><li>10 ft. from property lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>b. Sign shall be set back</li><li>10 ft. from property lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	<ul> <li>a. Copy limited to promoting merchandise, services, sales, etc., of business activity.</li> <li>Business identification is prohibited except as permitted under (4)(b).</li> <li>b. Area limitation does not include business identification except as permitted under (4)(b).</li> <li>c. Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section 17.60.080(R).</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks	
	Pole banners	4 per light pole (2 on each side of pole, back- to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.	
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.	
v. Special Event	See Section <u>17.60.070(B</u>	<u>)</u> .	I		I	L		
vi. Noncommercial	See Section <u>17.60.070(C)</u> .							
e. Outdoor Advertising (billboard)	See Section <u>17.60.070(E</u>	<u>)</u> .						

5. Signs permitted in the C-B (central business) and C-C (commercial center) zone districts shall be subject to the C-2 sign standards pursuant to Section 17.60.060(B)(4), except as follows:

a. Agricultural uses permitted by the planning director under Section 17.26.011(B) shall be subject to the residential and agriculture/open space sign standards pursuant to Section 17.60.060(B)(1).

6. Signs permitted where there are overlay or combination zones (P, CH, HOSP, AD, AA, FP-S, SC, PE) shall be subject to the sign standards of the underlying zone district unless otherwise permitted as follows:

a. Signs within the FP-S (floodplain secondary) zone where it is not used as an overlay or combining zone shall be subject to the residential sign standards pursuant to Section 17.60.060(B)(1).

b. Signs within the P (automobile parking) zone where it is not used as an overlay or combining zone shall be subject to the same standards which are applicable to the adjacent zone where the parking use is incidental to and intended to serve the use in such adjacent zone.

c. <u>Religious institutions.</u> Within the CH (church) combining zone, churches, sanctuaries and Sunday schools shall, i<u>I</u>n addition to that permitted by the residential sign standards pursuant to Section <u>17.60.060(B)(1)</u>, shall be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.

d. Within the HOSP (hospital) zone, hospitals, sanitariums, rest homes, convalescent homes, maternity homes and homes for the aged shall, in addition to that permitted by the residential sign standards pursuant to Section 17.60.060(B)(1), be allowed one illuminated or nonilluminated monument sign for each street frontage not to exceed an area of thirty-two square feet and a height of eight feet; and one illuminated or nonilluminated wall sign for each street frontage not to exceed an area of thirty-two square feet and a height of twenty feet. Monument signs shall be set back twenty-five feet from all adjacent property lines. There shall be no setback of any sign from property lines fronting a public street.

7. Signs permitted in the PUD (planned unit development) and PCD (planned commercial development) zone districts:

a. Residential development shall be subject to the residential sign standards pursuant to Section 17.60.060(B)(1) unless otherwise conditioned by the planning commission or city council.

b. Commercial development shall be subject to the C-1 sign standards pursuant to Section 17.60.060(B)(3) unless otherwise conditioned by the planning commission or city council.

c. When a PCD or PUD zone is used as a combining zone, the sign regulations for the base zone shall apply unless otherwise conditioned by the planning commission or city council.

8. Signs permitted in the Bakersfield auto mall area shall be permitted as follows regardless of the underlying zone district:

(a map delineating the area these regulations apply to is shown at the end of this chapter)

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
a. Residential Uses	Subject to the residential	sign standards	pursuant to Se	ction <u>17.60.06</u>	<u>)(B)(1)</u> .		
b. Business ID	Wall	No limit; total combined area of all signage shall not exceed the maximum area per elevation.	Each building elevation: 2 sq. ft. per linear foot of the business' elevation sign is located or 450 sq. ft., whichever is less.	30 ft. Note: Wall signs may exceed the height maximum if building is 3 or more stories per skyline sign standards.	Yes	Sign shall not project above the roofline of the building.	<ul> <li>a. Each business shall be entitled a minimum of 50 sq. ft. of wall signage per elevation.</li> <li>b. Sign shall not exceed a horizontal length greater than 70% of the linear business frontage.</li> <li>c. If skyline building signs are proposed, such signs as well as all other wall signs shall be subject to Section <u>17.60.070(F)</u>.</li> </ul>
	Pylon or monument	<ul> <li>Pylon:</li> <li>2 per street frontage</li> <li>Monument:</li> <li>4 per street frontage</li> <li>(see Remarks for</li> </ul>	Pylon: 300 sq. ft. Monument: 32 sq. ft. each.	Pylon: 50 ft. Monument: 8 ft.	Yes	<ul> <li>a. Setbacks:</li> <li>25 ft. from interior property lines (not part of a center).</li> <li>0 ft. from street rights- of-way.</li> <li>b. Minimum 50 ft. between signs.</li> </ul>	<ul> <li>a. Business is limited to either pylon or monument signs; however if center identification is provided on 1 pylon and there is no 2nd pylon, then monuments are permitted.</li> <li>b. Business or center name is limited to being on only 1 sign per street frontage.</li> <li>c. Pylon sign that does not have a minimum clearance of 8 ft. from the ground to the bottom of the sign face shall not exceed the</li> </ul>

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
		additional signs)				c. 100 ft. from existing outdoor advertising structures.	<ul> <li>maximum height and area of a monument sign.</li> <li>d. If the center name incorporates the name of an on-site business in any form or variation, said business shall not be allowed on other signs per item b.</li> <li>e. See Section <u>17.60.070(D)</u> for pylon sign requirements if proposed as a freeway oriented sign.</li> <li>f. Centers with over 500 ft. of street frontage are allowed 1 additional monument sign, then 1 for each 200 ft. of additional frontage along that street.</li> </ul>
	Window	l per street frontage	8 sq. ft.	Below 2nd floor or 10 ft., whichever is less.	Yes	Ground floor windows only.	Area limitation and location does not apply to customary noncommercial holiday decorations maintained pursuant to Section <u>17.60.080(R)</u> .
	Readerboard/menuboard (wall or freestanding)	2 per business	32 sq. ft. each	12 ft.	Yes	<ul><li>a. Shall not be portable.</li><li>b. Shall not be placed or maintained upon any sidewalk area.</li></ul>	Copy limited to indicating prices, merchandise or services; official public services provided on premises; credit cards honored; directions to customers; and like

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
						c. Minimum 1 ft. between signs.	matters. Use of streamers, pennants and banner is prohibited.
	Shingle	1 per elevation	6 sq. ft.	7 ft. min. ground clearance	Yes	Shall be at entrance(s) utilized by public during business hours.	Sign shall be oriented for sidewalk pedestrian traffic perpendicular to the store front.
	Nameplate (wall or door)	1 per loading entrance	2 sq. ft. each	6 ft.	No	Adjacent to or on door of loading entrance of each tenant.	<ul><li>a. Copy shall be limited to business/tenant name.</li><li>b. Sign is limited to loading entrance only that is not the business' public entrance.</li></ul>
c. Building ID (multiple buildings on site)	Wall	2 per building	10 sq. ft.	10 ft.	Yes	Wall only.	<ul> <li>a. Illumination shall be indirect or backlit; internal lighting is prohibited.</li> <li>b. Copy shall pertain only to the name of the building to assist in providing direction to the public, commercial name/advertising copy is prohibited.</li> <li>c. See Section <u>17.60.070(F)</u> if building ID sign is proposed as a skyline building sign.</li> </ul>

d. Temporary Signs

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
i. Real Estate	Freestanding, wall or window	1 per saleable or leaseable space	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises</li><li>being sold, rented or</li><li>leased.</li><li>b. Shall be set back 10 ft.</li><li>from all property lines.</li></ul>	<ul><li>a. Copy shall pertain to advertising the sale, renting or leasing and not for the purpose of commercial advertising of a business.</li><li>b. Signs shall be removed within 10 days after the sale, lease or exchange has been completed.</li></ul>
ii. Construction	Freestanding	1 per project facing street	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back</li><li>10 ft. from all property</li><li>lines.</li></ul>	<ul><li>a. Copy limited to type of construction occurring on site and name of company including logo.</li><li>b. Sign shall be removed within 10 days after completion of project.</li></ul>
iii. Future Facility, Use or Tenant	Freestanding, wall or window	1 per street frontage	32 sq. ft.	12 ft.	No	<ul><li>a. Shall be on premises.</li><li>b. Sign shall be set back</li><li>10 ft. from all property</li><li>lines.</li></ul>	<ul><li>a. Copy limited to identify future use consistent with zoning, or future occupancy and may include ownership identification.</li><li>b. Sign shall be removed upon occupancy of building or site.</li></ul>
iv. Promotional	Window	Allowed on up to 3 building elevations	40% of window area per building elevation	Below 2nd floor or 10 ft., whichever is less	Yes	Ground floor windows only.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business identification is prohibited except as permitted under (8)(b).

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
							<ul> <li>b. Area limitation does not include business identification except as permitted under (8)(b).</li> <li>c. Area limitation and location does not</li> </ul>
							apply to customary noncommercial holiday decorations maintained pursuant to Section $17.60.080(R)$ .
	Pole banners	4 per light pole (2 on each side of pole, back- to-back)	30 in. wide x 96 in. tall (each)	Cannot extend above the top of the light pole.	Yes	Only allowed on permanent on-site light poles.	a. Copy limited to promoting merchandise, services, sales, etc., of business activity. Business name/logo is limited to a maximum of 25% of the banner area.
	Pennants/streamers	2 strands	Each strand cannot exceed a height of 18 in.	Cannot extend above the roof of a building or top of the light pole.	No	May only be placed around the perimeter of the area approved for outdoor sales.	Text or copy is prohibited. Pennants/streamers may include single or multiple colors, metallic hulas, and flags.
v. Special Event	See Section <u>17.60.070(B</u>	<u>)</u> .	I		I		
vi. Noncommercial	See Section <u>17.60.070(C</u>	<u>)</u> .					

Sign Type	Sign Style	Maximum Number	Maximum Area	Maximum Height	Illumination Allowed?	Location Restrictions (also see Section <u>17.60.050</u> )	Remarks
e. Outdoor Advertising (billboard)	See Section <u>17.60.070(E</u> )	).					

(Ord. 4953 § 3, 2018; Ord. 4938 § 5, 2018; Ord. 4729 §§ 4—8, 2013; Ord. 4715 § 1, 2012; Ord. 4658 § 1, 2011; Ord. 4605 § 1, 2009; Ord. 4543 § 2, 2008; Ord. 4489 §§ 5, 6, 2008; Ord. 4384 § 1, 2006; Ord. 4306 § 1, 2006; Ord. 3964 § 45, 2000; Ord. 3870 §§ 4, 5, 1998; Ord. 3755 § 2, 1997; Ord. 3624 § 1, 1995; Ord. 3586 § 2, 1994)

# 17.60.070 Specialized signs.

A. *Off-Site Residential Subdivision/Project Directional Kiosk Sign Program.* The following is intended to provide for the administration of a uniform, coordinated sign program of kiosks that offer developers of new residential subdivisions means of providing direction to their projects. The kiosk signs will minimize confusion among prospective purchasers of new homes to find those developments, promote traffic safety by removing competing signs from busy streets, and reduce visual blight of incompatible sign types in residential neighborhoods. No such off-site directional sign other than those in conformance with this chapter shall be erected or maintained within the city.

1. Requirements for Directional Kiosks.

a. Kiosks shall be permitted in all zone districts except on a lot developed with a single-family-unit residence. They may be permitted on private land or public right-of-way that is maintained by the property owner provided the property owner's permission has been granted in writing. Signs may also be permitted within the public right-of-way or parkway that is maintained by the city of Bakersfield or as contracted by the city subject to approval and issuance of an encroachment permit by the city. All other location restrictions in Section <u>17.60.050</u> shall remain in full force and effect.

b. Kiosks shall be constructed of wood or similar product with individual panels provided for placement of subdivision or project names and direction.

c. Kiosk locations shall be approved by the building director or appointed designee. A kiosk shall not be placed closer than one thousand feet from an existing kiosk or approved site where a kiosk is to be constructed. The building director or appointed designee may reduce the distance between kiosks where:

i. Kiosks are located at different corners of an intersection and face different directions.

ii. The street intersection where the kiosk is proposed is less than one thousand feet away from a street intersection that contains a kiosk and it is necessary to provide direction to subdivisions or projects to which that street provides the most direct or only access. iii. Kiosks (two maximum) are necessary to be placed adjacent to one another because the number of subdivisions or projects that are being identified exceeds the number of panels allowed on one kiosk.

d. Architectural design, color, letter style, and any other design elements of the kiosk shall be approved by the planning commission and city council. All kiosks and other off-site residential directional signs allowed by Section 17.60.060(B)(1)(d)(ii) that are installed within the city limits shall be in accordance with adopted design criteria.

e. Kiosks shall not exceed a height of twelve feet and a width of six feet. When a kiosk is sited immediately adjacent to a residential development, it shall not exceed a height of eight feet. An individual panel shall be limited to a maximum width of six feet and a height of ten inches. No more than eight individual name panels shall be permitted on a kiosk.

f. Kiosks may have more than one face. Multiple faces are encouraged where the kiosk can be sited to serve traffic traveling in opposite directions, or where it would reduce the amount of kiosks needed to provide adequate direction to residential subdivisions. Multiple faced kiosks shall be approved by the building director or appointed designee.

g. A name panel shall be limited to a single line of text that may contain only the subdivision, project, builder or developer's name, or combination thereof. All panels shall include a direction arrow pointing in the direction of the identified project. Name panels shall conform to all design elements as approved in accordance with subsection (A)(1)(d) of this section.

h. Tag signs, streamers, banners, balloons, devices, display boards, or other appurtenances shall not be added, placed upon or erected adjacent to or within a one-hundred-foot radius of any existing kiosk.

i. Kiosks shall not be illuminated.

j. Kiosks shall not obstruct the use of sidewalks, walkways, bicycle or hiking trails, and shall not obstruct the free and clear vision of motor vehicle operators, cyclists, pedestrians, or visibility of traffic control signs and lights as determined by the public works director or appointed designee.

k. Kiosks shall be set back a minimum of twenty-five feet from side and rear property lines. No setback shall be required from street frontages or those kiosks located within public rights-of-way.

#### 2. Permits.

a. Any builder or developer of a new recorded residential subdivision which contains approved lots or homes which have never been sold, may apply for a permit to install a kiosk or to place a name panel on an existing kiosk to provide direction to their subdivision.

b. Applications for a kiosk or name panel (including name changes to an existing name panel) shall be made on forms provided by the building director or appointed designee, be signed under penalty of perjury by the applicant, and shall require at minimum, the following information:

i. The name, mailing address, title, telephone number of the property owner, subdivider and developer/builder of the specific development;

ii. The name and location of the specific development;

iii. A plot plan showing the exact location of the proposed kiosk, or the existing kiosk(s) where the panel(s) will be attached;

iv. A statement that the development contains approved lots or new homes which have not yet been sold;

v. If the permit is for a new name panel or a name change to an existing name panel, the copy proposed for the panel;

vi. If the permit is for a new kiosk that is proposed to be located within a public road right-ofway, a copy of the approved encroachment permit issued by the city of Bakersfield public works department.

c. The building director or appointed designee may issue a permit if:

i. The application is complete and truthful;

ii. The applicant is the permit or entity selling new lots or new homes;

iii. The development is located entirely within the Metropolitan Bakersfield 2010 General Plan area;

iv. The kiosk or panel meets all of the design criteria within this section;

v. The permit is for a name panel and available space exists on the kiosk(s); or if there is no space available, the applicant has agreed to be placed on a waiting list for future placement on a kiosk(s);

vi. If the permit is for a kiosk, the location criteria in this section has been satisfied;

vii. Appropriate fees have been paid.

3. Program Administration.

a. The city may delegate portions of or the entire administration of the directional kiosk program to another entity by contract that includes, but is not limited to, installation and maintenance of kiosks, and issuance of permits for kiosks and name panels.

b. Kiosks and sign panels permitted in accordance with this section shall be continuously maintained in good condition by the permit holder. Upon approval by the city, sign maintenance may be assumed by a responsible party other than the permit holder.

c. Kiosks shall be sited based on demand and where they will provide the best direction to residential subdivisions where homes/lots are being sold.

d. Sign panels shall be available to all developments selling new homes on a first-come first-served basis. Sign panels shall be placed on a kiosk beginning with the highest position on the kiosk and progressing downward. Panels shall be grouped based on the direction of travel with the priority of placement from top to bottom as follows:

- i. Left turn;
- ii. Right turn;
- iii. Straight ahead.

e. Waiting lists shall be established for each kiosk (existing or proposed) for new name panels on a first-come first-served basis of applications that have met the requirements of subsection (A)(2)(c) of this section.

f. When a panel name is changed or a panel is removed from a kiosk, all lower panels within each directional group as defined in subsection (A)(3)(d) of this section shall be moved upwards so that any new panel is placed on the bottom of its respective directional group on the kiosk.

g. All panel changes shall be approved by the building director or appointed designee through the permit process.

h. A specific project or builder is limited to one panel for each kiosk. Multiple panels shall not be combined to identify or provide information regarding the same specific project or builder. There shall be no limit on the number of kiosks on which a specific project may be identified.

i. Within ten days after selling the last lot or home or within two years after recordation of the final map for the subdivision of which the project is located, whichever occurs first, panel signs that identify said project shall be removed from all kiosks. Two extensions of time may be granted by the administrator of the kiosk program not to exceed one year for each request if the extension is needed to complete any sales in that project. If administration of the program is delegated to an entity other than the city and that entity denies the extension, the permit holder may appeal the denial within five days of the decision in writing to the building director. The building director shall render a decision on the appeal within ten days of receiving the appeal which shall be final and conclusive.

- j. Any kiosk shall be completely removed by the permittee whenever any of the following occur:
  - i. The kiosk is no longer needed at the location;

ii. The permittee has been notified by the city of Bakersfield public works department to remove or relocate the kiosk on the basis of public safety or necessity, or because of planned road improvements.

k. For any kiosk erected within the public road right-of-way, a performance bond in an amount sufficient to remove the structure shall be approved by and posted with the city of Bakersfield public works department.

#### 4. Violations and Abatement.

a. Off-site residential subdivision/project directional signs that were legally permitted as of June 1, 1997, shall continue to remain for a period of six months from said date. After that time, signs not in conformance with this section shall be removed by the owner at the owner's cost. Any signs not removed within the required period shall be subject to summary abatement by the city in accordance

with Section <u>17.60.110</u>. This subsection shall not apply to existing kiosk programs that were legally established and maintained by a private entity where that program contains five or more kiosks.

b. Existing kiosk sign programs that were legally established as of June 1, 1997, that are owned and maintained by a private entity where that program contains five or more kiosks, may continue as a nonconforming kiosk program. These kiosks may be maintained but shall not be replaced except with a kiosk that conforms to this section. A nonconforming kiosk shall be removed if it is no longer necessary at the location, or no longer meets the separation requirements of subsection (A)(1)(c) of this section regarding kiosk separation due to placement of a conforming kiosk. A nonconforming kiosk that is required to be removed shall be done by the owner at the owner's cost. Any nonconforming kiosk not removed as required, shall be subject to summary abatement by the city in accordance with Section <u>17.60.110</u>.

c. Any permit issued in accordance with this section shall be immediately revoked by the building director if it has been found that the permit holder has erected and maintained any sign in violation of this section. The building director shall order any panel currently in place on a kiosk identifying the builder's/developer's specific development to be removed immediately after the appeal period has expired if no appeal has been filed, and that builder/developer shall be prohibited from having any off-site directional signs or name panels on any kiosk for that specific development for a period of one hundred eighty days. After the one-hundred-eighty-day period, the builder/developer may be allowed kiosk panels but they shall be placed at the bottom of any waiting list and/or kiosk hierarchy as described in subsections (A)(3)(d) through (A)(3)(f) of this section.

d. Any order of the building director shall be made in writing, addressed to the permit holder, and shall set forth the findings for revoking any permits and the method to appeal the decision. If no appeal is filed, the decision of the building director shall be final and conclusive.

e. If the city is not the administrator of the kiosk program, the administrator shall immediately notify the building director regarding any violations in accordance with subsection (A)(4)(c) of this section and the building director shall notify the party in violation in accordance with subsection (A)(4)(d) of this section.

#### 5. Appeal.

a. Should any permit holder be dissatisfied with the decision of the building director to revoke a permit, then the permit holder may, no later than ten days after notice of such decision was deposited in the United States mail, make written objection, subject to the required appeal fee, to the board of building appeals in care of the building director, setting forth the grounds for dissatisfaction. The board of building appeals shall hear the objections at a regular meeting no later than thirty days

following the filing of the objection. The permit holder shall be given written notice of the hearing no later than three days prior to the hearing. The building board of appeals may sustain, suspend, or overrule the decision of the building director, which decision shall be final and conclusive.

b. Pending hearing before the building board of appeals, all signs, kiosks and/or name panels in dispute may remain in place until a final decision rendered.

B. *Special Event Signs*. Special event signs may be approved by the building director as a means of publicizing events such as grand openings, carnivals, parades, charitable events, community holiday activities, and other such events. This section does not include events promoted by the city of Bakersfield pursuant to Section <u>17.60.080(O)</u>. Special event signs shall be limited to the following provisions:

1. Signs shall be limited for each business to sixty days a calendar year. This time may be utilized in any combination of durations; however, the number of special events shall not exceed eight a calendar year, and no single event shall exceed a duration of fifteen consecutive days.

2. Balloons and inflated devices provided they do not exceed a height of one hundred feet, search lights, beacons, pennants, flags, banners and streamers may be allowed subject to approval by the building director. Flags for model homes/tract sales offices are not subject to this subsection.

3. Copy on a banner or balloon shall not exceed an area of one hundred square feet, and may include the name, symbol or logo of the business or sponsor, but in no event shall such name or logo exceed one-quarter of the total permitted copy area.

4. Signs may be illuminated and contain movement upon approval by the building director provided they do not adversely affect neighboring properties or motorists.

C. *Noncommercial Signs*. Signs expressing political, social, religious or other noncommercial message. These signs are subject to the following regulations:

1. Signs shall not be placed on private property without the consent of the property owner. No such sign, either freestanding or posted on any object, shall be placed or erected on public property, within the public right-of-way, or any maintained parkway/landscape area.

2. Signs shall not exceed an area of eight square feet and a height of six feet.

3. Signs shall not be illuminated.

4. In residential districts, each parcel of property may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display two signs in compliance with this chapter.

5. In the commercial, industrial, and agricultural districts, each parcel of property or commercial center may display one sign in compliance with this chapter. However, during the period of time beginning ninety days before a general, special, primary, or runoff election, and ending ten days after such election, each property may display four signs in compliance with this chapter, except that signs may be up to an area of thirty-two square feet and a height of eight feet.

6. Signs may only be displayed for ninety days and must be removed for at least thirty days before being displayed again.

7. Signs shall not block line of sight for intersections, driveways/entrances, sidewalks and multi-use paths.

D. *Freeway Oriented Signs*. Freeway oriented signs identify premises where food, lodging and places of business engage in supplying goods and services essential to the normal operation of motor vehicles, and which are directly dependent upon an adjacent freeway. These signs shall be subject to the following regulations:

1. Signs shall be within the C-1, C-2, C-C, PCD, M-1, M-2 or M-3 zone districts; and shall also be within one of the rectangular areas two thousand feet in width and three thousand feet in length, the center of which is concentric with the intersection point between the centerline of the freeway and accessible surface street, said intersections identified as follows:

a. State Highway 99 and Olive Drive;

b. State Highway 99 and Airport Drive, except that said rectangular area shall extend south to Gilmore Avenue;

c. State Highway 99 and State Highways 58/178 (Rosedale Highway/24th Street), except that said rectangular area shall extend north to Gilmore Avenue;

d. State Highway 99 and California Avenue;

- e. State Highway 99 and Ming Avenue;
- f. State Highway 99 and White Lane;
- g. State Highway 99 and Panama Lane;
- h. State Highway 99 and Hosking Avenue;
- i. State Highway 99 and State Highway 119 (Taft Highway).

(Note: Refer to the maps at the end of this chapter.)

2. Only one of the allowable on-site pylon signs permitted in the zone districts specified in this section shall be allowed to exceed both the area and height limitations imposed by the particular zone district provided no such sign exceeds an area of three hundred fifty square feet and a height of seventy-five feet. All other sign regulations of the particular zone district shall apply to this sign and the specific business.

3. The building director shall determine if the location of the business and the service offered satisfy the criteria and intent of this section and the definition of a freeway oriented sign.

E. Outdoor Advertising Signs (Billboards). All outdoor advertising signs are regulated as follows:

1. Signs are permitted in the C-2, M-1, M-2 and M-3 zone districts, in addition to that permitted in those respective districts.

2. Signs shall not exceed an area of three hundred square feet, excluding cutouts or extensions provided they do not exceed thirty square feet in area.

3. Signs shall not exceed a height of thirty-five feet in the C-2 district, or fifty feet in the M-1, M-2 and M-3 districts.

4. Signs shall not be located less than one thousand feet from another such sign, or one hundred feet from any other freestanding sign.

5. Signs shall not be located in nor project over public property or public right-of-way.

6. Multifaced signs are allowed, provided the faces are placed back-to-back, are no more than two feet apart, and are equal in size and configuration.

7. Signs shall be set back a minimum of three hundred feet from any property zoned residential or developed with residential uses.

8. Signs shall not project over or be placed upon any building or structure.

9. Signs shall be set back twenty-five feet from adjacent property lines except those fronting public streets where no setback is required.

10. Signs may be illuminated provided no lighting is directed onto adjacent properties or public rightsof-way.

11. Electronic message displays as defined in Section 17.04.547 are permitted.

F. *Skyline Building Signs*. Wall signs for a building that is three or more stories may be permitted that exceed the height limits delineated by the zone district in which it is located, to provide long distance visual identification of a building or its primary tenant, subject to the following regulations:

- 1. Signs are permitted in the C-O, C-1, C-2, C-C, C-B, PCD, M-1, M-2, and M-3 zone districts.
- 2. Signs may be installed on all elevations of the building.
- 3. Signs shall be located on the top story or between the top story and the top of the building.

4. Signs shall be comprised solely of individual letters or logos installed a minimum of three inches and a maximum of twelve inches from the surface of the wall on which they are located. Illumination may be provided by indirect reverse lighting or internal illumination as approved by the building director. Floodlighting shall be prohibited.

5. Signs shall not have a horizontal dimension exceeding one hundred feet or seventy percent of the horizontal dimension of the building elevation where the sign is placed, whichever is less.

6. The property owner shall designate in writing or on the sign plan the primary tenant of the building if such tenant is to be identified by the sign.

7. Signs shall not have letters exceeding the following heights:

Building Height (feet)	Maximum Letter Height <sup>1</sup> (inches)	Capital Letter <sup>2</sup> (inches)	Logo <sup>3</sup> (inches)
35—59	24	36	48
60—69	36	54	72
70—79	48	72	96
80—89	60	90	120
90—99	72	108	144
100—119	84	126	168
120 or more	96	144	192

1 Letter height is if all letters used are capital letters.

2 Maximum height of a capital letter (one and one-half times maximum height) if used in conjunction with lower case letters. Lower case shall not exceed maximum height.

**3** Maximum height of a logo (two times maximum height).

8. All signs shall be limited to two lines of letters and/or logo.

9. Pylon signs shall not be permitted on the site if skyline signs are utilized; only monument signs in this instance would be permitted subject to the regulations of the zone district in which they are located.

10. All other wall signs permitted by this chapter which are placed on a building with a skyline sign pursuant to this section shall not exceed sixty percent of the area which would otherwise be allowed in the particular zone district, a height of twenty feet from grade, and letters that are taller than the skyline letters.

11. Comprehensive sign plans may permit skyline signs to be more or less restrictive than the requirements of this section.

G. Electronic Message Displays.

1. Only retail development exceeding fifty thousand square feet, or shopping centers encompassing five acres or more, are permitted use of an electronic message display on a pylon sign.

2. Only one of the allowed pylon signs permitted along a street frontage may include an electronic display.

3. If a pylon sign contains an electronic message display and monument signs are also permitted for the center, only one of the allowed monument signs along a street frontage may contain an electronic message display. If a pylon sign does not contain an electronic message display and monument signs are permitted for the center, only two of the allowed monument signs along a street frontage may contain an electronic message display.

4. Pylon signs that contain an electronic message display shall be set back a minimum of one hundred fifty feet from any R, PUD, or OS zone, and fifty feet from any interior property line not within that center.

5. Electronic message displays are not permitted on pylon signs located on properties that do not contain retail development exceeding fifty thousand square feet or are shopping centers less than five acres as noted in subsection (G)(1) of this section. However, one of the allowed monument signs along each street frontage is permitted to contain an electronic message display.

6. Electronic message displays shall not be permitted on building walls or in windows.

7. All other sign regulations that pertain to the particular zone district and specific business shall apply.

8. Outdoor advertising signs (billboards) may contain electronic message displays subject to the regulations in subsection  $\underline{E}$  of this section.

H. Projecting Business Identification Signs.

1. Projecting business identification signs are only permitted within the following areas:

a. Central District Area as defined in Section <u>10.08.020(A)</u>, except that projecting signs shall not be permitted along the street frontages of State Route 178, State Route 204, and any street south of the Burlington Northern/Santa Fe Railroad. Where the Central District boundary follows a street, permitted projecting signs shall be allowed for business frontages along both sides of that street.

b. Baker Street Frontage Between Truxtun Avenue and Monterey Street. Projecting signs are also permitted along the frontages of the intersecting streets and alleys with Baker Street one block in either direction, except that projecting signs shall not be permitted along the street frontages of Truxtun Avenue and Monterey Street.

2. In addition to other signs as allowed by this chapter, one projecting sign is permitted for a ground floor business along each street it fronts. A second floor or basement business may have a projecting sign only if it has its own dedicated public street entrance and the sign is located above or within five feet of that entrance.

3. A sign shall not project more than five feet beyond its supporting building. Within an alley where vehicles will pass underneath a sign, that sign shall not project more than three feet beyond its supporting building. An encroachment permit from the city is required for any signs that project into the public right-of-way.

4. A sign shall not be placed higher than fifteen feet on a building wall or above the first floor of a multiple story building. Within an alley where vehicles will pass underneath a sign, that sign shall not be placed higher than twenty feet above the alley surface.

5. A sign shall not exceed an area of sixteen square feet.

6. A sign shall not be closer than ten feet to another projecting sign or to a freestanding sign, or five feet from an interior property line or line dividing two separate business frontages. A sign shall be at least two feet from the face of the street curb.

7. A sign shall not be less than eight feet above the surface over which it projects. Within an alley where vehicles will pass underneath a sign, that sign shall not be less than fifteen feet above the alley surface.

8. A sign shall not exceed a maximum thickness of twelve inches.

9. Internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, and/or symbols appear illuminated at night; use of bulbs or neon for such lettering and symbols is allowed subject to the provisions of this chapter. Electronic message displays and flashing signs are prohibited.

10. A sign shall not project above the roof or an apparent eave or parapet, including the eave of a simulated hipped or mansard roof. A sign shall not be attached to the sloping face of mansard overhangs or other architectural features intended to resemble or imitate roof structures.

11. A two-dimensional fabric banner suspended perpendicular to a wall may be displayed in lieu of a projecting sign provided the banner is anchored to not hang freely and meets all of the requirements of this subsection for a projecting sign.

12. Businesses that occupy a space with public access from only an alley or courtyard may share one directory sign as defined by this code along each public street to direct pedestrians to those businesses. A directory sign shall not exceed a maximum height of eight feet or an area of six square feet; only indirect external illumination is allowed.

13. A single vertical projecting sign may be installed along each street frontage on a building that is three or more stories tall that identifies the building name or use, or that of a major tenant. The sign is subject to all provisions of this subsection except that there is no minimum sign area; it must be mounted at the second floor or higher, and is limited to a single line of text. (Ord. 5095 § 1, 2022; Ord. 5006 § 4, 2020; Ord. 4953 § 4, 2018; Ord. 4829 § 1, 2015; Ord. 4729 §§ 1, 9, 10, 2013; Ord. 4659 § 1, 2011; Ord. 4605 § 2, 2009; Ord. 4489 §§ 7—9, 2008; Ord. 3964 § 46, 2000; Ord. 3870 §§ 6, 7, 1998; Ord. 3835 § 36, 1998; Ord. 3755 § 3, 1997; Ord. 3586 § 2, 1994)

# **17.60.080** Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

A. Address signs used for dwelling unit identification as required by Chapters 15.42 and 15.52 of this code.

B. Advertising signs that are in or on public buses or other public conveyances which may be permitted by the city council.

C. Business or merchant directory provided it does not exceed an area of sixteen square feet and a height of six feet.

D. Commercial vehicle signs on licensed commercial vehicles; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.

E. Directional, warning or information signs, including traffic control and street signs, as authorized by federal, state or municipal authority.

F. Directional or informational signs such as entrance/exit signs, open/closed signs, signs indicating business hours, and similar such signs, provided they contain no commercial advertisement, and not exceed six square feet in area and six feet in height. Business logo is permitted provided it does not exceed twenty-five percent of each total sign area. The building director shall limit the number of such signs on the site based on actual need in order to provide adequate direction or information.

G. Flags of the United States, the state of California and other states of the nation, counties, municipalities, foreign nations, and national/international recognized nonprofit organizations. A site is limited to a total of three flags with no duplication of flags. The building director may approve additional flags if warranted by the type of business or proposal on the site.

H. Holiday decorations, in season, displayed for an aggregate period not to exceed ninety days per calendar year.

I. Interior signs within a public or private structure, including a stadium, ball park or other similar private or public recreational use, not intended to be seen from a public street or adjacent properties.

J. Memorial plaque, table, cornerstone or tombstone.

K. Neighborhood watch and similar type notices.

L. Notices posted on public bulletin boards or public kiosks designed for such notices.

M. No trespassing, solicitation, hunting, minors, and similar such signs, provided they do not exceed four square feet in area and six feet in height.

N. Official and legal notices issued by a court, or governmental agency.

O. Promotional signs by the city of Bakersfield that promote or advertise city-wide celebrations, awards, recognition, or other events. Such signs may be permitted within or project over public right-of-way.

P. Public utility signs placed by public utilities for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cable.

Q. Signs being manufactured, transported and/or stored within the city limits; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage.

R. Taxicab signs as authorized and approved as to size, form and contents by the city manager under Section 5.50.100. (Ord. 4953 § 5, 2018; Ord. 3586 § 2, 1994)

# 17.60.090 Prohibited signs.

The following signs are specifically prohibited:

- A. Animated, moving, revolving and rotating signs, except as specified in this chapter.
- B. Banners, flags, pennants and balloons, except as specified in this chapter.
- C. Bench signs.
- D. Electronic message displays, except as specified in this chapter.
- E. Flashing, blinking, and reflecting signs, except as specified in this chapter.
- F. Outdoor advertising signs, except as specified in this chapter.
- G. Permanent "for sale" signs.
- H. Portable signs including A-frame signs, except as specified in this chapter.
- I. Projecting signs, except as specified in this chapter.
- J. Roof signs.

K. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, as determined by the building director.

L. *Vehicle Signs*. Vehicles including trailers, wagons and similar utility vehicles, shall not be utilized as support for any mobile, portable or stationary signs, or conspicuously parked or left standing so as to constitute a device or sign. There shall not be maintained on any vehicle or trailer parked in a public right-of-way, or on public or private property so as to be visible from a public right-of-way, which is attached to, located on or leaning against such vehicle or trailer, any sign for the purpose of providing advertisement of a business,

service or products, directing people to a business activity located on the same or other property for any purpose. This prohibition shall not apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a commercial or business vehicle used in the conduct of such business provided it is not parked on the site being advertised abutting public right-of-way, to bumper stickers, to placards identifying the vehicle itself as being for sale, or to window stickers or placards on vehicles in any vehicle sales lot. (Ord. 4489 § 10, 2008; Ord. 3586 § 2, 1994)

## **17.60.100** Nonconforming signs.

A. Signs for a legal nonconforming use are permitted. Such signs shall be deemed to comply with the provisions of this chapter if they comply with the sign regulations for the most restrictive zoning district which permits the nonconforming use as a permitted use. Such sign shall be permitted only as long as the nonconforming use is permitted. Any such sign legally existing on the effective date of the ordinance codified in this chapter, but which does not comply with the regulations of this chapter shall be deemed to be a nonconforming sign.

B. For the purposes of this chapter, a nonconforming sign is one which does not conform with the provisions of this chapter, but which:

1. Was lawfully in existence and in use within the city prior to the effective date of the ordinance first enacting this chapter;

2. Was lawfully in existence and in use on property outside of the city on the date upon which the annexation of such property to the city was completed;

3. Was lawfully in existence and in use within the city on the effective date of any zone change or specific plan or comprehensive sign plan for the property on which the sign is located; or

4. Was lawfully in existence and in use within the city on the effective date of any amendment of this chapter, the zoning regulations contained in this title or other provision of this code, making such sign nonconforming.

C. For the purposes of this section only, a nonconforming sign exceeding the height or area restrictions contained in this chapter by no more than five percent shall be deemed to conform with the provisions of this chapter limiting height and area.

D. A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. This shall not be construed to prevent ordinary maintenance and minor repairs, as determined by the building director.

E. A nonconforming sign destroyed or damaged to an extent exceeding fifty percent of its replacement cost immediately prior to destruction or damage, shall not be continued in use or maintained thereafter and shall be removed or made to conform with the provisions of this chapter within thirty days of the date of such destruction or damage.

F. Each nonconforming sign, other than an outdoor advertising sign subject to the California Outdoor Advertising Act, shall be removed or made to conform with the provisions of this chapter at the sole cost of the owner thereof, whenever any of the following events occur:

1. There is a change in ownership of the property; inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;

2. The business or activity is discontinued or sold;

3. The property is rezoned, subdivided or parceled or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method, device or scheme which would otherwise circumvent the intent of this section;

4. A conditional use permit or modification is granted for the property or use of the property;

5. A sign permit is issued permitting installation or construction of a new or additional sign on the property;

6. Any change in the signage is made, excluding minor repairs and precise repainting;

7. Whenever there is a change in ownership or tenancy of any business or tenant space within a business/shopping center, new wall signage and/or a monument sign conforming to the requirements of this chapter to signify such change is permitted although nonconforming signage exists within such center. However, no change of sign copy to signify such change shall be permitted on any nonconforming sign.

8. If an existing off-premise business identification sign was permitted under a special sign permit by the city and has remained in effect and in compliance with the provisions of that permit, the sign may remain and can be upgraded or altered to reflect a change of business or ownership names even though on-premise signs are being changed or added. However, this sign shall be subject to the following before any new permits are issued:

a. The sign shall continue to only identify the business or services offered, and shall include direction to the property for which the sign was originally permitted by the special sign permit.

b. The area of the sign shall not exceed ninety-six square feet. If the sign is larger, it shall be reduced to not exceed this area. If the sign is smaller, it shall not exceed its present size. If a sign is reduced in area, under no circumstances shall it be enlarged even if previous approvals granted a larger size.

c. The sign shall not be moved or reoriented, except under direction of the building director, to improve traffic visibility or safety, to relocate it outside the public right-of-way, or to increase separation from other legal freestanding signs.

G. Each such sign determined by the building director to be of historical significance, in accordance with criteria established by the city's historical preservation commission, shall be exempt from the removal and conformance requirements of this chapter.

H. Nothing in this chapter shall be construed as authority for the city to remove without just compensation those signs which, under the California Outdoor Advertising Act, are subject m removal with compensation to the owner. (Ord. 3942 § 1, 1999; Ord. 3586 § 2, 1994)

# 17.60.110 Violation and abandonment.

A. Any sign that has been abandoned or installed illegally is hereby declared to be a danger to the health, safety and welfare of the citizens of Bakersfield. Any sign which is partially or wholly obstructed by the growth of dry vegetation or weeds, or by the presence of debris or litter, also presents a danger to the health, safety and welfare of the citizens of Bakersfield.

B. It shall be the duty of the owner and occupant to make immediate repair to any sign deemed by the building director to be imminently dangerous or perilous to the public safety. A sign maintained in violation of this section constitutes a public nuisance. Nothing in this section shall be construed so as to nullify the requirements and remedies as to maintenance established by the Uniform Sign Code or this chapter. Upon a written notice from the building director of a sign deemed unsafe and dangerous to public safety, necessary

repairs shall be made immediately. Otherwise, upon a written notice from the building director, the necessary maintenance, alterations or repairs as required by this chapter pursuant to Section <u>17.60.060</u> A,9 shall be made within ten days after the date of such notice. In the event the owner, or person in lawful possession fails to maintain, alter or repair in accordance with such notices, in addition to any other penalty or remedy provided for in this chapter, such sign may be abated by the building director in accordance with the provisions of this chapter.

C. Any signs which are not removed within the required period specified within this chapter, shall constitute a public nuisance and shall be subject to summary abatement at the expense of the owner and the person in lawful possession of such sign, pursuant to the provisions of Sections 38773-38773.7 of the <u>Government Code</u>; the expenses of abatement of such nuisances are a lien against the property on which they are maintained and a personal obligation against the property owner. Said property owner or person in lawful possession shall first be served with a ten day notice to abate the nuisance by removing the sign and shall be given the opportunity to explain to the building director why such sign has not been removed. If, after such opportunity to explain, the building director orders the removal of the sign, the agents of the city shall have authority to enter upon the private property to remove the sign constituting the nuisance. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

D. In the event any person erects, installs, alters, relocates or maintains any sign after the effective date of the ordinance codified in this chapter, which sign is in violation of any provision of this chapter, and the same is not removed after notice as specified in subsection  $\underline{C}$  of this section, the same is a public nuisance and shall be subject to abatement at the expense of the person creating, causing, committing or maintaining it, pursuant to the provisions of Sections 38773-38773.7 of the <u>Government Code</u>.

E. The building director may, in writing, suspend or revoke a permit issued under the provisions of this chapter, whenever the permit is issued in error on the basis of incorrect information supplied by the applicant which results in there being a violation of any ordinance, regulations, or any provisions of this chapter.

F. With exception to those signs deemed nonconforming and subject to Section <u>17.60.100</u>, the owner or person in lawful possession of any sign which is not operational or not used for a period of ninety days, or which was used to advertise or identify that which has been moved or discontinued for a period of ninety days, shall cover or remove all display copy from such sign immediately upon the expiration of such period. If said display copy is removed, any bulbs or other mechanical equipment that becomes exposed shall be covered or removed. If said display copy is not covered or removed within thirty days after notice by the building director, the city may cause said display copy to be removed or covered and the cost shall become a lien against the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this chapter or otherwise provided by law.

G. All signs, except nonconforming signs pursuant to Section <u>17.60.100</u>, which do not conform with the provisions of this chapter, are public nuisances and shall be removed at the owner's sole expense within sixty days after the effective date of this chapter. If said sign is not removed within said period, the city may cause said sign to be removed and the cost shall become a lien on the property on which the sign is located. Extensions for thirty day periods may be granted by the building director. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided in this code or otherwise provided by law. (Ord. 3586 § 2, 1994)

# **17.60.120** Interpretation and enforcement.

A. It shall be the duty of the building director to enforce the provisions of this chapter.

B. Any decision or interpretation of this chapter shall be final and conclusive by the planning director or official designee.

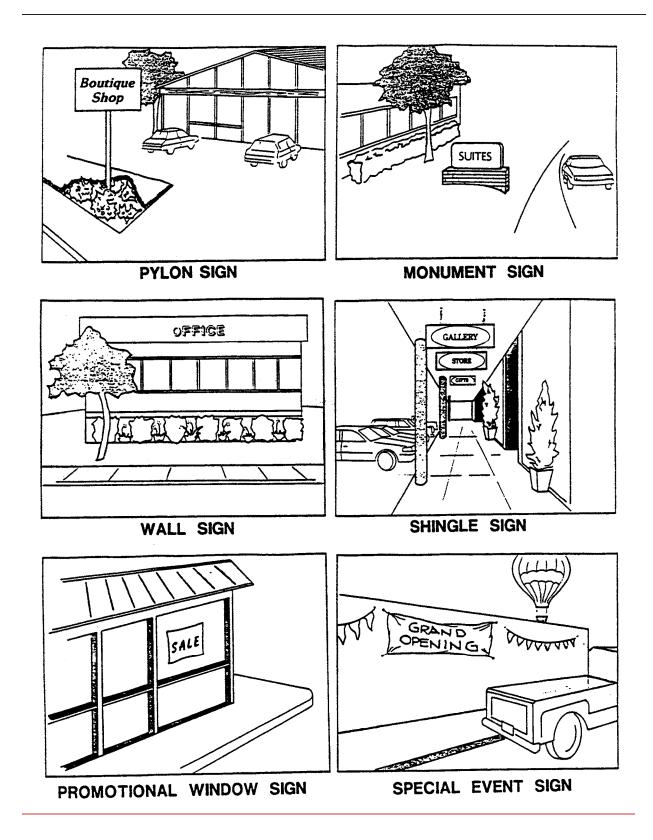
C. Any sign erected or maintained, or any use of signs contrary to the provisions of this chapter shall be, and the same is, unlawful and a public nuisance, and the building director in conjunction with the city attorney may immediately commence actions for the withholding and/or revocation of permits, abatement, and removal in the manner provided by law. Violators will be liable for all enforcement costs by the city.

D. This chapter may also be enforced by injunction issued out of Superior Court upon suit of the city, or the owner or occupant of any real property affected by such action.

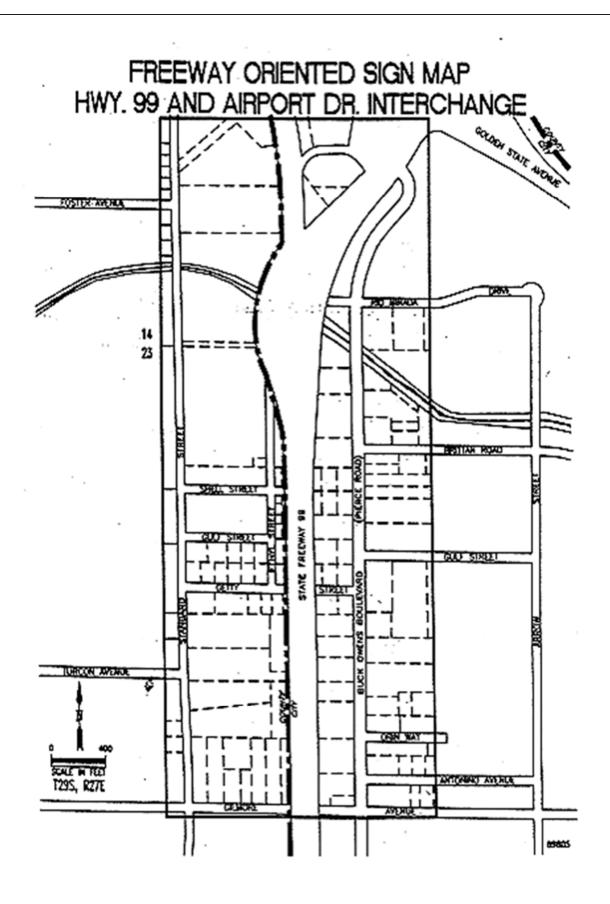
E. Permits issued in conflict with the provisions of this chapter shall be null and void.

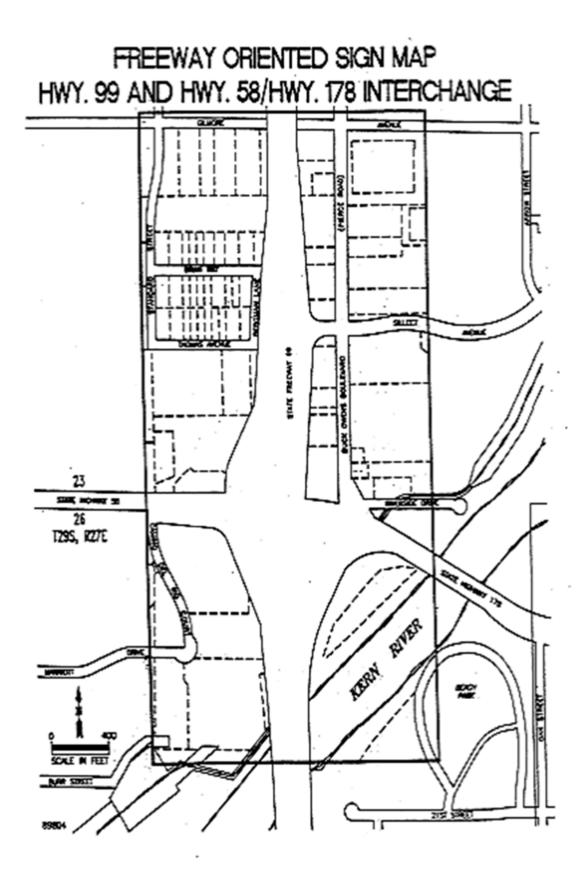
F. Any city official or employee for the purpose of permit review, complaint, or enforcement of this chapter, shall have the right to enter upon the premises for inspection. (Ord. 3586 § 2, 1994)

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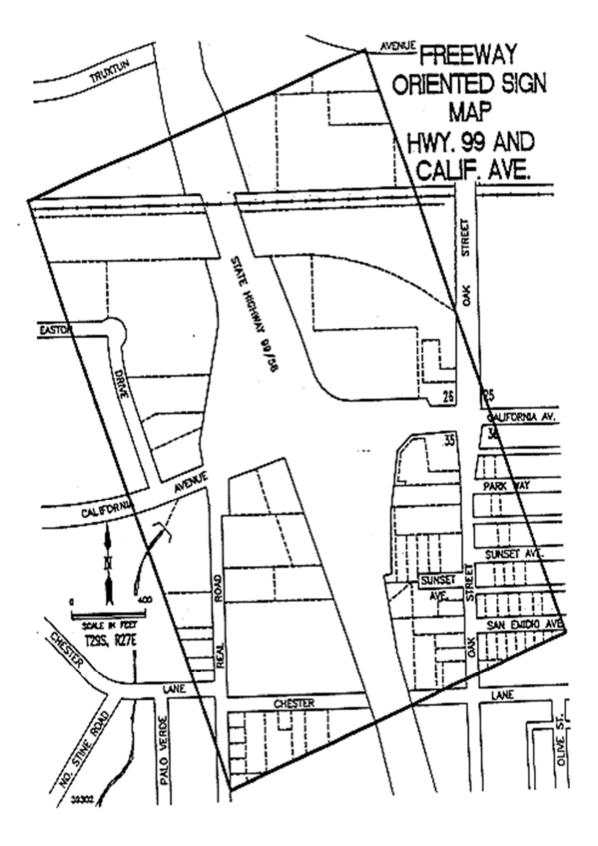


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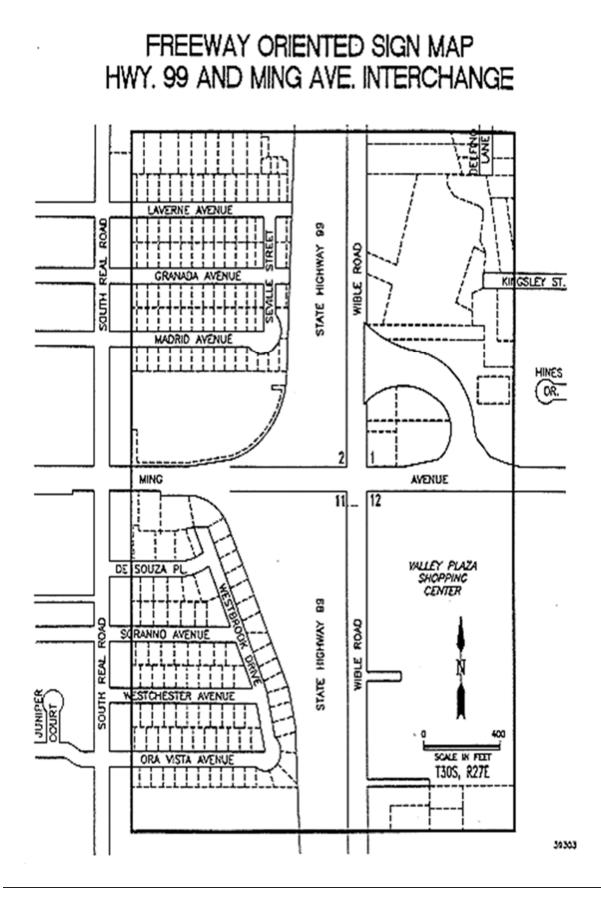




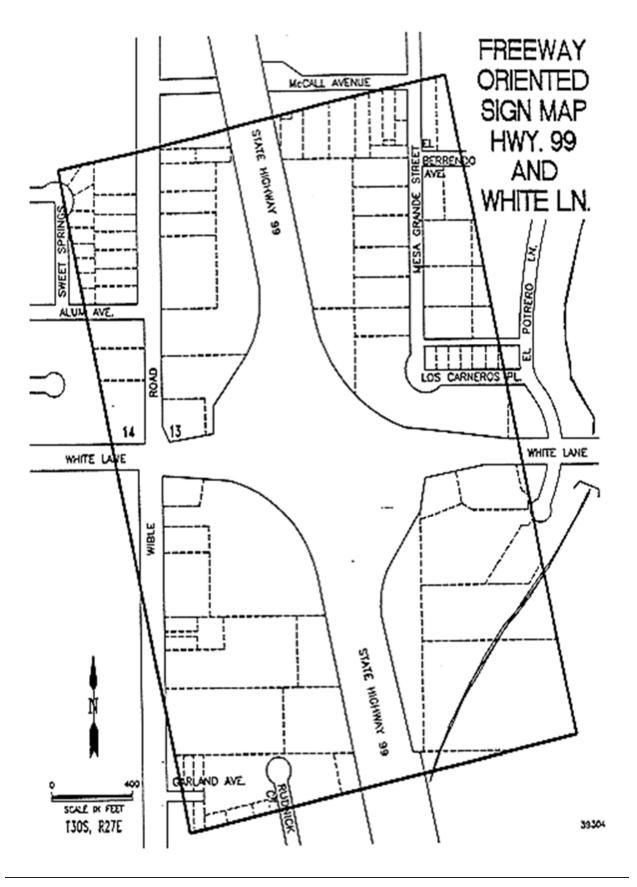
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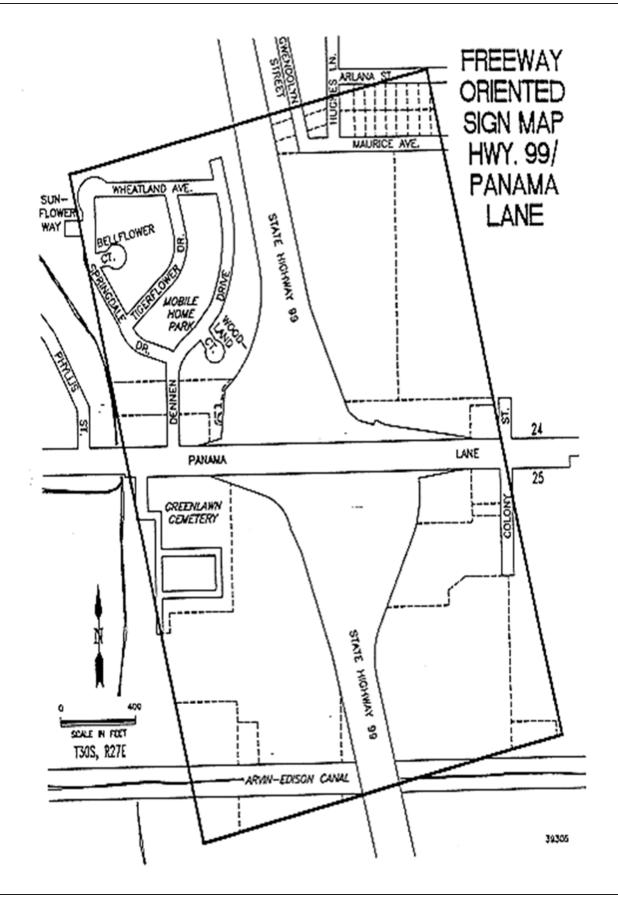




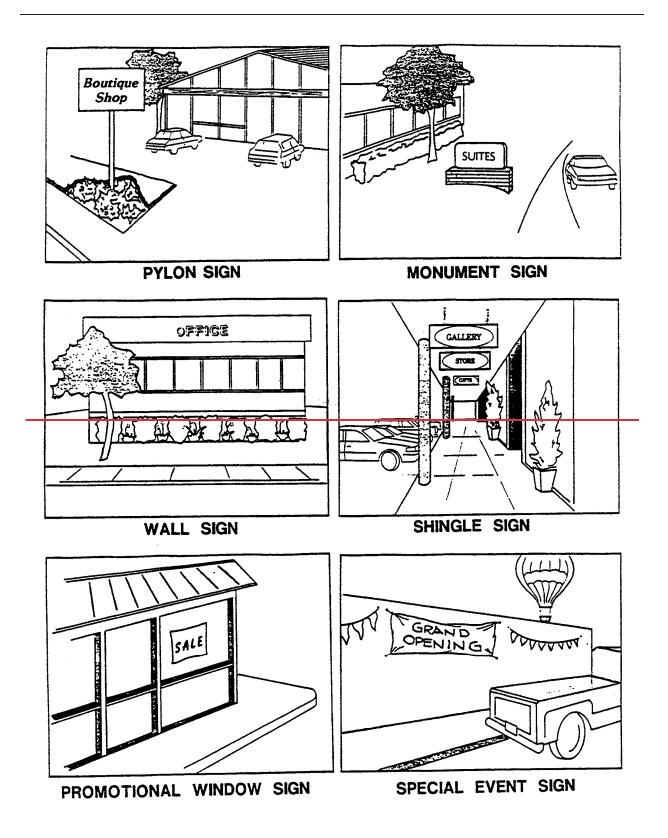




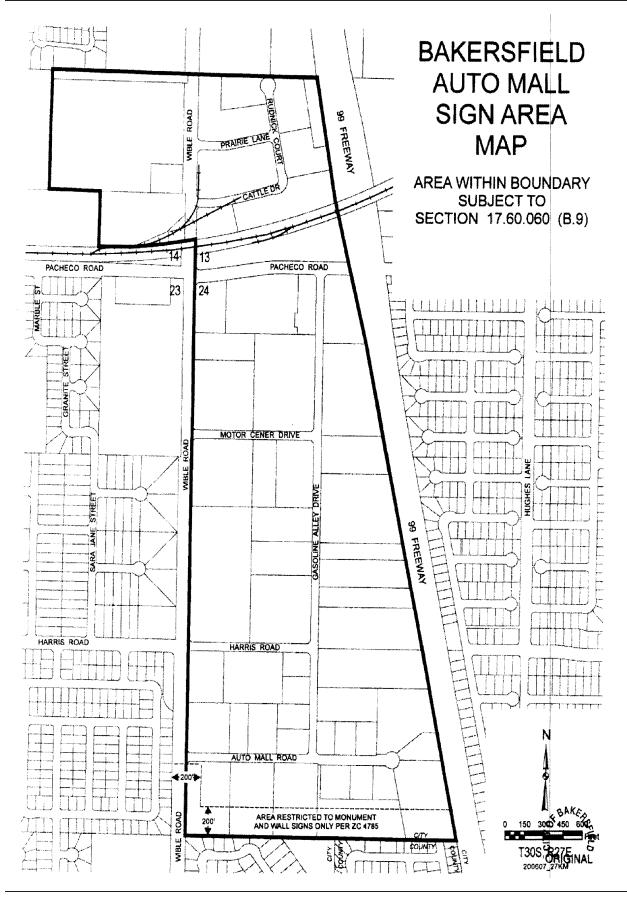




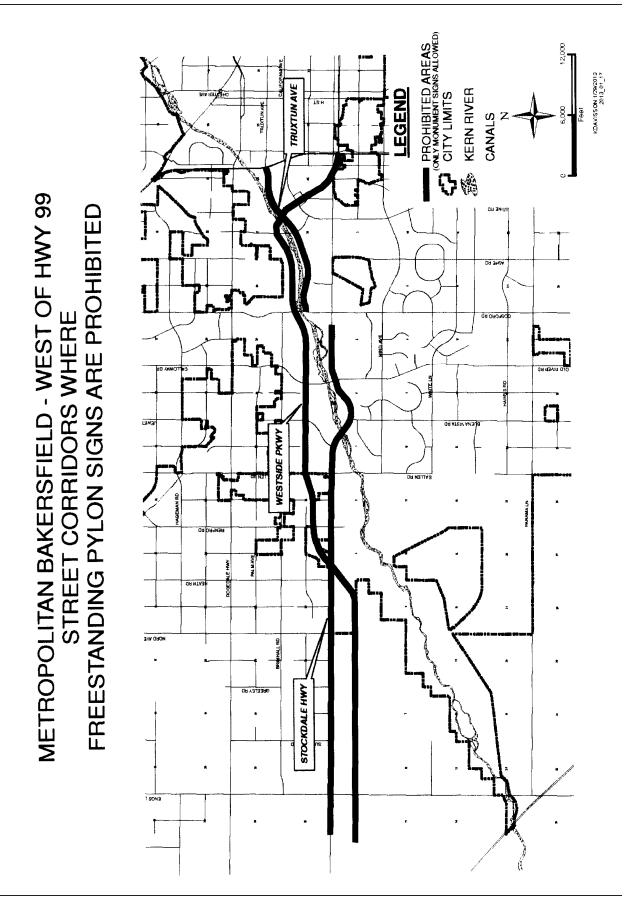
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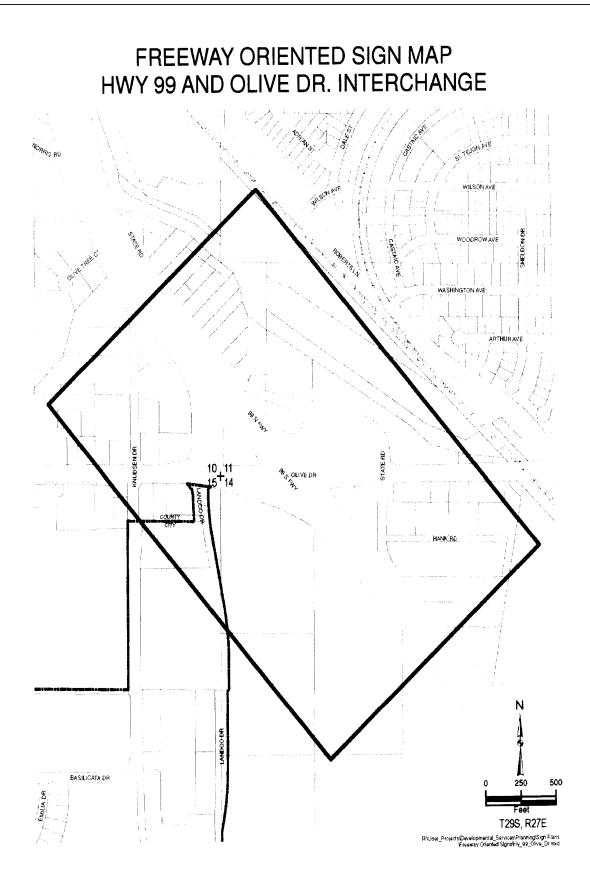


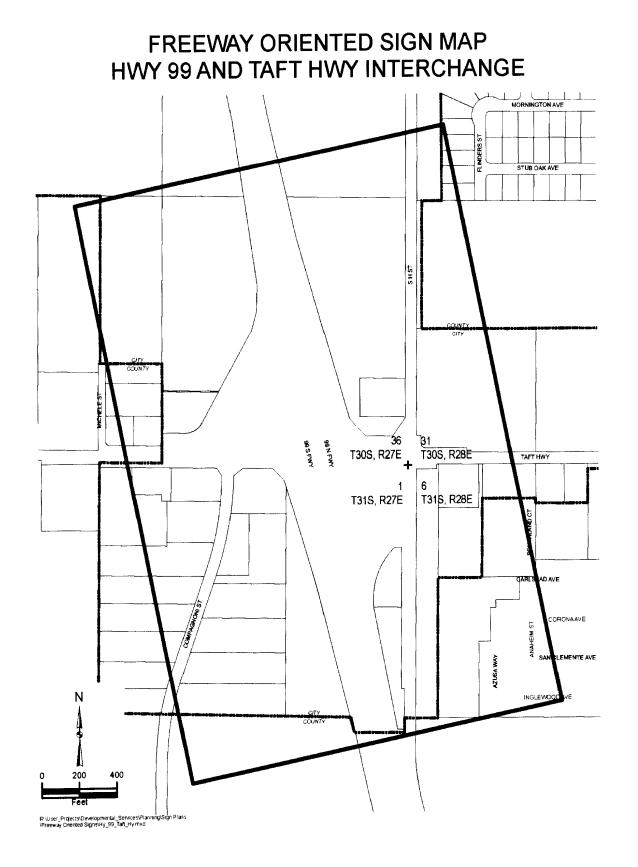
The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.



The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

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## Chapter 17.61 LANDSCAPE STANDARDS\*

Sections:

17.61.010	Generally.
17.61.020	Landscaping required.
17.61.030	Minimum landscape standards.
17.61.032	Additional requirements.
17.61.040	Landscape maintenance.
17.61.050	Tree preservation and protection.
17.61.060	Landscape plan requirements.

\* Prior history: prior code Sections 17.61.010 through 17.61.040 and Ord. 3835.

## 17.61.010 Generally.

The purpose of this chapter is to establish the necessary criteria, standards and limits for landscaping. The provisions of this section are intended to provide a transition between and mitigate conflicts which may arise between adjacent land uses, to promote an attractive visual harmony between the landscape and development, reduce air, noise and visual pollution, produce a healthy, vibrant, sustainable urban forest, decrease temperatures, increase comfort, and promote commerce and socialization, while promoting water use efficiency. Landscaping shall conform to the Model Water Efficient Landscaping Ordinance (MWELO) as adopted in California Code of Regulations, Title 23, Chapter 2.7 as adopted by the state. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

## 17.61.020 Landscaping required.

A. All projects for which site plan approval is required shall install and maintain landscaping in accordance with the requirements of this chapter; provided, however, these landscape requirements shall not apply to projects where a current use is expanded and the valuation of the building permit is less than fifty percent of the replacement value of the existing improvements. If the existing uses are to be expanded greater than fifty percent of their replacement value, the planning director, or designee, shall determine the amount and placement of landscaping needed to comply with this section.

B. Occupancy of a use subject to these standards shall not be permitted until the approved landscaping and irrigation has been installed, or if permitted by the planning director, an agreement and/or surety bond or cash deposit sufficient to cover the cost of installation, which amount has been determined to complete the work plus administration costs by the city, and such has been provided to the city specifying completion of installation within a time specified by the planning director.

C. An approved landscape plan for commercial improvement projects must be revised if the landscape/irrigation is substantially modified. Substantial modification in this section means a change in the character or quantity of the plant material or irrigation that equals or exceeds one hundred square feet of landscape area.

1. A revised landscape plan under this section shall be prepared by a landscape design professional and include all of the following:

- a. A description of the new landscaping and how it complies with this section;
- b. A detailed summary of landscaping removed;
- c. The location of where replacement landscaping will be placed on site;
- d. Shade calculations confirming attainment of shading requirements; and
- e. Identification of any existing missing or underperforming landscaping on site.
- 2. Trees removed as part of a revised landscape plan shall be replaced on a one-to-one basis unless:

a. It would be detrimental to the public health, safety, or welfare or to property or residents in the area; or

b. Special physical circumstances exist limiting additional landscaping of a particular property.

3. No building permit(s) shall be issued or installation of landscaping shall occur, prior to approval of the revised landscape plan by the planning director or designee. All landscaping shall be installed per the approved plans within one hundred twenty days of submittal of the revised landscape plan or as otherwise approved by the planning director or designee. (Ord. 5009 § 1, 2020; Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

#### **17.61.030** Minimum landscape standards.

A. Installation of landscape materials and irrigation equipment shall be in accordance with commonly accepted methods of installation as approved by the city.

B. Trees shall be a minimum twenty-four-inch box container size or larger and shall be vigorous and healthy when planted. The minimum diameter of the tree trunk, as measured at a point four feet up the trunk from ground level, shall be one inch for a fifteen-gallon container tree, two inches for a twenty-four-inch box container tree, and three inches for a thirty-six-inch box container tree. These trunk diameters shall apply throughout this chapter where tree container sizes are specified.

C. Shrubs shall be a minimum five-gallon container size or larger and shall be vigorous and healthy when planted. Mass shrub planting for area coverage shall be a mix of five-gallon (forty percent) and one-gallon (sixty percent) container size with an average spacing of eighteen inches on center. Flats shall be used for ground covers with an average spacing of eight inches on center.

D. Shrubs and/or ground cover, including turf, shall cover no less than seventy-five percent of the required landscaped area within four years of planting.

E. A landscaped area fifteen feet in width on arterial and collector streets and eight feet in width on local streets as measured from the right-of-way line, shall be installed along said street. The width of the landscape strip may be reduced when, in the opinion of the planning director, the following conditions are met:

1. The total square footage of required landscaped area remains constant.

2. The reduction in the required width is consistent with the purposes of the landscape regulations of this chapter.

3. In the central district (C-B and C-C zone districts) this reduction may include the planting of street trees only to allow adequate pedestrian access consistent with adjacent development.

F. Along street frontages, a tree shall be planted at a ratio of one tree per twenty lineal feet, or portion thereof. Trees may be clustered or grouped to not conflict with required fire lanes, public entrances/exits, utility easements, and signs provided the minimum tree to frontage ratio is satisfied. A species mix of thirty percent evergreen and seventy percent deciduous shall be maintained.

G. Trees shall be required to be planted within parking lots at a minimum ratio of one tree for each six parking spaces, but shall be sufficient to achieve the minimum shading required in subsection  $\underline{H}$  of this section. The maximum spacing between trees shall not exceed sixty-five feet.

H. Trees shall be installed and thereafter maintained throughout the parking area to ensure that it will be shaded based on calculating the canopy area of each tree at fifteen years from a master tree list approved by the planning director. The landscape plan required by Section <u>17.08.080</u> shall be drawn to show that the tree

canopy will have the potential to attain shading over forty percent of the total area of all uncovered parking stalls, loading areas, drive aisles and maneuvering areas. The property owner or the preparer of the plans shall show all shading calculations on the plan. Truck loading docks in front of overhead doors, truck maneuvering and parking areas unconnected to and exclusive of any required vehicle parking areas, freight yards, and surfaced areas for automobile sales, lumber yards, and vehicle storage are not subject to this shading requirement.

I. Buildings with main entrances facing parking lots shall be landscaped with a minimum of one tree for each fifty feet of linear building frontage or portion thereof. Said trees shall be adjacent to the building and may also be credited for parking lot trees if they comply with the requirements set forth in subsections <u>G</u> and <u>H</u> of this section. Trees may be clustered or grouped to not conflict with required fire lanes, public entrances/exits, and signs provided the minimum tree to building ratio is satisfied. The use of vines and large shrubs is encouraged to enhance the tree planting areas next to the building.

J. Of the total number of trees required in the parking area and for the entire project, a minimum of thirty percent shall be evergreen species.

K. In addition to the trees referenced in subsections <u>G</u>, <u>H</u> and <u>I</u> of this section, trees shall be installed along the property line perimeter, in the required landscape area required by Section <u>17.58.050(N)</u>, of drive aisles, parking lots, loading areas and storage areas as a buffer between office, commercial and industrial uses and property zoned for residential uses. Said trees shall be one hundred percent evergreen species spaced no further apart than twenty feet on center. The minimum tree size shall be a twenty-four-inch box container size if the adjacent residential zoned area is all or partially developed and a fifteen-gallon container size if the adjacent residential zoned area is undeveloped.

L. Landscaping and irrigation shall be installed in compliance with any approved site plan or other project approval prior to final inspection or occupancy.

M. Tree planters within the parking lot shall be a minimum of five feet by five feet (outside dimension). Vehicles may overhang into these planters no more than two and one-half feet provided the tree is protected from damage by a vehicle.

N. If a drive-thru lane is located adjacent to a public street it shall be screened via one of the following options: (1) an evergreen hedge installed at a minimum initial height of four feet; or (2) a wall or berm installed at a minimum height of four feet. This screen shall be located between the drive-thru lane and public street along only that portion of the drive-thru lane that is adjacent to the public street. Option 2 shall include the planting of shrubs between the wall and the sidewalk. The planning director may, at his or her discretion, allow the use of other similar screen if physical constraints preclude the installation of a hedge. A taller screen may also be required at the discretion of the planning director if such additional height is necessary for

adequate screening because of topographic conditions, proximity to residential areas or other factors that would warrant special treatment.

O. An eight-foot landscape area shall be provided between each building and the drive aisle for multifamily projects using a common drive aisle with shared access. This requirement shall not apply to any lot less than ten thousand square feet and that is not part of or adjacent to multifamily subdivisions or other multifamily projects that existed prior to the effective date of the ordinance codified in this chapter.

P. Landscaping shall be designed to minimize overwatering and avoid runoff of irrigation water. Soil type shall be considered in order to reduce runoff and promote healthy plant growth. Plant selection and placement shall match the irrigation provided.

Q. A minimum two-inch layer of mulch shall be applied on all exposed surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding application where mulch cannot be used. Stabilizing mulching products shall be used on slopes. The mulch can be any organic material, including, but not limited to, leaves, bark, straw, or compost; or any inorganic or synthetic material, including, but not limited to, rock, landscape fabric or recycled rubber. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4606 § 1, 2009; Ord. 4104 § 5, 2003; Ord. 4010 § 1, 2001)

#### **17.61.032** Additional requirements.

In addition to the minimum standards contained in Section <u>17.61.030</u>, the following shall apply to those specific geographic areas as identified below:

A. *Central City Area*. For the purposes of this subsection, Central City Area is identified as including all lands bounded by 23rd Street to the north, Truxtun Avenue to the south, M Street to the east, and G Street to the west.

1. Street tree species shall be consistent with the Central City Master Street Tree Plan as adopted by city council Resolution No. 195-92.

B. *Northeast Bakersfield*. For the purposes of this subsection, Northeast Bakersfield is identified as including all lands east of Fairfax Road (and any northern extension thereof) and north of the Union Pacific Railroad that parallels Edison Highway.

1. New landscape areas shall consist predominately of native California trees (e.g., oaks and sycamores), shrubs and groundcovers mixed with ornamental species. Planting shall occur in nonlinear clusters to

resemble a natural appearance. Firescape species approved by the planning director shall be used along the perimeter of the project site adjacent to native or slope areas if outside the HD zone district.

2. Use of boulder clusters and other native rock combinations shall be installed with vegetation to resemble a natural distribution blending into the surrounding native areas and/or street parkways that may contain similar design elements.

3. Along slopes, plantings shall be done with more dense and larger species of trees and shrubs closer to streets with a gradual reduction of plantings that are less dense with smaller species as you move further away from the streets to provide a natural transition between the streetscape and native areas.

4. Design content shall retain the natural flora and site character as much as possible with a subtle landscape transition between maintained and native areas.

5. Xeriscape and/or regional native plant selections shall be used to revegetate any disturbed areas outside the project area, unless city ordinances, resolutions, or conditions of approval state otherwise.

6. New landscape areas along slopes and slope easements may be required to be privately maintained as undeveloped areas of native landscaping, greenbelts, or open space, without fencing or other structures, as determined by the planning director, or as may be conditioned by the planning commission or city council.

7. These standards do not apply to residential projects that contain four units or less and that are not part of a larger multiple-family-unit subdivision with more than four lots. (Ord. 4943 § 1, 2018; Ord. 4641 § 2, 2011; Ord. 4624 § 2, 2010; Ord. 4617 § 5, 2010)

## **17.61.040** Landscape maintenance.

A. Landscapes shall be regularly inspected and maintained to ensure water efficiency and keep plants in a healthy condition. Maintenance shall include, but is not limited to, programmed watering, fertilizing and soil amendment applications, weed control, cleaning, pruning, trimming, pest control, replenishing mulch and cultivating. Tree topping shall not be permitted except when necessary for the protection of public safety, property damage or liability.

B. Landscape structural features shall be maintained in sound structural and attractive condition.

C. All plant material shall be serviced by a permanently installed, electrically automated irrigation system. Project sites containing two thousand five hundred square feet or more of landscaped area must have a controller that can be programmed to accommodate different landscape hydrozones and the controller shall be equipped with a battery backup to preserve the controller settings in case of an electrical system interruption.

D. Tree pruning shall follow the International Society of Arboriculture (ISA) pruning guidelines. This subsection does not apply to utility companies trimming trees for the purpose of providing necessary clearance for power lines.

E. All plants and irrigation systems shall be maintained as originally approved unless otherwise approved by the city. The city can, at any time, require landscaping and irrigation to be replaced and/or reinstalled in accordance with the approved plans and requirements of the state's Model Water Efficient Landscaping Ordinance (MWELO).

F. Failure to maintain landscaping and/or irrigation systems as provided in the project's approved landscape plan shall result in the issuance of a citation and, if not abated, may include civil penalties. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

#### **17.61.050** Tree preservation and protection.

A. Replacement planting must conform to the original intent of the landscape design and adhere to the state's Model Water Efficient Landscaping Ordinance (MWELO).

B. Trees voluntarily removed from an existing project, except when necessary for the protection of public safety, property damage, or liability, or damage or loss by acts of nature, the willful unlawful acts of persons other than the property owner, or by complying with other federal or state laws or actions, shall be replaced at the average size of what is or was existing not to exceed a forty-eight-inch box container size. Said trees shall be replaced within one hundred twenty days of removal. Trees shall be the same species as shown on the project's approved landscape plan or otherwise meet the provisions of this chapter.

C. Failure to replace existing tress as required by this chapter shall be subject to the issuance of notices of violations, correction orders, citations, and any administrative remedies provided under the Bakersfield Municipal Code or applicable state law. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

## 17.61.060 Landscape plan requirements.

A. A workable scale (preferred—one inch equals twenty feet or larger) and north arrow;

B. Property lines, overhead and underground power easements;

C. Dimensions;

D. Location of all trees and shrubs. Mature tree head diameter shall be depicted to scale;

E. Existing and proposed structures, including anticipated signs (both freestanding and wall);

F. Existing natural features (note on plan to be removed or retained);

G. Irrigation system plan shall include, but not be limited to, main and lateral lines, valves, sprinkler heads, any moisture sensing devices, any rain switches, pressure regulators and backflow prevention device(s), and drainage locations, description of irrigation controller and ability to accommodate different hydrozones.

H. A plant specification list:

- 1. Keyed to the plan;
- 2. Estimated sizes at planting and at maturity;
- 3. Head diameter of trees at fifteen years and whether the tree is evergreen or deciduous;
- 4. Container sizes;
- 5. Quantity of each;

6. Percent of parking lot shading which will result from tree landscaping calculated in accordance with this section;

7. Percent of evergreen trees located in parking lot and percent located along project perimeter;

8. Botanical and common plant names.

I. If grading for slopes occurs within the landscaping area, then grading shall be designed to minimize soil erosion, runoff and water waste.

J. Compliance with the Model Water Efficient Landscaping Ordinance (MWELO) for projects that propose new landscaping as follows are required to submit documentation to the planning director that may include, but not be limited to, the checklist and certification of compliance forms provided by the planning director, and such other information and documentation as may be required by the planning director:

1. New landscaping encompassing equal to or greater than five hundred square feet.

2. Rehabilitation of landscape area encompassing equal to or greater than one thousand square feet.

3. Any project of landscape area encompassing equal to or greater than two thousand five hundred square feet. (Ord. 4943 § 1, 2018; Ord. 4624 § 2, 2010; Ord. 4010 § 1, 2001)

## Chapter 17.62 SURFACE MINING AND RECLAMATION

Sections:

17.62.010	Purpose and intent.
17.62.020	Incorporation by reference of state regulations.
17.62.030	Applicability.
17.62.040	Vested rights.
17.62.050	Permit review procedure.
17.62.060	Reclamation plan.
17.62.070	Financial assurance.
17.62.080	Idle operations—Interim management plan.
17.62.090	Annual report.
17.62.100	Violations.
17.62.110	Fees.

## **17.62.010 Purpose and intent.**

A. The city recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect health and safety. The city also recognizes that the reclamation of mined lands will provide for the protection and subsequent beneficial use of the land. Since surface mining operations may take place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different, reclamation operations may also vary accordingly.

B. The purpose and intent of this chapter is to safeguard the continued availability of important mineral resources while regulating surface mining operations as required by the California Surface Mining and Reclamation Act of 1975 (SMARA). These regulations will assure that:

1. Adverse environmental effects are prevented or minimized, and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

2. The production and conservation of minerals are encouraged while giving consideration to value relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

3. Residual hazards to the public health and safety are eliminated. (Ord. 3943 § 5, 1999; prior code § 17.75.010)

#### **17.62.020** Incorporation by reference of state regulations.

The provisions of SMARA (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207 (relating to annual reporting requirements), and the California Code of Regulations (Title 14, Division 2, Section 8, Subchapter 1, Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if they were specifically contained in this chapter. Whenever the provisions of this chapter are more restrictive than correlative state provisions, this chapter shall prevail. (Ord. 3943 § 5, 1999; prior code § 17.75.020)

#### 17.62.030 Applicability.

A. Except as provided in this chapter, no person shall conduct a surface mining operation unless a conditional use permit, reclamation plan and financial assurance for reclamation have first been approved by the city. Any applicable exemption from this requirement or other provisions of this chapter does not automatically exempt a project or activity from adhering to other regulations, ordinances or policies of the city or state, including but not limited to, the application of the California Environmental Quality Act (CEQA), other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this chapter shall apply to all lands within the city, public and private.

B. This chapter shall not apply to any of the following activities:

1. Excavations or grading conducted for farming, or for the purpose of restoring land following a flood or natural disaster;

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a development that is undertaken to prepare a site for construction of structures, streets, landscaping or other land improvements, including related excavation, grading, compaction or the creation of fills, road cuts and embankments, whether or not surplus materials are exported from the site. These development related improvements must have been approved by the city in accordance with applicable provisions of state law, locally adopted plans and ordinances, and CEQA;

3. Operation of an industrial site used for mineral processing, including associated on-site structures, equipment, machines, tools or other materials, including the on-site stockpiling and on-site recovery of mined materials. This site must be located on lands approved such uses consistent with the city's general plan and zoning ordinance, none of the minerals being processed are being extracted on-site, and all reclamation work, if any was necessary, has been completed according to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976;

4. Surface mining operations where a total of one thousand cubic yards or less of the minerals and/or overburden is removed or involve an area of one acre or less in any one location;

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose;

6. The solar evaporation of water for the production of salt and related minerals;

7. Emergency excavations or grading conducted by or under direction of the city, Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing or restoring damage to property due to imminent or recent floods, disasters or other emergencies;

8. Surface mining operations conducted by, under contract with, or under direction of the State Department of Water Resources or the Reclamation Board for the State Water Resources Development System or flood control meeting the requirements for review and approval of the State Department of Conservation in accordance with PRC Section 2714(i);

9. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (Ord. 3943 § 5, 1999; prior code § 17.75.030)

#### 17.62.040 Vested rights.

Any person with an existing surface mining operation who obtained a vested right to conduct such activity prior to January 1, 1976, shall not be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have occurred to the operation. Where a person with vested rights has continued surface mining in the same area after January 1, 1976, he or she shall obtain city approval of a reclamation plan covering any new mined lands disturbed since that date. In those cases where an overlap of the physical disturbance exists in the horizontal and/or vertical sense between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to the disturbance caused by mining after the effective date of the Act (January 1, 1976). All other requirements of state law and this chapter shall apply to vested surface mining operations. (Ord. 3943 § 5, 1999; prior code § 17.76.040)

### 17.62.050 Permit review procedure.

A. *Application*. A conditional use permit shall be required for all applications for a surface mining operation or land reclamation project, including any reclamation plan and financial assurance. The application for the

permit shall be filed with the planning director on forms provided by the director, and shall include all information as necessary to meet city ordinances, CEQA, SMARA and any other information that the director finds necessary to ensure that the project can be adequately evaluated.

B. *Authority*. The planning commission shall have the authority to grant or deny, subject to appeal to the city council, the following:

- 1. A conditional use permit to conduct surface mining operation;
- 2. A reclamation plan;
- 3. Financial assurance for reclamation of mined lands;

4. Amendments to any term, condition or other consideration regarding a surface mining operation, reclamation plan or financial assurance;

- 5. An interim management plan as defined in SMARA for idle surface mining operations;
- 6. Environmental determinations concerning the conditional use permit for surface mining operations;
- 7. Revocation of the conditional use permit.

C. *Review Process*. The procedures contained in Chapter <u>17.64</u> of this code relating to processing a conditional use permit, including, but not limited to, notice, public hearings, permit rights and restrictions, extensions and appeals shall apply to any project regulated by this chapter.

D. *Additional Notice*. In addition to the notice required under the conditional use procedure and CEQA, notice shall also be provided as follows:

1. Within thirty days of acceptance of an application as complete, the Planning Director shall notify the State Department of Conservation of the filing of the application.

2. If mining operations are proposed in the one-hundred-year floodplain of any watercourse as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning director shall notify the State Department of Transportation that the application has been received.

3. The above notifications may be combined with any other notice or consultation necessary to meet CEQA requirements.

E. *Agency Consultation and Comments*. In addition to the consultation and comment period required by city ordinance and CEQA, the State Department of Conservation shall be given thirty days to review and comment on a reclamation plan and forty-five days to review and comment on a financial assurance (PRC Section 2774(d)). The planning commission shall consider all written comments received, if any, from the State Department of Conservation and any other person or agency during the comment period.

F. *Required Findings*. In addition to any findings required by Chapter <u>17.64</u> of this code for conditional use permits, an approval for a surface mining operation, reclamation plan and financial assurance shall include findings that the project complies with the provisions of SMARA and related state regulations.

G. *Distribution of Final Decision*. In addition to the final decision being distributed to interested persons and/or agencies as may be required by city ordinance and CEQA, a copy of each approved and/or amended conditional use permit for a surface mining operation, reclamation plan and/or financial assurance shall also be forwarded to the State Department of Conservation.

H. *Amendments*. Amendments to any approved surface mining operation, reclamation plan and/or financial assurance, shall be processed in the same manner as a new application. (Ord. 5020 § 24, 2020; Ord. 3943 § 5, 1999; prior code § 17.75.050)

#### 17.62.060 Reclamation plan.

A. All reclamation plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (<u>CCR</u> Sections 3500-3505). Reclamation plans approved after January 15,1993, reclamation plans for proposed new mining operations and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (<u>CCR</u> Sections 3700-3713).

B. The city may impose additional performance standards as developed either in review of individual projects through the conditional use permit process, as warranted, or through the formulation and adoption of citywide performance standards.

C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or upon completion of all excavation, removal

or fill, as approved by the city. Each phase of reclamation shall be specifically described in the reclamation plan and shall include the beginning and expected ending dates for each phase, all reclamation activities anticipated and estimated costs for completion of each phase of reclamation.

D. The reclamation plan shall remain in effect until all components are satisfied. It shall be binding to any new operator or owner that may assume control of the surface mining operation. (Ord. 3943 § 5, 1999; prior code § 17.75.060)

#### **17.62.070** Financial assurance.

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the city shall require, as a condition of approval, security which will be released upon satisfactory performance of reclaiming mined land. The applicant may pose security in the form of a surety bond, trust fund, an irrevocable letter of credit from an accredited financial institution, or other method acceptable to the city and the State Department of Mining and Geology Board as specified in regulation, and which the city reasonably determines is adequate to perform reclamation in accordance with the reclamation plan. Financial assurance shall be made payable to both the city and the State Department of Conservation.

B. Financial assurance shall be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitats, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials and other measures as may be appropriate by the planning commission.

C. Cost estimates for the financial assurance shall be submitted to the planning director as part of the initial application for the surface mining operation. The planning director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the state does not comment within the required review period, it shall be assumed that the cost estimates are adequate. The planning commission shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA and related state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the reclamation plan, including any maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a qualified professional retained by the operator that has been approved by the planning director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the reclamation plan, including administrative costs. Financial assurance to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration

and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurance, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the city may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurance shall remain in effect for the duration of the surface mining operation. (Ord. 3943 § 5, 1999; prior code § 17.75.070)

#### **17.62.080** Idle operations—Interim management plan.

A. Within ninety days of a surface mining operation becoming idle, the operator shall submit to the planning director a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and the approved conditional use permit, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review as specified under SMARA.

B. Financial assurances for idle operations shall be maintained as though the operation were active.

C. The IMP may remain in effect for a period not to exceed five years, at which time the planning commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with the approved reclamation plan. (Ord. 3943 § 5, 1999; prior code § 17.75.080)

#### 17.62.090 Annual report.

A. *Report Submittal.* Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the planning director on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

B. *Inspections*. The planning director, or his or her designee, shall inspect a surface mining operation within six months of receipt of the annual report to determine whether the surface mining operation is in compliance

with the approved conditional use permit, reclamation plan, financial assurance and state regulations. In no event shall less than one inspection be conducted in any calendar year. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. (Ord. 3943 § 5, 1999; prior code § 17.75.090)

#### **17.62.100** Violations.

If the planning director, based upon an annual inspection or otherwise confirmed by an inspection of the surface mining operation, determines that it is not in compliance with this chapter, the approved conditional use permit or reclamation plan, the city shall follow the procedures set forth in SMARA concerning violations and penalties, as well as those provisions of Chapter <u>17.64</u> of this code concerning revocation of the conditional use permit which are not preempted by SMARA. (Ord. 3943 § 5, 1999; prior code § 17.75.110)

#### 17.62.110 Fees.

The applicant, operator or owner shall pay all fees not to exceed the reasonable costs incurred in implementing this chapter and state regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance as set forth in Chapter <u>3.70</u> of this code. (Ord. 3943 § 5, 1999; prior code § 17.75.100)

## Chapter 17.63 HOME OCCUPATIONS

Sections:

17.63.010	Purpose.
17.63.020	Permits.
17.63.030	<b>Operating standards.</b>
17.63.040	<b>Revocation of rights.</b>
17.63.050	Appeal.

## 17.63.010 Purpose.

The purpose of this chapter is to establish standards for home occupations. A home occupation is a residential use that is accessory and incidental allowing the occupants an opportunity to conduct a legal, income producing activity. The use is conducted so that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this chapter are intended to ensure that the proposed business retains the residential environment of the property and is compatible with the residential character of the neighborhood. (Ord. 3768 § 1, 1997)

#### 17.63.020 Permits.

A. *Permit Required*. A home occupation shall not be established, operated or maintained within the city without having a valid permit approved by the city according to the regulations of this chapter.

B. Permit Not Required. A home occupation permit shall not be required for the following:

- 1. Family day care, as defined in Section <u>17.04.160</u>;
- 2. Residential care facility, as defined in Section 1502 of the California Health and Safety Code;

3. A business conducted in a residence within a commercial or industrial zone district where that business complies with the requirements of the commercial or industrial zone in which it is located.

C. *Application*. An application for a home occupation permit shall be on forms furnished by the planning director, shall be filed with the planning department before commencing the business activity, and shall be signed by the applicant. The application shall include the following information:

- 1. The name, mailing address, and telephone number of the owner(s) of the business;
- 2. The street address of the property where the business will be conducted; and
- 3. A description of the type of business proposed.
- D. Permit Issuance. The planning director shall issue a permit if he or she finds:
  - 1. That the application is complete;

2. That such business will be operated consistent with the regulations of this chapter and not interfere with the peace and quiet or be contrary to the residential character of the neighborhood; and

3. The building and the proposed business will be maintained and conducted according to all laws of the city and state, including, but not limited to, health, structural soundness, fire safety, and zoning.

E. *Prohibited Activities*. A home occupation permit shall not be issued for the following activities or activities deemed to be similar as determined by the planning director where such will be conducted on the premises the permit would apply:

- 1. Appliance repair on large items such as washers, refrigerators, dryers.
- 2. Bazaars (involving the sale of crafts or other merchandise open to the public).
- 3. Cabinet making.
- 4. Equipment or vehicle rentals.
- 5. Recycling centers.
- 6. Restaurants.
- 7. Stable or kennels.
- 8. Storage of household goods, equipment, or materials not owned by the resident.

- 9. Upholstering of vehicles or furniture.
- 10. Vehicle repair, including, but not limited to, engine tuneups, body and fender work, and painting.
- 11. Vehicle washing and detailing where power equipment is used.
- 12. Veterinary clinics or hospitals.
- 13. Welding services.

F. *Permit Nontransferable*. Any permits issued according to this chapter shall be nontransferable and shall be valid only as to the applicant and the property address provided on the application.

G. *Fees.* The applicant shall pay a fee not to exceed the cost of processing the permit application and inspecting such business as set forth in Chapter <u>3.70</u> of this code. (Ord. 5041 § 1, 2020; Ord. 3768 § 1, 1997)

#### 17.63.030 Operating standards.

Home occupations shall comply with the following operating standards:

A. Signs referring to the business are not permitted; however, signs containing the address of the home or name of the residents are permitted according to the requirements for signs within residential zones.

B. The home occupation may involve the use of commercial mail or freight careers for delivery of materials to or from the premises provided deliveries are no more frequent than twice a day.

C. One commercial vehicle owned by the residents may be used with the home occupation. The vehicle will be deemed in use for the home occupation if it contains advertising and/or any materials including stock, wares, goods, samples, or equipment carried in or on the vehicle. Such vehicle shall not exceed one ton and shall be stored in a garage if one exists. If there is no garage on the premises, the vehicle shall be concealed so as not to be visible from the street, sidewalk or alley when it is parked at the residence.

D. Customers, clients, or prospective customers or clients shall not be invited to the residence except by appointment only, for the purpose of obtaining service, tutoring, or training. The home occupation shall not involve the onsite presence of more than one customer or client at a time. Customers or clients shall not be permitted on the premises between the hours of 10:00 p.m. and 8:00 a.m.

E. Noise, pedestrian or vehicular traffic, or other activity that constitutes a nuisance or disturbance of the peace of any person shall not be produced or made at the residence in connection with the home occupation.

F. Displays, models or samples shall not be exhibited on the premises.

G. The appearance of any structure shall not be altered or the conduct of the occupation within a structure be such that it may be recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.)

H. Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within a building and not visible from the street, sidewalk or alley, and shall not interfere with the residential use or endanger any person.

I. The home occupation shall be conducted only by the occupants of the residence. Employees, salespeople, or other help, including independent contractors, planners or joint ventures hired, engaged, or retained by the permittee, shall not perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

J. There shall be no processing or manufacturing of goods, wares or merchandise on the premises unless the planning director finds that, in addition to meeting all other criteria applicable to the home occupation, the processing or manufacturing can and will be done in such a manner that no noise, sound, vibration, odor, fumes or light are emitted from the premises.

K. The home occupation shall be conducted entirely within an enclosed area of the residence or accessory structure, and shall not encroach into any required parking, setback, or open space areas. It shall not involve the use of more than four hundred square feet of the premises, not including a vehicle meeting the criteria of subsection  $\underline{C}$  of this section.

L. Class I flammable liquids or liquefied flammable gases shall not be used or stored on the premises. Not more than the equivalent of seventy-five cubic feet of other flammable material shall be used or stored on the premises in relation to the home occupation.

M. The permittee for a home occupation shall obtain a business license from the city for the intended business.

N. The home occupation shall not be operated to cause a nuisance or interfere with the peace and quiet, and residential character of the neighborhood. (Ord. 3768 § 1, 1997)

## **17.63.040** Revocation of rights.

The granting of a home occupation permit is conditioned on the faithful compliance with all regulations set forth in this section and does not relieve the permittee from complying with applicable federal, state, and local laws for health and safety. Any permit issued according to this chapter shall immediately be revoked by the planning director whenever he or she finds:

A. That misrepresentations were made on the application; or

B. That any terms or conditions of the permit have been violated, or that the business has been operated in violation of local, state, or federal law; or

C. That the operation of the business is interfering with the peace and quiet of the neighborhood. (Ord. 3768 § 1, 1997)

## 17.63.050 Appeal.

A. Should any applicant be dissatisfied with the decision of the planning director not to grant a permit or for the revocation of a permit, then said applicant or permit holder may, no later than ten days after notice of such decision is deposited in the United States mail addressed to the applicant or permittee at the address provided on the application, appeal the decision to the planning commission by filing such appeal with the planning department.

B. The planning director shall set the date for hearing the appeal at a regular meeting within a reasonable time following filing of the appeal. Notice of the appeal shall be given in the same manner as required in Section <u>17.64.050</u>.

C. The planning commission may sustain, suspend, or overrule the decision of the planning director. Their decision shall be final and conclusive.

D. Pending the hearing before the planning commission, the decision of the planning director shall remain in full force and effect, and any reversal by the planning commission shall not be retroactive but shall take effect as of the date of the planning commission's decision. (Ord. 5020 § 25, 2020; Ord. 3768 § 1, 1997)

# Chapter 17.64 MODIFICATIONS, CONDITIONAL USE PERMITS, AMENDMENTS AND APPEALS\*

Sections:

17.64.010	Scope.
17.64.020	Authority of planning director.
17.64.030	Authority of planning commission.
17.64.040	Initiation.
17.64.042	Fees.
17.64.050	Hearings—Notices.
17.64.060	Director review and approval permits and conditional use permits—Hearing—Decision
	and findings.
17.64.070	Zone changes—Hearing—Decision.
17.64.080	Title 17 text amendments—Hearing—Decision.
17.64.090	Appeals—Conditional use permits and zone changes.
17.64.100	Zone changes—Council action when planning commission decision not appealed.
17.64.110	Conditions for reapplication.

\* Prior history: Prior code §§ 17.60.010—17.60.140 and Ords. <u>2723</u>, <u>2739</u>, <u>2806</u>, <u>2820</u>, <u>2985</u>, <u>3058</u>, <u>3171</u>, <u>3404</u>, <u>3415</u>, <u>3477</u> and <u>3609</u>.

#### 17.64.010 Scope.

The regulations set forth in this chapter shall apply to modifications, conditional use permits, the enactment of text amendments to Title <u>17</u> and zone changes (amendments changing property from one zone to another or changing the boundary of any zone.) (Ord. 3746 § 17, 1997)

#### 17.64.020 Authority of planning director.

The planning director shall have authority to grant director review and approval permits, subject to appeal to the planning commission under the provisions of this title, subject to the following:

A. Modification or waiver of:

1. Automobile parking space or loading requirements on private property, and

2. The height, yard and lot area regulations on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other typical subdivision development, and

3. Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot.

4. Multi-unit residential objective site design standards as identified in Chapter 17.14 of this Title.

B. Land use approvals as provided for within the various zone districts of this title.

C. Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter <u>12.30</u> of this code. (Ord. 5020 § 1, 2020; Ord. 4876 § 3, 2016; Ord. 3835 § 38, 1998; Ord. 3754 § 1, 1997; Ord. 3746 § 17, 1997)

## 17.64.030 Authority of planning commission.

The planning commission, as the advisory agency, shall have the sole authority to grant modifications of minimum lot size standards on a lot or lots within a subdivision in the course of approval or conditional approval of any tentative map. The hearing on any such modification shall be consolidated with the hearing on the tentative map, shall be noticed with the notice of hearing on such map, and the commission shall not approve such modification unless it makes the findings specified in Section <u>16.28.170(O)</u>. Appeal of the commission decision on such modification shall be governed by the provisions of Chapter <u>16.52</u> of this code. (Ord. 3746 § 17, 1997)

## **17.64.040** Initiation.

A. Applications for director review and approval permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

B. Applications for conditional use permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

C. Proceedings for redistricting of property may be initiated by the city council, planning commission, planning director or by filing with the planning director an application signed by one or more of the record owners of the parcel of property which is the subject of the application or an agent of the owner authorized in writing. In the event that an application by owners involving more than one parcel of land is submitted for

district amendment or adoption, owners of parcels representing at least sixty percent of the area involved must sign the application. The names of all record owners of all land involved must be stated on the application.

D. Proceedings for amendment of any provisions of Title <u>17</u> of this code, other than amendments changing property from one zone to another, may be initiated by city council action, planning commission action or action of the city staff. (Ord. 5020 § 2, 2020; Ord. 3746 § 17, 1997)

#### 17.64.042 Fees.

The city council shall by resolution set fees for application for director review and approval, conditional use permits, changes of zones and for appeals from any order, requirement, decision or determination provided for in this chapter. Such fees shall be in amounts necessary and appropriate to reimburse the city for all costs related to the processing of and acting upon each such application or appeal. No application or appeal shall be deemed complete until the prescribed fee has been received by the city. (Ord. 5020 § 3, 2020; Ord. 3746 § 17, 1997)

#### 17.64.050 Hearings—Notices.

A. *Procedure for Director Review and Approval Permits*. Any application for a director review and approval permit shall be considered by the planning director after it is publicly noticed in the following manner:

1. Not less than ten days before the planning director decision, a direct mailing shall be sent to the owners and/or occupants of property located within three hundred feet of the boundaries of the project site, as shown on the latest equalized assessment roll.

2. Notice shall also be given by first class mail to any person who has filed a written request with the planning division. The city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

3. Such notice shall include the following information: the name of the applicant, nature of the request, location of the property, the environmental determination, the proposed date of "planning director decision" (ten days from date of notice), and the appropriate method and deadline for written or verbal comments to be submitted to the city for consideration.

4. Substantial compliance with these provisions shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this section.

5. Alternatively, at his/her discretion, the planning director may refer the proposed use directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing, hearing, and planning commission appeal procedures of subsection  $\underline{B}$  of this section shall be followed.

6. For any director review and approval permit application filed in conjunction with any discretionary application (including a conditional use permit, tentative subdivision map, etc.), the applicant shall file the application concurrently, for review with the application requiring discretionary approval.

B. *Procedure for Conditional Use Permits and Zone Changes*. Upon the receipt in proper form of a complete application for a conditional use permit, or zone change, along with the fee adopted pursuant to Section <u>3.70.040</u>, the planning director shall fix a time and place of public hearing thereon in the following manner:

1. Not less than ten days before the date of such public hearing, notice of the date, time and place of hearing, along with the location of the property and the nature of the request shall be given.

2. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property of the owner's duly authorized agent, and to the project applicant.

3. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency (if not the city) expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

4. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection or subsection (B)(2) of this section is greater than one thousand, in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing. Notice of hearing upon each application for a conditional use permit to allow drilling for and production of petroleum pursuant to Chapter <u>15.66</u> of this code shall be mailed to such owners of all property that is the subject of the hearing, and the production operator of record of subject real property as shown in the state of California Department of Conservation, Geologic Energy Management Division (herein CalGEM) records as of thirty days of the date of application of the conditional use permit. The applicant shall be responsible for obtaining the operator's name and address from CalGEM and submitting such documentation from the division with the application for a conditional use permit.

5. Notice shall be published in at least one newspaper of general circulation within the city at least ten days prior to the hearing.

6. Notice shall be mailed to every person filing with the planning director a written request for notice.

7. In addition, not less than twenty days but not more than sixty days prior to the hearing on any general plan amendment, specific plan, zone change, or conditional use permit, the applicant shall post signs on the property indicating the date, time, and place of the hearing on the proposed general plan amendment, specific plan, zone change, or conditional use permit.

a. One sign shall be posted for every three hundred feet of street frontage, or portion thereof, with a maximum of two signs per street frontage. If no portion of the property fronts an existing public street, at least one sign shall be posted on the property nearest the point of legal access from a public street or as otherwise directed by the planning director.

b. For general plan amendment, specific plan, zone change, and conditional use permit on an undeveloped site, the size of the signs shall be eight feet wide by four feet high. Lettering style, formatting, mounting, and materials to be used shall be as set forth in the administrative policy manual approved by the development services director.

c. For a conditional use permit on a developed site in all nonresidential zones, the size of the signs shall be four feet wide by four feet high. The signs shall be posted along the street frontage, but not in the public right-of-way. In addition, a smaller sign (e.g., eleven inches by seventeen inches), at the discretion of the planning director, shall be placed in the window of the facility where the activity will occur. For a conditional use permit on a developed site in a residential zone, the provisions of Section 17.60.070(C) shall apply.

d. The applicant shall file with the planning department, on a form provided by the city, photograph(s) of the posted sign(s) and a declaration, signed under penalty of perjury, that the property has been posted according to the requirements of this section.

e. If the applicant fails to post the signs within the specified time, and if the photographs and declaration are not filed with the planning department within five days of the signs being posted, the public hearing may be postponed until the signs are posted and proof of posting has been submitted.

f. The applicant shall remove all signs posted pursuant to this section within ten days after final city action on the general plan amendment, specific plan, zone change, or conditional use permit. Should the applicant withdraw their application for a general plan amendment, specific plan, zone change, or

conditional use permit, all signs posted shall be removed within ten days of the withdrawing of the application.

g. Should the applicant fail to remove any sign within the specified time, the city may remove any such sign and the costs thereof shall be borne by the applicant.

C. When proceedings are initiated for the amendment of any provision of this title, other than amendments changing property from one zone to another, or changing the boundary of any zone, a public hearing shall be held. Notice of such hearing shall be given once by publication in a newspaper of general circulation in the city, which notice shall state the time, date and place of such hearing and a general description of the nature of the proposed text amendment. (Ord. 5094 § 1, 2022; Ord. 5020 § 4, 2020; Ord. 4939 § 20, 2018; Ord. 4714 § 1, 2012; Ord. 4392 § 2, 2006; Ord. 4060 § 4, 2002; Ord. 3746 § 17, 1997)

# 17.64.060 Director review and approval permits and conditional use permits— Hearing—Decision and findings.

A. *Director Review and Approval Permit.* The planning director shall render a decision on the application within ten days after the proposed date of "planning director decision" included in the public notice, as described in Section <u>17.64.050(A)</u>. The decision shall grant in modified form, conditionally grant, or deny the requested director review and approval permit as follows:

1. *Approval/Conditional Approval*. In the case where no public comments in opposition to the request have been received and the planning director is able to make the appropriate findings as noted in subsection <u>B</u> of this section, the planning director will grant approval or conditional approval. For conditional approvals, the planning director may apply conditions of approval upon the entitlement as noted in subsection <u>D</u> of this section.

2. *Referral to Planning Commission.* In the case where public comments in opposition to the request have been received, the planning director shall either deny or refer the proposed request directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing and hearing procedures in Section <u>17.64.050(B)</u>, Hearings—Notices, shall apply.

3. *Denial*. In the case where public comments in opposition to the request have been received and the planning director is unable to make the appropriate findings as noted in subsection <u>B</u> of this section, the planning director will deny the application. Such denial may be appealed per Section <u>17.64.090</u>.

B. *Findings Required for Director Review and Approval Permit.* A director review and approval permit shall be granted only when it is found that:

1. The granting of such director review and approval permit would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the property is located; and

2. The granting of the director review and approval permit is necessary to permit an appropriate improvement or improvements on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other atypical subdivision development; and

3. The granting of the director review and approval permit would not be inconsistent with the purposes and intent of Title  $\underline{17}$  of this code.

C. *Conditional Use Permit.* Following the public hearing, the planning commission or city council may grant, grant in modified form, conditionally grant, or deny the requested conditional use permit. Such decision shall be reflected in a formal resolution containing the findings and the facts upon which the findings are based.

D. *Findings Required for Conditional Use Permit.* A conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and

2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

E. *Conditions*. The issuance of any director review and approval permit or conditional use permit pursuant to this title may be granted subject to such conditions as may be deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare. Dedications of real property may be required and improvements of public streets shall be in accordance with standard specifications of the city on file in the office of the city engineer.

F. *Exercise of Rights.* The exercise of rights granted by a director review and approval permit or conditional use permit shall be commenced within two years after the date of the final decision.

G. *Termination of Rights.* The director review and approval permit or conditional use permit shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations of Title <u>17</u> of this code applicable to the zone in which such property is classified, when any of the following occur:

1. There is a failure to commence the exercise of rights as required by subsection  $\underline{E}$  of this section, or within any duly granted extension;

2. There is a discontinuance for a continuous period of one year of the exercise of the rights granted.

H. *Extension of Time*. Any time limit contained in this chapter or in any decision, for good cause shown, may be extended by the body issuing the initial conditional use permit or director review and approval permit for a period which shall not exceed one year.

1. The property owner may request an extension of the time limit by written application to the planning director or designee. Such application shall be filed before the expiration date of the conditional use permit or director review and approval permit. The application shall provide reasons for extension of the permit.

2. Upon the receipt in proper form of an application for an extension, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon. The hearing shall be noticed as set forth in Section 17.64.050(B).

3. Following the public hearing, the hearing body shall approve, conditionally approve, or deny extension of the conditional use permit or director review and approval permit.

I. *Revocation of Rights*. The planning commission may revoke the rights granted by such director review and approval permit or conditional use permit and the property affected thereby shall be subject to all of the provisions and regulations of Title <u>17</u> of this code applicable as of the effective date of revocation. Such revocation shall be for good cause, including, but not limited to, the failure to comply with conditions or complete construction as required by subsection  $\underline{G}$  of this section, the failure to comply with any condition contained in the director review and approval permit or conditional use permit, or the violation by the owner or tenant of any provision of the municipal code pertaining to the premises for which such director review and approval permit or conditional use permit was granted.

1. Notice of the intent to revoke shall be given, together with the reasons therefor, either by personal delivery to the occupant of such premises, to the owner of such premises, to any person indicated in the permit as being entitled to exercise the permit, or by deposit in the United States mail, postage prepaid,

addressed to such person(s) at his or her last known business or residence address as the same appears in the records of the director review and approval permit or conditional use permit. Service by mail shall be deemed to have been completed at the time of deposit in the post office, or any United States mailbox.

2. The decision of the planning commission shall be final, subject to appeal to the city council within ten days after notice.

3. When a proper appeal has been filed, public hearing upon the matter shall be set before the city council within a reasonable time after the appeal is filed.

4. Not less than ten days before the date of such public hearing, notice of the time and place of the hearing before the body shall be given as set forth in Section 17.64.050(B).

5. On appeal, the city council may affirm the revocation, overturn the revocation or modify the order of revocation.

6. The decision of the city council shall be final and conclusive.

J. *Date of Issuance*. No permit or license for any use involved in an application for a director review and approval permit or conditional use permit shall be issued until same has become final by reason of the failure of any person to appeal or by reason of the action of the city council. (Ord. 5020 § 5, 2020; Ord. 4913 § 1, 2017; Ord. 4681 § 1, 2012; Ord. 4557 § 1, 2009; Ord. 3746 § 17, 1997)

#### **17.64.070** Zone changes—Hearing—Decision.

A. A public hearing shall be held and conducted by the planning commission or city council, notice of which shall be given as set forth in subsection <u>B</u> of Section <u>17.64.050</u>.

B. The planning commission or city council shall either approve and recommend the enactment of the proposed amendment, disapprove it or recommend an alternative zoning district more restrictive than that proposed.

C. If any proposed zoning is disapproved by the planning commission and no appeal is filed, such action by the planning commission shall be final and conclusive. The disapproval of a matter initiated by the planning commission itself shall be final, and not subject to appeal.

D. All approvals and recommendations of zone changes by the planning commission shall be presented to the city council for final action following public hearing by the planning commission. Matters so presented to the city council for final action shall not require a noticed public hearing before the city council except as required by Section <u>17.64.100</u> or unless an appeal is filed pursuant to Section <u>17.64.090</u>. (Ord. 3746 § 17, 1997)

#### **17.64.080** Title 17 text amendments—Hearing—Decision.

A. Any text amendments codified herein to this title shall require a public hearing conducted by the planning commission or city council, notice of which shall be given as set forth in Section 17.64.050(C).

B. The planning commission or city council shall either approve and recommend the enactment of the amendment as proposed or as altered, or shall disapprove the amendment. Any final text amendments to this title shall be presented to city council for final action.

C. Any text amendment to this title enacted into ordinance by city council shall be done in accordance with its normal procedure. The action of the council shall be final. (Ord. 5107 § 1, 2022; Ord. 3746 § 17, 1997)

#### 17.64.090 Appeals—Conditional use permits and zone changes.

A. The action of the planning commission shall be final unless, within ten calendar days after the decision, the applicant or any other person shall appeal therefrom in writing to the city council by filing such appeal with the city clerk. A decision of the city council shall be final and conclusive.

B. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed, and specific reasons why the appellant believes the decision or action from which the appeal is taken should not be upheld.

C. The city clerk shall set the date for hearing the appeal. Notice of the appeal hearing shall be given as set forth in Section 17.64.050.

D. For conditional use permits, on appeal following the hearing, the city council may grant, grant in modified form, or deny the requested conditional use permit. The decision of the council shall be final and conclusive.

E. For zone changes, on appeal following a public hearing, the council may enact into ordinance the zoning amendment giving rise to the appeal or any alternative zoning district more restrictive than that proposed, may affirm any conditional approval and recommendation of the planning commission, or may decide against

adoption of the proposed zoning ordinance amendment. The decision of the council shall be final and conclusive. (Ord. 5020 § 6, 2020; Ord. 4086 § 1, 2002; Ord. 3746 § 17, 1997)

# 17.64.100 Zone changes—Council action when planning commission decision not appealed.

A. When no appeal is filed in accordance with Section <u>17.64.090</u>, the city council may enact into ordinance any zone changes as approved and recommended by the planning commission in accordance with its normal procedure as in the case of any other ordinance of the city.

B. If the council decides to disapprove the recommended zone change, approve a district more restrictive than that recommended, or change any of the conditions recommended by the planning commission, the city council shall set the matter for a noticed public hearing at the next available regular meeting for which notice, as required in Section <u>17.64.050</u>, may be published, posted and mailed.

C. At the public hearing, the city council may approve the zone change as recommended by the planning commission, disapprove the zone change, approve a district more restrictive than that recommended or change any of the recommended conditions.

D. No permit or license shall be issued for any use involved in an application for a change of zone until the same has become final on the effective date of an ordinance. (Ord. 3746 § 17, 1997)

#### **17.64.110** Conditions for reapplication.

Where an application for a zone change or conditional use permit has been finally determined by the city council or planning commission, no reapplication or new application for the same zone change or conditional use permit shall be considered or heard by the planning commission or city council for a period of one year. However, where a change has occurred which, in the sound discretion of the city council or planning commission (whichever previously made the final determination) indicates that a new hearing should be had on an application for a zone change and where a showing has been made that the public interest would best be served by reconsideration or new consideration, the prohibition of this subsection may be waived after a finding by the body petitioned that the public interest would best be served by a reconsideration of a new hearing. (Ord. 5020 § 7, 2020; Ord. 3746 § 17, 1997)

# Chapter 17.65 ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU)

Sections:

17.65.010	Purpose.
17.65.020	<u>Intent</u> Basis for approval.
17.65.030	ApplicabilitySite plan approval required.
<del>17.65.040</del>	Process.

#### 17.65.010 Purpose.

This chapter sets forth the policies and procedures for permitting accessory dwelling units and junior accessory dwelling units as defined in Section <u>17.04.539</u> consistent with the provisions of Section <u>65852.2</u> and relevant sections of the California Government Code as amended from time to time. (Ord. 4996 § 2, 2019; Ord. 3613 § 2, 1994)

## 17.65.020 IntentBasis for approval.

A. It is the intent of the City to allow and streamline the development of accessory dwelling units and junior accessory dwelling units, and encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development. The provisions of this chapter are intended to further implement the provisions of the General Plan Housing Element and State housing law. Furthermore, these provisions are intended to increase the supply of smaller and more affordable housing while ensuring such housing remains compatible with the existing neighborhood. An accessory dwelling unit may be approved by the planning director provided the proposed unit meets all of the following conditions:

1. The lot upon which the accessory dwelling unit is being proposed must contain a proposed or existingdwelling.

2. The floor area of the accessory dwelling unit, if attached to the existing living area, shall not exceed fifty percent of the floor area of the existing dwelling; if detached from the existing living area, shall not exceed one thousand two hundred square feet.

3. The accessory dwelling unit shall conform to all other development requirements of this title exceptminimum lot area per dwelling. 4. The accessory dwelling unit shall conform to the construction requirements of the building code as adopted by the city.

5. The accessory dwelling unit shall be architecturally compatible with the main unit. Architecturalcompatibility shall mean that the exterior building materials and architecture of the accessory dwelling unitshall be the same as the materials used on the main dwelling. Architectural compatibility will be evaluatedduring site plan review. (Ord. 4996 § 2, 2019; Ord. 4715 § 1, 2012; Ord. 3613 § 2, 1994)

# 17.65.030 <u>ApplicabilitySite plan approval required</u>.

A complete application for an accessory dwelling unit or junior accessory dwelling unit shall be processed and approved in compliance with California Government Code Section 65852 et seq. Except as otherwise provided by this Title, accessory dwelling units and junior accessory dwelling units shall be a permitted use in any zone which allows for residential uses. This includes mixed-use zoning districts which allow residential and nonresidential land uses. No person shall construct or cause to be constructed any accessory dwelling unit without having first complied with the provisions of site plan review as provided in Chapter <u>17.08</u> of this code. (Ord. 4996 § 2, 2019; Ord. 3835 § 39, 1998; Ord. 3613 § 2, 1994)

#### 17.65.040 Process.

A. A request for approval of an accessory dwelling unit shall be made by submitting a site plan reviewapplication to the city. The request shall be made by the owner occupant of the existing dwelling unit on the lot upon which the accessory dwelling unit will be constructed.

B. The application shall include payment of the required site plan review fee. Accessory dwelling units are not subject to traffic impact fees or park fees, and shall pay sewer connection fees based upon the number of fixtures.

C. Projects shall comply with all the requirements of Section <u>17.65.020</u> and the conditions of approval placed on the project through site plan review. (Ord. 4996 § 2, 2019; Ord. 3613 § 2, 1994)

# Chapter 17.66 HD (HILLSIDE DEVELOPMENT) COMBINING ZONE\*

Sections:

17.66.010	Purpose and intent.
17.66.020	Applicability.
17.66.030	Maximum grade of access.
17.66.040	Development plan requirements.
17.66.060	Key box requirements.
17.66.070	Driveway requirements.
17.66.080	Fire apparatus access roads.
17.66.090	Emergency secondary access.
17.66.100	Bridges.
17.66.110	Address markers.
17.66.120	Building construction.
17.66.130	Roof repair or replacement.
17.66.135	Fencing.
17.66.140	Fire scape plant selections.
17.66.150	Defensible space.
17.66.155	Landscaping.
17.66.160	Drainage.
17.66.170	Grading.
17.66.180	Appeals.

\* Prior ordinance history: Ord. <u>3919</u>.

# 17.66.010 Purpose and intent.

A. The purpose of this chapter is to define and implement the goals and policies of the Metropolitan Bakersfield 2010 general plan as they relate to the preservation and maintenance of hillsides as a scenic resource of the City and to protect the general public from the threat of wildfire, hillside instability and landslides. The HD (Hillside Development) zone district is an overlay zone. The regulations established by the HD district are in addition to those uses allowed and the regulations of the base zone district.

B. Development projects within the HD zone shall be subject to review to ensure hillside/open space development policies in the general plan are incorporated into the projects. In addition, the city council shall adopt development standards by resolution or ordinance which aid in the implementation of general plan policies and ordinances, and provide detailed written or pictorial depictions regarding policy and/or ordinance intent.

C. The following provisions of this chapter are intended to apply to areas zoned HD. This overlay zone will generally be applicable to those larger contiguous areas generally having average natural slopes of eight percent or more (see Exhibit A which is located at the end of this chapter).

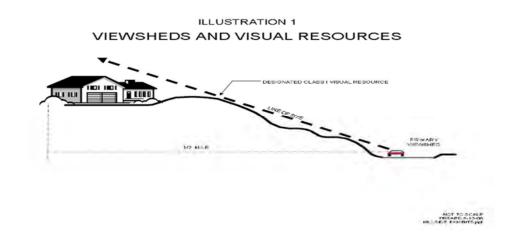
D. These regulations shall be implemented when the city considers applications for grading, building permits, parcel maps, tentative tract maps, conditional use permits, zone changes, general plan amendments and site plan review.

1. Permit development in HD areas that minimizes erosion and geologic hazards and provides for the protection of the public health, safety and welfare.

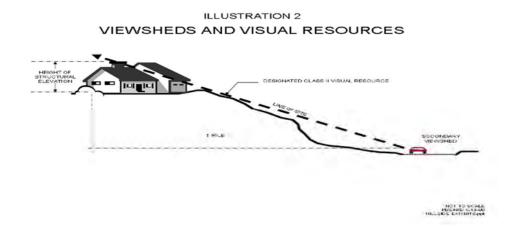
2. Protect views by identifying primary and secondary viewsheds, visual resource areas and slope protection areas within the HD zone (Exhibit B-1 and B-2—Large scale exhibit available for viewing at planning department and on the city of Bakersfield's website: <u>www.bakersfieldcity.us</u> ).

These areas are defined as follows:

a. "Primary viewsheds" are those locations identified along freeways, expressways or arterial roadways from which no structures or portions thereof are visible on a designated Class I visual resource area for a distance of one-half mile (Illustration 1), except as may be allowed under Section 17.66.040(P)(4).



b. "Secondary viewsheds" are those locations identified along freeways, expressways or arterial roadways from which no more than fifty percent of the height of a structural elevation is visible on a Class II visual resource area for a distance of a mile (Illustration 2), except as may be allowed under Section 17.66.040(P)(4).



c. "Class I visual resources areas" are designated ridge and hilltop areas which require a structural setback great enough so that no portion of a structure is visible from a primary viewshed

d. "Class II visual resource areas" are designated ridge and hilltop areas which require a structural setback great enough so that no more than fifty percent of the height of a structural elevation is visible from a secondary viewshed

e. "Slope protection areas" are those mapped slopes of fifteen percent and greater (Exhibits B-1 and B-2) within the HD zone area that, due to physical constraints, aesthetic value and visibility from major roadways, are to be left in their natural state with no structures or fences allowed on the slope face. Areas identified as slope protection areas shall be identified as lettered nonbuildable lots on subdivision maps.

3. Encourage development design that will:

a. Allow for orderly and sensitive development at a density that respects and is reflective of the natural terrain;

b. Encourage grading techniques that blend with the natural terrain, minimize earthmoving activities, minimize visual impacts of large cut and fill slopes, prevent erosion on the face of slopes due to drainage and provide for the preservation of unique and significant natural landforms and ridgelines;

c. Reduce water use in slope replanting and retention by encouraging grading design that minimizes manufactured slopes;

d. Maximize the positive impacts of site design, grading, landscaping, and building design consistent with the goals and policies of the general plan;

e. Maintain the integrity and natural characteristics of major landform, vegetation and wildlife communities, hydrologic features, scenic qualities, and open space. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.020 Applicability.

This overlay district shall apply to areas zoned HD (hillside development).

A. The following provisions are intended to apply to parcels or portions thereof within the HD zone. Development subject to these regulations includes grading, building permits, parcel maps, tentative tracts, conditional use permits, site plan reviews, general plan amendments, and zone changes. As areas are annexed to the city and zoned HD, Exhibits A and B shall be amended as appropriate.

B. Encourage developments intending to annex to the city to conform to the standards of this chapter.

C. *Exceptions*. This chapter shall not be applicable to the following activities or projects:

1. Modification of or addition to any pre-existing single<u>-unit-family</u> dwelling or accessory structure that predates this ordinance. This exemption shall not include an increase in the number of units or change in use;

2. Fire breaks and fire roads required by the Bakersfield fire department;

3. Recreation trails for pedestrian, equestrian, or multi-use purposes;

- 4. Lot line adjustments;
- 5. Landscaping on single-unitfamily parcels;
- 6. Modifications to yard, height, lot area and fence/wall regulations;

7. Public works projects determined by the city council to be necessary for the public health, safety or welfare which, by implementation of this ordinance, would create an unfair cost to the community;

8. Where it can be demonstrated that the imposition of the standards in this chapter would render an existing parcel (parcel created prior to adoption of the ordinance codified in this chapter) of land unbuildable and create a loss of all economic use, or where the development exhibits innovation and/or exceptional community benefits which cannot be realized through imposition of the standards contained in this chapter, development consistent with the general plan may be allowed, subject to the following provisions:

a. The proposed development shall serve the intent and purpose of the HD zone and general plan policies regarding hillsides.

b. The proposed development shall be subject to the approval of a planned unit development zone, planned commercial development zone, development agreement, optional design subdivision or specific plan. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.030 Maximum grade of access.

Maximum grade of streets, public or private, and other access easements shall be determined in accordance with "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), current edition, for design of maximum grades for arterials, collectors and local streets. (Ord. 4783 § 1, 2014; Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.040** Development plan requirements.

The following, as applicable, shall be shown on all development plans associated with planned commercial developments, planned unit developments, conditional use permits, tentative tracts, site plan reviews, and applications for single-<u>unitfamily</u> dwellings not already reviewed as part of parcel maps or tentative tracts:

A. Topography.

- B. Access road width and percent of grade.
- C. Landscape and vegetation details.
- D. Structure location.
- E. Overhead utilities.

F. Building occupancy class.

G. Type of ignition-resistant construction of structure.

H. Roof classification of buildings.

I. Water supply system.

J. Fuel loading and model, available from city fire department, and data to verify classification of fireresistive vegetation.

K. Proposed sewers.

L. Drainage concept plan.

M. As deemed appropriate by the city, at the time an applicant applies for a tentative map, conditional use permit, site plan review, general plan amendment, zone change or grading plan approval, the applicant shall submit the following:

1. A site or plot plan drawn to scale of one inch equals one hundred feet or larger, reflecting the proposed project, including property lines and recorded and proposed easements, private roads, public rights-of-way, and pad elevation of all lots;

2. A topographic map of the project site which shall also extend off-site a minimum of three hundred feet in distance unless a greater distance is required by the city engineer to incorporate the topography of all abutting properties as it relates to project site. The map shall be drawn at the same scale as the site plan and shall be based on contour intervals no greater than ten feet except where steep terrain warrants a greater contour interval as approved by the planning director;

3. A slope map of the property depicting natural slope categories of ten, fifteen, twenty, thirty and forty percent and over with contour lines shown;

4. A preliminary grading plan prepared by a registered civil engineer which includes the height and width of all manufactured slopes, proposed retaining wall locations and heights, proposed drainage patterns, methods of storm water retention/detention and identification of areas that will remain in a natural state. Off-site contours for adjacent, unimproved areas within three hundred feet of the project's boundaries shall be depicted. If the adjacent property is improved, pad elevations, street grades, wall

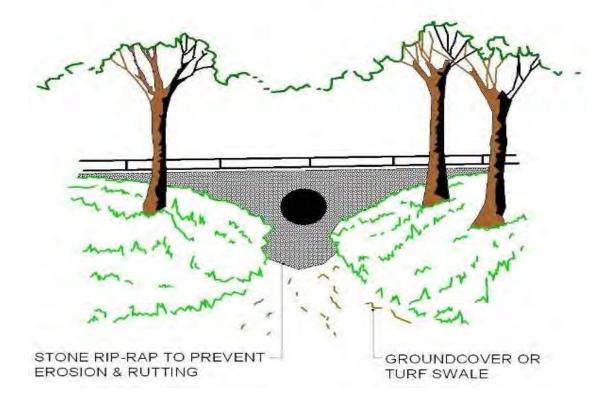
sections and any approved or existing improvements shall be shown. Cross sections will also be required from primary and secondary viewsheds;

5. No less than two cross sections (number to be determined by the planning director) which completely traverse the property at appropriately spaced intervals in locations where topographic variation is the greatest shall be prepared by a registered civil engineer. The cross sections shall clearly depict the vertical variation between natural and finished grade and shall extend three hundred feet beyond the project boundaries;

6. A slope erosion control/revegetation plan shall be provided with all subdivision applications, site plans and grading plans and shall incorporate the provisions of Section <u>17.66.155</u>, Landscaping;

7. In instances where roads cross or traverse natural drainage courses, design shall include natural materials and bank protection (Illustration 3). Design treatment shall be described or diagrammed on plans submitted;

# ILLUSTRATION 3 DRAINAGE CHANNEL ROAD CROSSING



8. If required for fire safety, additional information on the plan beyond the property lines related to slopes, vegetation, fuel breaks, water supply systems and access ways (driveways, secondary access, etc.) shall be shown to the satisfaction of the fire chief.

N. In addition, the planning director, building director or city engineer may require submittal of any or all of the following:

1. A geotechnical report which shall contain, but not be limited to, data regarding the nature, distribution and strengths of existing soils, conclusions and recommendations for grading procedures, design criteria for any identified corrective measures and opinions and recommendations covering the adequacy of sites to be developed. This investigation and report shall be performed by a professional civil engineer who is experienced in the practice of soil mechanics and who is registered with the state of California. Where the site includes slopes exceeding 2:1, the geotechnical report shall include a slope stability analysis. If the proposed development is in an area of concern, the report shall include the method and criteria for mitigation of slope instability.

2. A geology report which shall include, but not be limited to, the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, the potential of slope failure within or adjacent to the site and design criteria to mitigate any identified geologic hazards. This investigation and report shall be completed by a certified engineering geologist who is experienced in the practice of engineering geology and who is registered with the state of California.

3. A drainage concept report which shall include, but not be limited to, the hydrologic conditions on the site, possible flood inundation, downstream flood hazards, natural drainage courses, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, and design criteria to mitigate any identified hydrologic hazards consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed development project. The report shall also take into account all pre- and post-developed flows and shall provide evidence that the proposed project will not burden adjacent and/or downstream properties with flows and/or velocities in excess of the pre-development condition. The report will examine the effects of drainage patterns on the erosion potential that could cause damage to planned or existing structures and ensure that no drainage that could cause erosion will be directed to slope faces. In addition, the drainage concept report shall show the construction phasing for the project and shall show how the drainage through or around the project will be handled on an interim basis, including any proposed temporary facilities. This investigation and report shall be completed by a registered civil

engineer experienced in the science of hydrology and hydrologic investigation. The drainage concept report is subject to the review and approval of the city engineer.

4. A computer generated three-dimensional graphic representation of the project site may be required if deemed necessary for reason of clarity.

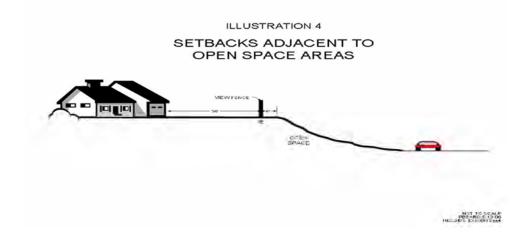
O. Areas identified as slope protection areas shall be identified as lettered nonbuildable lots on subdivision maps.

P. Structures shall be set back from the top of slopes a distance which is consistent with the following:

1. Determined to possess an adequate factor of safety, as determined by the findings of a geotechnical report required in subsection (N)(1) of this section and approved by the city; and

2. If the site is an area identified as a visual resource area, structures shall meet the visibility criteria as established by an identified primary or secondary viewshed;

3. On buildable lots placed at the top of manufactured or natural slopes adjacent to parks or open space, the minimum rear yard setback for above ground structures shall be twenty-five feet unless greater setback is required pursuant to this ordinance or for public health, safety or welfare (Illustration 4);



4. The planning commission may allow a lesser setback at a public hearing associated with a subdivision if it can be shown to the satisfaction of the city that alternative methods of viewshed protection such as mounding, landscaping, etc., can provide for an equivalent solution to the protection of the viewshed. Sight line distance and cross section analysis or other methodologies that provide a true representation of alternative viewshed protection methods will be required to determine the adequacy of alternative

viewshed protection methods. No setback shall be reduced, regardless of any alternative presented, that does not provide an adequate setback as provided in subsection (P)(1) of this section, or as may otherwise potentially endanger the public health, safety or welfare.

Q. To encourage consistent maintenance of slopes for erosion control and aesthetics, property lines are to be placed at the top of manufactured or natural slopes to be left as open space, park area or natural state and shall be located a minimum of five feet back from the top of the slope (Illustration 4). Additional setback may be required for fire safety or to accommodate trails consistent with an adopted trails plan. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.060 Key box requirements.

Driveways and access roads with private security gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3 if any part of a building is more than one hundred fifty feet from the gate entrance. (Ord. 4391 § 1 (Exh. A), 2006)

## **17.66.070** Driveway requirements.

Driveways shall be at least twelve feet wide with a minimum unobstructed height clearance of thirteen feet six inches. Driveways over one hundred fifty feet in length shall have turnarounds with a minimum turn radius not less than thirty feet and an outside turning radius of not less than forty-five feet. Driveways in excess of two hundred feet in length and less than twenty feet in width shall be required to have turnouts, as determined by the fire chief, in addition to turnarounds. Turnouts shall be constructed of an all-weather road surface, acceptable to the fire chief, at least ten feet wide by thirty feet long. In addition, driveways from any private gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

# 17.66.080 Fire apparatus access roads.

When required by the fire chief, all roads subject to fire department apparatus shall have a minimum width of twenty feet and a minimum height clearance of thirteen feet six inches. This will accommodate the loads and turning radius and a grade traversable by fire apparatus not to exceed the maximum as approved by the fire chief. Dead end roads in excess of one hundred fifty feet in length must be provided with turnarounds as approved by the fire chief. Driveways from any private gates shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.090** Emergency secondary access.

An emergency secondary access shall be required when it is determined by the fire chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit ingress or egress. Plans for emergency secondary access roads shall be submitted to the fire chief for review and approval prior to their construction and shall meet the requirements of Section <u>15.64.320</u>, Section 902.2.4.3. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.100 Bridges.

Vehicle load limits must be posted at both entrances to bridges on driveways and private roads. Bridge design loads shall be established by the public works director. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.110 Address markers.

All buildings shall have a permanently posted address readily legible from the public way. Otherwise, the address must be placed at each driveway entrance and be visible from both directions of travel. Address signs along one way streets shall also be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a post, and additional signs shall be posted at locations where driveways divide. Where a roadway provides access solely to a single commercial or industrial business, the address shall be placed at the nearest road intersection providing access to the site. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.120** Building construction.

A. Roofs for buildings in visual resource areas shall be earth toned to blend in with surrounding landscape. In no case shall they be highly reflective. Class A or Class B noncombustible roof covering or roof assembly shall be required. Notwithstanding the aforementioned, no wood shake or wood shingle roofs will be permitted. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers. One-hour rated fire-resistive construction shall be required for eave assemblies or noncombustible assembly approved by the fire chief and building director. Protection shall be required on the exposed underside by materials approved for a minimum of one-hour rated fire-resistive construction. Fascias are required and must be protected on the backside by materials approved for a minimum one-hour rated fire-resistive construction or two-inch nominal dimension lumber. Construction shall meet urban and wildland interface standards established by the state of California as they apply to this area or any area developed and subject to wild land fire conditions.

B. Exceptions: Accessory structures not exceeding one hundred twenty square feet in floor area when located at least fifty feet from any habitable structure. Roofs shall have at least Class C roof covering, Class C roof assembly of an approved noncombustible roof covering. No wood shake or wood shingle roofs will be permitted for roof coverings where the profile allows a space between the roof covering and roof decking; the space at the eave ends shall be fire stopped to preclude entry of flames or embers. Earth toned roofs are required if within a visual resource area. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.130** Roof repair or replacement.

Roof covering on buildings or structures in existence prior to the adoption of the ordinance codified in this chapter that are replaced, or have twenty-five percent or more replaced in a twelve-month period, shall be replaced with a roof covering consistent with Section <u>17.66.120</u>. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.135 Fencing.

Fencing adjacent to parks and open space shall be placed at least five feet back from the top of slope and shall be earth tone or black in color and allow visual penetration (Illustration 4). Materials such as wrought iron and vinyl fencing may be used. Wood fencing is not allowed in this instance. Fence location and design details shall be submitted with development plans including subdivisions and grading plans. Solid walls may be required adjacent to parks when deemed appropriate by the city. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.140** Fire scape plant selections.

Every tract and parcel map shall contain an advisory notice within the conditions of approval recommending that property owners use plant materials which are fire resistant. A comprehensive list is available from the planning director and fire department. (Ord. 4391 § 1 (Exh. A), 2006)

#### **17.66.150** Defensible space.

Maintain around and adjacent to any such building or structure a firebreak made by removing and clearing away for a distance of no less than thirty feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as groundcover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.155 Landscaping.

A. Landscape areas to be maintained by the city shall provide a mix of native

oaks/sycamores/wildflowers/shrubs and boulder clusters installed to resemble a natural distribution blending into the surrounding area (Illustrations 5 through 7). Final plans, including irrigation system, shall be approved by the recreation and parks department. Design content shall retain natural flora and site character as much as possible.

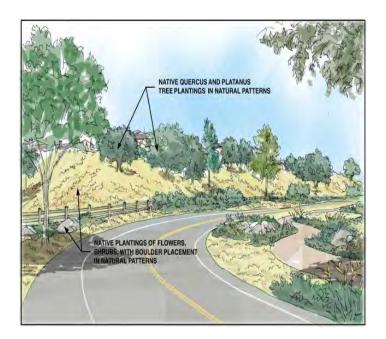
#### **Illustration 5**



**Illustration 6** 



**Illustration 7** 



B. Xeriscape plant selections as approved by the recreation and parks department shall be used to revegetate disturbed areas outside of lots, unless city ordinances, resolutions, or conditions of approval state otherwise.

C. Fire retardant erosion control netting or other material approved by the city recreation and parks department shall be installed as required by the city recreation and parks department to prevent erosion.

D. In order to assist in protecting slopes from soil erosion and to facilitate significant revegetation, an irrigation system approved by the public works department and recreation and parks department shall be installed on all slopes with required planting. Components and operation of the irrigation system shall be designed to maintain slope stability and integrity and provide the ability to monitor and maintain an irrigation system on a slope. In all cases, the emphasis shall be toward using plant materials that will eventually not need to be irrigated. Water and energy conservation techniques shall be utilized including, but not limited to, such items as drip irrigation and alluvial rockscape. (Ord. 4391 § 1 (Exh. A), 2006)

#### 17.66.160 Drainage.

All proposed drainage facilities shall respect the natural terrain, preserve existing major drainage channels in their natural state or enhance them to create riparian type systems that provide for drainage and for diversification of plant and animal life and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety and welfare. The following standards shall apply to all lands subject to this chapter in addition to the requirements of Title <u>16</u>, Subdivision.

A. The overall drainage system shall be completed and made operational at the earliest possible time during construction in accordance with the approved drainage concept report.

B. When deemed necessary by the city engineer, the applicant shall enter into a grading improvement agreement, securing each phase of grading and drainage facility construction. Such security shall be sufficient to install the required drainage facility, to restore the grading area to a safe and stable condition, and to revegetate the cut or fill slopes or provide other permanent erosion control measures.

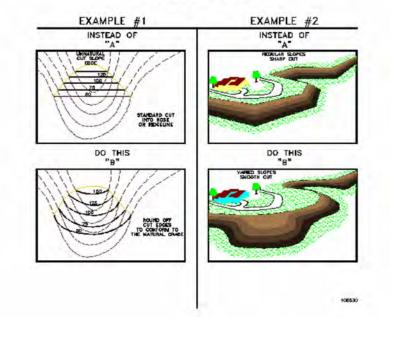
C. Other than for street gutters, all drainage shall be conveyed within closed conduits unless otherwise approved by the city engineer. Analysis and design of erosion control measures shall be approved by the city engineer. (Ord. 4391 § 1 (Exh. A), 2006)

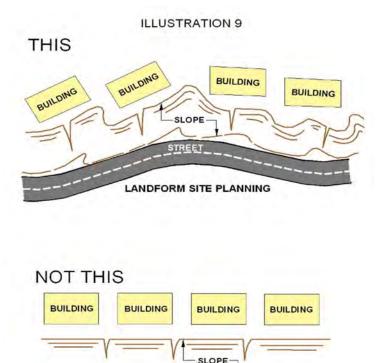
#### 17.66.170 Grading.

A. All new cut and fill slopes exceeding ten feet in height on the perimeter of a subdivision adjacent to parks, open space or arterial and collector streets, and interior to a subdivision adjacent to parks and open space shall be contour graded (Illustrations 8 and 9) so that their ultimate appearance will resemble a natural slope. Contour grading shall consist of a combination of slope curvature, as well as variable slope gradients along the length of the slope. The building director shall have the final determination that the final grading plan retains as much natural slope as possible considering the proposed improvements and other required codes.

#### ILLUSTRATION 8

# CONTOURING





CONVENTIONAL SITE PLANNING

STREET

B. Grading shall reflect the natural contour of the existing terrain. The following grading standards shall apply to all land subject to this article, in addition to the grading requirements of the governing document currently in use:

- 1. Extensive grading shall be discouraged;
- 2. Where grading is necessary, the following principles of contour grading shall be employed:

a. Graded slopes on the exterior of subdivisions shall be rounded and shaped to simulate the natural terrain,

b. Grading shall follow the natural contours as much as possible,

c. Graded slopes shall blend with naturally occurring slopes at a radius compatible with the existing natural terrain,

d. Graded slopes outside the public right-of-way and maintained by a homeowners association shall be revegetated with at least a mixture of native grass seed or shrubs as recommended by the recreation and parks department. Planting may be waived by the recreation and parks department for slopes that, due to the amount of rock material or poor soil, will not support plant growth. In this case, alternative methods of protection and/or aesthetic mitigation may be examined or required at the discretion of the recreation and parks department,

e. For graded slopes within the public right-of-way or publicly maintained landscape easements, an erosion control and landscaping concept plan shall be submitted to the recreation and parks department for approval,

f. Unless a flatter slope is otherwise recommended in a soil investigation, the steepest manufactured slope allowed shall not exceed 2 unit horizontal to 1 unit vertical. All manufactured slopes steeper than 5 unit horizontal to 1 unit vertical shall have a type of slope protection as approved by the city engineer, building official and/or the recreation and parks department (as applicable),

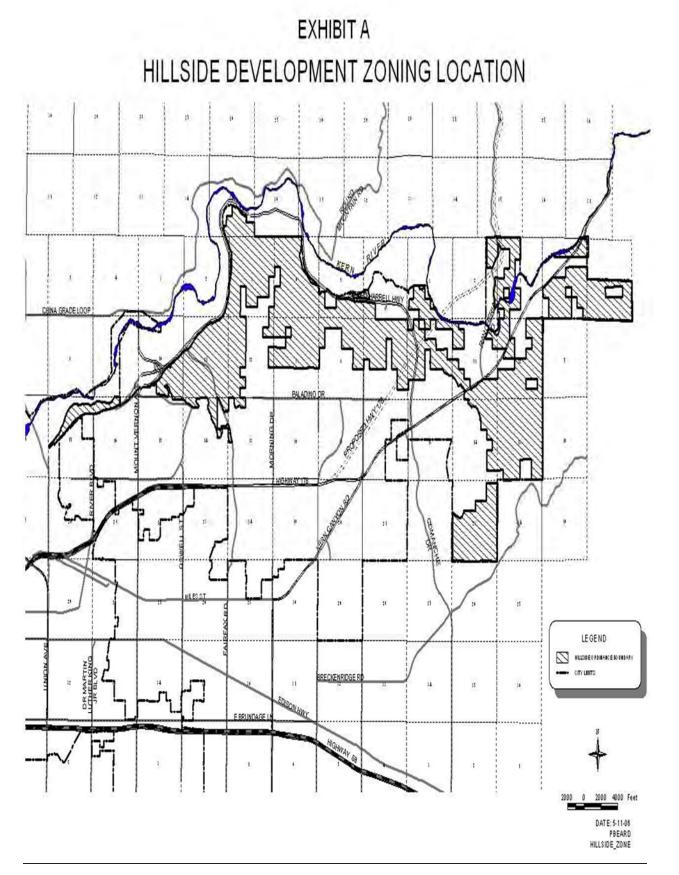
g. Only slopes within public rights-of-way or easements constructed to city standards and accepted for maintenance by the city shall be maintained by a city maintenance district. All other slopes shall be maintained by the property owner or private association unless approved by the recreation and parks department. (Ord. 4391 § 1 (Exh. A), 2006)

## 17.66.180 Appeals.

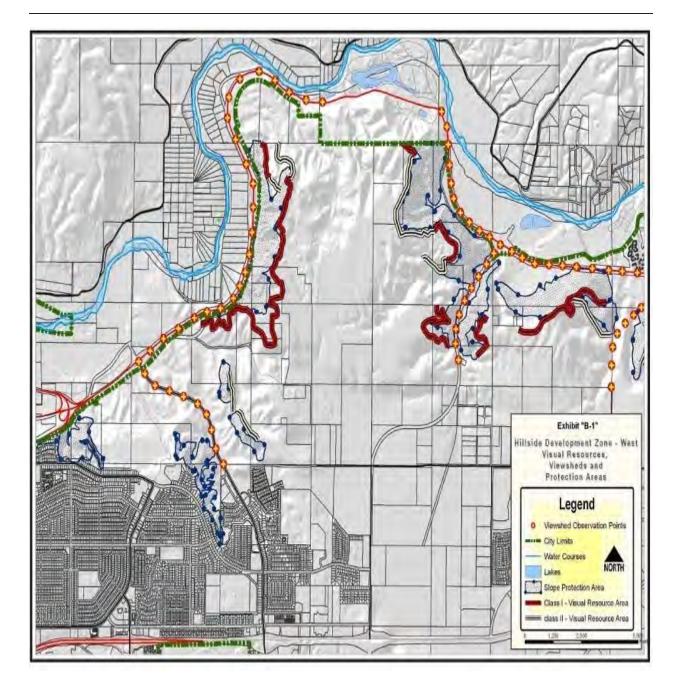
A. A determination by staff of the provisions of this chapter may be appealed to the planning commission. The action of staff shall be final unless, within ten days of their decision, the applicant or any other person appeals in writing to the planning commission by filing such appeal with the planning director and paying appropriate fees.

B. A determination by the planning commission pursuant to this chapter may be appealed to the city council pursuant to the appeals procedures of Chapter <u>16.52</u> of this code in the case of subdivision map approvals, or Chapter <u>17.64</u> of this code, in the case of director review and approval, conditional use permits, or zone changes.

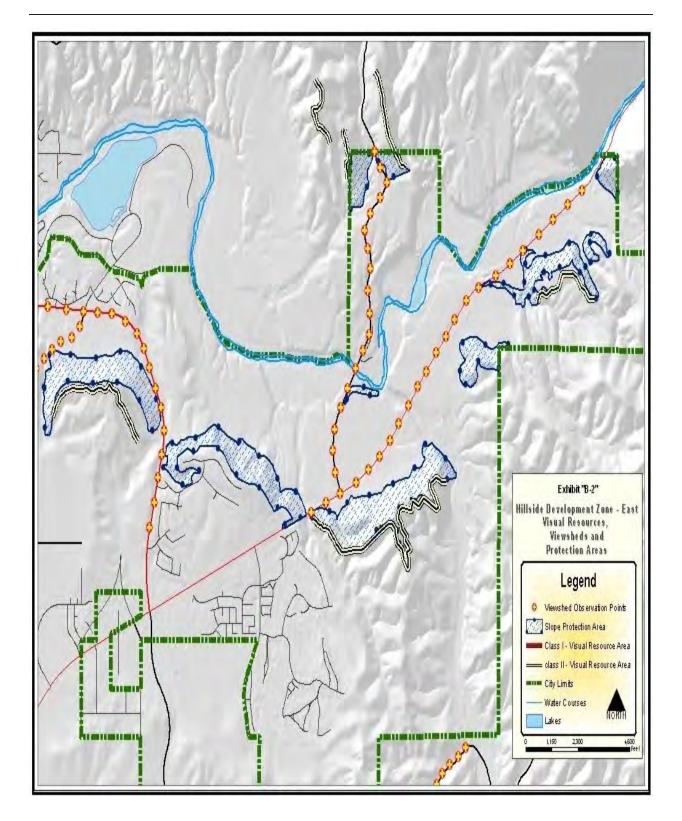
C. On appeal, the city council or planning commission may grant modifications from the provisions of this chapter where the appellant clearly demonstrates a practical difficulty in carrying out a specified provision. In granting the modification, the city council or planning commission shall first find that the strict application of a specified provision is impractical and that the modification is in conformance with the intent of this chapter, that the modification does not lessen any fire protection or other public safety requirements and/or serves to protect views as required by this chapter. (Ord. 5020 § 26, 2020; Ord. 4391 § 1 (Exh. A), 2006)



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# Chapter 17.68 NONCONFORMING USES, STRUCTURES AND LOTS

#### Sections:

17.68.010	Purpose.
17.68.020	Legal nonconforming structures.
17.68.030	Legal nonconforming uses.
17.68.040	Changes or expansion to legal nonconforming uses.
17.68.050	Legal nonconforming lots.
17.68.060	Structures/uses under construction.
17.68.070	Effect of annexation.
17.68.080	Determination of nonconforming status—Burden of proof.
17.68.090	Illegal nonconforming structures and uses.
17.68.100	Nonconforming signs, parking and landscaping.

### 17.68.010 Purpose.

This chapter specifies the manner in which legal nonconforming uses and structures may or may not continue. It is intended to prevent such uses or structures from expanding except under certain circumstances. It also establishes criteria by which such uses or structures may be abated or removed in an equitable, reasonable, and timely manner without infringing on the constitutional rights of property owners. (Ord. 3741 § 4, 1997)

# 17.68.020 Legal nonconforming structures.

A legal nonconforming structure may be continued and maintained as follows:

A. A legal nonconforming structure may be restored if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, up to its pre-damage size and placement. However, the property on which the restored structure is situated shall be subject to all other current ordinances. Building permits for reconstruction shall be obtained within two years and be completed within three years of the date of the damage.

B. A legal nonconforming structure or any part of it that is voluntarily destroyed or removed, shall lose all nonconforming status for any part or parts affected and may not be reconstructed.

C. A legal nonconforming structure may be increased in area or volume if the addition complies with this title and the most recent city adopted Building Code.

D. A legal nonconforming structure may be used for any use that conforms to the zone district in which it is located and complies with the most recent city adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time.

E. A legal nonconforming structure may be repaired or altered, including structural alterations to bearing walls, columns, beams and girders. All work shall meet the requirements of the most recent city adopted Building Code.

F. A legal nonconforming accessory structure may be used or converted to any use consistent with the zoning district in which it is located, and the most recent city adopted Building Code. Such structure will not lose its nonconforming status if it has been vacant for any time. (Ord. 4715 § 1, 2012; Ord. 4559 § 1, 2009; Ord. 3741 § 4, 1997)

#### 17.68.030 Legal nonconforming uses.

A legal nonconforming use may be continued and maintained as follows:

A. No increase in intensity, or of the area, space, or volume occupied or devoted to a legal nonconforming use, except as allowed under Section <u>17.68.040</u>, shall be permitted.

B. Change of ownership, tenancy or management of a legal nonconforming use shall not affect its legal nonconforming status, provided the specific use and intensity of use do not change, except as allowed under Section <u>17.68.040</u>.

C. A legal nonconforming use that has ceased or been abandoned for a continuous period of one year or more shall lose its nonconforming status, and the continued use of that property or structure shall conform to the regulations of the zone district in which it is located, except as allowed under Section <u>17.68.040</u>. If the legal nonconforming use is cultivated agricultural land that is fallow for longer than the one-year period but no more than a contiguous period of three years, it is not considered abandoned if it is part of a managed agricultural operation where such land is planned for continued cultivation.

D. If a legal nonconforming use involves the keeping of animals, then the number of animals, types of animals, minimum lot area for animals, or other standards for the keeping of animals not in conformance with the zone district in which they are located, may be continued until the owner or occupant removes them for a continuous period of one year or more.

E. Additional uses are allowed on property that contains a legal nonconforming use provided those uses meet all requirements and regulations of the zone district in which they are located, and do not result in the nonconforming use expanding as restricted in subsection  $\underline{A}$  of this section.

F. If a legal nonconforming use is converted to a conforming use, no previous nonconforming use may be resumed.

G. Repairs and alterations may be made to structures containing legal nonconforming uses, including structural alterations to bearing walls, columns, beams and girders. All work shall meet the requirements of the most recent city adopted Building Code.

H. A structure containing a legal nonconforming use may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. However, the property on which the restored use is situated shall be subject to all current ordinances. Building permits for reconstruction of the structure shall be obtained within two years and be completed within three years of the date of damage if the use is reestablished.

I. A legal nonconforming use where no structure is involved may be restored up to its pre-damaged size and density if it is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy. However, the property on which the restored use is situated shall be subject to all other current ordinances. The use shall be reestablished within one year of the date of the damage. (Ord. 4715 § 1, 2012; Ord. 3741 § 4, 1997)

## 17.68.040 Changes or expansion to legal nonconforming uses.

The planning commission or city council may allow changes or expansions to legal nonconforming uses as set forth in subsections <u>A</u> through <u>D</u> of this section. They shall use the procedures adopted for conditional use permits according to Chapter <u>17.64</u> of this code, except that they shall make findings set forth in subsection <u>E</u> of this section.

A. A legal nonconforming use may be changed to another nonconforming use of the same or more restrictive nature.

B. A structure occupied by a legal non-conforming use that has ceased or been abandoned according to Section 17.68.030(C) may be permitted to be used for the same or more restrictive use if the structure cannot be used for any use consistent with the zone district in which it is located.

C. A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products, or services provided.

D. Time restrictions specified in Sections 17.68.020(A), 17.68.030(C), 17.68.030(H), or 17.68.060 may be extended.

E. The planning commission or city council shall make the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

2. The proposed change or expansion of the legal nonconforming use is consistent with the intent and purpose of the ordinance that caused the use to become nonconforming.

3. The change or expansion of the nonconforming use will have a positive impact on the surrounding conforming uses and the area overall.

4. Other property where the use would be conforming is unavailable, either physically or economically.

5. No other appropriate remedies are available to bring the use into conformance, including amending the zone district boundary and/or zoning ordinance text. (Ord. 5020 § 27, 2020; Ord. 3741 § 4, 1997)

#### 17.68.050 Legal nonconforming lots.

A. Any lot that was legally created before the effective date rendering it nonconforming may be used or developed if the use or development conforms to the regulations of the zone district in which it is located.

B. The city shall not issue a permit for any construction on a lot created that violated the subdivision and/or zoning ordinances in effect at the time of the property division, and which continues to be violating present subdivision and/or zoning ordinances. (Ord. 3741 § 4, 1997)

#### 17.68.060 Structures/uses under construction.

Any structure for which the city has issued a building permit that is still in effect, or any conforming use or building which was legally under construction before the effective date of any ordinance rendering the structure or use nonconforming, may be completed and used according to approved plans, specifications or permits as follows: A. For nonconforming uses, the use shall be commenced within one year of the effective date of the ordinance rendering such use nonconforming.

B. For nonconforming structures, the structure shall be completed within two years of the effective date of the ordinance rendering such structure nonconforming. (Ord. 3741 § 4, 1997)

#### **17.68.070** Effect of annexation.

Any use, structure, or lot that was lawfully established according to the regulations of Kern County that becomes nonconforming by virtue of annexation into the city, will be considered legal nonconforming. (Ord. 3741 § 4, 1997)

#### **17.68.080** Determination of nonconforming status—Burden of proof.

The party asserting a right to continue a nonconforming use or structure has the burden of proof to establish its lawful and continuing existence. (Ord. 3741 § 4, 1997)

#### 17.68.090 Illegal nonconforming structures and uses.

Nothing in this chapter shall permit the continuation of illegal nonconforming structures or uses. Illegal nonconforming structures or uses are unlawful and a public nuisance, and shall be immediately removed or abated according to Chapter <u>17.72</u> of this code. (Ord. 3741 § 4, 1997)

#### 17.68.100 Nonconforming signs, parking and landscaping.

This chapter does not regulate nonconforming signs, parking requirements, or landscaping standards. These specific standards are found within their respective chapters as follows:

- A. Nonconforming signs—Chapter <u>17.60</u> of this code;
- B. Nonconforming parking—Chapter <u>17.58</u> of this code;
- C. Nonconforming landscaping—Chapter <u>17.61</u> of this code. (Ord. 3835 § 40, 1998; Ord. 3741 § 4, 1997)

# Chapter 17.69 ADULT ENTERTAINMENT BUSINESSES\*

Sections:

17.69.010	Purpose.
17.69.020	Definitions.
17.69.030	Development requirements.
17.69.040	Separation and distance requirements.
17.69.060	Exterior display.
17.69.070	<b>Regulations nonexclusive.</b>

\* Prior ordinance history: Ordinances 2877, 2926 and 2943.

#### 17.69.010 Purpose.

A. It is found, and experience has demonstrated, that certain adult-oriented businesses, because of their very nature, are recognized as having significant deleterious secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancy in residential and commercial areas in the vicinity of the adult-oriented businesses; higher crime rates, noise, debris or vandalism in the vicinity of adult-oriented businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. The concentration of such uses substantially contributes to blighting and downgrading adjacent residential and commercial areas. Special regulation of these businesses is necessary to preserve the integrity of existing commercial areas of the city and of residential areas in close proximity to such commercial uses. In furtherance of the public interest and general welfare, the primary purpose of this chapter is to deconcentrate and to prevent the concentration of these businesses in any one area. It is neither the intent, nor effect of this chapter to impose limitations or restrictions on the content of any communication material. Similarly, it is neither the intent, nor effect of this chapter to restrict or deny access by adults to sexually-oriented materials or merchandise protected by the First Amendment, or deny access by the distributors or exhibitors of adult-oriented business to their intended market.

B. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

#### 17.69.020 Definitions.

It is the purpose of this section, together with its subsections, to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the regulations and provisions of this chapter, in order to assist in the uniform interpretation of those regulations and provisions and to ensure uniformity in their application. The following terms shall have the definitions ascribed below:

A. "Adult bookstore" means any establishment, which as a regular and substantial course of conduct, displays and/or distributes sexually-oriented material and sexually-oriented merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

B. "Adult cabaret" means a nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

C. "Adult hotel/motel" means a hotel or motel, which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts and which rents, leases, or lets any room for less than a twelve-hour period and/or rents, leases or lets any room more than once in a twenty-four-hour period and which advertises the availability of any of the above.

D. "Adult model studio" means any premises where as a regular and substantial course of conduct, there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts for the purpose of being observed or viewed by any person or being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped before any person who pays a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. Adult model studio shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section <u>94300</u> et seq. of the Education Code.

E. "Adult motion picture arcade" means any business establishment or concern which as a regular and substantial course of conduct provides, for a fee, the use of manually or electronically controlled still, motion picture or video machines, projectors, computer generated or displayed images or other image producing devices which serve less than 5 persons at any one time and are maintained to display images distinguished or

characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts [machines, devices or other contraptions].

F. "Adult entertainment business" means any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio, adult motel/hotel; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. "Adult entertainment business" does not include those uses or activities, the regulation of which is preempted by state law. "Adult entertainment business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in lingerie or similar attire which does not opaquely cover specified anatomical parts. For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting to specified sexual activities or specified anatomical parts. So the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:

1. The area devoted to sexually-oriented merchandise and/or sexually-oriented material exceeds more than twenty-five percent of the total display area or floor space area open to the public;

2. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least four times in any calendar month in any given year,

3. Twenty-five per cent of the businesses revenues are derived from the provisions of services or merchandise characterized by an emphasis on specified sexual activity or specified anatomical parts.

G. "Adult motion picture theater" means a business establishment or concern with one or more viewing rooms with the capacity for fifty or more persons which, as a regular and substantial course of conduct, presents for any form of consideration films, motion pictures, videos, slide photographs, computer generated or displayed images or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

H. "Adult mini-motion picture theater" means a business establishment or concern with one or more viewing rooms with the capacity of more than five, but less that fifty persons, where, for any form of consideration, films, motions pictures, video cassettes, slides, computer generated or displayed images or similar graphic reproductions are shown and material whose dominant or predominant character and theme is the depiction of

specified sexual activities or specified anatomical areas for observation is shown on any ten or more days in a thirty consecutive day period.

I. "Live art class" means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical parts; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least twenty-four hours in advance of participation in the class.

J. "Performer" means any dancer, model, entertainer, and/or other person who publicly performs any specified sexual activities or publicly display any specified anatomical part in adult entertainment businesses.

K. "Sexually-oriented material" means any element of sexually-oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, or other written, oral, or visual representation characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical parts. This definition also includes, but is not limited to sexual novelties depicting, designed or shaped as specified anatomical parts or which depict specific sexual activities.

L. "Sexually-oriented merchandise" means sexually-oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity.

M. "Specified anatomical parts" means:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; or female breast below a point immediately above the top of the areola; or

2. Exposed human male genitals or human male genitals in a discernibly turgid state, regardless of whether they are completely and opaquely covered.

N. "Specified sexual activities" means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the

following depicted sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

- 2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- 4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- 5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
- 6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- 7. Human excretion, urination, menstruation, vaginal or anal irrigation.

8. Striptease or any act involving the public removal of clothing to the point where specified anatomical parts are displayed; or the public appearance of any person in a state where specified anatomical parts displayed, or the public appearance of any person where specified anatomical parts are only covered by attire commonly referred to as pasties or a G-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and while covering the natal cleft and public area covers less than one inch on either side of the entire length of the natal cleft and two inches across the public area. For the purposes of this definition, appearance in "public" shall include a situation when a single employee, agent or other non-patron of the adult entertainment business is in the presence of a single patron of the adult oriented business. (Ord. 4108 § 1, 2003; Ord. 3066 § 1, 1986; Ord. 2961 § 1, 1985)

#### **17.69.030** Development requirements.

Uses permitted by this chapter shall be subject to all applicable development standards, requirements and restrictions of the zone district in which it is located. (Ord. 4108 § 1, 2003; Ord. 3835 § 41, 1998; Ord. 2961 § 1, 1985)

#### **17.69.040** Separation and distance requirements.

A. In those zoning districts where adult entertainment businesses are regulated by this chapter would otherwise be permitted uses, it shall be unlawful to conduct, establish or relocate any such business:

1. Within one thousand feet of any property zoned for residential use whether or not located within the city;

2. Within one thousand feet of any other adult entertainment business whether or not located within the city;

3. Within one thousand feet of any public or private school whether or not located within the city, excluding any vocational or professional school or any college;

4. Within one thousand feet of any developed park or public playground, of any public library, or of any church or other religious facilityinstitution which people regularly attend to hold religious services or meetings whether or not located within the city.

B. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the parcel of real property upon which the adult entertainment business is, or is to be, located to the nearest point of the parcel of real property or land use zone boundary line from which the proposed land use is to be separated.

C. The above notwithstanding, an adult entertainment business lawfully operated at any particular location on the date of adoption of this Ordinance shall not be required to comply with the requirements of this section <u>17.69.040</u> except to the extent that such business seeks to relocate to another location or seeks to expand the existing business. (Ord. 4108 § 1, 2003; Ord. 3712 § 1, 1996; Ord. 3680 § 1, 1995; Ord. 3677 § 1, 1995; Ord. 3066 § 2, 1986; Ord. 2961 § 1, 1985)

#### 17.69.060 Exterior display.

No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such business. This provision shall apply to any display, decoration, sign, show window, or other opening. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

#### **17.69.070** Regulations nonexclusive.

The regulations set forth in this chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult entertainment businesses set forth elsewhere in this code. (Ord. 4108 § 1, 2003; Ord. 2961 § 1, 1985)

# Chapter 17.70 CERTIFICATE OF OCCUPANCY

Sections:

17.70.010 Requirements.

#### 17.70.010 Requirements.

No vacant land shall be occupied or used, and no building hereafter erected, structurally altered, or moved, shall be occupied or used until a certificate of occupancy has been issued by the building department.

A. After construction and before occupancy of any building or project, the building director or his/her authorized representative shall inspect the development to determine whether the building permit, approved site plan or other project approval and any conditions thereon have been complied with. If so, he/she shall issue a certificate of occupancy; if not, he/she shall order corrections. The development shall not be occupied until the certificate of occupancy is issued.

B. 1. Certificates of occupancy for the use of vacant land, or the change in the use of land as provided in this section, shall be applied for before any such land is occupied or used for any purpose except that of tilling the soil and the growing therein of farm, garden or orchard products, and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of this title.

2. Certificates of occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of this title. A record of all certificates shall be kept on file in the office of the building department and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for an original certificate; for all other certificates or for copies of any original certificates fees shall be as set forth in Chapter 3.70 of this code.

C. Certificates of occupancy for nonconforming uses existing at the time of the passage of the ordinance codified in this title or any amendment thereto shall be issued by the building department, and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this title.

D. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy. (Ord. 3964 § 48, 2000; Ord. 3835 § 42, 1998; prior code § 17.72.010)

# Chapter 17.71 OUTDOOR LIGHTING

#### Sections:

17.71.010	Purpose.
17.71.020	Applicability.
17.71.030	General standards.
17.71.040	Additional standards for specific uses.
17.71.050	Energy conservation.
17.71.060	Exemptions.
17.71.070	Prohibitions.
17.71.080	Fixture diagrams.

#### 17.71.010 Purpose.

The purpose of this chapter is to minimize light trespass, excessive glare and sky glow caused by inappropriate or misaligned light fixtures. Properly designed lighting will provide the proper amount of illumination appropriate for the required task that will not cause unpleasant or adverse effects upon adjacent properties, and will enhance nighttime views of the sky. These standards will:

- A. Promote a safe and pleasant nighttime environment for businesses, residents and visitors;
- B. Protect and improve public safety and security;
- C. Prevent nuisances caused by unnecessary light intensity, glare, and light trespass;
- D. Protect the ability to view the night sky by restricting unnecessary upward projection of light;
- E. Enhance the aesthetics of the built environment and protect the character of the natural environment; and
- F. Promote energy conservation. (Ord. 4617 § 6, 2010)

#### 17.71.020 Applicability.

A. The provisions of this chapter apply to the illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

B. All outdoor lighting fixtures installed on private and public property after the effective date of the ordinance codified in this chapter shall comply with these standards.

C. This chapter does not apply to interior lighting. However, overly bright inside light emitted outdoors from any structure, including through the roof, will be subject to control by this chapter if it is determined by the code enforcement manager that it creates a nuisance to adjacent properties, negatively impacts safe travel along streets, or contributes to sky glow.

D. All existing outdoor lighting fixtures legally installed and operative before the effective date of the ordinance codified in this chapter are not subject to these requirements. However, the code enforcement manager may at any time require appropriate action be taken in accordance with this chapter if it is determined that lighting from any outdoor fixtures creates a nuisance to adjacent properties or negatively impacts safe travel along streets.

E. At such time changes or modifications occur on the site that necessitate a site plan review pursuant to Chapter 17.08 of this code or other discretionary approval, the decision-making body shall determine whether some or all the requirements of this chapter will be implemented under said approval.

F. When existing lighting fixtures are replaced, replacement fixtures and light emanating from them shall meet the requirements of this chapter.

G. All governmental agencies, including their security facilities which operate within the city limits, should comply with the provisions of this chapter. (Ord. 5122 § 1, 2023; Ord. 4635 § 1, 2010; Ord. 4617 § 6, 2010)

### 17.71.030 General standards.

The following standards shall apply to all outdoor lighting installed after the effective date of the ordinance codified in chapter:

A. Outdoor lighting must be fully shielded and aimed downward. Fully shielded denotes lighting fixtures that are shielded, focused, or constructed so that light rays do not project horizontally or vertically. The shield must be arranged in such a manner that light rays emitted from the device or fixture, whether directly from the lamp or indirectly from the fixture, are projected below the horizontal plane at the lowest point on the fixture where the light is emitted. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface with no escaping light permitted to contribute to sky glow by shining upward into the sky. Examples of acceptable and unacceptable lighting fixtures are shown in Section <u>17.71.080</u>.

B. Post-top luminaries, which may also be referred to as period lighting or historical lighting, shall have builtin reflectors that effectively eliminate up-lighting.

C. Any outdoor lighting that shines onto adjacent property or streets that produce a nuisance or disabling glare, or that is above the horizontal plane, shall not be permitted.

D. Light trespass that extends beyond the property or project boundaries within or adjacent to residentially zoned and/or designated properties shall not exceed an intensity level of 0.5 foot-candles at the property line as measured three feet above the ground or finished grade. This light intensity maximum shall also apply to lands zoned and/or designated agriculture, parks, and open space.

E. Light fixtures mounted under a canopy shall be recessed so that lighting is fully shielded by either the roof or canopy fascia and is projected below the horizontal plane as stated in subsection  $\underline{A}$  of this section.

F. Up-lighting is only permitted if it is effectively contained and will not shine beyond the intended target into the night sky. Containment of lighting may include, but is not limited to, overhanging architectural elements such as eaves or awnings, or landscaping such as dense shrubs or dense evergreen tree canopies.

G. Outlining of a building by means of neon, LED or other lighting shall be effectively contained to not shine into the night sky. Containment of lighting may include, but is not limited to, overhanging architectural elements such as eaves or awnings, or use of backlighting techniques.

H. Existing fixtures may be adapted to comply with this chapter by adding a properly designed shield or by pointing any upward-mounted, shielded fixture downward towards the ground surface.

I. Lighting sources, fixtures and related structures shall be maintained in sound operating condition at all times. Maintenance shall include, but is not limited to, replacement of broken lenses, burned out light sources, adjustments to fixture tilt, cleaning of fixtures and lenses, painting of standards, and replacement or adjustments to shields and/or baffles.

J. All fixture installations shall meet the most recent applicable regulations of the Building Code, the Electrical Code, Title 24, and any other related health, safety, and energy codes as they pertain to lighting and light fixtures as adopted by the city. (Ord. 5122 § 2, 2023; Ord. 4715 § 1, 2012; Ord. 4617 § 6, 2010)

#### **17.71.040** Additional standards for specific uses.

In addition to the general standards contained in Section 17.71.030, the following shall apply to the specific use identified below:

A. Parking Lots and Garages.

1. Lighting shall be in accordance with the provisions in Section <u>17.58.060(B)</u>.

B. Outdoor Performance, Sports, and Recreation Facilities.

1. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings within the project site. Illumination should be no greater than the minimum recommended levels established by the Illuminating Engineering Society of North America (IESNA) for the type of activity. Illumination should also meet, without exceeding, the IESNA recommendations for the IESNA defined illumination class appropriate for the predominant use of the facility.

2. The main lighting shall be turned off within one hour or as soon as possible following the end of an event. Where feasible, a low level lighting system may be used immediately following events to facilitate patrons leaving the facility, cleanup, maintenance, and other closing activities.

3. Because lighted fields and other lighted outdoor facilities may also be subject to discretionary approval, operational regulations, and the standards in this chapter may be further restricted, modified or otherwise conditioned by the planning commission or city council. (Ord. 5020 § 28, 2020; Ord. 4617 § 6, 2010)

#### 17.71.050 Energy conservation.

Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes:

A. All nonessential outdoor commercial and residential lighting should be turned off after business hours when it is not necessary for public safety or when an activity needing such light is not in use.

B. Lighting levels may be reduced after hours to provide minimal visibility without compromising security.

C. Where practical, outdoor lighting installations should include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activities off the subject property.

D. When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings may be realized by using quality efficient fixtures and light sources, the lowest wattage for the intended task, and alternative sources of power such as wind or solar, when feasible.

E. Indiscriminate and excessive lighting should be avoided. Light should be directed only where it is needed, when it is needed, with the appropriate intensity. (Ord. 4617 § 6, 2010)

#### **17.71.060** Exemptions.

The following are exempt from the provisions of this chapter:

- A. Traffic control signals and devices;
- B. Temporary emergency related lighting (e.g. fire, police, utility repair);
- C. Moving vehicle lights;
- D. Navigation lights (e.g., airports, heliports, radio/television towers);
- E. Signs in conformance with Chapter <u>17.60</u> of this code;

F. Seasonal decorations provided they are not in use longer than sixty consecutive days;

G. Temporary or periodic events with temporary lighting as approved by the city (e.g., rodeos, revivals, fairs, fiestas, carnivals). Permanent lighting installations must conform to the requirements of this chapter;

H. Lighting on any single-<u>unitfamily</u> residentially zoned lot, or multiple-<u>unitfamily</u> residentially zoned lot that contains four units or less;

I. All outdoor light fixtures lawfully installed and operating prior to the effective date of the ordinance codified in this chapter. This exemption shall not apply if an existing light fixture is replaced. The addition of supplementary shielding and/or re-aiming of existing fixtures that shine direct illumination or visible glare beyond the property line where the fixture is installed are encouraged;

J. Decorative low voltage (12V) lighting used to highlight driveways, landscaping, artwork and buildings providing they are properly aimed and shielded to not shine visible glare into the public right-of-way or onto adjacent or nearby properties;

K. Flag poles with the United States, state, foreign or municipal flags displayed by fully shielded topmounted light. If up-lighting is used, it shall be placed as close to the base of the pole as possible with a narrow cone or spread focused to minimize light spill into the night sky or onto adjacent properties;

L. Temporary lighting for television or movie film productions, roadway or utility construction or building construction. Permanent lighting installations must conform to the requirements of this chapter;

M. Emergency exiting or other public safety related lighting under the applicable California Code;

N. Underwater lighting to illuminate swimming pools, and other water features provided they meet all required Building, Electrical and other safety codes as adopted by the city. (Ord. 4715 § 1, 2012; Ord. 4617 § 6, 2010)

#### 17.71.070 Prohibitions.

A. No outdoor lighting fixture may resemble a traffic signal or be operated in such a manner as to constitute a hazard or danger to persons for safe vehicular and pedestrian travel.

B. Lighting that is oriented upward, except as otherwise permitted by this chapter.

C. Searchlights, beacons, and laser source lights, except as permitted by the city under a special event permit in accordance with Section 17.60.070(B).

D. Lights that blink, flash, move, and revolve, except as otherwise permitted by the Bakersfield Municipal Code.

E. Permanent lighting directed at or into the Kern River or natural areas. (Ord. 4617 § 6, 2010)

### 17.71.080 Fixture diagrams.

## **Examples of Acceptable / Unacceptable Lighting Fixtures**



(Ord. 4617 § 6, 2010)

# Chapter 17.72 ENFORCEMENT

Sections:

17.72.010 Designated.

#### 17.72.010 Designated.

A. It shall be the duty of the code enforcement division, fire department, and/or police department to enforce this title as set forth herein. Pursuant to the provisions of California Penal Code Section <u>836.5</u>, any officer or employee of the building department of the city holding the position of building inspector III or higher may enforce the provisions of Title <u>17</u> of the Bakersfield Municipal Code and Chapter 2, Part 3, Division 13 of the California Health and Safety Code (Section <u>19100</u> et seq.) and may arrest a person without a warrant whenever that officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of any law which he or she has the duty to enforce. All departments, officials and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title and void.

B. The provisions of this title shall be interpreted and administered by the planning commission whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this title for purposes of inspection.

C. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be and the same is unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person, firm or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this title.

D. This title may also be enforced by injunction issued out of the Superior Court upon the suit of the city or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions of this code. (Ord. 4924 § 1, 2017; Ord. 3004 § 2, 1985; prior code § 17.76.010)

# Chapter 17.73 REASONABLE ACCOMMODATION

Sections:

17.73.010	Purpose.
17.73.020	Applicability.
17.73.030	Procedures.
17.73.040	Approval findings.
17.73.050	Conditions of approval.
17.73.060	Appeals.

#### 17.73.010 Purpose.

The purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures. (Ord. 5044 § 1, 2021)

#### 17.73.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance. (Ord. 5044 § 1, 2021)

#### **17.73.030 Procedures.**

A. A request for reasonable accommodation shall be submitted on an application form provided by the development services department or in the form of a letter to the development services director, and shall contain the following information:

1. The applicant's name, address, and telephone number;

2. Address of the property for which the request is being made;

3. The current use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;

5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and

6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection  $\underline{A}$  of this section for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation shall be reviewed by the development services director. If no approval is sought other than the request for reasonable accommodation, the director shall make a written determination within forty-five days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the planning commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the planning commission in compliance with the applicable review procedure for the discretionary review. (Ord. 5044 § 1, 2021)

#### 17.73.040 Approval findings.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing in the request will be used by a person with a disability under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the city;

D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other reasonable accommodations that may provide an equivalent level of benefit. (Ord. 5044 § 1, 2021)

#### **17.73.050** Conditions of approval.

In granting a request for reasonable accommodation, the development services director or his/her designee, or the planning commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site. (Ord. 5044 § 1, 2021)

#### 17.73.060 Appeals.

A. Any person dissatisfied with any action of the development services director pertaining to this chapter may appeal to the planning commission within ten days after written notice of the director's decision is sent to the applicant by filing a written notice of appeal with the city clerk and shall specify the reasons for the appeal and the grounds asserted for relief.

B. Any person dissatisfied with any action of the planning commission pertaining to this chapter may appeal to the city council within ten days after the rendition of the decision of the planning commission by filing a written notice of appeal with the city clerk and shall specify the reasons for the appeal and the grounds asserted for relief. If any request for a reasonable accommodation is disapproved by the planning commission and no appeal is filed, such action by the planning commission shall be final and conclusive.

C. The city council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

D. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the appeal is made shall be deemed to have been waived.

E. After filing an appeal, the city council shall conduct a public hearing for the purpose of determining whether the appeal of the decision of the planning commission should be granted or denied. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and to any other persons who have filed a written request for notice at least ten days prior to the hearing. Any hearing may be continued from time to time. A decision of the city council shall be final and conclusive. (Ord. 5044 § 1, 2021)

#### The Bakersfield Municipal Code is current through Ordinance 5142, passed September 27, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.bakersfieldcity.us

City Telephone: (661) 326-3000

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## **COVER SHEET** PLANNING DEPARTMENT STAFF REPORT

**MEETING DATE:** February 15, 2024 **ITEM NUMBER:** Reports7.(a.)

TO: Chair and Members of the Planning Commission

FROM: Paul Johnson, Planning DIrector

PLANNER:

DATE:

WARD:

SUBJECT: League of California Cities: Report by Commissioner Larry Koman

**APPLICANT:** 

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Receive and file.



## **COVER SHEET** PLANNING DEPARTMENT STAFF REPORT

**MEETING DATE:** February 15, 2024 **ITEM NUMBER:** Reports7.(b.)

TO: Chair and Members of the Planning Commission

FROM: Paul Johnson, Planning DIrector

PLANNER:

DATE:

WARD:

SUBJECT: TCC Grant: Report by Jason Cater, Economic and Community Development Manager

**APPLICANT:** 

**OWNER:** 

LOCATION:

STAFF RECOMMENDATION:

Receive and file.