

ORDINANCE NO. 5155

**ORDINANCE REPEALING AND ENACTING VARIOUS SECTIONS OF TITLE 17, CHAPTER 17.12 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO ZONING.**

**BE IT ORDAINED** by the Council of the City of Bakersfield as follows:

**SECTION 1.**

Title 17, Chapter 17.12 of the Bakersfield Municipal Code is hereby repealed and enacted to read as follows:

**Title 17 - Zoning**

**Chapter 17.12 – Mixed-Use Zones**

**Sections:**

- 17.12.010 Purposes of Mixed-Use Zones.**
- 17.12.015 Reserved.**
- 17.12.016 Reserved.**
- 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.**
- 17.12.050 Reserved.**
- 17.12.060 Reserved.**

**SECTION 2.**

Title 17, Chapter 17.12, Section 17.12.010 of the Bakersfield Municipal Code is hereby repealed and enacted to read as follows:

**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.

### SECTION 3.

Title 17, Chapter 17.12, Sections 17.12.015 and 17.12.016 of the Bakersfield Municipal Code are hereby repealed in their entirety:

**17.12.015 Reserved.**

**17.12.016 Reserved.**

### SECTION 4.

Title 17, Chapter 17.12, Sections 17.12.020, 17.12.030 and 17.12.040 of the Bakersfield Municipal Code are hereby repealed and enacted to read as follows:



**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.

**Table 17.12-1  
Mixed-Use Zones Allowed Uses and Permit Requirements**

<b>Key:</b> P = Allowed by Right; DRA = Director Review and Approval; N = Not Allowed; CUP = Conditional Use Permit			
<b>Land Use</b>	<b>Permit Requirement by Zone</b>		<b>Additional Regulations</b>
	<b>MX-1</b>	<b>MX-2</b>	
<b>Residential Uses</b>			
Accessory Dwelling Unit (detached, attached, junior)	P	P	17.65
Accessory Structure	P	P	17.12.040
Assisted Living Facility	CUP	CUP	
Child Day Care Home	P	P	17.04.160 Gov. Code Section 1597.30-1597.622
Community Care Facility, Large (six or more residents)	CUP	CUP	17.04.154.50 Health and Safety Code Section 1502
Community Care Facility, Large (up to six residents)	P	P	17.04.154.50 Health and Safety Code Section 1502
Emergency Shelter	P	P	California Government Code Section 65582(d) and Health and Safety Code Section 50801(e)
Employee Housing, up to six residents	P	P	
Home Occupation	P	P	17.04.330 17.63
Low Barrier Navigation Center	P	P	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**

<b>Key:</b> P = Allowed by Right; DRA = Director Review and Approval; N = Not Allowed; CUP = Conditional Use Permit			
<b>Land Use</b>	<b>Permit Requirement by Zone</b>		<b>Additional Regulations</b>
	<b>MX-1</b>	<b>MX-2</b>	
Multi-Unit Dwellings (standalone or incorporated)	P	P	
Single-Room Occupancy Units	P	P	
Supportive Housing	P	P	Gov. Code Section 65651
Transitional Housing	P	P	Gov. Code Section 65651
<b>C-1 Neighborhood Commercial Zone Uses</b>			
C-1 Uses Permitted	P	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
<b>C-2 Regional Commercial Zone Uses</b>			
C-2 Uses Permitted	n/a	P	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





**17.12.030 Mixed-Use Zone Development Standards.**

- A. Table 17.12-2 Mixed-Use Zone Development Standards. The intent of Table 12-2 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).

**Table 17.12-2  
Mixed-Use Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)									
	Parcel Area (min square feet or acres)	Parcel Area per Dwelling (min square feet)	Height (max. ft.)	Distance between Structures (min. ft.)			Setbacks (min. ft.)			
				Between Dwelling Units	Between Dwelling/ Accessory Units	Between Accessory Units	Front (ft.)	Side (ft.)	Side-Corner (ft.)	Rear (ft.)
<b>MX-1</b>	N/A	N/A	75	10	3	3	0	5/10	5/10	10/15
<b>MX-2</b>	N/A	N/A	120	N/A	N/A	N/A	0	5/10	0/10	5/15
<b>Other Applicable Regulation</b>	17.12.040									
Additional Regulations										
Regulation	Section or Chapter									
Accessory Dwelling Units	Chapter 17.65									
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 17.14									
Off-Street Parking and Loading	Chapter 17.58									
Street Setback Exceptions	Section 17.08.125									
Yard Encroachments	Section 17.08.170									
Signs	Chapter 17.60									

**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.

**Table 17.12-3  
Mixed-Use Zone Setback Encroachments**

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

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.

**SECTION 5.**

Title 17, Chapter 17.12, Sections 17.12.050 and 17.12.060 of the Bakersfield Municipal Code are hereby repealed in their entirety:

**17.12.050    Reserved.**

**17.12.060    Reserved.**





**SECTION 6.**

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

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**I HEREBY CERTIFY** that the foregoing Ordinance was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on MAR 27 2024 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

COUNCILMEMBER: ARIAS, GONZALES, ~~WEIR~~, SMITH, FREEMAN, GRAY, ~~KAUR~~  
COUNCILMEMBER \_\_\_\_\_  
COUNCILMEMBER \_\_\_\_\_  
COUNCILMEMBER Wen, Kaur

*Julie Drimakis*

**JULIE DRIMAKIS, CPMC, MMC**  
CITY CLERK and Ex Officio Clerk of the  
Council of the City of Bakersfield

APPROVED: MAR 27 2024

By *Karen Goh*  
**KAREN GOH**  
Mayor

APPROVED AS TO FORM:  
**VIRGINIA GENNARO, CITY ATTORNEY**

By *Viridiana Gallardo-King*  
**VIRIDIANA GALLARDO-KING**  
Deputy City Attorney

VGK/vlg  
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**AFFIDAVIT OF POSTING DOCUMENTS**

STATE OF CALIFORNIA)

County of Kern )ss.

JULIE DRIMAKIS, being duly sworn, deposes and says:

That she is the duly appointed, acting and qualified City Clerk of the City of Bakersfield; and that on the 15<sup>th</sup> day of April 2024 she posted on the Bulletin Board at City Hall, a full, true and correct copy of the following: Ordinance No. 5155, passed by the Bakersfield City Council at a meeting held on the 27<sup>th</sup> day of March 2024 and entitled:

**ORDINANCE REPEALING AND ENACTING VARIOUS SECTIONS OF TITLE 17,  
CHAPTER 17.12 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO ZONING.**

JULIE DRIMAKIS, MMC  
City Clerk and Ex Officio of the  
Council of the City of Bakersfield

By: *Lorraine Beza*  
DEPUTY City Clerk