

ORDINANCE NO. 5170

**ORDINANCE AMENDING TITLE 17, CHAPTERS 17.44, 17.47
AND 17.52 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 17.47 of the Bakersfield Municipal Code is hereby amended to read as follows:

Title 17 - Zoning

Chapter 17.44 – FP-S Floodplain Secondary Zone

Section:

17.44.030 Uses permitted.

17.44.030 Uses permitted.

Subject to the prohibitions of Section 17.44.070, the following uses are permitted in the FP-S zone:

- A. All uses permitted by Section 17.42.030;
- 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, and
 - 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.).

SECTION 2.

Title 17, Chapter 17.47 of the Bakersfield Municipal Code is hereby amended to read as follows:

Title 17 - Zoning

Chapter 17.47 – (PE) Petroleum Extraction Combining District

Section:

17.47.010 Purpose and intent.

* Prior ordinance history: Ords. 3840 and Ord. 3856.

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.

SECTION 3.

Title 17, Chapter 17.52 of the Bakersfield Municipal Code is hereby amended to read as follows:

Title 17 - Zoning

Chapter 17.52 – PUD Planned Unit Development Zone*

Sections:

17.52.010 Intent and purpose.

17.52.020 Uses permitted.

17.52.090 Minimum site area.

* 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, or 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.

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.

17.52.090 Minimum site area.

The minimum area for a PUD zone shall be ten gross acres.

SECTION 4.

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 Weir, 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 15th day of April 2024 she posted on the Bulletin Board at City Hall, a full, true and correct copy of the following: Ordinance No. 5170, passed by the Bakersfield City Council at a meeting held on the 27th day of March 2024 and entitled:

ORDINANCE AMENDING TITLE 17, CHAPTERS 17.44, 17.47 AND 17.52 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: Louaine Beza
DEPUTY City Clerk