

ORDINANCE NO. 5174

**ORDINANCE AMENDING, REPEALING AND ENACTING  
VARIOUS SECTIONS OF TITLE 17, CHAPTERS 17.65, 17.69,  
17.71 AND 17.73 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Title 17, Chapter 17.65 of the Bakersfield Municipal Code is hereby amended, repealed and enacted to read as follows:

**Title 17 - Zoning**

**Chapter 17.65 – Accessory Dwelling Unit (ADU) And Junior Accessory Dwelling Unit (JADU)**

**Sections:**

<b>17.65.010</b>	<b>Purpose.</b>
<b>17.65.020</b>	<b>Intent.</b>
<b>17.65.030</b>	<b>Applicability.</b>
<b>17.65.040</b>	<b>Reserved.</b>

**SECTION 2.**

Title 17, Chapter 17.65, Section 17.65.010 of the Bakersfield Municipal Code is hereby amended to read as follows:

**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 65852.2 and relevant sections of the California Government Code as amended from time to time.

**SECTION 3.**

Title 17, Chapter 17.65, Sections 17.65.020 and 17.65.030 of the Bakersfield Municipal Code are hereby repealed and enacted to read as follows:



**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.

**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.

**SECTION 4.**

Title 17, Chapter 17.65, Section 17.65.040 of the Bakersfield Municipal Code is hereby repealed in its entirety as follows:

**17.65.040 Reserved.**

**SECTION 5.**

Title 17, Chapter 17.69 of the Bakersfield Municipal Code is hereby amended to read as follows:

**Title 17 - Zoning**

**Chapter 17.69 Adult Entertainment Businesses\***

**Section:**

**17.69.040 Separation and distance requirements.**

\* Prior ordinance history: Ordinances 2877, 2926 and 2943.

**SECTION 6.**

Title 17, Chapter 17.69, Section 17.69.040 of the Bakersfield Municipal Code is hereby amended to read as follows:



**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 17.69.040 except to the extent that such business seeks to relocate to another location or seeks to expand the existing business.

**SECTION 7.**

Title 17, Chapter 17.71, Section 17.71.060 of the Bakersfield Municipal Code is hereby amended to read as follows:

**Title 17 - Zoning**

**Chapter 17.71 – Outdoor Lighting**

**Section:**





**17.71.060 Exemptions.**

**SECTION 8.**

Title 17, Chapter 17.71, Section 17.71.060 of the Bakersfield Municipal Code is hereby amended to read as follows:

**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 17.60 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-unit 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 top-mounted 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.

## **SECTION 9.**

Title 17, Chapter 17.73 of the Bakersfield Municipal Code is hereby amended to read as follows:

### **Title 17 - Zoning**

#### **Chapter 17.73 – Reasonable Accommodation**

##### **Sections:**

**17.73.030 Procedures.**

**17.73.050 Conditions of approval.**

## **SECTION 10.**

Title 17, Chapter 17.73, Sections 17.73.030 and 17.73.050 of the Bakersfield Municipal Code are hereby amended to read as follows:

### **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 conditional use permit, director's review and approval permit, etc.), then the applicant shall file the information required by subsection A of this section for concurrent review with the discretionary application.

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.

#### **17.73.050 Conditions of approval.**

In granting a request for reasonable accommodation, the development services director or his/her designee, or other body in whom decision making responsibility is vested under the provisions of this code, 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.

### **SECTION 11.**

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 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. 5174, passed by the Bakersfield City Council at a meeting held on the 27<sup>th</sup> day of March 2024 and entitled:

**ORDINANCE AMENDING TITLE 17, CHAPTERS 17.65, 17.69, 17.71 AND 17.73 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 Boza*  
DEPUTY City Clerk

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CITY OF BAKERSFIELD  
ORIGINAL