

ORDINANCE NO. 5009

**ORDINANCE AMENDING TITLE 17 OF THE BAKERSFIELD
MUNICIPAL CODE BY AMENDING SECTION 17.61.020 RELATED
TO APPROVED LANDSCAPE PLAN REQUIREMENTS.**

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

SECTION 1.

Section 17.61.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

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 the ordinance;

- 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 1-to-1 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 120 days of submittal of the revised landscape plan or as otherwise approved by the planning director or designee.

SECTION 2.

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 AUG 12 2020 by the following vote:

<u>AYES:</u>	COUNCILMEMBER: RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, PARLIER
NOES:	COUNCILMEMBER: <u>NONE</u>
ABSTAIN:	COUNCILMEMBER: <u>NONE</u>
<u>ABSENT:</u>	COUNCILMEMBER: <u>PARLIER</u>

Julie Drimakis
JULIE DRIMAKIS, CMC
CITY CLERK and Ex Officio Clerk of the Council of the City of Bakersfield

APPROVED: AUG 12 2020
By: Karen Goh
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney
By: Viridiana Gallardo-King
VIRIDIANA GALLARDO-KING
Deputy City Attorney

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 17th day of August, 2020 she posted on the Bulletin Board at City Hall, a full, true and correct copy of the following: Ordinance No. 5009, passed by the Bakersfield City Council at a meeting held on the 12th day of August, 2020 and entitled:

ORDINANCE AMENDING TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE BY AMENDING SECTION 17.61.020 RELATED TO APPROVED LANDSCAPE PLAN REQUIREMENTS.

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

By: 
DEPUTY City Clerk