

CITY OF BENICIA

ORDINANCE NO. 25-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.32 (PLANNING DEPARTMENT) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) AND ALL REFERENCES WITHIN THE BENICIA MUNICIPAL CODE AND PERSONNEL CLASSIFICATION PLAN TO CHANGE THE NAME OF THE PLANNING DEPARTMENT TO THE DEVELOPMENT SERVICES DEPARTMENT AND TO CHANGE THE TITLE OF COMMUNITY DEVELOPMENT DIRECTOR TO DIRECTOR OF DEVELOPMENT SERVICES, AND AMENDING CHAPTERS 17.12 (DEFINITIONS), 17.16 (USE CLASSIFICATIONS), 17.24 (RESIDENTIAL DISTRICTS), 17.26 (MIXED USE DISTRICTS), 17.28 (COMMERCIAL DISTRICTS), 17.32 (INDUSTRIAL DISTRICTS), 17.36 (OS OPEN SPACE DISTRICT), 17.40 (PS PUBLIC AND SEMIPUBLIC DISTRICT) AND 17.70 (GENERAL REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO CLARIFY, UPDATE AND STREAMLINE COMMERCIAL REGULATIONS

WHEREAS, the Community Development Department is also called the Planning Department pursuant to Chapter 2 (Administration and Enforcement) of the Benicia Municipal Code; and

WHEREAS, the Department's name does not clearly articulate its purpose to the general public and is easily confused with that of the Community Services Department; and

WHEREAS, Goal 3 of the City of Benicia Resiliency Plan is to expand economic development; and

WHEREAS, certain current commercial regulations impede business attraction, establishment and expansion due to permit and discretionary hearing requirements; and

WHEREAS, the City of Benicia recognizes the need to update regulations within its Zoning Ordinance to facilitate effective administration of its regulations and support the attraction, establishment and expansion to meet the community's needs; and

WHEREAS, certain clean-up amendments are warranted to improve internal consistency within the Benicia Municipal Code and to promote clarity for all users; and

WHEREAS, the Economic Development Board conducted a study session discussion of conceptual zoning changes, accepted public comment, and provided feedback on September 25, 2024; and

WHEREAS, the City Council accepted public comment and provided direction concerning the proposed amendments on October 15, 2024; and

WHEREAS, the Planning Commission and Economic Development Board conducted a study session and accepted public comment on March 27, 2025; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing at a regular meeting on _____, 2025, and recommended _____ of the Zoning Ordinance amending Chapters of the BMC Title 17; and

WHEREAS, the City Council finds that amendments to the aforementioned zoning regulations would implement the City's objectives for economic resiliency; and

WHEREAS, pursuant to Benicia Municipal Code (BMC) section 17.120.40(Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed amendments was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on **DATE**; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15305 which apply to existing facilities and minor alterations to land use limitations; the proposed zoning amendments constitute minor changes to streamline existing regulations and processes, and on their own do not have the potential to result in significant environmental impacts; and

WHEREAS, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the updated amendments may still be subject to CEQA review on a case-by-case basis to ensure that any significant environmental impacts are adequately addressed; and

WHEREAS, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Benicia does hereby find that the proposed zoning text amendments are consistent with the purposes of Titles 2 and 17, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a way that could encourage new development that is compatible with the existing community.
- Goal 2.13: Support the viability of existing commercial centers.

THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:

Section 1.

Chapter 2.32 (Planning Department) of Title 2 (Administration and Personnel) of The Benicia Municipal Code is hereby renamed Development Services Department.

Section 2.

Section 2.32.101 (Creation – Director) of Chapter 2.32 (Planning Department) of Title 2 (Administration and Personnel) of The Benicia Municipal Code is hereby amended as follows:

2.32.010 Creation – Director.

There is in the city government a department known as the development services department. The administrative officer of the department is the director of development services.

Section 3

All references to the “planning department” or “community development department” within the Benicia Municipal Code or City of Benicia personnel classification plan shall be stricken and replaced with “development services department” including but not limited to such references as may be contained in Title 2 (Administration and Personnel), Title 5 (Business Taxes, Licenses and Regulations), Title 6 (Animal Control Regulations), Title 12 (Streets, Sidewalks and Public Places), Title 15 (Buildings and Construction), Title 16 (Subdivisions), Title 17 (Zoning), and Title 18 (Signs).

Section 4

All references to “community development director” within the Benicia Municipal Code or personnel classification plan shall be stricken and replaced with “director of development services” including but not limited to such references as may be contained in Title 1 (General Provisions), Title 2 (Administration and Personnel), Title 3 (Revenue and Finance), Title 5 (Business Taxes, Licenses and Regulations), Title 6 (Animal Control Regulations), Title 12 (Streets, Sidewalks and Public Places), Title 16 (Subdivisions), Title 17 (Zoning), and Title 18 (Signs).

Section 5.

Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to delete the definitions of “Convenience market” and “Formula business”, and to amend the definitions of “Entertainment Live” and “Home occupations” as follows:

“Entertainment, live” means activities such as comedy, musical or theatrical performances by one or more persons which occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semipublic use.

“Home-based business” means an office or commercial activity conducted in a dwelling that is incidental to the principal residential use. It does not include cottage food operations defined separately herein.

Section 6.

Section 17.16.040 (Public and semipublic use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the use classification for “Day care center” as follows:

“Day care center” means a state-licensed child day care facility other than a family day care home that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, and school age child care centers.

Section 7.

Section 17.16.050 (Commercial use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to delete the use classifications of “Eating and Drinking Establishments with Take-Out Service” (L.4), “Eating and Drinking Establishments – Limited” (L.4.b), “Eating and Drinking Establishments – Truck Stop” (L.5), “Commercial Recreation and Entertainment – Card room, game center, billiard parlor” (I.1) and Commercial Recreation and Entertainment – Limited (I.2); to modify the use classifications for “Commercial Recreation and Entertainment” (I), “Eating and Drinking Establishments with full alcoholic beverage service” (L.2), “Eating and Drinking Establishments – Mobile Food Vending”; to add sub-use classifications for “Eating and Drinking Establishments -Night club” (L.6), “Food and Beverage Sales – Alcoholic Beverage Sales - Off-premise” (M.1), “Food and Beverage Sales – Convenience Market” (M.2); and to add use classifications for “Health/Fitness Facilities”, “Sports and Entertainment, Assembly” and “Truck Stop” in alphabetical order as follows:

I. Commercial Recreation and Entertainment, Indoor. Facilities providing indoor amusement, recreation or entertainment for a fee or admission charge. This classification includes theaters, bowling alleys, billiard parlors, ice/roller skating rinks, play centers, game arcades (video games, pinball, etc.), indoor sports practice and training (e.g., batting cages), indoor archery or shooting galleries. This use classification does not include adult businesses, nor any establishment engaged in gambling or betting.

- L. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises, not including cannabis or cannabis products.
1. With Wine and Beer Service. Alcoholic beverages served are limited to wine and beer.
 2. With full alcoholic beverage service. Alcoholic beverages served include wine, beer and distilled spirits.
 3. With Live Entertainment. Establishments offering live entertainment, as defined in Chapter 17.12 BMC (Definitions).
 4. Drive-Up. Service from a building to persons in vehicles through an outdoor service window.
 5. Mobile Food Vending. The sale of ready-to-consume prepared foods from vehicles on a semi-permanent basis during hours of operation. Mobile food vending generally has the following characteristics:
 - a. Food and beverages are ordered and served from a take-out counter that is integral to the vehicle;
 - b. Food and beverages are paid for prior to consumption;
 - c. Food and beverages are served in disposable wrappers, plates or containers; and
 - d. Food and beverages are prepared and sold for primarily off-site consumption with limited on-site consumption.
 6. Night Club. A facility serving alcoholic beverages for on-site consumption and providing live entertainment, examples of which include live music and/or dancing, comedy, etc. after 10:00 p.m. one or more nights per week. Does not include adult oriented businesses.
- M. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption, not including cannabis or cannabis products. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as “catering services” or “eating and drinking establishments.”
1. Alcoholic Beverage Sales – Off-premise. The retail sale of beer, wine, and/or spirits in sealed containers for off-premise consumption as a primary business activity. Does not include alcohol sales that are conducted on a temporary basis pursuant to a day license or equivalent permit from the California Department of

Alcoholic Beverage Control, nor sales that are accessory to and part of a beverage tasting facility, microbrewery, market or similar use.

2. Convenience market. The retail sales of food, beverages and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat.

Health/Fitness Facilities. Establishments primarily engaged in providing physical fitness services, exercise equipment, and related activities for the improvement or maintenance of physical health and well-being. This classification includes gyms, health clubs, yoga studios, and similar establishments offering exercise classes, personal training, cardiovascular equipment, weight training equipment, and other fitness-related services.

Sports and Entertainment, Assembly. A facility that provides for indoor or outdoor spectator-oriented sports including sports stadiums, arenas, or amusement tournament facilities; and outdoor amusement facilities such as amusement parks, mini-golf, etc.

Truck Stop. A facility geared primarily to providing services for truckers, including on-site fueling, repair and servicing of freight trucks; restaurant facilities; restrooms; towing services; overnight accommodations and related services.

Section 8.

Section 17.16.050 (Accessory use classifications) of Chapter 17.16 (Use Classifications of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the use classification for Accessory Uses and Structures as follows:

- A. Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes accessory dwelling units, home-based businesses, and construction trailers.

Section 9.

Section 17.24.020 (RS, RM, RH and HZ districts – Land use regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

RS, RM, RH and HZ Districts: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	RS	RM	RH	HZ	Additional Regulations
Residential					(A)
Family Day Care, Large	P	P	P	P	
Family Day Care, Small	P	P	P	P	
Group Residential	-	U	U	U	L-1
Multifamily Residential	-	P	P	P	L-1
Residential Care, Limited	P	P	P	P	L-1
Single-Family Residential	P	P	P	-	L-1
Supportive Housing	P	P	P	P	L-1
Transitional Housing	P	P	P	P	L-1
Commercial Uses					
Conference and Meeting Facilities	U	U	U	-	
Eating and Drinking Establishments	-	-	-	P	L-2
Food and Beverage Sales	-	-	-	P	L-2
Horticulture, Limited	U	U	U	U	L-3
Personal Services	-	-	-	P	L-2
Public and Semipublic					
Adult Day Health Care	U	U	U	U	
Bed and Breakfast Inns	U	U	U	-	L-4
Clubs and Lodges	U	U	U	U	L-5
Convalescent Facilities	-	U	U	U	
Cultural Institutions	-	U	U	U	
Day Care Center	P	P	P	P	L-2, L-6
Emergency Shelter	-	P	-	-	(B)
Park and Recreation Facilities	P	P	P	P	L-7
Public Safety Facilities	U	U	U	U	
Religious Assembly	U	U	U	U	

RS, RM, RH and HZ Districts: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	RS	RM	RH	HZ	Additional Regulations
Residential Care, General	P	P	P	P	
Schools, Public or Private	U	U	U	-	
Utilities, Major	-	-	-	-	
Waste Facility	-	-	-	-	
Utilities, Minor	P	P	P	P	
Accessory Uses	P/U	P/U	P/U	P/U	
Accessory Dwelling Unit	P	P	P	P	(C)
Cottage Food Operations	P	P	P	P	(D)
Donation and Collection Bins	P	P	P	P	L-8, (E)
Home Based Businesses	P	P	P	P	(D)
Short-Term Rentals	P	P	P	P	(F)
Temporary Uses					
Commercial Filming, Limited	P	P	P	P	
Personal Property Sales	P	P	P	P	
Street Fairs	U	U	U	U	
Nonconforming	-	-	-	-	(G)
Other Uses					
Cultivation of Cannabis for Personal Use, Indoors or Outdoors (Residential Cultivation of Cannabis)	P	P	P	P	(H)

RS, RM, and RH Districts: Additional Use Regulations

L-1 Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government

Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.

L-2 In the HZ district, uses are permitted on the ground floor of multifamily residential buildings when not exceeding 20 percent of gross floor area.

L-3 Use permit required, and no on-site retail sales permitted. Shall not include cannabis cultivation.

L-4 Community development director use permit required.

L-5 In the RS district, only youth centers may be permitted with approval of a use permit, if operated by a public or non-profit organization and located within a half-mile of a secondary school.

L-6 In the RS and RM districts, a day care center is a permitted use only when operated on the grounds within the facilities of a duly permitted religious assembly or school.

L-7 Limited to facilities on sites of fewer than two acres. Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.

L-8 Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.390, Emergency shelter.

(C) See BMC 17.70.060, Accessory dwelling units.

(D) See BMC 17.70.370, Cottage food operations, and BMC 17.70.070, Home-based businesses.

(E) See BMC 17.70.410, Donation and collection bins.

(F) See BMC 17.70.450, Short-term rentals.

(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(H) See Chapter 17.84 BMC, Cannabis.

Section 10.

Section 17.24.030 (RS, RM, RH and HZ districts – Property development regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the property development regulations table and additional regulations as follows:

RS, RM, RH and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
Site Area per Unit (sq. ft.)	6,000	3,000	2,000	580	
With density bonus for:					
Low- or Moderate-Income Housing	4,800	2,400	1,600	–	(A)
Elderly Housing	–	2,000	1,300	–	(A)
Low-Income Elderly Housing	–	1,500	1,000	–	(A)
Minimum Site Area (sq. ft.)	6,000	6,000	7,500	20,000	(B)(C)(D)
Minimum Site Width (ft.)	60	60	60	60	(R)(S)
Minimum Yards:					(V)
Front (ft.)	20	20	20	10	(E)(F)
Side (ft.)	5	6; 10	6; 10	10	(E)(G)(H)
Corner Side (ft.)	10	15	15	10	(E)
Rear (ft.)	15	15	15	15	(E)(G)
Courts					(I)
Maximum Height (ft.)	30	35	35	72	(J)(K)(U)
Maximum Coverage	40%	45%	50%	75%	
Maximum Nonresidential (FAR)	0.4	0.45	0.5	–	(L)
Open Space					(M)
Minimum Site Landscaping	35%	30%	30%	10%	(N)(O)
Fences and Walls					(P)
Off-Street Parking and Loading					(Q)
Signs	See Chapter 17.78 BMC				
Relocated Buildings	See BMC 17.70.020				
Accessory Structures	See BMC 17.70.050, and 17.74.190				
Swimming Pools and Hot Tubs	See BMC 17.70.080				
Outdoor Facilities	See BMC 17.70.200 , Outdoor facilities, and BMC 17.70.250 , Satellite antennas and microwave equipment				

RS, RM, RH and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
Screening of Mechanical Equipment	See BMC 17.70.210 and 17.70.250				
Refuse Storage Areas	See BMC 17.70.220				
Underground Utilities	See BMC 17.70.230				
Performance Standards	See BMC 17.70.240				
Nonconforming Structures	See Chapter 17.98 BMC				

RS, RM, RH and HZ Districts: Additional Development Regulations

(V) See BMC 17.70.040, Religious assembly yard requirements.

Section 11.

Table 17.26-1 (MU-I Allowed Uses and Permits Required) of Section 17.26.020 (Mixed use infill (MU-I) district) of Chapter 17.26 (Mixed Use Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

Table 17.26-1: MU-I Allowed Uses and Permits Required

Land Use	MU-I	Additional Regulations
Residential Uses		(A)
Family Day Care, Large	P	
Family Day Care, Small	P	L-1
Group Residential	P	L-1
Work/Live Quarters	P	L-1
Multifamily Residential	P	L-1
Residential Care, Limited	P	L-1
Supportive Housing	P	L-1
Transitional Housing	P	L-1
Public and Semipublic Uses		
Adult Day Health Care	U	
Clubs and Lodges	P	L-1
Convalescent Facilities	P	L-1

Table 17.26-1: MU-I Allowed Uses and Permits Required

Land Use	MU-I	Additional Regulations
Cultural Institutions	P	
Day Care Center	U	
Emergency Shelter	P	(B)
Government Offices	P	L-1
Parks and Recreation Facilities	P	
Public Safety Facilities	U	
Religious Assembly	U	
Residential Care, General	P	
Schools, Public or Private	U	
Utilities, Minor	P	
Commercial Uses		L-2
Animal Sales and Services		
Animal Grooming	P	
Animal Hospitals	U	L-3
Animals – Retail Sales	P	L-4
Artists’ Studios	P	
Banks and Savings and Loans	P	
Commercial Filming	U	
Commercial Recreation and Entertainment, Indoor	P	
Communication Facilities	U	
Conference and Meeting Facilities	U	
Eating and Drinking Establishments	P	
With Wine and Beer Service	P	
With Full Alcoholic Beverage Service	P	L-5
With Live Entertainment	P	L-6
With Outdoor Entertainment	U	
Food and Beverage Sales	P	
Alcoholic Beverage Sales – Off-premise	U	
Health/Fitness Facility	P	
Laboratories	P	L-1

Table 17.26-1: MU-I Allowed Uses and Permits Required

Land Use	MU-I	Additional Regulations
Maintenance and Repair Services	U	
Nurseries	U	
Offices, Business and Professional	P	L-1
Outdoor Entertainment	U	
Personal Improvement Services	P	
Personal Services	P	
Research and Development Services	P	L-1
Retail Sales	P	
Secondhand Appliances/Clothing	P	
Vehicle/Equipment Sales and Services		
Service Stations	-	L-7
Visitor Accommodations		
Bed and Breakfast Inns	P	L-1
Hotels and Motels	P	L-1
Accessory Uses	P/U	
Accessory Dwelling Unit	P	(C)
Cottage Food Operations	P	(D)
Home Based Businesses	P	(E)
Short-Term Rentals	P	(F)
Temporary Uses		
Christmas Tree Sales	P	
Commercial Filming, Limited	P	
Religious Assembly	U	
Retail Sales, Outdoor	U	
Nonconforming	-	(G)
Other Uses		

Table 17.26-1: MU-I Allowed Uses and Permits Required

Land Use	MU-I	Additional Regulations
Cultivation of Cannabis for Personal Use, Indoors or Outdoors (Residential cultivation of cannabis)	P	(H)
Key: P = Permitted; U = Use Permit; L = Limited (See Additional Regulations)		

MU-I Additional Regulations:

L-1 A use permit is required when the use occupies ground floor space facing the street in locations shown in Figure 17.26-1. In all other locations, the use is permitted (“P”). See BMC 17.26.020(A)(2). For residential use limitations in existing shopping centers, see BMC 17.26.020(A)(3).

L-2 See BMC 17.26.020(A)(2)(d) for additional permit requirements that apply to commercial uses greater than 3,000 square feet on certain properties fronting Military East and/or East Fifth Street.

L-3 Permit requirements for animal boarding and animal hospitals are the same as in the CG district.

L-4 Permitted use (“P”) only in a shopping center. Not allowed in all other locations.

L-5 A drinking establishment which is not part of a larger restaurant and operates between 10:00 p.m. and 7:00 a.m. requires a use permit.

L-6 Live entertainment is permitted only when it occurs indoors, is accessory to the primary eating and drinking establishment, and is limited to the hours between 11:00 am to 10:00 pm.

L-7 Only service stations existing in a shopping center as of December 31, 2022, are allowed. A use permit shall be required to replace or make a major alteration to an existing service station. For the purposes of this section, “major alteration” means the construction or alteration of 2,500 square feet or more of new floor area and/or any change of use or alteration that would increase the number of parking spaces by 10 percent or more than the total number required prior to the alteration.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.390, Emergency Shelter .

(C) See BMC 17.70.060, Accessory dwelling units.

(D) See BMC 17.70.370, Cottage food operations.

(E) See BMC 17.70.070, Home based businesses.

(F) See BMC 17.70.450, Short-term rentals.

(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(H) See Chapter 17.84 BMC, Cannabis.

Section 12.

Table 17.26-3 (MU-L Allowed Uses and Permits Required) of Section 17.26.030 (Mixed use limited (MU-L) district) of Chapter 17.26 (Mixed Use Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

Table 17.26-3: MU-L Allowed Uses and Permits Required

Land Use	MU-L	Additional Regulations
Residential Uses		(A)
Family Day Care, Large	P	
Family Day Care, Small	P	
Group Residential	P	
Work/Live Quarters	P	
Multifamily Residential	P	
Residential Care, Limited	P	
Single-Family Residential	P	
Supportive Housing	P	
Transitional Housing	P	
Public and Semipublic Uses		
Adult Day Health Care	U	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	P	
Day Care Center	U	
Government Offices	U	
Low-Barrier Navigation Centers	P	
Parks and Recreation Facilities	P	
Residential Care, General	P	
Schools, Public or Private	U	
Utilities, Minor	P	
Public Safety Facilities	U	

Table 17.26-3: MU-L Allowed Uses and Permits Required

Land Use	MU-L	Additional Regulations
Commercial Uses		
Artists' Studios	P	
Health/Fitness Facility	P	L-1
Offices, Business and Professional	U	L-2
Personal Improvement Services	U	L-2
Personal Services	U	L-2
Bed and Breakfast Inns	U	
Accessory Uses		P/U
Accessory Dwelling Unit	P	(B)
Cottage Food Operations	P	(C)
Home Based Businesses	P	(D)
Short-Term Rentals	P	(E)
Nonconforming		- (F)
Other Uses		
Cultivation of Cannabis for Personal Use, Indoors or Outdoors (Residential cultivation of cannabis.)	P	(G)
Key: P = Permitted; U = Use Permit; L = Limited (See Additional Regulations)		

MU-L Additional Regulations:

L-1 Health/fitness facilities are permitted; except that a use permit shall be required for facilities that are open for business prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week

L-2 Community development director use permit required.

(A) See BMC 17.70.300, Animals.

(B) See BMC 17.70.060, Accessory dwelling units.

(C) See BMC 17.70.370, Cottage food operations.

(D) See BMC 17.70.070, Home based businesses.

(E) See BMC 17.70.450, Short-term rentals.

(F) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(G) See Chapter 17.84 BMC, Cannabis.

Section 13.

Section 17.28.010 (Specific purposes) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to strike subsection A.10 as follows:

- A. In addition to the general purposes listed in Chapter [17.04](#) BMC, the specific purposes of commercial districts are to:
1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;
 2. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;
 3. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses;
 4. Minimize the impact of commercial development on adjacent residential districts;
 5. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;
 6. Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;
 7. Ensure the provision of adequate off-street parking and loading facilities;
 8. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment;
 9. Preserve a balanced mix of locally, regionally, and nationally based businesses and small and medium sized businesses to maintain and promote the long-term economic health of businesses and the community as a whole;

Section 14.

Section 17.28.020 (CC, CO, CG and CW districts – Land use regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

CC, CO, CG, and CW Districts: Land Use Regulations

- P – Permitted
U – Use Permit
L – Limited (See “Additional Use Regulations”)
– – Not Permitted

	CC	CO	CG	CW	Additional Regulations
Residential					
Group Residential	–	–	U	–	L-1
Work/Live Quarters	P	–	P	P	L-1
Multifamily Residential	P	P	–	P	L-1, L-2
Residential Care, Limited	P	P	–	P	L-1, L-2
Single-Family Residential	P	P	–	P	L-1, L-2
Supportive Housing	P	P	–	P	L-1
Transitional Housing	P	P	–	P	L-1, L-2
Public and Semipublic					
Adult Day Health Care	U	U	–	U	
Clubs and Lodges	U	U	P	P	
Cultural Institutions	U	U	P	P	
Day Care Center	P	U	–	U	L-3
Emergency Shelter	–	P	P	–	(A)
Government Offices	P	P	P	P	
Hospitals	–	U	U	–	
Low-Barrier Navigation Center	P	P	–	P	
Park and Recreation Facilities	–	–	–	P	
Public Safety Facilities	U	U	U	U	
Religious Assembly	P	U	U	U	
Residential Care, General	P	P	–	P	L-2
Schools, Public or Private	U	–	–	–	
Utilities, Major	U	U	U	U	
Waste Facility	–	–	–	–	
Utilities, Minor	P	P	P	P	
Commercial Uses					
Adult Businesses	–	–	P	–	(B)

CC, CO, CG, and CW Districts: Land Use Regulations

- P – Permitted
U – Use Permit
L – Limited (See “Additional Use Regulations”)
– – Not Permitted

	CC	CO	CG	CW	Additional Regulations
Ambulance Services	–	–	P	–	
Animal Sales and Services					
Animal Boarding	–	–	P	–	L-4
Animal Grooming	P	–	P	–	L-4
Animal Hospitals	–	P	P	–	L-4
Animals – Retail Sales	–	–	P	P	
Artists’ Studios	P	P	P	P	
Banks and Savings and Loans	–	P	P	–	
Banks and Savings and Loans with Drive-Up Service	–	U	U	–	
Building Materials and Services	–	–	P	–	
Catering Services	P	P	P	P	
Commercial Filming	U	U	U	U	
Commercial Recreation and Entertainment, Indoor	U	–	P	–	
Communication Facilities	–	–	P	–	
Conference and Meeting Facilities	U	U	P	P	L-5
Eating and Drinking Establishments	P	P	P	P	
With Wine and Beer Service	P	P	P	P	
With Full Alcoholic Beverage Service	U	U	U	U	L-6
With Live Entertainment	–	–	U	U	L-7, (C)
With Drive-Up	U	–	P	–	L-8
Food and Beverage Sales	P	–	P	P	L-9
Alcoholic Beverage Sales – Off-premise	–	–	U	–	
Convenience Market	U	–	U	U	L-10
Funeral and Interment Services	P	U	P	–	L-11
Health/Fitness Facility	P	P	P	–	L-12
Laboratories	–	P	P	–	
Maintenance and Repair Services	–	–	P	–	
Marinas	–	–	–	P	

CC, CO, CG, and CW Districts: Land Use Regulations

- P - Permitted
U - Use Permit
L - Limited (See "Additional Use Regulations")
- - Not Permitted

	CC	CO	CG	CW	Additional Regulations
Marine Sales and Services	-	-	-	P	
Nurseries	U	-	P	-	
Offices, Business and Professional	P	P	P	P	
Outdoor Entertainment	U	U	U	U	(D)
Pawn Shops	-	-	P	-	
Personal Improvement Services	U	U	U	-	L-13
Personal Services	P	P	P	P	L-14
Research and Development Services	-	-	P	-	
Retail Sales	P	-	P	P	
Secondhand Appliances/Clothing	-	-	P	-	
Sports and Entertainment, Assembly	-	-	U	-	
Swap Meet, Recurring	-	-	U	-	
Truck Stop	-	-	U	-	
Vehicle/Equipment Sales and Services					
Automobile Rentals	-	-	U	-	L-15
Automobile Washing	-	-	U	-	
Service Stations	U	-	U	-	L-16, (E)
Vehicle/Equipment Repair	-	-	U	-	L-17
Vehicle/Equipment Sales and Rentals	-	-	P	-	
Visitor Accommodations					
Bed and Breakfast Inns	U	U	P	P	L-17
Hotels and Motels	-	-	P	P	
Accessory Uses	P/U	P/U	P/U	P/U	
Donation and Collection Bins	P	P	P	P	L-18, (F)
Temporary Uses					
Animal Shows	-	-	U	-	

CC, CO, CG, and CW Districts: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	CC	CO	CG	CW	Additional Regulations
Christmas Tree Sales	P	P	P	P	
Circuses and Carnivals	-	-	U	U	
Commercial Filming, Limited	P	P	P	P	
Religious Assembly	P	U	U	U	
Retail Sales, Outdoor	U	U	U	U	
Swap Meets					
Nonrecurring	U	U	U	U	
Nonconforming	-	-	-	-	(G)
Other Uses					
Cultivation of Cannabis for Personal Use, Indoors or Outdoors (Residential cultivation of cannabis)	P	P	P	P	(H)
Cannabis Laboratories	-	U	-	-	(H)
Cannabis Retail Operation	U	-	U	U	(H)

CC, CO, CG, and CW Districts: Additional Use Regulations

L-1 Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to lower income households.

L-2 Not permitted on ground level in CC and CO districts.

L-3 A designated drop-off and pick-up area shall be provided on-site, which shall be designed and constructed in concert with the improvements required to comply with Chapter 17.74 (Off-Street Parking and Loading Regulations).

L-4 Community development director use permit required if the following conditions exist:

1. The proposed use is not located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is not located in a soundproofed and air-conditioned facility.

L-5 Community development director use permit required for facilities holding outdoor events or activities. Indoor-only use is permitted.

L-6 A drinking establishment that is not part of a larger restaurant and operates between 10:00 p.m. to 7:00 a.m. requires a use permit. All other eating and drinking establishments with full alcoholic beverage service are permitted ("P").

L-7 Live entertainment that occurs indoors, is accessory to the primary eating and drinking establishment, and is limited to the hours between 11:00 am to 10:00 pm is permitted. A use permit is required for all other live entertainment.

L-8 Eating and drinking establishments with drive-up facilities shall be designed to comply with the following requirements for vehicle stacking:

1. Each stacking lane shall be separated from the circulation route necessary for ingress and/or egress from the property, or access to any parking space.
2. Stacking lanes shall not cross or pass through off-street parking areas or marked pedestrian accessways.
3. Stacking lanes for drive-through facilities shall have the following minimum widths: one lane – 12 feet; two or more lanes – 10 feet per lane.
4. Stacking lanes for drive-through facilities shall not be located in the required front or corner side yard.

L-9 A use permit is required for establishments occupying more than 1,500 square feet.

L-10 Except as provided below, convenience markets shall not be located within 500 feet of a site occupied by a public or private school, park or recreational facilities, and no exterior vending machines shall be permitted. A convenience market may be located within 500 feet of a site occupied by park or recreational facilities if the proposed convenience market is within 500 feet of an existing retail food and beverage sales establishment. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. Longer hours are permitted only if they would not have an adverse effect on neighborhood uses.

L-11 Only mortuaries may be allowed.

L-12 Health/fitness facilities are permitted; except that in the CC District a use permit shall be required for facilities that are open for business prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week

L-13 Community development director use permit required ~~only~~ for dance and music studios if the following conditions exist:

1. The proposed use is not located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;
2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

L-14 No self-service laundries permitted in CO district.

L-15 Only limousine and taxi service may be allowed.

L-16 No repair services are permitted in CC district.

L-17 Community development director use permit required.

L-18 Only permitted in CC, CO and CW districts when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.390, Emergency shelter.

(B) An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 and 17.102 BMC.

(C) See BMC 17.70.100, Live entertainment.

(D) See BMC 17.70.400, Outdoor entertainment.

(E) See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

(F) See BMC 17.70.410, Donation and collection bins.

(G) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(H) See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.

Section 15.

Section 17.28.030 (CC, CO, CG and CW districts – Property Development Regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the property development regulations table and additional regulations as follows:

CC, CO, CG, and CW Districts: Property Development Regulations

Use Classifications	CC	CO	CG	CW	Additional
Residential development					(A)
Minimum Lot Area (sq. ft.)	10,000	10,000	7,500	5,000	(B)(C)
Minimum Lot Width (ft.)	70	70	60	50	
Minimum Yards:					(T)
Front (ft.)	15	15	10	15	(D)(R)
Side (ft.)	–	–	–	–	(D)(E)(F)(R)
Corner Side Rear (ft.)	–	–	–	–	(D)(E)(F)(R)
Maximum Height (ft.) of Structures	40	40	40	40	(G)(H)
Maximum Lot Coverage	50%	50%	75%	50%	
Maximum Nonresidential FAR	0.8	0.8	1.2	0.8	
Maximum FAR	1.2	1.2	1.2	1.2	(S)
Minimum Site Landscaping	20%	20%	10%	20%	(I)(J)
Outdoor Living Area					(K)(L)
Fences and Walls					(M)(N)
Off-Street Parking and Loading					(O)(P)
Signs	See Chapter 17.78 BMC				
Accessory Structures	See BMC 17.70.050				
Relocated Buildings	See BMC 17.70.020				
Swimming Pools and Hot Tubs	See BMC 17.70.080				
Outdoor Facilities	See BMC 17.70.200				(Q)
Screening of Mechanical Equipment	See BMC 17.70.210				(Q)
Refuse Storage Areas	See BMC 17.70.220				
Underground Utilities	See BMC 17.70.230				
Performance Standards	See BMC 17.70.240				
Nonconforming Structures	See Chapter 17.98 BMC				

CC, CO, CG, or CW Districts: Additional Development Regulations
(T) See BMC 17.70.040, Religious assembly yard requirements.

Section 16.

Section 17.32.021 (IL, IG, IW and IP districts – Land use regulations) of Chapter 17.32 (Industrial Districts) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

IL, IG, IW, and IP Districts: Land Use Regulations

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- – Not Permitted

	IL	IG	IW	IP	Additional Regulations
Residential					
Work/Live Quarters	U	–	–	–	L-1
Public and Semipublic					
Adult Day Health Care	U	U	–	U	L-1, L-2
Clubs and Lodges	P	P	–	P	L-1, L-3
Cultural Institutions	U	U	–	U	L-1
Day Care, General	U	U	–	U	L-1, L-2
Government Offices	U	U	U	U	L-1
Heliports	U	U	U	U	L-1, L-4
Maintenance and Service Facilities	P	P	P	–	L-1
Public Safety Facilities	P	P	P	P	L-5
Religious Assembly	U	U	–	U	L-1 L-6
Utilities, Major	U	U	U	U	L-1
Waste Facility	–	U	–	–	L-1
Utilities, Minor	P	P	P	P	L-1
Commercial Uses					
Adult Business	P	P	–	P	(A)
Ambulance Services	P	P	–	P	
Animal Sales and Services					
Animal Boarding	P	–	–	–	L-5
Animal Hospitals	P	P	–	–	L-5

IL, IG, IW, and IP Districts: Land Use Regulations

- P - Permitted
U - Use Permit
L - Limited (See "Additional Use Regulations")
- - Not Permitted

	IL	IG	IW	IP	Additional Regulations
Artists' Studios	P	-	-	P	L-5
Banks and Savings and Loans	P	P	-	P	L-7
Building Materials and Services	P	P	P	P	L-5, L-8
Cannabis Retail Operation	-	-	-	-	(B)
Catering Services	P	P	-	P	
Commercial Filming	P	P	P	P	L-5
Commercial Recreation and Entertainment, Indoor	-	U	-	-	L-9
Communication Facilities	P	P	P	P	
Eating and Drinking Establishments	P	P	P	P	L-10
Mobile Food Vending	P	P	P	P	(C)
With Wine and Beer Service	P	P	P	P	L-10
With Full Alcoholic Beverage Service	P	P	P	P	L-10, L-11
Food and Beverage Sales	P	P	-	P	L-12, L-13
Funeral and Interment Services	P	-	-	-	L-14
Health/Fitness Facility	U	U	-	-	L-15
Horticulture, Limited	P	P	-	-	
Laboratories	P	P	-	P	
Maintenance and Repair Services	P	P	P	P	L-8
Marine Sales and Services	-	-	P	-	
Nurseries	P	P	-	U	
Offices, Business and Professional	-	-	-	P	L-16
Personal Improvement Services	P	P	-	P	L-17
Personal Services	P	P	-	P	L-18
Research and Development Services	P	P	P	P	L-8
Vehicle/Equipment Sales and Services					
Automobile Washing	U	P	-	-	L-19, (D)
Service Stations	U	U	U	U	L-8, L-20

IL, IG, IW, and IP Districts: Land Use Regulations

- P – Permitted
U – Use Permit
L – Limited (See “Additional Use Regulations”)
– – Not Permitted

	IL	IG	IW	IP	Additional Regulations
Vehicle/Equipment Repair	P	P	–	–	L-21
Vehicle/Equipment Sales and Rentals	U	P	–	–	L-22
Vehicle Storage	U	U	U	–	L-8
Warehousing and Storage, Limited	P	P	P	U	L-8
Industrial					
Industry, Custom	P	P	P	P	L-8
Industry, General	–	P	P	U	L-8, L-23
Industry, Limited	P	P	P	P	L-8
Small-Scale	P	P	P	P	L-8
Industry, Research and Development	P	P	P	P	L-8
Industry, Technology	P	P	P	P	L-8
Port Terminals	–	–	P	–	
Wholesaling, Distribution and Storage					
Wholesaling and Distribution	P	P	P	U	L-8
Warehousing and Transportation	P	P	P	U	L-8
Trucking Terminal/Freight Transfer Station	U	U	P	–	L-8
Package Distribution	P	P	P	U	L-8
Agricultural and Extractive Uses					
Mining and Processing	–	U	–	–	L-1
Accessory Uses	P/U	P/U	P/U	P/U	L-1, (E)
Temporary Uses					
Animal Shows	U	U	–	–	L-1
Christmas Tree Sales	P	P	–	–	L-1
Circuses and Carnivals	–	U	–	–	L-1

IL, IG, IW, and IP Districts: Land Use Regulations

- P – Permitted
U – Use Permit
L – Limited (See “Additional Use Regulations”)
– – Not Permitted

	IL	IG	IW	IP	Additional Regulations
Retail Sales – Outdoor	U	U	U	–	L-1
Swap Meets – Nonrecurring	U	U	–	–	L-1
Trade Fairs	U	U	U	U	L-1
Nonconforming	-	-	-	-	((F))
Other Uses					
Cannabis Cultivation Operation	U	U	U	U	(B)
Cannabis Delivery-Only Operation	U	U	U	U	(B)
Cannabis Distribution	U	U	U	U	(B)
Cannabis Manufacturing Operation	U	U	U	U	(B)
Cannabis Microbusiness	U	U	U	U	(B)
Cannabis Testing Laboratory	U	U	U	U	(B)

IL, IG, IW, and IP Districts: Additional Use Regulations

L-1 Evaluate a nonindustrial or noncommercial project against the following criteria when considering findings for use permits or variances:

1. Will the project create substantial conflicts with existing industrial and commercial traffic?
2. Will the project be subject to excessive glare, noise or vibration from adjacent industrial/commercial uses? (Refer to general plan for noise criteria)
3. Will the project be exposed to hazardous materials or risks that would create health and safety hazards for persons occupying or visiting the project?
4. Will the project be located on an arterial street, or located in an area which would bring nonindustrial traffic onto local streets?

L-2 Limited to facilities accessory to manufacturing, wholesaling, or distribution, and not exceeding 25 percent of the floor area occupied by the principal use.

L-3 Only trade union halls, including their accompanying business offices, are permitted.

L-4 Allowed with a use permit and heliport permit from the California Department of Transportation, Division of Aeronautics if located 1,000 or more feet from a residential district.

L-5 Community development director use permit required if the following conditions exist:

1. The proposed use is not located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is not located in a soundproofed and air-conditioned facility.

L-6 No day care facilities or schools shall be permitted as part of a religious assembly facility.

L-7 Only automatic teller machines allowed.

L-8 In IW district, only water-related uses allowed.

L-9 Only indoor sports training and practice, archery and shooting galleries in a standalone facility on parcels fronting along East Second Street between Stone Road and Wanger Street.

L-10 Permitted as a secondary use in a building occupying no more than 2,500 square feet of the building area. A community development director use permit is required for secondary uses occupying building areas greater than 2,500 square feet but not more than 5,000 square feet, or where the use is the primary use of a building. Not permitted for uses larger than 5,000 square feet.

L-11 Full Alcoholic Beverage Service is permitted only as part of an eating establishment. Drinking establishments are not permitted.

L-12 Permitted up to 1,000 square feet in IL and IG districts. Use permit required for establishments occupying more than 1,000 square feet in IL and IG districts.

L-13 In IP district, only delicatessens and food stores occupying fewer than 1,000 square feet are permitted.

L-14 Only crematories, columbariums, and mausoleums allowed.

L-15 Health/fitness facility shall not occupy more than 5,000 square feet of floor area. In the General Industrial District, health/fitness facilities are conditionally permitted only on parcels fronting along East Second Street between Industrial Way and Stone Road.

L-16 Medical/dental offices, insurance brokerage offices, and real estate brokerage offices not permitted.

L-17 Only business and trade schools permitted.

L-18 Only beauty shops and barbershops permitted.

L-19 Only truck tractor and trailer washing permitted.

L-20 Only stations offering controlled services to individual uses within an industrial area are allowed, subject to a use permit.

L-21 Only truck and equipment repair primarily serving industrial activities are permitted by right; a community development director use permit may be granted for automobile repair and for repair services that cater to the general public if the following conditions exist:

1. The proposed use is not located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;
2. No outdoor repair or maintenance activities are proposed in conjunction with the use;
3. No outdoor storage of vehicles or equipment will take place during nonbusiness hours;
4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

L-22 New or used automobile, truck or motorcycle retail sales shall be permitted only as an accessory to wholesale operations.

L-23 In IG district, General industrial uses are permitted by right except that a use permit is required for oil and gas refining.

(A) An adult business offering live entertainment shall be subject to the requirements of Chapters 5.44 and 17.102 BMC.

(B) See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.

(C) See BMC 17.70.380, Mobile food vendors.

(D) See BMC 17.70.110, Service stations, vehicle/equipment repair, and automobile washing.

(E) Maximum: One dwelling unit per site as caretaker's housing.

(F) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

Section 17.

Section 17.36.030 (Land use regulations) of Chapter 17.36 (OS Open Space District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

OS District: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	OS	Additional Regulations
Residential		
Employee Housing (for farmworkers)	P	(A)
Residential Care, Limited	P	L-1, (B)
Single-Family Residential	P	L-1, (B)
Supportive Housing	P	L-1
Transitional Housing	P	L-1
Public and Semipublic		
Cemetery	U	(C)
Day Care Center	P	L-2
Government Offices	P	L-3, (C)
Parks and Recreation Facilities	P	L-4
Public Safety Facilities	P	(C)
Religious Assembly	U	(C)
Residential Care, General	P	L-1, (B)
Utilities, Major	U	(C)
Waste Facility	U	(C)
Utilities, Minor	P	
Utilities, Solar	U	(D)
Commercial Uses		
Commercial Filming	U	L-4
Commercial Recreation and Entertainment, Indoor	U	(C)
Eating and Drinking Establishments	U	L-3

OS District: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	OS	Additional Regulations
Horticulture, Limited	U	L-4, L-5
Sports and Entertainment, Assembly	U	(C)
Agricultural and Extractive Uses		
Animal Husbandry	P	L-4
Crop Production	P	L-4
Accessory Uses	P/U	L-4, L-6
Donation and Collection Bins	U	L-7, (E)
Temporary Uses		
Animal Shows	U	L-4
Circuses and Carnivals	U	L-4
Commercial Filming, Limited	P	L-4
Nonconforming	-	(E)
Other Uses		
Cultivation of Cannabis for Personal Use, Indoors or Outdoors (Residential cultivation of cannabis)	P	(G)

OS District: Additional Use Regulations

L-1 Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram. On lands inside the urban growth boundary, limited to one primary dwelling unit and one accessory dwelling unit per site, subject to the requirements of BMC 17.70.060, Accessory dwelling units.

L-2 A day care center is permitted only when located on the grounds and within the facilities of a duly permitted religious assembly use.

L-3 Permitted as part of a park or recreational facility, public safety facility, or utility.

L-4 Allowed only if no urban services are provided.

- L-5 Use permit required, and no on-site retail sales permitted.
- L-6 Limited to facilities incidental to an open space use.
- L-7 Only permitted when accessory to a duly permitted religious assembly.
- (A) See BMC 17.70.460, Employee housing (for farmworkers)
- (B) See BMC 17.70.300, Animals.
- (C) Not permitted on lands outside the urban growth boundary as delineated on the general plan land use diagram, amended by approval of Measure K by a vote of the people, November 4, 2003.
- (D) See BMC 17.70.420, Solar utilities.
- (E) See BMC 17.70.410, Donation and collection bins.
- (F) See Chapter 17.98 BMC, Nonconforming Uses and Structures.
- (G) See Chapter 17.84 BMC, Cannabis

Section 18.

Section 17.40.030 (Land use regulations) of Chapter 17.40 (PS Public and Semipublic District) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to modify the land use regulations table and additional regulations as follows:

PS District: Land Use Regulations

- P - Permitted
U - Use Permit
L - Limited (See "Additional Use Regulations")
- - Not Permitted

	PS	Additional Regulations
Public and Semipublic		
Adult Day Health Care	U	
Cemetery	U	
Clubs and Lodges	U	
Convalescent Facilities	U	
Cultural Institutions	U	
Day Care Center	P	L-1
Detention Facilities	U	
Emergency Shelter	P	(A)
Government Offices	P	
Heliports	U	L-2
Hospitals	U	

PS District: Land Use Regulations

- P - Permitted
- U - Use Permit
- L - Limited (See "Additional Use Regulations")
- - Not Permitted

	PS	Additional Regulations
Maintenance and Service Facilities	U	
Park and Recreation Facilities	P	
Public Safety Facilities	U	
Religious Assembly	U	
Residential Care, General	U	
Schools, Public or Private	U	
Utilities, Major	U	
Waste Facility	U	
Utilities, Minor	P	
Commercial Uses		
Commercial Filming	U	
Sports and Entertainment, Assembly	U	
Accessory Uses		
Donation and Collection Bins	P	L-3, (B)
Temporary Uses		
Animal Shows	U	
Circuses and Carnivals	U	
Commercial Filming, Limited	P	
Trade Fairs	U	
Nonconforming	-	(C)
Other Uses		

PS District: Additional Use Regulations

L-1 Day care center is a permitted use only when operated within the existing facilities of a religious assembly, school, park and recreation facility, or club and lodge.

L-2 Allowed with use permit and heliport permit from California Department of Transportation, Division of Aeronautics if located more than 1,000 feet from an R district.

L-3 Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.

(A) See BMC 17.70.390, Emergency shelter.

(B) See BMC 17.70.410, Donation and collection bins.

(C) See Chapter 17.98 BMC, Nonconforming Uses and Structures.

(D) See BMC 17.70.410, Donation and collection bins.

Section 19.

Section 17.70.070 (Home Occupations) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby renamed "Home-based businesses" and the regulations are hereby repealed in their entirety and replaced with the following:

17.70.070 Home-based businesses.

A. Purpose. The purpose of this section is to allow home-based businesses on a limited basis, where such activity is incidental and subordinate to the residential use of the property. The intent of this section is to ensure that home-based businesses are compatible with, and do not change the character of, the surrounding residential area by generating more traffic, noise, odors, visual impacts, or storage of materials than would normally be expected in a residential district.

B. Limitations.

1. A home-based business shall be conducted entirely within a dwelling.
2. A home-based business shall be incidental and subordinate to the primary residential use of the dwelling and shall occupy no more than 500 square feet of floor area.

C. Conditions. Operation of a home-based business shall comply with the following:

1. Outdoor activities are prohibited, including, but not limited to, the following:
 - a. Outdoor placement, storage, delivery or distribution of goods, equipment, debris or materials.
 - b. Conducting business activities outdoors.
 - c. Outdoor assembly of persons on or adjacent to the property.
2. The existence of a home-based business shall not be apparent beyond the boundaries of the site.

3. No sign, nameplate or any other form of advertising shall be displayed on the premises in connection with any home-based business. There shall be no advertising of the address of the home-based business that results in attracting persons to the premises.
 4. No home-based business shall permit employees who do not reside in the home to gather at, or work from, the home.
 5. A home-based business shall comply with the performance standards prescribed by BMC 17.70.240. No noise, dust or odors shall be perceptible at or beyond the property line.
 6. A home-based business shall not be open to visitors without prior appointments.
 7. No more than two students may be given instruction in music, academics, dance, art, fitness or other subjects as determined by the Community Development Director in a dwelling at one time. No student may be given instruction between the hours of 8:00 p.m. to 9:00 a.m.
 8. Not more than one truck, with a maximum capacity of one ton, incidental to a home-based business may be kept on the premises.
 9. Deliveries shall be limited to the frequency of deliveries and types of vehicles (e.g., postal truck and parcel delivery) normally associated with residential neighborhoods.
 10. The maximum number of daily business trips generated from a home-based business shall not exceed one hundred twenty-five percent (125%) of the average number of daily trips generated from a residence in the City of Benicia, as provided herein.
 - a. For the purposes of this section, a “residence” includes “single-family residence” and “multifamily residence” as categorized by the Institute of Transportation Engineers (ITE) and defined in this Title.
 - b. A “business trip” shall be defined as either the arrival or departure of a non-resident motor vehicle from a home-based business.
 - c. For the purposes of this section, the average number of daily trips for a residence is ten (10).
- D. Permitted home-businesses. Those following uses are permitted subject to compliance with this section and in accordance with the use classifications of Chapter 17.16 BMC:
1. Artists’ Studios
 2. Catering services

3. Communications Facilities
4. Horticulture, Limited
5. Industry, Custom – Limited.
6. Offices, Businesses and Professional (excluding medical and dental offices)
7. Personal Improvement Services
8. Personal Services (excluding massage businesses as defined in Chapter 5.52 Massage, conducted on the premises)
9. Retail sales and secondhand sales (excluding those which attract customers to the premises for on-site transactions or delivery)

Section 20.

Section 17.70.090 (Eating and drinking establishments with take-out service) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

Section 21.

Section 17.70.100 (Live entertainment) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

17.70.100 Live entertainment.

The following regulations shall apply to any use offering scheduled live entertainment, as defined in Chapter 17.12 (Definitions):

- A. Exits not limited to emergency use only shall not be opposite an R district adjoining the site.
- B. An establishment offering live entertainment shall ensure that no litter problem will exist.
- C. A use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new use permit.

Section 22.

Section 17.70.290 (Game centers) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

Section 23.

Section 17.70.350 (Formula businesses) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby repealed in its entirety.

Section 24.

Section 17.70.380 (Mobile food vendors) of Chapter 17.70 (General Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is hereby amended to read as follows:

17.70.380 Mobile food vendors.

- A. Applicability. Mobile food vending is permitted on private property Industrial Districts only, as specified in BMC 17.32.020 (IL, IG, IW and IP districts – Land use regulations).
- B. Location.
 - 1. Mobile food vehicles shall not be parked within 200 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business.
 - 2. Mobile food vendors shall not occupy any parking space(s) required to fulfill the minimum off-street parking requirements of the principal property use.
 - 3. The vehicle shall not block an entrance, garage, driveway or fire lane for any business or structure, nor extend into the public right-of-way.
 - 4. No mobile food vendor may be parked in a manner that impairs the visibility of a driveway crossing a street property line, as provided in section 17.74.150 (Driveways and intersections – Visibility.).
- C. General Requirements
 - 1. The vendor shall obtain, maintain display all current permits, licenses, and certificates on exterior of the vehicle at all times including from the Department of Motor Vehicles (DMV).
 - 2. The vendor shall maintain a County health permit at all times.
 - 3. The food vending vehicle shall be entirely self-sufficient in regards to gas, water, and telecommunications and shall be a self-propelled vehicle.
 - 4. The vendor shall be prepared to present evidence of the following upon request:
 - a. Written permission from the property owner to occupy the property; and
 - b. Proof of legal access to restroom facilities and access to hand washing facilities for the use of employees within 200 feet of site location per California Retail Food Code, Chapter 10, Section 114315.

D. Site Conditions.

1. The site shall be maintained in a safe and clean manner at all times.
2. The lot upon which the vendor is parked shall be paved. For purposes of this section, "paved" shall mean asphalt, concrete, pavers, or other permanent surfacing approved by the city engineer.
3. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.
4. The vendor shall not discharge items, including but not limited to waste water or other fluids, debris or food, onto the property, sidewalk, gutter, or storm inlets.
5. The vendor shall provide a minimum of two 32-gallon litter receptacles and one 32-gallon recycling receptacle within 15 feet of the vending vehicle and shall remove all refuse from the site and surrounding property on a daily basis.
6. No mobile food vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

E. Alcohol. The serving or consumption of alcohol shall be prohibited at mobile food vending sites.

F. Hours of Operation. The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. every day. The mobile food vending vehicle shall not be stored on site during nonoperation hours and shall be removed daily.

G. Noise. The operation of all mobile food vehicles, including generators and ancillary equipment, shall meet the city noise ordinance, Chapter 8.20 (Noise Regulations).

H. Signs. Signage is only allowed when placed on the mobile food vehicle. No separate freestanding signs are permitted. No flashing or blinking lights are allowed on vehicle or related signage when the vehicle is parked.

Section 25.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 26.

Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

Section 27.

Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

On motion of Council Member _____, seconded by
Council Member _____, the foregoing ordinance was
introduced at a regular meeting of the City Council on the _____ day of _____ 2025,
and adopted at a regular meeting of the Council held on the _____ day of _____ 2025,
by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Young, Mayor

Attest:

Lisa Wolfe, City Clerk

Date