CITY OF BENICIA

ORDINANCE NO. 16- 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.24.020 (RS, RM, AND RH DISTRICTS - PROPERTY DEVELOPMENT REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE AND CHAPTER 4 (FORM-BASED CODE) OF THE DOWNTOWN MIXED USE MASTER PLAN TO AMEND THE REGULATIONS PERTAINING TO LARGE FAMILY DAY CARE USES

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.
Section 17.24.020 (RS, RM, and RH districts – Land use regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) of the Benicia Municipal Code is amended to update the regulations for Large Family Day Care as noted below. All other regulations shall remain the same.

17.24.020 RS, RM, and RH districts – Land use regulations.

RS, RM, and RH Districts: Land Use Regulations

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

	RS	RM	RH	Additional Regulations
Residential				
Family Day Care, Large	P	P	P	(P)

(P)Community development director shall issue a permit for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code, upon determining that the proposed large family day care complies with the requirements below. If the proposed large family day care will not be able to conform to the following requirements, the community development director shall refer the application to the planning commission for a use permit as provided in Chapter 17.104 BMC, except that the public notification radius shall be reduced to 300 feet:

(1) A minimum 300-foot separation is required between all large family day care facilities located on the same street. The separation shall be measured from the closest property lines. For corner properties, the separation shall be measured from the property line of all street frontages.

(2) No signs, name plates or other advertising shall be affixed to the premises.

(3) The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. Monday through Friday.

(4) The applicant shall maintain a valid State license for a large family day care.

(5) Noise. The location of the facility, including outdoor play areas, shall be sited to minimize noise impacts on neighboring properties. Noise levels shall comply with the standards identified in the general plan.

(6) Outdoor Play Areas. Outdoor play areas shall be:

a. Fully enclosed by a natural barrier, wall, solid fence, or other solid structure having a maximum height of six feet; and

b. Physically separated from driveways, streets, and parking.

(7) Adequate parking shall be provided for employees of the large family day care and for pick-up and drop-off of children at the home in accordance with the following standards:

a. Parking shall comply with BMC 17.74.030 Off-street parking and loading spaces required;

b. Adequate space shall be available for the safe pick-up and delivery of children to the day care home; and

c. Vehicles for all day care employees, visitors, and potential clients associated with the day care shall not block driveway entrances and shall park in a legal parking space along the street.

The criteria above shall be incorporated as required operational standards for all large family day care homes.

A permit for a large family day care that is not operated in compliance with these regulations or that is in violation of any law or ordinance in connection with large family day care homes or has a currently suspended or revoked State

license, shall be revoked by the community development director after 30 days' written notice unless the large family day care is altered to comply.

Section 2.

The Downtown Mixed Use Master Plan, Table 4.1 of Chapter 4: Form Based Codes, Town Core Standards, is amended to modify the regulations for Large Family Daycare as follows:

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements (page 4-8)

Land Use Type[1]	Permit Required	Specific Use Regulations
Services: General		
Day care center: Large family	P[2]	A

End Notes
[1] A definition of each listed use type is in the Glossary.
[2] Allowed only on upper floors or behind ground floor use.

Specific Use Regulations
A – See BMC 17.24.020 P.

Section 3.

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Town Core-Open Standards, is amended to add Large Family Day Care as follows:

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements (page 4-14)

Land Use Type[1]	Permit Required	Specific Use Regulations
Services: General		
Day care center: Large family	P	B

Specific Use Regulations
B – See BMC 17.24.020 P

Section 4.

The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Neighborhood General Standards, is amended to add Large Family Day Care as follows:

Table 4.4: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements (page 4-20)

Land Use Type[1]	Permit Required	Specific Use Regulations
Services: General		
Day care center: Large family	P	B

Specific Use Regulations
B – See BMC 17.24.020 P

Section 5.
The Downtown Mixed Use Master Plan, Chapter 4: Form Based Codes, Neighborhood General-Open Standards, is amended to add Large family Day Care as follows:

Table 4.5: Neighborhood General (NG-O) Zone Allowed Land Uses and Permit Requirements (page 4-24)

Land Use Type[1]	Permit Required	Specific Use Regulations
Services: General		
Day care center: Large family	P	B

Specific Use Regulations
B – See BMC 17.24.020 P

Section 6.

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.

* * * *

On motion of Council Member **Schwartzman**, seconded by Council Member **Campbell**, the ordinance was introduced at a regular meeting of the City Council on the 18th day of October, 2016, and adopted at a regular meeting of the City Council held on the 1st day of November, 2016, by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman, Strawbridge, and Mayor Patterson**

Noes: **None**

Absent: **None**

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

11-9-16

Date