

**CITY OF BENICIA**

**ORDINANCE NO. 18- 16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING VARIOUS SECTIONS OF TITLE 17 (ZONING) TO ESTABLISH A USE CLASSIFICATION AND REGULATIONS FOR OUTDOOR ENTERTAINMENT IN COMMERCIAL AREAS**

**Section 1.**

The definitions of “Amplified Noise” and “Non-Amplified Noise” are added to Section 17.12.030 (Definitions) of Chapter 17.12 (Definitions) Title 17 (Zoning) as follows:

“Amplified Noise” means sounds that are made louder than would normally occur through some sound-amplifying equipment (e.g., microphone, speaker).

“Non-Amplified Noise” means naturally occurring noise from a point source without the use of noise amplifying equipment.

**Section 2.**

Section 17.16.050 (Commercial Use Classifications) of Chapter 17.16 (Use Classifications) of Title 17 (Zoning) is amended to add the following use classification in alphabetical order:

Outdoor Entertainment. Activities occurring outdoors that involve amplified or non-amplified noise for the enjoyment, recreation, or similar purpose of persons or patrons who are physically present at the location the noise originates. This definition includes, but is not limited to live music and playing, broadcasting or mixing recorded music.

**Section 3.**

Section 17.28.020 (CC, CO, CG and CW districts- Land Use Regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) is amended to add Outdoor Entertainment in alphabetical order 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
<b>Commercial Uses</b>					(A)
Outdoor Entertainment	U	U	U	U	(O)

(O) See BMC 17.70.400, Outdoor entertainment.

### **Section 4.**

Chapter 17.70 (General Regulations) of Title 17 (Zoning) is amended to add a new Section 17.70.400 (Outdoor Entertainment) as follows:

The following standards shall apply to all outdoor entertainment uses.

- A. Outdoor entertainment shall only be allowed as an accessory use to a primary business on private property.
- B. Noise levels shall be in compliance with the noise regulations identified in Chapter 8.20 (Noise Regulations) of the BMC.
- C. A contact for the establishment must be provided to the City. The contact information must be immediately produced upon the request of any City official or affected party.
- D. All speakers/amplifiers shall be directed away from surrounding sensitive land uses on adjoining and nearby properties.
- E. The approved permit must be displayed in a conspicuous place in the entertainment establishment. The permit and related conditions must be immediately produced upon the request of any City official or affected party.
- F. Substantial changes to the existing establishment and/or operation (e.g., expansion of outdoor performance or seating area, relocation of entertainment structures/equipment) must be reviewed by the Community Development Director to determine if additional conditions or a new use permit are necessary.

**Section 5.**

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, phrases or clauses be declared unconstitutional on their face or as applied.

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On motion of Council Member **Young**, seconded by Council Member **Hughes**, the foregoing Ordinance was introduced at a regular meeting of the City Council on the 5<sup>th</sup> day of June 2018, and adopted at a regular meeting of the Council held on the 19<sup>th</sup> of June 2018, by the following vote:

Ayes: **Council Members Hughes, Young, and Mayor Patterson**

Noes: **None**

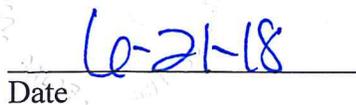
Absent: **None**

Abstain: **Council Members Campbell and Schwartzman**

  
Elizabeth Patterson, Mayor

Attest:

  
Lisa Wolfe, City Clerk

  
Date