

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

419 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
December 9, 2004

SUBJECT: LARGE FAMILY DAY CARE HOME PERMIT

RECOMMENDED MOTION: That the Board of Supervisors Approve and Adopt Ordinance No. 348.4232 revising Section 18.29a of Riverside County Ordinance. 348.

BACKGROUND: Pursuant to Section 1597.40 of Health and Safety Code, the Legislature has declared that it is the public policy of the State of California to locate family day care homes for children in normal residential surrounding so as to provide children the same environment as would be found in a traditional home. The Legislature has further declared that this policy is a matter of statewide concern and the State occupies the field and prohibits and local restrictions relating to the use of single-family residences for family day care homes, except as specifically provided. The law sets limitations which provide that local ordinances may only prescribe reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking and noise control if a local noise ordinance has been adopted. The revised language in the attached ordinance recognizes these limitations and addresses them.

Summary of Provisions: The revised ordinance language will simplify the process for obtaining a Large Family Day Care Home Permit. If an applicant fully meets the approval standards set forth in the ordinance the Large Family Day Care Home Permit shall be issued. No public hearing will be required, and there will be no appeal process due to the prescriptive legislation. The approval standards have been expanded to include: 300-foot site location limits. Swimming pool requirements, and Code Enforcement violation limits.

[Signature]
Robert C. Johnson

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	n/a
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	n/a
	Annual Net County Cost:	\$ 0	For Fiscal Year:	n/a
SOURCE OF FUNDS: n/a				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:
APPROVE

County Executive Office Signature

[Signature]

- Dept't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

RECEIVED VIA FAX COUNTY OF RIVERSIDE
DEC 9 10:08 AM '04
OFFICE EXECUTIVE

Prev. Agn. Ref.: 11/30 3.31 | **District:** County | **Agenda Number:**

3.20

ORDINANCE NO. 348.4232
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348
RELATING TO ZONING

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Section 18.29a. of Ordinance No. 348 is amended in its entirety to read as follows:

“SECTION 18.29a. LARGE FAMILY DAY CARE HOME PERMITS. Wherever an application for a large family day care home permit is submitted, the following provisions shall apply. A large family day care home means a home which provides family day care for no less than seven and no more than fourteen children, including children under the age of ten who reside at the home.

a. STATE PREEMPTION. Pursuant to section 1597.40 of the Health and Safety Code, the Legislature has declared that it is the public policy of the State of California to situate family day care homes for children in normal residential surroundings so as to provide children the same environment as would be found in a traditional home. The Legislature has further declared that this policy is a matter of statewide concern and that the State occupies the field and prohibits any local restrictions relating to the use of single-family residences for family day care homes, except as specifically provided.

b. REQUIREMENT FOR PERMIT. In accordance with the above-referenced policy, the Legislature has enacted section 1597.46 of the Health and Safety Code which provides that cities and counties shall not prohibit large family day care homes on lots zoned for single-family dwellings, but may require an applicant for a large family day care home to apply for a non-discretionary permit. Section 1597.46 further provides that cities and counties shall grant the permit if certain specified standards, restrictions and requirements are met. In accordance with section 1597.46, the Board of Supervisors hereby determines that any person may, subject to the approval standards set forth in subsection d. hereof, use a single-family dwelling for the operation of a large family day care home in any zone where single-family dwellings are permitted.

c. PERMIT PROCEDURE.

(1) Application. Every application for a large family day care home permit shall be made in writing to the Planning Department on the forms provided by the Planning Department, shall be accompanied by the filing fee set forth in County Ordinance No. 671, and shall include the following information:

(a) Name and address of the applicant and a statement that the applicant resides in the home where the day care will be conducted.

(b) The assessor's parcel number assigned to the property on which the home is situated (hereinafter, “the site”).

(c) A plot plan drawn to scale and in sufficient detail to clearly describe the following:

1. The boundary and physical dimensions of the site. This may be hand drawn provided it is legible.

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Section 2. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM:
October 26, 2004

By: Katherine A. Lind
KATHERINE A. LIND
Deputy County Counsel