

AN ORDINANCE TO AMEND CHAPTER 24, ARTICLE II ZONING DISTRICTS, LAND USES AND DEVELOPMENT STANDARDS OF THE BUTTE COUNTY ZONING ORDINANCE TO PERMIT *BY RIGHT*, WITHOUT ADDITIONAL APPLICATION, FEE OR ENTITLEMENT, THE NEW "FAMILY DAYCARE HOME, LARGE" LAND USE WHEREVER RESIDENTIAL USES ARE PERMITTED, AND REMOVE FOOTNOTE (3) UNDER TABLE 24-13-1 UNDER THE EXISTING "CHILD DAY CARE, SMALL" LAND USE CATEGORY. AMEND CHAPTER 24, ARTICLE IV, DIVISION 1, SECTION 24-159 *CHILD CARE FACILITIES*, REGARDING APPLICABILITY AND STANDARDS, AND CHAPTER 24, ARTICLE VII, DIVISION 1, SECTION 24-304 DEFINITIONS.

The Board of Supervisors of the County of Butte ordains as follows:

Section 1. Chapter 24, Article II is amended to read as follows:

ARTICLE II OF CHAPTER 24

Agriculture (AG) Zone: Chapter 24, Article 2, Division 1:

TABLE 24-13-1 PERMITTED LAND USES IN THE AGRICULTURE ZONES [...]

	AG	AS	
Home Occupations - Major	M	-	Section 24-162
Home Occupations - Minor	A	-	Section 24-162
Live/Work Unit	-	-	
Mobile Home Park	-	-	
Multiple-Family Dwelling	-	-	

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Residential Care Homes, Large	-	-	
Residential Care Homes, Small	P	-	
Single-Family Home	P [4]	-	
Short-Term Rental	A	-	Section 24-172.1
Community Uses			
Cemeteries, Private	-	-	
Cemeteries, Public	-	-	
Child Care Center	-	-	
Family Daycare Home, Large	P	-	Section 24-159
Family Daycare Home, Small	P	-	Section 24-159
Clubs, Lodges and Private Meeting Halls	M [5]	M [5]	
Community Centers	-	-	
Correctional Institutions and Facilities	-	-	
Cultural Institutions	C	-	
Emergency Shelter	-	-	
Golf Courses and Country Clubs	-	-	
Hospital	-	-	
Office, Governmental	-	-	
Outdoor Education	P	-	

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Parks and Recreational Facilities	C	C	
Public Safety Facilities	C	C	

1 **Natural Resources Zones: Chapter 24, Article 2, Division 2:**

2 **TABLE 24-16-1 PERMITTED LAND USES IN THE NATURAL RESOURCE ZONES [...]**

	TM	TPZ	RC	
Oil and Gas Extraction by means of Hydraulic Fracturing	-	-	-	Butte County Code 33B
Timber Processing	P	P	-	
Residential Uses				
Accessory Dwelling Units	-	-	-	
Agricultural Worker Housing Center	-	-	-	
Caretaker Quarters	-	-	-	
Duplex Home	-	-	-	
Home Occupations - Major	M	M [4]	M	Section 24-162
Home Occupations - Minor	A	A [4]	A	Section 24-162
Live/Work Unit	-	-	-	
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	-	
Residential Care, Large	-	-	-	
Residential Care Homes, Small	P	P	P	

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Single-Family Home	P	P	P	
Short-Term Rental	A	-	-	Section 24-172.1
Community Uses				
Cemeteries, Private	C	C [4] [5]	-	
Cemeteries, Public	M	M [4] [5]	-	
Child Care Center	-	-	-	
Family Daycare Home, Large	P	P	P	Section 24-159
Family Daycare Home, Small	P	P	P	Section 24-159
Clubs, Lodges and Private Meeting Halls	-	P [5]	-	
Community Centers	-	-	-	

1 **Residential Zones: Chapter 24, Article 2, Division 3:**

	FR	FC	RR	RC	VLD	VLDC	LD	MD	MHD	HD	VHD	
		R		R	R	R	R	R	R	R	R	
Home Occupations - Major	M	M	M	M	M	M	M	M	M	M	M	Section 24-162
Home Occupations - Minor	A	A	A	A	A	A	A	A	A	A	A	Section 24-162
Live/Work Unit	-	-	-	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	C	C	C	Section 24-167
Multiple-Family Dwelling	-	-	-	-	-	-	-	-	P	P	P	
Residential Care Homes, Large	-	-	-	-	M	-	M	M	M	M	M	

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Residenti al Care Homes, Small	P	P	P	P	P	P	P	P	P	P	P	P	
Single- Family Home	P [6]	P [6]	P [6]	P [6]	P [6]	P [6]	P	P	P	P	P		
Short- Term Rental	A	A	A	A	A	-	A	A	A	-	-	Secti on 24- 172.1	
Community Uses													
Cemeterie s, Private	-	-	-	-	-	-	-	-	-	-	-		
Cemeterie s, Public	-	-	-	-	-	-	-	-	-	-	-		
Child Care Center	C	-	C	-	C	-	C	C	C	C	C	Secti on 24- 159	
Family Daycare Home, Large	P	P	P	P	P	P	P	P	P	P	P	Secti on 24- 159	

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Family Daycare Home, Small	P	P	P	P	P	P	P	P	P	P	P	P	Section 24-159
Clubs, Lodges and Private Meeting Halls	C	C	C	C	C	-	C	C	C	C	C		
Community Centers	C	C	C	C	C	-	C	C	C	C	C		

TABLE 24-19-1 PERMITTED LAND USES IN THE RESIDENTIAL ZONES [...]

1 Commercial and Mixed-Use Zones: Chapter 24, Article 2, Division 4:

2 TABLE 24-22-1 PERMITTED LAND USES IN THE COMMERCIAL AND MIXED-USE

3 ZONES [...]

	GC	NC	CC	REC	SE	MU		
4								
5	Family Daycare Home,	P	P	P	-	-	P	Section
6	Large							24-159
7	Family Daycare Home,	P	P	P	-	-	P	Section
8	Small							24-159
9	Clubs, Lodges and	P	P	P	C	P	P	
10	Private Meeting							
11	Halls							
12	Community Centers	C	C	C	C	P	C	
13	Correctional	-	-	-	-	-	-	
14	Institutions and							
15	Facilities							
16	Cultural	C	C	C	C	P	C	
17	Institutions							
18	Emergency Shelter	C	C	C	-	-	C	
19	Golf Courses and	P	M	C	C	P	-	
20	Country Clubs							
21	Hospital	-	-	-	-	-	-	
22	Medical Offices and	P	P	P	-	-	P	
23	Clinic							
24	Office, Governmental	P	P	P	-	-	P	
25	Outdoor Education	-	-	-	P	-	-	
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Parks and Recreational Facilities	C	C	C	C	P	C	
Public Safety Facilities	C	C	C	-	-	C	
Religious Facilities	P	P	P	-	-	P	
Schools, Public and Private	C	C	C	-	-	C	
Water Ski Lakes	-	-	-	C	C	-	
Commercial Uses							
Adult Businesses	-	-	-	-	-	-	
Agricultural Product Sales, Off-Site	-	P	P	-	-	P	
Agricultural Product Sales On-Site	-	P	P	-	-	P	
Agricultural Support Services, General	-	-	-	-	-	-	

1 **Industrial Zones: Chapter 24, Article 2, Division 5:**

2 **TABLE 24-26-1 PERMITTED LAND USES IN THE INDUSTRIAL ZONES [...]**

	LI	GI	HI	
Home Occupations - Major	-	-	-	
Home Occupations - Minor	-	-	-	
Live/Work Unit	M	M	-	Section 24-164
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	-	
Residential Care Homes, Large	-	-	-	
Residential Care Homes, Small	-	-	-	
Single-Family Home	-	-	-	
Short-Term Rental	-	-	-	
Community Uses				
Cemeteries, Private	-	-	-	
Cemeteries, Public	-	-	-	
Child Care Center	-	-	-	
Family Daycare Home, Large	-	-	-	
Family Daycare Home, Small	-	-	-	

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Clubs, Lodges and Private Meeting Halls	C	-	-	
Community Centers	-	-	-	
Correctional Institutions and Facilities	-	-	-	
Cultural Institutions	-	-	-	
Emergency Shelters	P	-	-	Section 24-161
Golf Courses and Country Clubs	-	-	-	
Hospital	-	-	-	
Medical Office and Clinic	-	-	-	
Office, Governmental	-	-	-	
Outdoor Education	-	-	-	

1 **Special Purpose Zones: Chapter 24, Article 2, Division 6:**

2 **TABLE 24-29-1 PERMITTED LAND USES IN THE SPECIAL PURPOSE ZONES [...]**

	PB	AIR	RBP	
Oil and Gas Extraction, including reinjection wells for natural gas	-	-	-	
Oil and Gas Extraction, storage or disposal of Well Stimulation Byproducts	-	-	-	Section 24- 167.1
Oil and Gas Extraction by means of Hydraulic Fracturing	-	-	-	Butte County Code 33B
Timber Processing	-	-	-	
Residential Uses				
Accessory Dwelling Units	-	-	-	
Agricultural Worker Housing Center	-	-	-	
Caretaker Quarters	-	P [3]	C [3]	
Duplex Home	-	-	-	
Home Occupations - Major	-	-	M	Section 24-162
Home Occupations - Minor	-	-	A	Section 24-162

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Live/Work Unit	-	-	C [3]	Section 24-164
Mobile Home Park	-	-	-	
Multiple-Family Dwelling	-	-	C [3]	
Residential Care Homes, Large	-	-	C [3]	
Residential Care Homes, Small	-	-	C [3]	
Single-Family Home	-	-	C [3]	
Short-Term Rental	-	-	-	
Community Uses				
Cemeteries, Private	C	-	-	
Cemeteries, Public	P	-	-	
Child Care Center	C	-	P [4]	Section 24-159
Family Daycare Home, Large	-	-	-	
Family Daycare Home, Small	-	-	-	

1 Section 2. Chapter 24, Article IV, Section 24-159 is amended to
2 read as follows:

3 **24-159 CHILD CARE FACILITIES**

4 A. Applicability. The standards in this section apply to
5 Family Daycare Home; Small; Family Daycare Home, Large; and
6 Child Care Centers as defined in Article 42 (Glossary). A
7 Family Daycare Home, Small or Family Daycare Home, Large is
8 where the daycare provider resides, and includes a dwelling or
9 dwelling unit that is rented, leased, or owned.

10 B. Location. Family Daycare Home, Small and Family Daycare
11 Home, Large shall be permitted in any zone with a permitted
12 residential use. Child Care Centers shall be permitted in
13 zones as provided in Part 2 (Zoning Districts, Land Uses, and
14 Development Standards).

15 C. General Standards. The following standards apply to all
16 types of family daycare homes and child care facilities.

17 1. Family Daycare Home, Small and Family Daycare Home, Large
18 are permitted by right in any zone which permits a
19 residential use provided in Part 2 (Zoning Districts, Land
20 Uses, and Development Standards).

21 2. All required State licenses and permits shall be obtained
22 or applied for prior to applying for a permit to operate a
23 child care facility. No County permit shall be effective
24 until satisfactory evidence has been provided to the County
25 demonstrating that all necessary State licenses and permits
26 have been obtained.

1 D. Family Daycare Homes. The following standard apply to
2 small and large family daycare homes.

3 1. The facility shall be located in a dwelling unit that is
4 the principal residence of the provider and the use shall be
5 considered identical to a residential use of the property.

6 F. Child Care Centers. The following standards apply only to
7 child care centers.

8 1. If the child care center cares for fifteen (15) or more
9 children in the facility at one (1) time, the operator shall
10 notify the parents of all children.

11 2. The operator shall obtain the written consent of the
12 property owner where the child care center is located.

13 3. Outside play areas shall be a minimum of seventy-five
14 (75) square feet per child, excluding infants.

15 4. Child care centers located on principal or minor arterial
16 roads as designated by the Department of Public Works shall
17 provide drop-off and pick-up areas which prevent vehicles
18 from backing onto such roads.

19 5. Properties proposed for child care centers shall have
20 frontage on and access off a paved road. Roads that are
21 constructed for the purpose of meeting this requirement
22 shall be in conformance with the Butte County Improvement
23 Standards.

1 Section 3. Chapter 24, Article VII, Section 24-304 is amended to
2 read as follows:

3 **24-304 DEFINITIONS**

4 **24-304 Definitions.**

5 [...]

6 Family Daycare Home. A facility that regularly provides
7 care, protection, and supervision for 14 or fewer children,
8 in the provider's own home, for periods of less than 24
9 hours per day, while the parents or guardians are away, and
10 is either a large family daycare home or a small family
11 daycare home.

12 Family Daycare Home, Large. A facility that provides care,
13 protection, and supervision for 7 to 14 children, including
14 children under 10 years of age who reside at the home, as
15 set forth in Section 1597.465 and as defined in regulations.

16 Family Daycare Home, Small. A facility that provides care,
17 protection, and supervision for eight or fewer children,
18 including children under 10 years of age who reside at the
19 home, as set forth in Section 1597.44 and as defined in
20 regulations.

1 **PASSED AND ADOPTED** by the Board of Supervisors of the County of
2 Butte, State of California, on the 24th day of January, 2023 by the
3 following vote:

4
5 **AYES:** Supervisors Connelly, Durfee, Ritter, Teeter and Chair
6 Kimmelshue

7 **NOES:** None

8 **ABSENT:** None

9 **ABSTAIN:** None



Tod Kimmelshue, Chair
Butte County Board of Supervisors

10
11 **ATTEST:**

12 **ANDY PICKETT**, Chief Administrative Officer
13 and Clerk of the Board

14 By: 
15 Deputy

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