

ATTACHMENT 2

**DRAFT CITY COUNCIL ORDINANCE XX-26 - RESIDENTIAL
CARE FACILITIES AND FAMILY DAY CARE UPDATE
ORDINANCE
(REDLINED)**

ORDINANCE NO. XX-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO COMPLY WITH STATE LAW REGARDING RESIDENTIAL CARE FACILITIES (HEALTH AND SAFETY CODE SECTIONS 1267.16 AND 1500-1569.889)

WHEREAS, the City of Orange 2021-2029 Housing Element was adopted by City Council on October 20, 2023, and the California State Department of Housing and Community Development found the Housing Element in substantial compliance with State Housing Element Law on January 2, 2024.

WHEREAS, the 2021-2029 Housing Element, Housing Plan Program 4F, states “The City will amend the Orange Municipal Code to be compliant with State law regarding residential care facilities serving seven (7) or more persons in all residential zones, as well as ensure barrier-free housing choices for persons with disabilities.” (Sections 1267.8, 1566.3, 1568.0831 of the California Health and Safety Code).

WHEREAS, Health and Safety Code Sections 1267.16, 1566.3, 1568.0831 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses, and that Local agencies must allow these licensed, residential-care facilities in any area zoned for residential use, and may not require licensed, residential-care facilities for six residents or less to obtain conditional use permits or variances that are not required of other family dwellings.

WHEREAS, the Health and Safety Code provides that Residential Care Facilities operating as single-family residences that provide licensable services to more than six residents may be subject to conditional use or other discretionary approval processes.

WHEREAS, the Health and Safety Code states that for the purpose of all local ordinances, a residential care facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution, guest home, rest home, community residence, or other similar term that implies that the residential care facility is a business run for profit or differs in any other way from a family dwelling.

WHEREAS, the Health and Safety Code provides regulations for family day care home facilities for both small and large, and has updated operation regulations.

WHEREAS, the City of Orange seeks to comply with these statutory provisions by amending the Orange Municipal Code (OMC) to appropriately classify and allow residential care facilities in applicable zoning districts and update family day care facilities consistent with state law.

WHEREAS, the Planning Commission having considered the proposed revisions to the OMC at a public hearing held on February 19, 2026, including review of the staff report, and having received public testimony on the item, and adopted Resolution No. XX-26 recommending that the City Council approve the proposed amendments to Title 17, Chapter 17.13 of the Orange Municipal Code; and

WHEREAS, the City Council, having now considered the proposed changes to the OMC at a public hearing held on XX, 2026, including review of the staff report, and having received public testimony on the item, desires to adopt the Proposed Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES ORDAIN AS FOLLOWS:

SECTION I:

The recitals stated above are true and correct, incorporated herein, and with the public record, form the basis for this Ordinance.

SECTION II:

Section 17.04.022 of the Orange Municipal Code, “Zoning – Definitions – “C” Definitions,” is hereby amended to delete the following definitions:

~~“Community Care Facility” means any facility, place or building where non-medical care and supervision are provided for seven or more persons (does not include the licensee or members of the licensee's family or persons employed as facility staff).~~

~~“Convalescent facility” means a use providing bed care and in-patient services for persons requiring regular medical attention, and persons aged or infirm unable to care for themselves, excluding surgical or emergency medical services.~~

~~“Convalescent hospital” means a facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatments such as are customarily provided in a hospital. A convalescent hospital must be licensed by the State as such.~~

SECTION III:

Section 17.04.023 of the Orange Municipal Code, “Zoning – Definitions – “D” Definitions,” is hereby amended to revise the following definition:

“Day care center” means any facility which provides non-medical care for an individual on less than a 24 hour basis including child day care centers ~~for 13 or more children~~. Day care centers are separate and distinct from Family day care homes, see definition of Family day care homes, small and large.

Section 17.04.023 of the Orange Municipal Code, “Zoning – Definitions – “D” Definitions,” is hereby amended to delete the following definition:

~~“Day nurseries” means a facility where children are temporarily cared for in their parents’ absence when and if there is provided on the lot or adjacent to the premises a play lot completely fenced, and containing an area of not less than 900 square feet, plus an additional 50 square feet for each child in excess of nine children and subject to all safety precautions as required by the Fire Department and Building Division.~~

SECTION IV:

Section 17.04.025 of the Orange Municipal Code, “Zoning – Definitions – “F” Definitions,” is hereby amended to revise the following definitions as follows:

~~“Family” means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons,~~

“Family” means one or more persons living together as a single housekeeping unit in a dwelling unit. This includes, but is not limited to, licensed residential care facilities serving six or fewer persons, as defined by state law. The term “family” shall not be limited by the presence of non-related individuals or the existence of a legal guardianship or other legal relationship.

“Family day care homes, large” means a single-family dwelling with the accessory daytime care of ~~seven~~ nine to ~~12~~ 14 children. Pursuant to California Health and Safety Code §1597.40–1597.46 must be considered a residential use of property provided they meet zoning requirements.

“Family Day Care, Small” means a single-family dwelling with the accessory daycare of ~~one to six~~ up to eight children. Pursuant to California Health and Safety Code §1597.40–1597.46 must be considered a residential use of property and is permitted by right.

SECTION V:

Section 17.04.026 of the Orange Municipal Code, “Zoning – Definitions – “G” Definitions,” is hereby amended to revise the following definition as follows:

~~“Group home” means any residential care facility for six or fewer persons who are mentally disordered or otherwise handicapped or supervised and where such a facility is licensed by the State.~~

“Group home” means a residential facility that provides 24-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law.

SECTION VI:

Section 17.04.033 of the Orange Municipal Code, “Zoning – Definitions – “N” Definitions,” is hereby amended to delete the following definition as follows:

~~"Nursing home" means an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. (Ord. 20-82; Ord. 12-95)~~

SECTION VII:

Section 17.04.037 of the Orange Municipal Code, “Zoning – Definitions – “R” Definitions,” is hereby amended to revise the following definition as follows:

~~"Residential care facility" means any family home, group care facility or similar facility as determined by the Director of the State Department of Social Services which provides 24-hour non-medical services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. Such facilities require state licensing and are not considered "senior citizen housing" for the purposes of this title.~~

“Residential Care Facility” means any family home, group care facility, or similar facility as determined by the Director of the State Department of Social Services, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Section 17.04.037 of the Orange Municipal Code, “Zoning – Definitions – “R” Definitions,” is hereby amended to delete the following definition as follows:

~~"Rest home" means an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.~~

SECTION VIII:

Section 17.04.038 of the Orange Municipal Code, “Zoning – Definitions – “S” Definitions,” is hereby amended to add the following definition as follows:

“Skilled Nursing Facility” means a healthcare facility that provides 24-hour skilled nursing care and related services for individuals who require medical or nursing care, or rehabilitation services. These facilities are designed to help patients recover after a hospital stay for an illness or injury, or to provide ongoing care for those with chronic illnesses or disabilities.

Section 17.04.038 of the Orange Municipal Code, “Zoning – Definitions – “S” Definitions,” is hereby amended to delete the following definitions as follows:

~~"Sanitarium, health" means an institution where patients, other than the mentally disoriented or mentally incompetent, are housed and where medical or post-surgical treatment is provided.~~

~~"Sanitarium, mental" means an institution for the recuperation and treatment of the mentally disordered, mentally incompetent or victims of drug addiction.~~

SECTION IX:

Title 17, Section 17.13.040 of the Orange Municipal Code is hereby amended to revise the following as follows:

NN. Large-Family Day Care Homes. Large-family day care homes are subject to the following:

1. The business shall be operated in a single-family residence on property residentially zoned.
- ~~2. No other licensed large family day care home shall be located within 600 feet of the exterior property boundaries of the proposed home.~~
2. The City noise ordinance in Chapter 8.24 shall be complied with at all times, ~~and hours of outdoor play activities shall only be permitted between the hours of 8:00 a.m. to 8:00 p.m.~~
3. Two enclosed parking spaces shall be maintained for parking purposes only.
4. The facility shall be licensed by the State Department of Social Services.
5. The facility shall comply with State Fire Marshal standards for large-family day care facilities.
6. No signs advertising the business shall be allowed.
7. Compliance with all development standards for single-family residential structures is required.
8. A site plan identifying pedestrian access to and from loading area shall be submitted.

SECTION X:

Title 17, Section 17.13.040 of the Orange Municipal Code is hereby amended to add the following:

KKK. Reserved for Future Section.

LLL. Residential Care Facilities. Residential Care Facilities may occur in residential zones as specified in Table 17.13.030 pursuant to the following:

1. **Purpose.** The purpose of this section is to bring the Orange Municipal Code into compliance with the California Community Care Facilities Act (Health and Safety Code Sections 1500-1569.889) by clarifying the regulation of Residential Care Facilities. In the event of any inconsistency or conflict between the provisions of this code and state law, the provisions of state law shall prevail and be controlling.
2. **Residential Care Facilities that do not provided licensable services.** Group homes that operate as single-family residences and that do not provide licensable services shall be considered a residential use of property by a single family.
3. **Residential Care Facilities for Six or Fewer Persons.**
In accordance with Health and Safety Code Section 1566.3 and 1568.0831, a Residential Care Facility that provides licensable services to six or fewer persons shall be considered a residential use of property by a single family. Such housing shall be permitted in all zones that allow residential uses, subject to the same standards and restrictions applicable to other residential dwellings of the same type in the same zone. In addition:
 - a. The residents and operators of the facility shall be considered a family for the purposes of any law or zoning ordinance that relates to the residential use of property pursuant to this chapter.
 - b. A residential care facility that serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution, guest home, rest home, community residence, or other similar term that implies that the residential care facility is a business run for profit or differs in any other way from a family dwelling.
4. **Residential Care Facilities for Seven or More Persons.**
A Residential Care Facility that provides licensable services to seven or more persons shall require approval of a conditional use permit, and shall be subject to the applicable zoning, permitting, and conditional use requirements of the underlying zone, consistent with all local and state housing laws.
5. **Heath and Safety Requirements.**
All Residential Care facilities, licensed and un-licensed must comply with applicable code requirements including but not limited to, building code, health and safety code, and fire code.

SECTION XI:

Title 17, Section 17.13.050 of the Orange Municipal Code is hereby amended to delete W. Family Day Care Home – Large (Seven to 12 Children), and is replaced as follows:

~~W. — Family Day Care Home — Large (Nine to 14 Children):~~

- ~~1. No other licensed and permitted large family day care home shall exist within 300 feet of the exterior property boundaries of the proposed facility.~~
- ~~2. The noise ordinance of this code (Chapter 8.24) shall be complied with at all times, and hours of outdoor play or activities shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.~~
- ~~3. On-site garages and parking areas needed to meet the parking requirements of the zone shall not be converted to any other use.~~
- ~~4. All owners of real property within 100 feet of the property boundaries of the proposed use, as indicated on the last equalized assessment roll and the City Council, shall be notified by the Zoning Administrator regarding the application not less than 10 days prior to the date on which the decision will be made.~~
- ~~5. No hearing on the application for a permit issued pursuant to this section shall be held before a decision is made unless requested by the applicant or other affected person, in writing, prior to 3:00 p.m. of the decision date.~~
- ~~6. The applicant or other affected person may appeal the decision on the application within 15 days of the decision. Appeals shall be made in accordance with Section 17.08.050.~~

W. Reserved for Future Section.

SECTION XII:

Table 17.13.030, of the Orange Municipal Code, “Zoning – Master Land Use Table – Care Facility,” is hereby amended to be revised to the following:

ZONING	RESIDENTIAL							COMMERCIAL					MIXED USE					INDUS TRIAL		AGRICULTU RAL OPEN SPACE			P I	OVERL AY	SAN D & GRA VEL					
	LAND USE	R1-5	R1-6 to R-15	R1-R	R1-20 to R-140 &	R2-8	R2-6 to	R-3	R-4	MH	OP	CP/C1	CTR	C2	C3	CR	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	M1				M2	A1	RO	SH	PI
Residential Structure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rest Home Skilled Nursing Facility	-	-	-	-	-	-	C	C		C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitarium	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	

SECTION XIII:

The Single-family Dwelling Use provisions of Table 17.34.060.A of the Orange Municipal Code, “Zoning – Off-Street Parking and Loading – Required Number of Parking Spaces for Residential Uses,” is hereby amended to read as follows:

Table 17.34.060.A

REQUIRED NUMBER OF PARKING SPACES FOR RESIDENTIAL USES

USE	REQUIRED NUMBER OF SPACES
Convalescent facility, Skilled nursing facility, rest home, convalescent hospital or facility	1 space per 4 beds.
Residential Care Facility (all unlicensed facilities, or licensed care facility for 6 or fewer persons)	Residential Care Facilities (all unlicensed facilities, or licensed care facility for 6 or fewer persons) are treated as a residential use as required by state law, and are to be parked at the same parking requirements as a single-family home.
Assisted living Residential Care Facility (7 or more)	1 space per 3 beds or approval of a Conditional Use Permit for an alternate rate based on a Parking Demand Study. An Overflow Parking Plan may be required as part of a conditional use permit.
Independent living facility	1 enclosed or covered space per unit, plus 1 space per 10 units for guests.

SECTION XIV:

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The proposed amendments do not significantly increase the potential (in manner or degree) for future development, beyond what is currently permitted by the City of Orange Zoning Code. Therefore, the project would not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION XV:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or 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 Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

ADOPTED this ___ day of _____, 2026.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Wayne Winthers, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2026, and thereafter at the regular meeting of said City Council duly held

on the ___ day of _____, 2026 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange