

1 EXHIBIT 1

2 ORDINANCE NO. 2025-

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
4 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
5 CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE TO
6 REVISE ARTICLE IV, DIVISION 14, SECTION 32-522 AND
7 SECTION 32-525 RELATING TO RESIDENTIAL CARE
8 FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR
9 CODIFICATION; PROVIDING FOR SEVERABILITY; AND
10 PROVIDING FOR AN EFFECTIVE DATE.
11

12 WHEREAS, the Code sections governing zoning for Residential Care facilities, such
13 as foster homes, adult living facilities, and life care facilities, were last amended in 1980; and

14 WHEREAS, the proposed amendment corrects and modernizes references in the
15 Code to the appropriate State of Florida licensing agencies that regulate foster homes and
16 group homes, thereby ensuring consistency with current State law and agency
17 responsibilities; and

18 WHEREAS, the state also periodically adopts or amends criteria for siting of
19 residential care homes and may restrict the criteria which the City may utilize to review an
20 application; and

21 WHEREAS, Staff has proposed this amendment to the Code as the State of Florida
22 periodically changes regulatory responsibilities and such changes are outside the City's
23 control, therefore the proposed amendment eliminates references to specific agencies and
24 includes a general reference to the "applicable State licensing agency" and provides for a
25 flexibility clause in review criteria where different state statutes may apply to various
26 applications, thereby ensuring that the City's Code remains consistent with changes in State
27 Statute; and

28 WHEREAS, on November 12, 2025, the City's Planning and Zoning Board considered
29 the proposed ordinance and afforded all interested persons an opportunity to be heard at a
30 duly noticed public hearing and recommended approval to the City Commission; and

31 WHEREAS, the Mayor and City Commission have conducted duly noticed public
32 hearings on the proposed amendment to the Code, as required by Chapter 163, Florida
33 Statutes; and

WHEREAS, the Mayor and City Commission have determined that the proposed amendment to the Code is in the best interest of the City and its residents.

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the residents to amend the Zoning and Land Development Code. by amending Section 32-522 and Section 32-525 relative to Residential Care Facilities.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
HALLANDALE BEACH, FLORIDA:**

SECTION 1. Incorporation of Recitals. The foregoing “Whereas” clauses are confirmed as true and incorporated herein.

SECTION 2. **Amendment.** The following sections within Chapter 32, Article IV, Division 14, Residential Care Facilities, of the City of Hallandale Beach Code of Ordinances, Sections 32-522 and 32-525 are hereby amended as follows:

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE VI. – ZONING

DIVISION 14 – RESIDENTIAL CARE FACILITIES

Sec. 32-522. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assigned resident means any person residing within a residential care facility other than with foster parents and their natural or adopted children and designated supervisory personnel.

Congregate housing means any residential development of multiple independent units predominantly for persons age 59 or over or persons who are handicapped, whether operated for profit or not, which undertakes through its ownership or management to provide housing, food service and one or more personal services as defined in F.S. ch. 400 and regulations issued pursuant to that chapter. Personal services shall not be construed to mean the provision of medical services by the staff of a facility. It is specifically provided that this definition does not include or permit homes or halfway houses for criminal offenders; homes or centers for drug rehabilitation or treatment; day care centers; nursing homes; convalescent homes; or jails, prisons or detention facilities.

68 *Foster home* means a dwelling unit licensed and monitored by the ~~state department of~~
69 ~~children and family services~~ the state of florida licensing agencies, to provide a family living
70 environment, including supervision and care necessary to meet the physical, emotional and
71 social life needs of up to five assigned residents. The number of assigned residents allowed
72 shall be reduced by one for each resident not a state ~~department of children and family~~
73 ~~services~~ assigned resident in the dwelling other than the foster parents, and their children 18
74 years or older; however, the number of allowable assigned residents shall not be required to
75 be less than three. It is specifically provided that this definition does not include or permit
76 homes or halfway houses for criminal offenders; homes or centers for drug rehabilitation or
77 treatment; day care centers; nursing homes; convalescent homes; or jails, prisons or
78 detention facilities.

79 *Group home* means any building, section of a building, or distinct part of a building, residence,
80 private home, or other place, whether operated for profit or not, which is licensed and/or
81 monitored by the state licensing agency ~~department of children and family services~~ to provide
82 a family living environment, including supervision and care necessary to meet the physical,
83 emotional and social life needs of four or more assigned residents not related to the owner or
84 administrator by blood or marriage. A facility offering such services for fewer than four
85 persons shall be within the meaning of this definition if it formally or informally advertises or
86 solicits the public for residents or referrals and holds itself out to the public to be an
87 establishment which regularly provides such services. It is specifically provided that this
88 definition does not include or permit homes or halfway houses for criminal offenders; homes
89 or centers for drug rehabilitation or treatment; day care centers; nursing homes; convalescent
90 homes; or jails, prisons or detention facilities.

91 *Life care facility* means any residential development providing dwelling units with common
92 dining, recreation and medical facilities for persons 59 years of age or over, including one or
93 more of the following in compliance with state requirements:

94 (1) A fully licensed and staffed medical or nursing facility in full compliance with all
95 requirements of this division which provides skilled care to residents requiring such
96 services on a priority basis.

97 (2) A common kitchen and dining room facility offering no less than one common meal
98 to all residents each day.

99 (3) Call button monitoring system for emergency calls directly to nurses on the
100 premises.

101 (4) Medical history on file for each permanent resident.

102 (5) On-premises physical therapy.

103 (6) On-premises in-house sale and distribution of personal services and food items for
104 residents of the facility.

105 (7) Library, educational and social and occupational facilities.

(8) Available transportation arrangements for in-house residents.

Residential care facility includes any congregate housing, foster home, group home, or life care facility.

Sec. 32-525. Development standards; application review.

(a) Minimum site area, plot width, setbacks, and maximum height and coverage for residential care facilities shall be governed by the regulations of the zoning district within which the property is located.

(b) The maximum allowable density of a group home facility or foster home shall not exceed the density range prescribed on the land use map of the future land use element of the city's comprehensive plan using the following dwelling unit equivalents provided in this subsection and shall be subject to compliance with subsection (a) of this section:

(1) Each foster home is equivalent to one dwelling unit.

(2) A group home shall have a dwelling unit equivalency of one dwelling unit for each two sleeping rooms designated for assigned residents. There shall be no more than three assigned residents to a sleeping room; however, the development services director may approve more than three residents to a room when it is determined that such increase:

a. Is recommended by the state licensing agencies ~~department of children and family services~~ as consistent with the type of group home proposed, and (e) (2) of this section is met.

(3) A life care facility or congregate housing shall have a dwelling unit equivalency of one dwelling unit for each two units within the facility; however, the allowable number of residential care facility units shall be reduced by one for each six beds approved within the accessory medical or nursing facility.

(4) Where a group home is proposed to be located in a nonresidential zone, assigned residents shall be limited to the number found by the city to be consistent with the proposed facility and the maintenance of a compatible relationship with existing and proposed land uses surrounding the property upon which the group home is proposed.

(c) No property used for a group home or foster home shall be located within 1,000 feet of another legally established facility. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the property of the existing use.

(d) Off-street parking is required as follows:

(1) Congregate housing—One space for each three dwelling units plus one space for each five beds within any medical facility.

141 (2) Foster home—As required for single-family dwellings.

142 (3) Group home—Two spaces plus one space for every three assigned residents, with
143 exception for developmentally disabled, one space for every three assigned residents.

144 (4) Life care facility—One space for each three dwelling units plus one space for each five
145 beds within the medical facility.

146 (5) Up to 40 percent of required spaces for congregate housing, group home and life care
147 facilities may be maintained in a natural state for overflow utilization. When in the opinion of
148 the development services department it is determined that actual practice indicates the need
149 for such spaces in improved condition, they shall be immediately improved by the owner to
150 full city standards.

151 (e) Floor area requirements are as follows:

152 (1) Foster home—No minimum except as required by the state licensing agency. ~~department~~
153 ~~of children and family services.~~

154 (2) Group home:

155 a. Bedroom space—A minimum of 90 square feet of floor area per assigned resident.

156 b. Living and dining space—A minimum of 40 square feet of floor area per assigned resident
157 shall be exclusively for living and dining.

158 (3) Life care facility—No minimum required floor area.

159 (4) Congregate housing—No minimum required floor area.

160 (f) Bathrooms are required as follows:

161 (1) Foster home—A minimum of one bathroom per facility.

162 (2) Group home—A minimum of one bathroom containing a sink, commode and shower or
163 tub per each four assigned residents.

164 (3) Life care facility—A minimum of one bathroom per separate unit.

165 (4) Congregate housing—A minimum of one bathroom per separate unit.

166 (g) Outdoor recreation space is required as follows:

167 (1) Foster home—No minimum.

168 (2) Group home—A minimum of 30 square feet of outdoor recreation space per each
169 resident.

(h) All residential care facilities shall be designed in such a manner that all residents may have access from assigned bedroom areas to living and dining areas with protection from inclement weather.

(i) All group home facilities designed for aged or infirm residents or life care facilities shall be provided with emergency call systems and smoke detectors throughout.

(j) Each residential care facility is responsible for complying with city, county and state regulations, including but not limited to state licensures, business tax receipts, zoning and building regulations, and other applicable safety codes. Notwithstanding any other provision of this Chapter:

(1) where specific additional criteria applicable to an application is mandated by state statute, the Conditional Use application process, shall be utilized to confirm compliance with state mandated criteria; and

(2) where allowable review standards are restricted to only those identified in state statute, the Conditional Use application process shall be utilized to confirm compliance with only those criteria permissible pursuant to state statute. In such cases, the Director may approve or deny the application in accordance with the statutory criteria, unless a variance or other application requiring Planning and Zoning Board or City Commission approval is necessary for approval of the residential care facility application.

(k) Every facility approved pursuant to this division shall be subject to inspection by the city to ensure compliance with the terms of the city's approval.

SECTION 3. Conflict. All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

SECTION 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

SECTION 5. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

204 PASSED AND ADOPTED on 1st reading on _____, 20__.

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206 PASSED AND ADOPTED on 2nd reading on _____, 20__.

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JOY F. COOPER
MAYOR

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212 SPONSORED BY: CITY ADMINISTRATION

213 ATTEST:

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216 _____
JENORGEN GUILLEN

217 CITY CLERK

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219 APPROVED AS TO LEGAL SUFFICIENCY

220 FORM

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223 _____
JENNIFER MERINO

224 CITY ATTORNEY

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