

1 EXHIBIT 1

2 ORDINANCE NO. 2025-

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

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

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

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17 SECTION 1. Incorporation of Recitals. The foregoing "Whereas" clauses are
18 confirmed as true and incorporated herein.

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

22 Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

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24 ARTICLE VI. – ZONING

25 ***

26 DIVISION 14 – RESIDENTIAL CARE FACILITIES

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28 Sec. 32-522. Definitions.

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

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

33 Congregate housing means any residential development predominantly for persons age 59 or
34 over or persons who are handicapped, whether operated for profit or not, which undertakes
35 through its ownership or management to provide housing, food service and one or more personal
36 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.

Foster home means a dwelling unit licensed and monitored by the ~~state department of children and family services~~ the state of florida licensing agencies, to provide a family living environment, including supervision and care necessary to meet the physical, emotional and social life needs of up to five assigned residents. The number of assigned residents allowed shall be reduced by one for each resident not a state ~~department of children and family services~~ assigned resident in the dwelling other than the foster parents, and their children 18 years or older; however, the number of allowable assigned residents shall not be required to be less than three. 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.

Group home means any building, section of a building, or distinct part of a building, residence, private home, or other place, whether operated for profit or not, which is licensed and/or monitored by the state licensing agency ~~department of children and family services~~ to provide a family living environment, including supervision and care necessary to meet the physical, emotional and social life needs of four or more assigned residents not related to the owner or administrator by blood or marriage. A facility offering such services for fewer than four persons shall be within the meaning of this definition if it formally or informally advertises or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services. 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.

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

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

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

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

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

(5) On-premises physical therapy.

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

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

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

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

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79 Sec. 32-525. Development standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 (e) Floor area requirements are as follows:

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

121 (2) Group home:

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

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

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

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

127 (f) Bathrooms are required as follows:

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

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

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

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

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

134 (1) Foster home—No minimum.

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

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

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

(j) Each 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.

(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.

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

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

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION
ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO

178 CITY ATTORNEY
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