



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

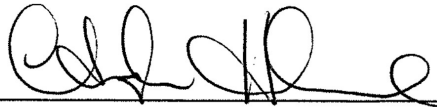
Date: February 5, 2024
Order: 2024-05

Amending the Land Use Ordinance §335 and Land Use Table Regarding Extended Care Facilities

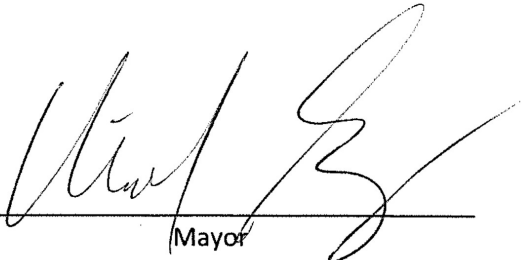
That the Westbrook City Council hereby amends the Westbrook Code of Ordinances Land Use Ordinance §335-1.8, *Definitions, Article V, Zoning Districts*, §335 Attachment 1, City of Westbrook Table 1: Land Use Table – City of Westbrook, and §335-13.6, Site Plan Review Design and performance Standards B (1), *Table of Off-Street Parking*, to update the term and definition of Nursing Home, as outlined in the attached exhibit.

First Reading: January 8, 2024
Second and Final Reading: February 5, 2024

Attest:



City Clerk



Mayor



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

REQUEST FOR COUNCIL ACTION

PROPOSED TITLE: Amending the Land Use Ordinance §335 and Land Use Table Regarding Extended Care Facilities

REQUESTED BY: Jennie Franceschi

DATE: 2/5/2024

SUMMARY:

Amendment Description:

The proposed amendment removes the use “Nursing Home” and inserts a new use definition “Extended Care Facility”, only where Nursing Homes are currently permitted to provide consistency in terminology within the Land Use Ordinance.

Amendment History:

November 7, 2023 – Planning Board Workshop
December 5, 2023 – Planning Board Public Hearing
January 8, 2024 - City Council First Reading
February 5, 2024 - City Council Public Hearing; Second and Final Reading

Recommendation:

The Planning Board voted unanimously on December 5, 2023 to recommend the proposed amendment for City Council adoption.

Staff Comments:

With the adoption of the Short-Term Care Facility use and the proposed Residential Care Facility, Westbrook is modernizing terminology to better support and reflect the needs of the local and regional communities. Previously, inpatient medical care was filtered into two categories, Hospitalization and Nursing Home Care. Hospitalization was intended to provide immediate, short-term convalescent care and Nursing Home was more specific to the needs of long-term care for aging individuals. As we are now seeing, the need for inpatient care can often extend beyond those two specific life events and thus the process of updating our Ordinances to reflect and support the needs of those who reside in and around Westbrook.

With this in mind, the proposed recommendation revises the existing term of Nursing Home to “Extended Care Facility”. An Extended Care Facility is proposed to be more broadly defined as “full-time chronic care or health care under medical supervision for 24 hours a day”. This allows the definition to follow the continuum of inpatient care definitions that have been created by distinguishing the intensity or duration of care.

For reference/comparison - our terms of “Care Facilities” are as follows:

- Short Term Care

1. Specific to high level of care over a short-term duration.
2. 24 hour/day monitored care with a total duration of stay: 24 hours – 45 days.
3. Higher impact to land use

- Residential Care

1. Staffed facility
2. More of a residential vs. clinical setting (individuals may not require 24-hour/day monitoring)
3. Clients reside for a duration of 45 days – 1 year.
4. Moderate impact to land use

- Extended Care

1. Long-term “chronic care” where 24 hour/day monitored care is required.
2. Moderate/High impact to land use

Chapter 335

§335-1.8 Definitions.

~~**Nursing Home.** A facility provides nursing care and related medical services on a twenty-four hour per day basis to individuals due to illness, disease, physical infirmity or mental health disorder where an individual's needs do not require hospital care. For the purposes of this chapter, a nursing home shall include only those facilities which have been certified, or which will be certified prior to the issuance of any use permits, by the State of Maine Department of Health and Human Services as meeting all licensing and operation regulations for skilled nursing facilities or intermediate care facilities.~~

Extended Care Facility: An institution or a distinct part of an institution that provides full-time, chronic care or health care under medical supervision on a 24-hour a day basis to individuals who, by reason of advanced age, illness, or infirmity, are unable to care for themselves. Extended Care Facilities shall be certified or licensed by the State of Maine as a skilled nursing facility or an intermediate care facility. (Previously called Nursing Homes)

§ 335-5.2 Residential Growth Area 1.

A. Permitted Uses

~~Nursing Homes~~

Extended Care Facility

§ 335-5.5 Prides Corner Smart Growth Area.

A. Permitted Uses

~~Nursing Homes~~ Extended Care Facility, provided that the development is served by both public water and public sewer.

§ 335-5.7 Highway Services District.

A. Permitted Uses

B. ~~Nursing Homes~~ Extended Care Facility, provided that the development is served by both public water and public sewer.

§ 335-5.9 Gateway Commercial District.

A. Permitted Uses

~~Nursing Homes~~

Extended Care Facility

Chapter 335 Attachment 1 City of Westbrook Table 1: Land Use Table

Staff Note to Ordinance Revisor: Table 1 amended land use category (and reorder uses based on alphabetical order) as follows:

~~Nursing Homes~~ Extended Care Facility

335-13.6 Site Plan Review Design and performance Standards

B.(1) Table of Off-Street Parking.

Principal Use	Number of Spaces
Nursing Homes <u>Extended Care Facility</u>	2 per unit