



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL


Date: February 5, 2024
Order: 2024-04

Amending the Land Use Ordinance §335 Regarding Residential Care Facility and Residential Growth Area 2 - Service Business Overlay Zone, and Amending the Zoning Map

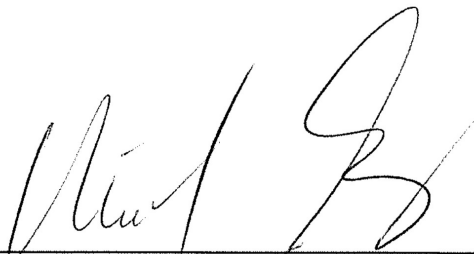
That the Westbrook City Council hereby amends the Westbrook Code of Ordinances Land Use Ordinance §335-1.8, *Definitions*, establishes §335-2.28.1, *Residential Care Facility*, and retitles and amends §335-7.5, *Residential Growth Area 2 - Medical Office Overlay District*, as outlined in the attached exhibit entitled "Unified Properties, LLC - Residential Care Facility", and further amends the City of Westbrook Zoning Map to include the parcel located at 271 Cumberland Street, Tax Map: 044, Lot: 064 as part of the renamed Residential Growth Area 2, Medical Office Overlay District, 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 Regarding Residential Care Facility and Residential Growth Area 2 - Service Business Overlay Zone, and Amending the Zoning Map

REQUESTED BY: Jennie Franceschi

DATE: 2/5/2024

SUMMARY:

Amendment Description

The amendment replaces the Residential Growth Area 2, Service Business Overlay Zone with a proposed Residential Growth Area 2 Medical Office Overlay District and proposes a new use, Residential Care Facility, as a permitted use within the overlay district. The amendment further expands the overlay district to incorporate the parcel located at 271 Cumberland Street where a Residential Care Facility is requested.

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 & Final Reading

Recommendation:

The Planning Board provided a unanimous recommendation on December 5, 2023 to forward this amendment to the City Council for adoption.

Staff Comments

The City was approached by Unified Properties, LLC with a request to operate a residential recovery house to specialize in substance abuse treatment at a property located at 271 Cumberland Street. This is intended to serve up to 16 individuals who have already completed the more intensive initial stages of recovery (ex: detox, in-patient treatment, etc.) but are still seeking professional support while they continue with outpatient therapeutic services and integrate back into their daily lives.

Westbrook's Land Use Ordinance has been limited in definitions for residential health facilities. Prior to this year, the only permitted care facility was "Nursing Home" which specifically requires a "skilled nursing facility" or "intermediate care facility" license. This past April, the City adopted a new use, Short-Term Care Facility, intended to provide inpatient care and treatment for individuals where a hospital or nursing home is not required on a short-term basis. This use was approved for up to 45 consecutive days of care and placed in the Highway Services District, as requested by the applicant, and found appropriate due to the anticipated level of turnover and access to city services.

After meeting with Unified Properties, LLC, it was determined that the requested use did not fit either the Nursing Home or the Short-Term Care Facility. The applicant has therefore provided an application to amend the Ordinance to allow for a staffed facility which acts as a residence while providing guidance or counseling services as a primary focus of the facility to be permitted at the 271 Cumberland Street location.

In response, Staff has provided the Planning Board with a draft ordinance for a new use, Residential Care Facility, to be defined as "A residential facility staffed or managed on-site which provides care and services to individuals above the level of room and board because of the individual's mental or physical condition. Said facility must be licensed as a board care, residential care facility or equivalent by the State of Maine. A residential care facility shall provide care for individuals for a period of no less than 45-consecutive days and no more than 1 year." The amendment includes a parking standard, with the understanding that the standard can be waived by a reviewing authority with a parking management plan depending on the needs/policies of the facility (ex: if clients are not permitted personal vehicles on site and/or a van is provided for transportation purposes).

In looking at appropriate locations for this proposed use, Staff identified the rear abutting parcel as being in the Residential Growth Area 2 – Service Business Overlay District which overlay area contains the Northern Light Medical Center campus. The Service Business Overlay District currently encompasses four parcels, a vacant parcel (044/067), the previous Northern Light Hospital (044/068), a mixed use building primarily occupied by medical/therapeutic services (044/068A) and a vacant residential structure that was once affiliated with the Mercy (Northern Light) Hospital (044/056A). Although this original overlay district was intended to allow for service businesses in this specific area within the Residential Growth Area 2 District, with the exception of one service business, the overlay area is entirely occupied by health/medical uses. Therefore, Staff is proposing a repeal and replacement of the Service Business Overlay District and instead designating this area as Residential Growth Area 2 – Medical Office Overlay District where all medical uses are permitted, including the proposed Residential Care Facility. Service Businesses would continue to be permitted within this overlay district to not create a nonconformity of the existing Beauty Salon at 50 Park Road. Staff further recommend an extension of the Medical Office Overlay District over the 271 Cumberland Street parcel to allow the Residential Care Facility to operate at that location, as requested by the applicant. With this change, the zoning overlay has been revised to reflect what has organically grown at these locations.

Although the proposed Residential Care Facility use is residential in nature, it is a staffed residence and could potentially have a larger number of residents than would typically reside within a single-family structure. Therefore, it was recognized that the use is more intensive than a single-family dwelling and may not be appropriate to locate within the entirety of an RGA district. At this time, the recommendation is for this use to only be located within the Medical Office Overlay District, with the understanding that by creating a use there is a possibility of expanding the use into other districts if/when it is appropriate or requested. Additional performance standards could then be determined/implemented at that time depending on the proposed location(s).

Chapter 335

Article I §335-1.8 Definitions.

Residential Care Facility: A residential facility staffed or managed on-site which provides care and services to individuals above the level of room and board because of the individual's mental or physical condition. Said facility must be licensed as a board care, residential care facility or equivalent by the State of Maine. A residential care facility shall provide care for individuals for a period of no less than 45 consecutive days and no more than 1 year.

Article II General Provisions

§335-2.28.1 Residential Care Facility -

- A. Off-Street Parking Requirement: 1 space/Staff + 1.5 space/bedroom
 - a. The parking requirement may be waived by the appropriate reviewing authority with a parking management plan to demonstrate adequate parking is provided to meet the needs of the facility.
- B. A Residential Care Facility shall provide proof of state licensure prior to the issuance of a certificate of occupancy.

§335-2.28.12 Restaurant Class 3 *(Note to Revisor: Renumbering necessary to insert above provision.)*

Article VII Overlay Districts

§ 335-7.5 ~~Residential Growth Area 2 Service Business Overlay Zone.~~ Residential Growth Area 2 Medical Office Overlay District

- A. Purpose. The purpose of this overlay district is to allow a medical campus permitted by right ~~service business as a use~~ in a defined area within the Residential Growth Area 2. ~~Service businesses must receive a conditional use permit.~~ Particular interest will be paid to the potential impacts of businesses upon adjacent residential uses, such as parking, traffic and building appearance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Area of zone. The area to be included in the Residential Growth Area 2 Service Business Overlay Zone is depicted on the Westbrook Zoning Map. (Lots 44/56A, 44/68A, 44/67, 44/68 & 44/64).
- C. Permitted uses. Those uses permitted as a matter or right in the underlying zoning district

plus the following:

Hospital

Medical Office

Short-Term Care Facility

Residential Care Facility

Medical/Diagnostic Center

Service Business

- D. Conditional uses. Those uses permitted as a conditional use in the underlying zoning district, ~~in accordance with Article IV, in the underlying zoning district, plus the following: Service Business. {Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)}~~
- E. Performance standards. Businesses shall comply with those standards as defined in the underlying zoning district ~~and in accordance with Article IV, Conditional Uses.~~

Zoning Map Amendment:

This amendment includes an amendment to the Zoning Map to add Map 44/64 into the abovementioned (Residential Growth Area 2 Medical Office Overlay District) Overlay and to rename the General Overlay title from “Service Business” to “RGA 2 Medical Office” on the map.



Residential Growth Area 2 Medical Office Overlay District

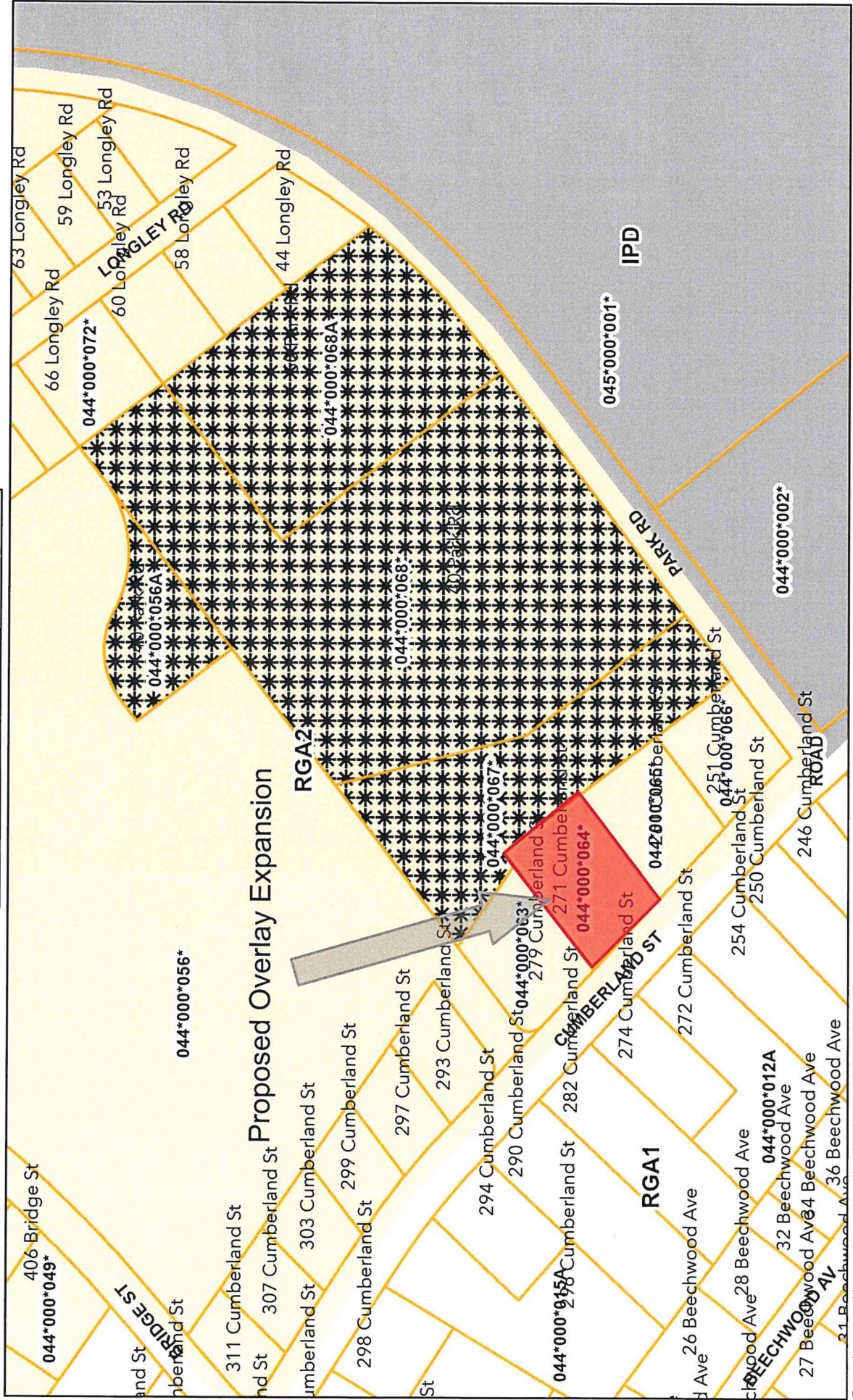
Westbrook, ME

November 3, 2023

1 inch = 175 Feet



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