

**An Ordinance to Amend Chapter 145 (Land Use) of the Code  
of the Town of Wells to Eliminate Elderly Housing as a Permitted Use in the  
Residential A, Residential Commercial and General Business Districts  
and Clarify the Performance Standards for Elderly Housing**

**NOTE: Proposed additions to existing Code sections are underlined.  
Proposed deletions of existing Code sections are ~~crossed-out~~.  
Other sections of the Ordinance are unchanged.**

**The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145  
(Land Use) of the Town of Wells to Eliminate Elderly Housing as a Permitted Use in the  
Residential A, Residential Commercial and General Business Districts  
and Clarify the Performance Standards for Elderly Housing” to read as follows:**

**Part 1:** § 145-10. Definitions.

**ELDERLY HOUSING**

Housing units A dwelling unit intended for and occupied solely by persons 55 years of age or older or an elderly couple one of whom is 55 years of age or older. Elderly housing may have the same common amenities as congregate housing. [Amended 4-26-1996]

**Part 2:** § 145-59. Elderly housing. [Amended 4-26-1996]

Elderly housing, not a part of a life care facility, must meet the performance standards for multifamily developments in § ~~145-48~~ and the dimensional requirements of the district in which it is located.

**Part 3:** § 145-21. Residential A District.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer: [Amended 4-18-1995; 4-26-1996; 6-8-2010]

- (1) Animal husbandry on lots larger than 25 acres.
- (2) Cemetery larger than 20,000 square feet in area.
- (3) Church.
- (4) Congregate care facility.
- (5) Day-care home.
- ~~(6) Elderly housing.~~
- ~~(7)~~(6) Housing, congregate.
- ~~(8)~~(7) Life care facility.
- ~~(9)~~(8) Medical care facility, excluding hospitals.
- ~~(10)~~(9)Municipal facility.
- ~~(11)~~(10) Museum not exceeding 5,000 square feet in floor area.
- ~~(12)~~(11) Nursing home.
- ~~(13)~~(12) Public utility facility.
- ~~(14)~~(13) Recreation, active.
- ~~(15)~~(14) Recreation, low-intensity commercial.

~~(16)~~(15) School, public and private.  
~~(17)~~(16) School, vocational-technical served by public water and sewer and located west of Route 1, north of Buzzel Road, east of the turnpike and south of Route 109.

§ 145-24. Residential-Commercial District.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

- (1) Bank.
- (2) Bed-and-breakfast/small inn.
- (3) Business, contractor.
- (4) Business, office.
- (5) Business, personal service.
- (6) Business, retail, including the manufacturing of any goods offered for sale on the premises.  
[Amended 11-7-2000]
- (7) Business, service.
- (8) Business, wholesale.
- (9) Cemetery larger than 20,000 square feet in area.
- (10) Church.
- (11) Club.
- (12) Congregate care facility. [Added 6-8-2010<sup>[2]</sup>] [2]  
*Editor's Note: This ordinance also renumbered former Subsection C(12) through (27) as Subsection C(13) through (28), respectively.*
- (13) Day-care home.
- (14) Day-care center/nursery school.
- (15) Drug abuse shelter. (Note: A drug abuse shelter will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.) [Added 6-14-2011<sup>[3]</sup>] [3] *Editor's Note: Ordinances adopted 6-14-2011 added several permitted uses to § 145-24C. As a result, some subsections were renumbered in order to maintain the alphabetical organization of the subsection.*
- ~~(16)~~ Elderly housing.
- ~~(17)~~(16) Freestanding residential detoxification program. (Note: A freestanding residential detoxification program facility will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.) [Added 6-14-2011]
- ~~(18)~~(17) Function hall without commercial-type cooking facilities.
- ~~(19)~~(18) <sup>[4]</sup>Housing, congregate. [4] *Editor's Note: Former Subsection C(19), Housekeeping cottage complex, was repealed 11-5-2013. This ordinance also redesignated former Subsection C(20) through (32) as Subsection C(19) through (31), respectively.*
- ~~(20)~~(19) Medical care facility, excluding hospitals.
- ~~(21)~~(20) Municipal facility.
- ~~(22)~~(21) Museum.
- ~~(23)~~(22) Neighborhood convenience store, excluding sale of motor vehicle fuels and including a restaurant area not exceeding 15 seats.
- ~~(24)~~(23) Nursing home.
- ~~(25)~~(24) Private non-medical institution (PNMI). [Added 6-14-2011]
- ~~(26)~~(25) Public utility facility.
- ~~(27)~~(26) Recreation, active.

~~(28)~~(27) Recreation, medium intensity commercial.[Added 6-11-2013<sup>[5]</sup>][5] *Editor's Note: This ordinance also redesignated former Subsection C(29) through (33) as Subsection C(30) through (34), respectively.*

~~(29)~~(28) Registered marijuana dispensary (Note: A registered marijuana Dispensary will only be permitted on a lot within this district which lot either has frontage along Route One, or is located within 150 feet of Route One.)[Added 6-14-2011]

~~(30)~~(29) Restaurant, standard, containing 36 seats or fewer and located west of Route 1 and east of the turnpike on Route 109.

~~(34)~~(30) School, public and private.[Amended 10-6-1998]

~~(32)~~(31) <sup>[6]</sup>Stand-alone registered marijuana dispensary.[Added 6-14-2011][6] *Editor's Note: Former Subsection C(33), Seasonal cottage complex, added 4-12-2003, which immediately preceded this subsection, was repealed 11-5-2013. This ordinance also redesignated former Subsection C(34) as Subsection C(32).*

#### § 145-26. General Business District.

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

(1) Agriculture which includes any structures.

(2) Bank.

(3) Bed-and-breakfast/small inn. (See § 145-52.)

(4) Business, contractor.

(5) Business, office.

(6) Business, personal service.

(7) Business, retail, including the manufacturing of any goods offered for sale on the premises.

(8) Business, service.

(9) Business, wholesale, having a gross floor area of less than 5,000 square feet.

(10) Cemetery larger than 20,000 square feet in area.

(11) Church.

(12) Club.

(13) Congregate care facility.[Added 6-8-2010<sup>[2]</sup>][2] *Editor's Note: This ordinance also renumbered former Subsection C(13) through (38) as Subsection C(14) through (39), respectively.*

(14) Day-care home.

(15) Day-care center/nursery school.

(16) Drug abuse shelter.[Added 6-14-2011<sup>[3]</sup>][3] *Editor's Note: Ordinances adopted 6-14-2011 added several permitted uses to § 145-26C. As a result, some subsections were renumbered in order to maintain the alphabetical organization of the subsection.*

~~(17)~~ Elderly housing.[Amended 4-26-1996]

~~(18)~~(17) Freestanding residential detoxification program.[Added 6-14-2011]

~~(19)~~(18) Function hall.

~~(20)~~(19) Hotel/motel. (See § 145-52.)

~~(24)~~ (20) <sup>[4]</sup>Housing, congregate.[4] *Editor's Note: Former Subsection C(21), Housekeeping cottage complex, was repealed 11-5-2013. This ordinance also redesignated former Subsection C(22) through (43) as Subsection C(21) through (42), respectively.*

~~(22)~~(21) Life care facility.[Amended 4-26-1996]

~~(23)~~(22) Medical care facility.

~~(24)~~(23) Municipal facility.

~~(25)~~(24) Museum.

~~(26)~~~~(25)~~ Neighborhood convenience store.  
~~(27)~~~~(26)~~ Nursing home.[Amended 4-26-1996]  
~~(28)~~~~(27)~~ Parking lot, commercial.  
~~(29)~~~~(28)~~ Private non-medical institution (PNMI).[Added 6-14-2011]  
~~(30)~~~~(29)~~ Public transportation shelter.[Added 11-6-2007<sup>[5]</sup>][5]*Editor's Note: This ordinance also redesignated former Subsection C(27) through (37) as Subsection C(28) through (38), respectively.*  
~~(34)~~~~(30)~~ Public utility facility.  
~~(32)~~~~(31)~~ Recreation, active.  
~~(33)~~~~(32)~~ Recreation, high-intensity commercial.  
~~(34)~~~~(33)~~ Recreation, low-intensity commercial.  
~~(35)~~~~(34)~~ Recreation, medium intensity commercial.[Added 6-11-2013<sup>[6]</sup>][6]*Editor's Note: This ordinance also redesignated former Subsection C(36) through (44) as Subsection C(37) through (45), respectively.*  
~~(36)~~~~(35)~~ Registered marijuana dispensary.[Added 6-14-2011]  
~~(37)~~~~(36)~~ Restaurant, standard.  
~~(38)~~~~(37)~~ Restaurant, fast-food.  
~~(39)~~~~(38)~~ Sawmill producing less than 100,000 board feet of lumber per year.  
~~(40)~~~~(39)~~ School, public and private.  
~~(44)~~~~(40)~~ Tent and recreational vehicle park. (See § 145-50.)  
~~(42)~~~~(41)~~ Transportation facility.  
~~(43)~~~~(42)~~ <sup>[7]</sup>Stand-alone registered marijuana dispensary.[Added 6-14-2011][7]*Editor's Note: Former Subsection C(44), Seasonal cottage complex, added 4-12-2003, which immediately preceded this subsection, was repealed 11-5-2013. This ordinance also redesignated former Subsection C(45) as Subsection C(43).*