

**An Ordinance to Amend Chapter 145 (Land Use) of the Town of Wells
Relating to Nonconforming Lots and Nonconforming Developments**

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 Relating to Nonconforming Lots and Nonconforming Developments” to read as follows:

Part 1: Article III (Nonconformities), § 145-14, entitled “Nonconforming lots” and § 145-15, entitled “Nonconforming developments” are hereby amended as follows:

§ 145-14. Nonconforming lots.

A. A nonconforming lot of record may be built upon, without obtaining a variance, if new structures or additions to existing structures meet all the requirements of this and the lot conforms to all the provisions of this chapter except for the minimum lot size and/or minimum street and shore frontage requirements.

B. On a nonconforming lot of record which has less than 75% of the required street frontage, the required setback from lot lines which intersect the street(s) may be reduced by 25%, but in no case shall the setback be reduced to less than 10 feet. Residential cluster lots depicted on an approved and recorded subdivision plan do not qualify for a setback reduction.

C. On a nonconforming lot located within a recorded subdivision plan approved by the Planning Board, a structure may be built according to the setbacks depicted or noted on said plan without obtaining a variance, but the structure shall be no less than half the required setback of Article V, District Regulations.

§ 145-15. Nonconforming developments.

A. A nonconforming development is permitted to continue and to expand in any manner which does not increase the nonconforming aspect(s) of the development if it conforms to all other requirements of this chapter.

~~B. A development existing on April 1, 2000, which is nonconforming as to the floor area requirements of § 145-26C may expand the floor area by as much as 25% provided all other applicable requirements of this chapter are met. [Added 4-14-2000]~~

B. A nonconforming development is permitted to be constructed according to an approved and recorded subdivision plan per the setbacks or lot coverage requirements depicted or noted on the plan at the time of approval.

Part 2: Effective Date.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2024.

THE SELECT BOARD OF THE TOWN OF WELLS:

John MacLeod III

Scott DeFelice

Kathleen Chase

Timothy Roche

James N. Smith