

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells  
to Update Provisions Relating to  
Accessory Dwelling Units (ADUs) and Affordable 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 Code of the Town of Wells to Update Provisions Relating to Accessory Dwelling Units (ADUs) and Affordable Housing” to read as follows:**

**Part 1:** § 145-4, entitled “Purpose” is hereby amended as follows:

**§ 145-4. Purpose.**

The purposes of this chapter are to:

H. Protect archaeological and historic resources; ~~and~~

I. Conserve natural beauty and open space and visual access to them; ~~and~~

J. Affirmatively further the purposes of the Federal Fair Housing Act and the Maine Human Rights Act to achieve the applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development.

**Part 2:** § 145-7, entitled “Effective Date” is hereby amended as follows:

**§ 145-7. Effective Date.**

The effective date of this chapter shall be January 1, 1994. Notwithstanding 1 M.R.S.A. § 302, the date of applicability of amendments to this chapter adopted by the Town Meeting on June 10, 2025, shall be July 1, 2024.

**Part 3:** § 145-10 entitled, “Definitions” is hereby amended as follows:

**§ 145-10. Definitions.**

ACCESSORY LIVING SPACE — A structure which is a detached, one- or two-story building, accessory to a dwelling unit, consisting of one or more rooms designed for entertainment and/or sleeping with no kitchen facilities. Accessory living spaces shall not be used as accessory dwelling units.

AFFORDABLE HOUSING DEVELOPMENT — A residential use consisting of one-family dwellings, two-family dwellings, multifamily dwellings, or any combination thereof, which meets the household income requirements of 30-A M.R.S.A. § 4364(1) and the requirements of § 145-54.

DWELLING UNIT, ACCESSORY — A dwelling unit which is permitted as an accessory use to an ~~owner-occupied~~ principal one-family dwelling, —and which is located within, attached to, or detached from the principal one-family dwelling on the same lot. An accessory dwelling unit shall only be permitted on a lot where either the principal dwelling or the accessory dwelling unit is owner-occupied.

MULTIFAMILY DEVELOPMENT— Any combination of buildings containing a total of three or more dwelling units on one lot. The term "multifamily development" does not include an accessory dwelling unit, a mobile home park, or any congregate housing facility.

OWNER-OCCUPIED — A dwelling unit that is occupied by a person who has a legal or equitable ownership interest in the property on which the dwelling unit is located and who receives all or part of the remuneration, if any, derived from the lease of any dwelling units located on the property. To be considered owner-occupied, the owner must physically occupy the dwelling unit for at least X MONTHS in each calendar year.

**Part 4:** § 145-21, entitled “Residential A District” is hereby amended as follows:

**§ 145-21. Residential A District**

C. Permitted uses requiring 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) Affordable housing development. (See § 145-54.)

***[Editor’s Note: All listed permitted uses in this subsection will be renumbered, as appropriate.]***

**Part 5:** § 145-24, entitled “Residential-Commercial District” is hereby amended as follows:

**§ 145-24. Residential-Commercial District**

C. Permitted uses requiring 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) Affordable housing development. (See § 145-54.)

***[Editor’s Note: All permitted uses listed in this subsection will follow and will be renumbered, as appropriate.]***

...

Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-48, Multifamily developments, ~~and~~ 145-49, Residential cluster development, and 145-54, Affordable housing.

G. Special provisions.

~~(2) Within any building existing on January 1, 1994, an accessory dwelling unit shall be permitted as regulated in § 145-55, except that the provisions of § 145-55B shall not apply. All other dimensional requirements, except residential density, of the district, including minimum lot size, shall be met. Reserved.~~

**Part 6:** § 145-26, entitled “General Business District” is hereby amended as follows:

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

C. Permitted uses requiring 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) Affordable housing development. (See § 145-54.)

*[Editor’s Note: All permitted uses listed in this subsection will follow and will be renumbered, as appropriate.]*

...

Note: See also §§ 145-13, Nonconforming structures, 145-14, Nonconforming lots, 145-33, Shoreland Overlay District, ~~and~~ 145-48, Multifamily developments, and 145-54, Affordable housing.

**Part 7:** § 145-48, entitled “Multifamily developments” is hereby amended as follows:

**§ 145-48. Multifamily developments.**

H. Density. The maximum density of dwelling units permitted shall be the same as permitted in the district(s) in which the multifamily development is located, except as provided in § 145-54.

**Part 8:** § 145-54, entitled “Affordable housing” is hereby amended as follows:

**§ 145-54. Affordable housing.**

A. Affordable housing development that complies with the requirements of § 145-54(1)-(8) is eligible for an increase in residential density of 2½ times the maximum density that is otherwise allowed. If fractional results occur when calculating the maximum density, the number of allowed units shall be rounded down to the nearest whole number. Nothing in this section exempts an affordable housing development from any other requirements of this chapter.

~~A. To increase the availability of affordable housing (as defined in 30-A M.R.S.A. § 5002) to low- and moderate-income families the following increases in residential density and reductions in lot size and frontage within a subdivision containing only affordable housing shall be permitted within the Residential A District:~~

~~(1) If the dwelling units are not connected to the public sewer, a developer may develop the subdivision at a density of one dwelling unit for each 32,000 square feet of net area with a corresponding reduction of 20% in lot size and lot frontage without obtaining a variance from the Zoning Board of Appeals. The subdivision may also be developed at the same increased density according to the requirements of § 145-48 or 145-49.~~

~~(2) If the dwelling units are connected to the public sewer, a developer may develop the subdivision at a density of one dwelling unit for each 13,333 square feet of net area with a corresponding reduction of 33 1/3% in lot size without obtaining a variance from the Zoning Board of Appeals. The subdivision may also be developed at the same increased density according to the requirements of § 145-48 or 145-49.~~

~~(1) The affordable housing development must be (i) located in a designated growth area, or (ii) be served by a public, special district, or centrally managed water system and a public, special district, or other comparable sewer system, as those terms are defined by the Maine DECD Housing Opportunity Program Rule, codified at 19-100 C.M.R. ch. 5, as amended.~~

~~(2) Adequate provision must be made to ensure that, for at least 30 years after completion of construction, occupancy of all units designated affordable in an affordable housing development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy.~~

~~B-(3) For any affordable housing development that includes multifamily dwellings, Eight or fewer dwelling units shall be permitted in each multifamily dwelling if all the dwelling units within the structure are affordable housing units.~~

~~C-(4) The developer shall implement a plan execute a restrictive covenant, recorded in the York County Registry of Deeds and enforceable by the Town, and a third party acceptable to the reviewing authority, to ensure that the affordable housing units remain affordable. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and must inure to the benefit of the Town of Wells and the third party. The plan restrictive covenant shall be approved by both the Planning Board reviewing authority and the Board of Selectmen, and shall be executed prior to the issuance of a certificate of occupancy for any structure within the affordable housing development.~~

~~D-(5) A landscaped buffer strip shall be provided along the perimeter of an affordable housing subdivision development except where access roads into the subdivision development are located. The buffer strip shall have a width equal to 1/5 of the required lot frontage the setbacks of the applicable zoning district along all lot boundaries, except along existing improved public streets, where the buffer strip shall have a width equal to 1/2 of the required lot frontage. The buffer strip shall be owned in fee and managed by an association of the owners within the development. The Planning Board reviewing authority may waive or modify this buffer requirement if it finds that the requirement will make the proposed subdivision financially unfeasible.~~

~~(6) Each unit within an affordable housing development shall have adequate water and wastewater services, as required by 30-A M.R.S.A. § 4364(5). Prior to the issuance of a certificate of occupancy, the permit holder must provide written verification to the Code Enforcement Officer that the unit is connected to adequate water and wastewater services.~~

~~(7) Adequate provision shall be made for the long-term maintenance, repair, and improvement of any private or common septic systems, individual private wells, and public water systems proposed to serve the affordable housing development, including~~

a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

**Part 9:** § 145-55, entitled “Accessory dwelling units” is hereby amended as follows:

**§ 145-55. Accessory dwelling units.**

A. No more than One accessory dwelling unit shall be permitted within on any lot containing one or more an owner-occupied one-family dwellings in all districts where one-family dwellings are permitted uses except the Residential B, Residential D and the Beach Business Districts. An accessory dwelling unit that complies with the requirements of § 145-55.A shall not be deemed a dwelling unit for purposes of (i) determining minimum lot size and maximum density or (ii) calculating minimum required parking spaces pursuant to § 145-39. Nothing in this section exempts an accessory dwelling unit from any other requirements of this chapter, including without limitation any shoreland zoning or subdivision requirements.

(1) The lot on which the accessory dwelling unit is situated must meets all the current dimensional requirements of this chapter for a one-family dwelling or be a legally existing, nonconforming lot.

(2) The accessory dwelling unit shall contain no more than three rooms and a bathroom, shall have at least 190 square feet of net habitable area, and shall not exceed 600 square feet of net habitable floor area;

(3) If the accessory dwelling unit is located within or is attached to a one-family dwelling unit, the building containing the accessory dwelling unit shall have the exterior appearance of a single-family home;

(4) If the accessory dwelling unit is located within a one-family dwelling unit, the accessory dwelling unit shall not occupy more than 35% of the habitable floor area of the building; and.

(5) If the accessory dwelling unit is detached, then it shall meet all applicable setback requirements.

(5)(6) The accessory dwelling unit shall be located in the same building as the principal dwelling unit; have adequate water and wastewater services, as required by 30-A M.R.S.A. § 4364-B(7). Prior to the issuance of a certificate of occupancy, the permit holder must provide written verification to the Code Enforcement Officer that the accessory dwelling unit is connected to adequate water and wastewater services.

(7) The accessory dwelling unit is to be considered a dwelling unit per 30-A M.R.S. § 4401 and may require subdivision review per Chapter 202;

(8) An accessory dwelling unit is permitted only when the one-family dwelling or accessory dwelling unit is owner-occupied; and

(9) Accessory dwelling units are intended to create year-round housing. Therefore, no accessory dwelling unit can be leased or occupied by persons other than an owner-occupant for a period of less than six (6) consecutive months.

**Part 10:** Effective Date.

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

Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2025.

THE SELECT BOARD OF THE TOWN OF WELLS:

\_\_\_\_\_  
John MacLeod III

\_\_\_\_\_  
Scott DeFelice

\_\_\_\_\_  
Kathleen Chase

\_\_\_\_\_  
Timothy Roche

\_\_\_\_\_  
James N. Smith