

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

Part 1: § 145-10 entitled, “Definitions” is hereby amended as follows:

§ 145-10. Definitions.

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.

Part 2: § 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.]

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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 3: § 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.]

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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 4: § 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 5: § 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 6: § 145-54, entitled “Affordable housing” is hereby amended as follows:

§ 145-54. Affordable housing.

~~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.~~

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.

(1) The affordable housing development must be (i) located in a designated growth area as identified within the Town of Wells Comprehensive Plan, 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, in perpetuity, 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. Continued occupancy of rental housing shall be contingent on meeting the income limitations.

~~B.~~(3) For any affordable housing development that includes multifamily dwellings, Eight or fewer dwelling units shall be permitted in a 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 ½ of the required street frontage. The buffer strip shall be owned in fee and managed by an association of the owners within the development. The buffer strip shall contain existing or planted trees and other vegetation and may include fencing as determined by the Planning Board. 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).

(8) Affordable housing dwelling units are intended to create year-round housing. Therefore, affordable housing dwelling units can not be leased for a period of less than twelve (12) consecutive months.

Part 7: 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:

Timothy Roche

John MacLeod III

Kathleen Chase

Avery Seuter

James N. Smith