

**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)**

**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)” to read as follows:**

**Part 1:** § 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.

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 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 dwelling unit must be the owner’s primary residence, which means the primary location where that owner lives for 183 days or more in a year in the aggregate.

**Part 2:** § 145-55, entitled “Accessory dwelling units” is hereby amended as follows:

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

- A. ~~One~~ No more than one accessory dwelling unit shall be permitted ~~within on any lot containing one or more an owner-occupied one-family dwellings, two-family dwellings or multifamily dwellings~~ in all districts where such dwellings are permitted uses, except the Residential B, Residential D and 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 determining minimum lot size and maximum density. 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 or street requirements.
- (1) The lot on which the accessory dwelling unit is situated ~~shall~~ meets all the current dimensional requirements of this chapter for a one-family dwelling, two-family dwelling or multifamily 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 if attached and shall have at least 400 square feet of net habitable area if detached, and shall not exceed ~~600~~ 800 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, two-family dwelling, or multifamily dwelling, 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 or is attached to 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 unless it is located within an existing legally non-conforming structure, in which case the footprint of the existing structure shall not be expanded.
- ~~(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) An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.
- (8) 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.
- (9) An accessory dwelling unit is permitted only when the one-family dwelling, two-family dwelling, multifamily dwelling, or accessory dwelling unit is owner-occupied.
- (10) Accessory dwelling units and the principal dwelling unit, two family dwelling unit, and multifamily dwelling unit are intended to create year-round housing. Therefore, none of these dwelling units can be leased or occupied by persons other than an owner-occupant, or their guests who occupy the dwelling without compensation, for a period of less than six (6) consecutive months.

**Part 3:** 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