

An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Clarify Open Space and Density Requirements for Multifamily 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 Code of the Town of Wells to Clarify Open Space and Density Requirements for Multifamily Developments” to read as follows:

Part 1: Section 145-48, entitled “Multifamily Developments” is hereby amended as follows:

B. On any lot divided by a zoning district boundary line, the lot coverage for any portion of the lot lying within a specific zoning district shall not exceed the permitted lot coverage for that district, except as otherwise specified in §145-48(D) through (H) below.

C. In any multifamily development abutting a residential use in a residential or rural zoning district, the setback shall be equal to at least three times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 3 = 45 feet). Said setback shall include a minimum twenty-five-foot width of visual screening abutting the single-family residential use. Said visual screening shall consist of a continuous boarder of shrubbery at least six feet in height, trees or, if required by the Planning Board, solid fencing six feet in height. Said multifamily development shall be screened from the view of any dwelling unit located within 200 feet of the multifamily development's boundaries. Said visual screening shall be owned in fee, managed and maintained by the owner or by an association of the owners of the development.

D. A multifamily development is permitted to satisfy its density, lot coverage and/or open space requirements by utilizing adjacent open space land if the Planning Board finds that both of the following criteria are met:

(1) The adjacent open space land is contiguous to the lot on which the multifamily development is located or separated by less than 100 feet by a street right of way; and

(2) The adjacent open space land meets all of the requirements of § 202-12B of the Wells Town Code.

E. Adjacent open space land used to satisfy a multifamily development's density, lot coverage and/or open space requirements, may be held in joint ownership, dedicated or conveyed to the municipality, a land trust, or other recognized conservation organization. Such reservation of open space may also be accomplished by incorporation into homeowners' association or condominium association documents or into restrictive deed covenants.

F. A multifamily development plan approved on or after June 10, 2014 seeking to utilize adjacent open space land to satisfy its density, lot coverage and/or open space requirements shall:

(a) Note an express condition that the adjacent open space land may not be used to meet the open space, density, and/or lot coverage requirements for any other development. Said restriction shall also be included in the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.

G. A multifamily development plan approved prior to June 10, 2014 is permitted to utilize adjacent open space land to satisfy density and lot coverage requirements for that multifamily development, provided that:

(a) The total area of the multifamily development and the adjacent open space land shall satisfy the open space, density, and/or lot coverage requirements for both the multifamily development and the adjacent property.

(c) The total area of the multifamily development and the adjacent open space required to meet the density and lot coverage requirements are noted on the approved subdivision plan(s) or within a certificate of amendment and shall be recorded at the Registry of Deeds in accordance with §202-9C of the Wells Town Code.

(d) For any multifamily development approved prior to June 10, 2014, there is no requirement that an express restriction be included or added to the deeds, condominium documents, and/or homeowners' association documents related to the multifamily development.

H. Density shall be the same as permitted in the district(s) in which the multifamily development is located, unless density bonuses are granted by the Planning Board in accordance with § 145-49D.

Part 2: Effective Date.

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

Given under our hands this ____ day of _____, 2014.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

Karl Ekstedt

Christopher Chase

Richard Clark

Robert Foley

Timothy Roche