



TOWN OF WELLS

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Wells, Maine 04090

Offices of the
Town Manager and
Board of Selectmen

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AGENDA SPECIAL SELECTMEN'S MEETING Tuesday, April 9, 2019

6:00 PM SELECTMEN'S MEETING

MUNICIPAL OFFICERS BUSINESS / PUBLIC HEARINGS

1. Good News
2. Open to the Public (10 minutes)

CURRENT AGENDA ITEMS

1. Update, discussion and action on Committees, Projects, Issues, Purchases and Personnel:
 - a) Discussion and action on enacting an emergency ordinance under section 2.14 of the Town Charter **"An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells, Pursuant to §2.14 of the Town Charter, to Define Adult Business Establishment and Permit Adult Business Establishments within the Light Industrial District"**.
 - b) Discussion and action on placing on the June 11, 2019 Annual Town Meeting Ballot an Amendment to Chapter 145 (Land Use) Zoning Question: **Shall the Ordinance entitled "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells, to Define Adult Business Establishment and Permit Adult Business Establishments within the Light Industrial District retroactive in its adoption to April 8, 2019" be enacted?**

NEW BUSINESS

1. Open to the Public (10 minutes)
2. Town Manager's Report
3. Adjournment

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells,
Pursuant to § 2.14 of the Town Charter, to Define Adult Business Establishment and Permit Adult
Business Establishments within the Light Industrial District**

**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.**

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells, Pursuant to § 2.14
of the Town Charter, to Define Adult Business Establishment and Permit Adult Business
Establishments within the Light Industrial District**

NOW, THEREFORE, The Town of Wells ordains as follows:

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

BUSINESS, RETAIL

A business engaged in the sale, rental or lease of goods to the ultimate consumer for his or her use or consumption and not for resale. So-called wholesale clubs at which members pay a yearly fee but are primarily ultimate consumers are considered retail uses. The maximum size of retail businesses in the General Business District shall not exceed 40,000 square feet. A retail business does not include the growing, production, testing, sale or processing of marijuana-; and does not include an Adult Business Establishment.

ADULT BUSINESS ESTABLISHMENT

Any retail business, including but not limited to any bookstore, newsstand, novelty store, night club, bar, restaurant, cabaret, amusement arcade or theater which keeps for public patronage or permits or allows the operation of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which depict or describe specified sexual activities.

SPECIFIED SEXUAL ACTIVITIES

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio or sodomy; and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

Part 2: Section 145-28, entitled “Light Industrial District” is hereby amended as follows:

C. Permitted uses requiring the 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) Adult Business Establishment.

(2) ~~(1)~~ Agriculture, including wholesale greenhouses.

(3) ~~(2)~~ Business, contractor.

(4) ~~(3)~~ Business, office.

(5) ~~(4)~~ Business, service.

(6) ~~(5)~~ Business, wholesale.

(7) ~~(6)~~ Manufacturing.

(8) ~~(7)~~ Medical marijuana cultivation and production facility.

[Added 6-13-2017^[1]]

[1] *Editor's Note: This ordinance also redesignated former Subsection C(7) through (22) as Subsection C(8) through (23), respectively.*

(9) ~~(8)~~ Motor vehicle rental.

(10) ~~(9)~~ Municipal facility.

(11) ~~(10)~~ Parking lot, commercial.

(12) ~~(11)~~ Public transportation shelter.

[Added 11-6-2007^[2]]

[2] *Editor's Note: This ordinance also redesignated former Subsection C(10) through (20) as Subsection C(11) through (21), respectively.*

(13) ~~(12)~~ Public utility facility.

(14) ~~(13)~~ Recreation, medium intensity commercial.

[Added 6-11-2013^[3]]

[3] *Editor's Note: This ordinance also redesignated former Subsection C(12) through (21) as Subsection C(13) through (22), respectively.*

(15) ~~(14)~~ Research and development facility.

(16) ~~(15)~~ Recycling facility.

(17) ~~(16)~~ Restaurant, standard.

(18) ~~(17)~~ Restaurant, fast-food.

(19) ~~(18)~~ School, vocational-technical.

(20) ~~(19)~~ Transmission tower, radio.

(21) ~~(20)~~ Transportation facility.

(22) ~~(21)~~ Truck terminal.

(23) ~~(22)~~ Warehousing.

(24) ~~(23)~~ Self-storage facility.

[Added 5-20-2003]

Part 3: Effective Date.

This Ordinance shall take effect immediately upon adoption by the Board of Selectmen as an Emergency Ordinance under Section 2.14 of the Town Charter.

Given under our hands this _____ day of _____, 2019.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

Karl Ekstedt

Daniel Hobbs

John Howarth

Tim Roche

Kathleen Chase

**An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells,
to Define Adult Business Establishment and Permit Adult Business Establishments
within the Light Industrial District**

**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 Define Adult Business Establishment and Permit Adult Business Establishments within the Light Industrial District” to read as follows:

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

BUSINESS, RETAIL

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[Added 5-20-2003]

Part 3: Retroactive Application of Ordinance Amendments.

Notwithstanding the provisions of 1 M.R.S.A. § 302 and regardless of the date on which these amendments are approved by the Board of Selectmen, these amendment shall govern any and all applications for permits and approvals required under Chapter 145 (Land Use) of the Code of the Town of Wells that were received, or, that were pending before any official, officer, committee or board at any time on or after April 8, 2019.

Part 4: Effective Date.

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

Given under our hands this _____ day of _____, 2019.

BOARD OF SELECTMEN OF THE TOWN OF WELLS:

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Daniel Hobbs

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