

ARTICLE 3

Definitions

§ 120-301. Definitions.

In this chapter, the following terms shall have the following meaning unless a contrary meaning is required by the text or is specifically prescribed. In addition to the following definitions, performance standards regulating specified land uses should be reviewed in the district standards for each zoning district (Article 4) and the performance standards (Article 5) that apply to all zoning districts in the Town.

RETAIL SALES, AUTOMOBILE SALES — The use of any building, land area, or other premises principally for the display, sale, rental, or lease of new or used automobiles, light trucks, and/or vans, trailers or recreation vehicles. This definition shall not include recreational vehicles. This use includes any vehicle preparation, warranty, or repair work conducted as an accessory use. (See Article 5, Performance Standards.)

RETAIL SALES, OUTDOOR — The display or sale of products and services outside of a building. This includes, but is not limited to, vehicles, recreational vehicles, garden supplies, flowers, shrubs, and other plant materials; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumber. This definition does not include yard sales conducted on residential properties. (See Article 5, Performance Standards.)

ARTICLE 5

Performance Standards

§ 120-548. Retail sales, outdoor. [Amended 9-14-2010 by Order 10-164]

Outdoor retail sales may be approved by if the following standards have been met; in accordance with the following standards:

- A. Outdoor retail sales shall be allowed as either an accessory use to the principal retail use on the property or as a standalone principale use through a Major Site Plan review approval by the Planning Board. use on the property.
- B. If outdoor retail sales are conducted in a parking lot, the minimum off-street parking space requirements of this chapter shall be maintained.
- C. A permit Approvals for outdoor retail sales shall be obtained from the Code Enforcement Officer for accessory outdoor retail sales or from the Planning Board, following a Major Site Plan review, for principal outdoor retail sales.
- D. The outdoor retail sales approval shall be limited to the petitioner applicant and, therefore, shall therefore not run with the land.

Commented [SP1]: Strike trailers or recreation vehicles to be consistent with the State's definition of Automobile Sales and add to Retail Sale, Outdoor.

Commented [MB2R1]: Should "automobile" and "light truck" also be defined? The statutory definition of "automobile" is "a motor vehicle designed for the conveyance of passengers that has a seating capacity of not more than 15 persons, including the operator." 29-A M.R.S. § 101.

Commented [MB3]: Should "vehicles" be removed from the definition? Otherwise, the amendment to § 120-548 below would seem to allow automobile sales in C-3 as a principal use, where it isn't currently allowed.

Commented [SP4]: Retail Sale, Outdoor fits better with the type of sale activities concerning trailers and RVs due to the nature of the sales.

Commented [MB5]: I noticed that neither "vehicle" nor "recreational vehicle" are defined in Chapter 120. The statutory definition of recreational vehicle includes trailers.

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Commented [RL6]: What if the Planning Board issues a ...

Commented [MB7]: Is this needed? This would appear ...

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- E. An application fee, in an amount established by the Town Council, shall be submitted to the Code Enforcement Officer and/or Planning Board, as applicable, at the time of application.
- F. A plan shall be submitted to the Code Enforcement Officer and/or Planning Board, as applicable, delineating the area on which the outdoor retail sales will be conducted (at a minimum, the plan shall also show the Tax Map boundaries of the property, the approximate location of all buildings, and the location of parking areas).
- G. Outdoor retail sales shall not be conducted in a vehicular travel way.
- H. Outdoor retail sales conducted on any public or private walkways or sidewalks shall meet the standards of the Americans with Disabilities Act (ADA).⁸
- I. Outdoor retail sales shall not be located in any side setback or landscaped buffer strip required by this chapter or as a condition of a property's site plan approval.
- J. These standards shall not apply to roadside stands governed by the standards for agriculture in § 120-502. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- K. These standards shall not apply to a temporary outside sales events. Temporary outside sales events shall meet the following standards:
- (1) The outside sales event shall not last for more than three consecutive days.
 - (2) A permit shall be obtained from the Code Enforcement Officer for each outdoor sales event.
 - (3) An application fee, in an amount established by the Town Council, shall be submitted to the Code Enforcement Officer at the time of application.
 - (4) The Code Enforcement Officer must find that the following conditions have been met:
 - (a) Safe vehicular access and on-site circulation is provided to reduce vehicular queueing on public ways.
 - (b) The applicant demonstrates that adequate parking is provided to accommodate all vehicles either on site or in an off-site location that meets the requirements of § 120-812C(2)(b).

Commented [MB8]: This term appears to be undefined.

Commented [MB9]: Any restriction as to the front setback?