

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Planning Board *cajordan*
DATE: April 25, 2018
SUBJECT: Used Car sales amendments

Introduction

The Cape Elizabeth Town Council, at its February 12, 2018 meeting, forwarded to the Planning Board a request for changes to the Business A District to allow used car sales. The Planning Board held 2 workshops on the proposed amendment and held a public hearing on April 23, 2018.

Summary of Amendments

The draft amendments create a definition of repair garage and then allow used car sales as part of the repair garage use, only in the BA District located on Shore Rd. The number of cars for sale on the lot at any time is limited to 3.

Recommendation

At the April 23, 2018 meeting, the Planning Board voted unanimously (7-0) to recommend the Used car sales amendments to the Town Council for consideration.

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**Business A District
Used Car Sales Amendment**

5 **SEC. 19-1-3. DEFINITIONS**

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7 For the purposes of this Ordinance, the following terms, words, and phrases
8 shall have the meanings given herein. All words not defined herein shall carry
9 their customary and usual meanings. Words used in the present tense shall
10 include the future tense. Words used in the singular shall include the plural.
11 Where so indicated by the text, these definitions also include substantive
12 regulations. Where reference is made to Town or State laws, ordinances, or
13 regulations, each reference to a particular law, regulation, or section shall include
14 all amendments and successor sections.

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16 Repair garage: Any building, structure, improvements or land used for
17 commercial purposes to repair, rebuild, recondition or maintain automobile
18 engines, motor vehicles, trailers or similar vehicles.
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20 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

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22 **B. Permitted Use**

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24 The following uses are permitted in the Business District A:

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26 1. The following resource-related uses:
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28 a. Any use permitted in Resource Protection 1 – Critical
29 Wetlands District, or in Resource Protection 2 – Wetland
30 Protection District, or in Resource Protection 3 – Floodplain
31 District, as shown on Table 19-6-9.
32 b. Agriculture (in the Ocean House Road Business A District
33 only), except that outdoor storage of chemicals and
34 commercial animal husbandry are not permitted. (Effective
35 June 10, 2010)
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37 2. The following residential uses:
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39 a. Single family detached dwelling existing as of April 1, 2008
40 (Effective July 8, 2009)
41 b. Multifamily dwelling units (Effective July 8, 2009)
42 c. Congregate housing, subject to the provisions of Sec. 19-7-6.
43 Eldercare Facility Standards (Effective July 8, 2009)
44 d. Rooming or boarding home
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3. The following nonresidential uses:
- a. Banking, professional, and business office
 - b. Personal Service
 - c. Village retail shop
 - d. Veterinarian office not including the boarding of animals but allowing pre-surgical and / or postsurgical care (Effective July 8, 2009)
 - e. Medical clinic (Effective July 8, 2009)
 - f. Restaurant including delicatessen, ice cream parlor, and sit down restaurant (Effective July 8, 2009)
 - g. Gas station (Effective July 8, 2009)
 - h. Repair garage (In the Shore Road Business A District, a repair garage may include up to three (3) vehicles at any time for sale) (Effective July 8, 2009)
 - i. Institutional use including, but not limited to, church, government use, and school use (Effective July 8, 2009)
 - j. Day Care facility (Effective July 8, 2009)
 - k. Cottage industry manufacturing (Effective July 8, 2009)
 - l. Bed and Breakfast (Effective July 8, 2009)
 - m. Boat repair Facility (in the Ocean House Road Business A District only), subject to the provisions of Sec. 19-8-9, Boat Repair Facility Standards (Effective July 8, 2009)
 - n. Wind energy system (Effective October 8, 2008)
 - o. Short Term Rental (Effective December 14, 2012)