

# EXHIBIT C

## Zoning By-Law Amendment: Regulation of Used Vehicle Sales (Sections 3.4 & 6.5)

**To amend the Wilbraham Zoning By-Law in the following manner:**

**A. Amend Section 3.4. (Table One: Schedule of Use Regulations), subsection 3.4.5.20 (Retail Sales of Automobiles and Trucks), as shown below:**

TABLE ONE: SCHEDULE OF USE REGULATIONS												
BY-LAW NUMBER	LAND USE CLASSIFICATION WITH APPLICABLE STANDARDS & CONDITIONS	ZONING DISTRICT										
		R15	R26	R34	R40	R60	RMD	NO	NS	AC F	GB	IPG
3.4.5.20	Retail sales of automobiles and trucks, subject to the restrictions in Section 6.5	N	N	N	N	N	N	N	N	N	PB	PB
	A. <u>New automobile and truck sales</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>
	B. <u>Used automobile and truck sales (Section 6.5.11)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>ZBA</u>	<u>ZBA</u>

**B. Amend Section 6.5 (Retail Sales of Automobiles and Trucks), as shown below:**

### Section 6.5 RETAIL SALES OF AUTOMOBILES AND TRUCKS

Retail sales by a franchised dealer of new automobiles and new trucks are permitted in GB Districts when authorized by a Special Permit issued by the Planning Board acting as the Special Permit Granting Authority subject to the following restrictions:

- 6.5.1 Subject to all of the applicable general findings required in Section 13.6.5.
- 6.5.2\* Retail sales of used automobiles and used trucks are only permitted as an ancillary use to a new automobile and truck dealership except as provided in Section 6.5.11.
- 6.5.3 ~~Notwithstanding the provisions of Section 6.3 of the Zoning By Law, n~~No special permit shall be issued unless said lot has a minimum lot frontage of three hundred (300) feet on a public way; a minimum lot area of two hundred thousand (200,000) square feet and an average depth of at least four hundred

(400) feet. In addition, at least twenty-five (25) percent of the total area of said lot shall remain unoccupied by buildings, storage or parking.

- 6.5.4 No special permit shall be issued unless a building is constructed or located on said lot which consists of at least one thousand (1,000) square feet of ground space utilized for the purpose of displaying new automobiles or trucks, and aggregate ground floor space of at least seventy-five hundred (7500) square feet. Repairs of new and used automobiles and trucks shall take place inside of said building.
- 6.5.5 Indoor display of automobiles and trucks is permitted as a principal use, without limitation as to the number of units.
- 6.5.6 Outdoor display of automobiles and trucks is permitted as a principal use provided that no automobiles or trucks shall be displayed or stored within the front yard, side yard or rear yard setback requirements. If said lot abuts against a residential zone, said storage or display of automobiles and trucks shall be effectively screened from view from said adjacent residential district by a natural or artificial barrier in accordance with Section 10.2 of said Zoning By-Law.
- 6.5.7 No such special permit shall be granted unless the following additional conditions are met:
- A. No retail sales of gasoline to the general public shall be permitted;
  - B. Off-street loading and unloading shall be required at all times;
  - C. All signs shall conform to Section 12 of said Zoning By-Law and in addition no flags, banners, ribbons, and similar advertising and display devices shall be permitted;
  - D. There shall be at least one separate entrance and exit divided by a traffic island, unless otherwise required by the Special Permit Granting Authority;
  - E. The site plan shall contain adequate provisions for customer parking.
  - F. Outdoor lighting shall be designed to improve visibility, safety and a sense of security, while minimizing energy use, operating costs, glare and light pollution. Outdoor lighting shall be designed to prevent misdirected or excessive artificial light. Building areas shall not be floodlit. Roadways, parking areas, walkways, and other public areas shall be illuminated only by properly positioned, high-efficiency, "full-cutoff shielded" lighting fixtures not higher than twenty (20) feet in height. Lighting after business hours shall be limited to lighting necessary for security purposes.
- 6.5.8 All open air surface parking areas shall be landscaped in the following manner:
- A. Parking areas with a capacity of twenty-five (25) parking spaces or less shall be excluded from the provisions of this subsection;
  - B. Parking areas with a capacity of more than twenty-five (25) spaces shall have a minimum of two (2) percent of the gross parking area devoted to landscaped open space. All such landscaped areas must both: (1) contain

live shade and/or ornamental trees with adequate spaces being left unpaved for their growth, and (2) place such landscaped areas so they are not contiguous to the edge of parking lot;

- C. These landscaped areas must be in addition to the front, rear, and side yard setbacks required by this Zoning By-Law.

6.5.9 The sound pressure level measured at one thousand cycles per second (1,000 CPS) on the lot lines will not exceed eighty decibels (80 dB) during normal working hours or seventy decibels (70 dB) at other times. Measurements will be made with a sound level meter and associated octave sound filter manufactured in accordance with the American Standards Association.

6.5.10 All other provisions of the Zoning By-Law shall apply except as expressly modified herein.

**6.5.11** Small-scale retail sales of used automobiles and used trucks is permitted in the GB and I-POP-GB Districts when authorized by a Special Permit issued by the Zoning Board of Appeals acting as the Special Permit Granting Authority. The intent of this section is to support small-scale used vehicle sales businesses that are primarily marketed through internet sales and ancillary to existing automobile-related business. Special permits are subject to the following restrictions:

- A. Subject to all of the applicable general findings required in Section 13.6.5.
- B. Special permit issued under this section shall be limited to the applicant and are not transferable without a new or amended special permit from the Zoning Board of Appeals.
- C. Retail sales of used automobiles and used trucks not ancillary to retail sales of new automobiles and trucks are permitted only as an ancillary use to the following automobile-related uses: Motor vehicle repair services (3.4.5.16), Motor Vehicle Rental Service (3.4.5.24), Auto Body Shop (3.4.5.26), and Motor vehicle towing and transportation business (3.4.6.8).
- D. No special permit shall be issued unless said lot has a minimum lot area of forty thousand (40,000) square feet.
- E. No special permit shall be issued unless a building with a permanent foundation is constructed or located on said lot which consists of at least three thousand (3,000) square feet of gross floor area. Repairs of automobiles and trucks shall take place inside of said building.
- F. No retail sales of gasoline to the general public shall be permitted.
- G. Off-street loading and unloading shall be required at all times.
- H. All signs shall conform to Section 12 of said Zoning By-Law and in addition no flags, banners, ribbons, and similar advertising and display devices shall be permitted.
- I. The site plan shall contain adequate provisions for parking for all uses on the site including the primary use and customer parking.

- J. Indoor display of automobiles and trucks is permitted without limitation as to the number of units.
- K. Outdoor display of automobiles and trucks is permitted provided that no automobiles or trucks shall be displayed or stored within the front yard, side yard or rear yard setback requirements. Outdoor display of automobiles and trucks for sale is limited to 5 vehicles and shall be on a paved surface. No outside display of vehicles for sale is permitted after business hours of the primary business; vehicles must be stored inside overnight.
- L. Landscaping is required for all special permits issued under this section whether new construction is proposed or not. If said lot abuts against a residential zone, storage or display of automobiles and trucks shall be effectively screened from view from said adjacent residential district by a natural or artificial barrier in accordance with Section 10.2 of said Zoning By-Law. Landscaping is required in the front, side, and rear yards per Sections 6.3, 7.4, and 10.2.
- M. Outdoor lighting shall be designed to improve visibility, safety and a sense of security, while minimizing energy use, operating costs, glare and light pollution. Outdoor lighting shall be designed to prevent misdirected or excessive artificial light. Building areas shall not be floodlit. Roadways, parking areas, walkways, and other public areas shall be illuminated only by properly positioned, high-efficiency, "full-cutoff shielded" lighting fixtures not higher than twenty (20) feet in height. Lighting after business hours shall be limited to that necessary for security purposes.

3/12/2025

File Name: Exhibit C-Used Cars