7.2.13(a) *Motor vehicle repair garage.* A special permit may be granted by the city council for a motor vehicle repair garage subject to the following conditions:

1. Said property is located in a BG, BH, BE or IG district.

2. Access and egress points shall be well defined and have sufficient width. Fourteen feet of access onto the property for safety purposes shall be shown on plans in accordance with this ordinance.

3. All repairs shall be conducted inside a permanent building, which meets all state building code requirements for the use.

4. The entire off street parking area must be paved and a perimeter curb or barrier must be provided to prevent encroachment of the vehicles for sale into the required setback and landscaped areas. This section must be met prior to receiving the special permit.

5. The maximum number of motor vehicles for repair on a lot shall be the number which is the result of dividing the usable square footage of repair area by 310 to include allowance for setbacks and access.

6. Adequate parking spaces for vehicles being repaired, customers and employees parking must be provided in off-street parking spaces as follows:

   a. Four spaces for every service bay; and

   b. Two spaces for each three employees in the maximum working shift. The employee and customer parking shall be clearly designated and shall not be used for the parking, storage, or display of motor vehicles being repaired.

7. All motor vehicle repair garages shall buffer the activities from adjacent parcels by landscaping or other buffering materials. Preferred materials shall be decorative fencing and/or vegetative material to beautify the property. Landscape plans shall be forwarded to the planning department for review.

8. All outdoor lighting shall be directed so that it does not shine or spill onto adjacent properties.

9. All facilities issued a special permit pursuant to this section shall utilize a bulk waste container in compliance with chapter 74 of the City of Holyoke Code of Ordinances, the location of which shall be displayed on the site plan.

10. No outdoor stock piling of parts shall be permitted

11. All signage must be in accordance with standards set forth in the City of Holyoke Zoning Ordinance.

12. All owners and lessees or tenant of properties under this section, must comply with section 22-131 of the Holyoke Code of Ordinances and with all other state and local regulations, including, but not limited to those in relation to parking on sidewalks, snow removal into public ways, and utilizing public property.

13. The architectural appearance and functional plan of the building and site may not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

14. When other uses exist on the property, the entire property must comply with all relevant ordinances for each use.

15. *Application.* The following documents must be provided at the time of the special permit application:

a. Completed application and fee.

b. Proof of registration with the Massachusetts Department of Environmental Protection as a hazardous waste generator in accordance with section 22-131 of the Holyoke Code of Ordinances.

c. *Five copies of site plan drawn to scale.* These plans shall include the following:

i. Parking layout plan showing off street parking spaces for vehicles to be repaired, employees, and customers.

ii. Total lot area in square feet and proposed coverage area.

iii. Lighting, drainage, bulk waste container (dumpster) location, and landscaping or buffer plans.

iv. Location of landscaping and buffering.

d. All departments will be given at least 21 days, after the application is received by the city clerk and forwarded, to respond to the city council.

e. A report from the planning department, declaring the maximum number of vehicles allowed must be provided at the time of the public hearing.

16. *Review procedure.* Once the application is received by the city clerk, a copy of the application shall be forwarded to the planning department, health department, building department, and fire department for review. The application will not be considered complete until the application packet (including drawings, department head comment letters, and inspections) are complete and have been reviewed by the planning department. Once the application is deemed complete it will be submitted to the city council. A public hearing for the special permit shall be held in accordance with section 9.3 of the city zoning ordinance.

17. *License required.* After receiving a special permit from the city council, a license to operate the motor vehicle repair garage for one year must be obtained from the license commission.

18. A new special permit must be obtained in accordance with this section when there is any change in the owner, lessee, tenant or in the location of the business.

19. Any violation of any provision of this ordinance shall result in penalties as prescribed by the City of Holyoke Code of Ordinances, and local, state and federal laws, up to and including, revocation of the license.

20. *Fees.* The fee for such special permit shall be $250.00 per applicant.

Date Revised: March 9, 2015

Motor Vehicle Repair Garage
Special Permit Application Checklist

The following must be provided at the time of application:

- ☐ Completed application and non-refundable fee of $200.00
- ☐ Proof of registration with the Massachusetts Department of Environmental Protection (1 Winter Street. Boston (617 292-5500 or visit www.mass.gov/dep) as a hazardous waste generator in accordance with Section 22-131 of the Code of Ordinances.
- ☐ Letter from Treasurer and Tax Collector stating that the person(s) and property(s) named herein have no uncollected taxes, fines, and fees or other charges owning to the City of Holyoke.
- ☐ (If applicable) If applicant is not the owner of the building, a letter from the owner of the property acknowledging that they are aware of, and are in support of, the Special Permit request
- ☐ Five copies of the site plan drawn to scale. These plans should include the following:
  - Parking layout plan showing off street parking spaces for vehicles to be repaired, employees and customers
  - Total lot area in square feet and proposed coverage area
  - Lighting, drainage, bulk waste container (dumpster) location, and landscaping or buffer plans
  - Location of landscaping and buffering
  - If more than one motor vehicle use exists on the property, include on the plan the portion of the property devoted to each use, including the parking spaces dedicated to each use

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- ✓ All departments will be given at least 21 days, after the application is received by the City Clerk and forwarded to appropriate departments, to respond to City Council
- ✓ A report from the Planning Department, declaring the maximum number of vehicles allowed must be provided at the time of the public hearing
- ✓ The applicant is responsible for paying the cost of advertising the public hearing

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Please note:

All Special Permits are subject to a 20 day appeal period. Therefore, after the full City Council votes on the Special Permit the 20 day appeal period begins.
(According to MGL Ch. 40A, Sec. 11: A special permit...shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time...is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. After Special Permit has been approved favorably by the full City Council)

- ☐ (*After the 20 day appeal period is over*) applicant must file the Special Permit at the Hampden County Registry of Deeds.
- ☐ After receiving a special permit from the city council, and recording it with the Registry of Deeds, a license to operate the motor vehicle repair garage for one year must be obtained from the license commission, as well as any other necessary business permits and/or licenses.

Sec. 22-131. - Repairman license; inspection of premises and records; registration as hazardous waste generator.

(a) *License required.* No person shall engage in business as a repairman unless said person holds the necessary license issued by the license board.

(1) A *repairman* shall be defined as any person who is principally engaged in the business of repairing, altering, reconditioning, equipping or towing motor vehicles or trailers for the public and who maintains an established place of business, as defined in M.G.L.A. c. 90, § 1.

(2) For purposes of this section, those engaged in autobody painting and autobody repair shall be classified as a repairman.

(b) *License fees.* The license board shall establish uniform and reasonable fees pursuant to M.G.L.A. c. 40, § 22F.

(c) *Rules and regulations.* The license board may prescribe reasonable rules and regulations pertaining to a repairman's license as the license board deems necessary.

(d) *Inspections.* The license board or such person as it may designate, or the chief of police, may enter upon any premises used by any person licensed under this section to ascertain how he conducts same and examine all books, papers and inventories related thereto.

(e) *Registration as hazardous waste generator.* All applicants for a motor vehicle repair license must register with the state department of environmental protection in accordance with Code of Massachusetts Regulations 310 CMR 30.061(1). Proof of registration must be presented to the license commission, with a copy to the ordinance committee of the city council prior to the issuance of the license.

(Ord. of 12-18-07 [5th amd.], § 1)