

TOWN OF SUSSEX, N.B.

**ZONING BY-LAW AMENDMENT
BY-LAW # 1350-04-13**

The Council of the Town of Sussex, under authority vested in it by Section 39 of the Community Planning Act, amends the Zoning By-Law #1350-04 enacted on the 20th day of December, 2004, and enacts as follows:

Schedule "A" of the Town of Sussex Zoning By-Law #1350-04 is amended by rezoning a parcel of land located on the east side of Eveleigh Street, having P.I.D. # 30205876 on G.I.C. Map # 10R29NE as shown on the attached Schedule "A-11", from an Industrial - Light Zone ("IL") to an Industrial - Light Zone ("IL") permitting a motel with terms and conditions.

READ FIRST TIME BY TITLE	<u>APRIL 7, 2008</u>
READ SECOND TIME BY TITLE	<u>APRIL 7, 2008</u>
READ IN ENTIRETY	<u>APRIL 21, 2008</u>
THIRD READING BY TITLE AND ENACTED	<u>APRIL 21, 2008</u>

PAUL I. MAGUIRE
TOWN CLERK

RALPH A. CARR
MAYOR

TOWN OF SUSSEX, N.B.

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TERMS AND CONDITIONS

WHEREAS, by resolution of the Council of the Town of Sussex, the proposed rezoning a parcel of land on the east side of Eveleigh Street as shown on the attached Schedule "A-11", dated February, 2008, be subject to terms and conditions and the use of said property be pursuant to Section 39 of the Community Planning Act for a motel;

AND WHEREAS, under Section 39 of the Community Planning Act, upon rezoning said property shall not be developed or used except in accordance with the following terms and conditions:

1. Definitions:

"motel" means a building providing temporary accommodations for travelers or transients on a year-round basis and may have a public dining room and convention room;

"office" means any building or part of a building in which one or more persons are employed in the management, directing, or conducting an agency or business; and

"screening" means anything which shelters, conceals or protects and includes a berm, hedge, row of trees or fence.

2. The land use for this parcel of land is for a motel.

3. The developer is required to have approval from the Planning Advisory Committee, prior to the issuance of a building permit, of a landscape plan for the development of this property.

The landscape plan for this development shall include:

- (a) a grassed boulevard, three (3) metres in width, along the property line which affronts the street;
 - (b) a grassed boulevard, three (3) metres in width, adjacent all parking areas;
 - (c) street trees planted at ten (10) metres centers in all boulevard areas;
 - (d) a minimum of one (1) tree per five (5) parking spaces planted in the grassed area of a parking lot; and
 - (e) a minimum height of each tree shall be twenty-four hundred millimeters (2400 mm) above grade.
4. The developer is required to have approval from the Planning Advisory Committee, prior to the issuance of a building permit, of a parking lot plan for this development.

The parking lot plan for this development shall include paved parking spaces and shall adhere to the following regulations regarding parking spaces:

- (a) there shall be one (1) parking space for each motel room unit;
- (b) there shall be one (1) parking space for every ten (10) metres of gross floor area for a public dining room or convention room; and
- (c) each parking space shall be an area of not less than six (6) metres in length and not less than two point seventy-five (2.75) metres in width and shall be readily accessible from the nearest street.

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5. The illumination lights on this property shall be directed away from any adjacent properties and the parking lot light standards shall have a maximum height of six (6) metres.
6. The developer is required to have approval from the Planning Advisory Committee, prior to the issuance of a building permit, for signage pertaining to this development.

The developer shall adhere to the following signage regulations for this development:

- (a) a fascia sign placed flat against the front of a building indicating the ownership or nature of the business carried on therein provided the gross surface area of such sign does not exceed five point five (5.5) square metres for either an illuminated or non-illuminated sign with lettering not exceeding thirty-six (36) centimetres in height;
- (b) an illuminated free-standing sign not exceeding seven (7) square metres in gross surface area and the maximum height of the free-standing sign shall not exceed eleven (11) metres; and
- (c) a mural is permitted subject to terms and conditions imposed by the Planning Advisory Committee.