

**ZONING BY-LAW AMENDMENT**

**BY-LAW # 1350-04-17**

The Council of the Town of Sussex, under authority vested in it by Section 34 of the Community Planning Act, amends Zoning By-Law #1350-04 enacted on the 20<sup>th</sup> day of December, 2004, by Section 39 of the Community Planning Act and enacts as follows:

Schedule "A" of the Town of Sussex Zoning By-Law is amended by rezoning a parcel of land located on the South side of Main Street with civic address of 363 Main Street and having P.I.D. # 30256648 on GIC Map # 10R-19NE from a Single and Two-Family Residential and Up to and Including Six-Family Residential ("R3") zone to a Single and Two-Family Residential and Up to and Including Six-Family Residential ("R3") zone permitting a personal service shop, retail store, apartments and business office with the area as shown on the plan Schedule "A-4", dated September, 2008, with the attached terms and conditions.

READ FIRST TIME BY TITLE	<u>OCTOBER 27, 2008</u>
READ SECOND TIME BY TITLE	<u>OCTOBER 27, 2008</u>
READ IN ENTIRETY	<u>NOVEMBER 24, 2008</u>
THIRD READING BY TITLE AND ENACTED	<u>NOVEMBER 24, 2008</u>

PAUL I. MAGUIRE  
TOWN CLERK

RALPH A. CARR  
MAYOR

## ZONING BY-LAW AMENDMENT

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### TERMS & CONDITIONS

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WHEREAS, by resolution of the Council of the Town of Sussex, the proposed rezoning of land on the South side of Main Street as shown on the attached Schedule "A-13", dated September, 2008, be on terms and conditions and the use of said property be pursuant to Section 39 of the Community Planning Act and be limited to a personal service shop, retail store, apartments and a business office.

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.

#### 1.0 DEFINITIONS

- a) *"business office"* means any building or part of a building in which one or more persons are employed in the management, directly or conducting of an agency, business, brokerage, labour or fraternal organization; but does not include such uses as retail sales, manufacture, assembly or storage of goods or places of assembly or amusement;
- b) *"dwelling unit"* means a room or suite of two or more rooms designed or intended for use by an individual or family in which kitchen and sanitary conveniences provided for the exclusive use of such individual or family;
- c) *"fascia sign"* means a sign placed flat against the face of a building and projecting no more than 0.5 metres;
- d) *"line of vision of triangle"* for corner lots is defined as the triangular area formed by the intersecting street property lines and line joining the points 9.0 metres from the intersection of said lines;

- e) ***“parking space”*** shall be:
  - (i) an area of not less than 6 metres in length and not less than 2.75 metres in width, and
  - (ii) readily accessible from the nearest street;
- f) ***“personal service shop”*** means an establishment providing personal grooming services and includes a barber shop, a beauty salon a hairstylist and aesthetician or massage therapist;
- g) ***“retail store use”*** is limited to a home decorating shop with crafts and decorations.

## **2.0 SPACE ALLOCATION**

The structure on this property may contain a space for a personal service shop, retail store, an office, and one (1) dwelling unit on the ground floor while one (1) dwelling shall occupy the second floor.

## **3.0 STORAGE**

The storage in the structure on this property shall be for goods required directly for a personal service shop, retail store or office and no other trade and/or other goods shall be permitted to be stored on this property.

## **4.0 PARKING SPACES**

This lot shall provide for nine (9) parking spaces with a two (2) meter landscape buffer adjacent the southern boundary line for the proposed uses in the structure on this lot and the access to the parking spaces shall be off Essex Street.

**5.0 LINE OF VISION OF TRIANGLE**

In the line of vision of triangle, no building, structure, fence, shrub or tree foliage may be placed in the line of vision of triangle on the northwest corner of this lot.

**6.0 SIGNAGE**

The signage on this property shall be located on the structure and shall be limited to one (1) non-illuminated sign per business.

The maximum size of a sign shall be 0.75 square metres.

**7.0 BUILDING EXTERIOR**

The residential facial exterior of the building shall remain as it is presently and not be altered.