

**TOWN OF SUSSEX, N.B.**

**ZONING BY-LAW AMENDMENT**

**BY-LAW # 1350-10-12**

The Council of the Town of Sussex, under authority vested in it by Section 34 of the Community Planning Act, amends the Zoning By-Law #1350-10 enacted on the 21<sup>st</sup> day of March, 2011, by Section 39 of the Community Planning Act and enacts as follows:

Schedule "A" of the Town of Sussex Zoning By-Law #1350-10 is amended by rezoning a parcel of land located on the south side of Main Street as shown on the attached Schedule "A-11", dated February 2013, having P.I.D's. # 00268375 and #30169726, from a Single Family Residential ("R1") to Highway Commercial ("HC") permitting an "Office", or a "Retail Store", or "Health Service Business" with terms and conditions.

READ FIRST TIME BY TITLE	<u>APRIL 15, 2013</u>
READ SECOND TIME BY TITLE	<u>APRIL 15, 2013</u>
READ IN ENTIRETY	<u>MAY 16, 2013</u>
THIRD READING BY TITLE AND ENACTED	<u>MAY 16, 2013</u>

PAUL I. MAGUIRE  
TOWN CLERK

MARC THORNE  
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 of a parcels of land on the south side of Main Street, as shown on the attached Schedule "A-11", dated February 2013, be subject to terms and conditions and the use of said property be pursuant to Section 39 of the Community Planning Act for an "Office", or a "Retail Store" or a "Health Service Business";

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:

*"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,

*"retail store"* means a building or part thereof, where goods, wares, merchandise, substances, articles or things are kept for sale by retail directly to the public, but not including an adult bookstore or adult video as defined in By-law 1350-10 and amendments hereto; and,

*"health service business"* 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 in the delivery of modern health care by one or more trained professionals and paraprofessionals including professionals in medicine, nursing, dentistry, allied health, public health practitioners, community health workers, therapy practitioners, and assistive personnel who systematically provide personal and population-based preventative care services.

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

2. The Developer agrees to undertake consolidation of PID's #00268375 and #30169726 by subdivision plan to register the lands as one land parcel.
3. The land use for this parcel of land is to be an *“Health Service Business”* or *“Office”* or *“Retail Store”* subject to the following:
  - a. that the Health Service Business use be limited to the ground floor area of this structure;
  - b. that no trade and / or goods other than those required directly for the purposes of an Health Service Business be stored on site.
4. The Developer is required to obtain approval from the Planning Advisory Committee, prior to the Town issuing a building permit, for a parking lot plan for this development.
5. The Developer is required to obtain approval from the Planning Advisory Committee, and prior to the Town issuing a building permit, of a landscape plan for the changes in development of this property and subject to the provisions of:
  - a. maintaining the grassed boulevard, three (3) metres in width, along the property line which affronts Main Street;
  - b. a grassed boulevard, three (3) metres in width, adjacent all parking areas;
6. The parking lot plan for this development shall include asphaltic concrete paved parking spaces and shall adhere to the following regulations regarding parking spaces:
  - a. there shall be four (4) parking spaces for the office and one loading and unloading space;

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- b. 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.
7. The illumination lights on this property shall be directed away from any adjacent properties and the parking lot light standards, if so used, shall have a maximum height of six (6) metres.
8. The Developer is required to obtain approval from the Planning Advisory Committee, and prior to the Town issuing a building permit, for signage pertaining to this development and adhering to the following signage allowances 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 or non-illuminated free-standing sign not exceeding three (3) square metres in gross surface area and the maximum height of the free-standing sign shall not exceed three (3) metres; and
  - c. the illumination of any free standing sign shall cease at 23:00 hours daily, and;
  - d. a mural is permitted subject to terms and conditions imposed by the Planning Advisory Committee.
9. The residential appearance of the exterior of the building shall remain as it presently exists and shall not be altered.

# ZONING PLAN BY-LAW AMENDMENT BY-LAW # 1350-10-12

N.B. GRID NORTH

WESTERN STREET

30216873

00268326

00108951

PROPERTY IDENTIFICATION  
NUMBER 30169726 & 00268375 IS AMENDED  
FROM SINGLE AND TWO FAMILY  
RESIDENTIAL "R2"  
TO HIGHWAY COMMERCIAL "HC"  
ON THE ZONING MAP  
OF THE TOWN OF SUSSEX

00268391

00268433

MAIN STREET

30169726

00268375

00268334

00268342

00261412

00261404

30173876

00259754

CEDAR AVENUE

00268409

00261420

FLORAL AVENUE

00261388

30174320  
30174358

00104513

00269712

00259747

00259739

00261396

30018659

00259721

00259713

00261370

00261354

00259705

00261362

00263335

00269761

00261347

SPRUCE STREET

00259606

30283667

00263343

00269720

30145825

00259549

00261305

00263327

SCHEDULE "A-11"  
FEBRUARY 2013