

ZONING BY-LAW AMENDMENT

BY-LAW # 1350-10-25

The Council of the Town of Sussex, under authority vested in it by Section 34 of the Community Planning Act, amends Zoning By-Law #1350-10 enacted on the 21st 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 is amended by rezoning a parcel of land located on the north side of Main Street with civic address of 448 Main Street and having P.I.D. #30242754 from a Single and Two-Family Residential and Up to and including Six-Family Residential ("R3") zone to a Highway Commercial ("HC") zone permitting a retail store, a business office, office, a health service business, personal service shop, restaurant, repair service shop, veterinary services, or dwelling unit in the area as shown on the plan Schedule "A-23", dated November, 2015, with the attached terms and conditions.

READ FIRST TIME BY TITLE	<u>January 18, 2016</u>
READ SECOND TIME BY TITLE	<u>January 18, 2016</u>
READ IN ENTIRETY	<u>February 22, 2016</u>
THIRD READING BY TITLE AND ENACTED	<u>February 22, 2016</u>

PAUL I MAGUIRE
TOWN CLERK

MARC THORNE
MAYOR

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TERMS & CONDITIONS

WHEREAS, by resolution of the Council of the Town of Sussex, the proposed rezoning of land on the north side of Main Street as shown on the attached Schedule "A-23", dated November, 2015, be on terms and conditions and the use of said property be pursuant to Section 39 of the Community Planning Act and be limited a retail store, a business office, office, a health service business, personal service shop, restaurant, repair service shop, veterinary services, or dwelling unit.

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

- a) *"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, Town of Sussex Zoning By-Law.
- b) *"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;
- c) *"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;
- d) *"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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- e) *“personal service shop”* means an establishment providing personal grooming services or clothes cleaning services, and includes a barber shop, a health salon, a dry-cleaning depot, a laundry and a shoeshine and repair services but does not include permitted uses under home occupations;
- f) *“restaurant”* means a building or part thereof where food is prepared and served and is consumed by the public either in the building or is prepared, packaged and sold for consumption elsewhere and includes a cafeteria, coffee shop or a tea room, but excludes a drive-in or drive-through on site.
- g) *“repair service shop”* means a building or part thereof in which household items are repaired or cleaned, but not manufactured or where various household services are offered, such as locksmiths, pest control services, or chimney cleaning;
- h) *“veterinary services”* means the provision of services for purposes of consultation, diagnosis and treatment of animals, not including horses or cattle and the necessary boarding thereof, and may also include the retailing of pet supplies;
- i) *“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;
- j) *“fascia sign”* means a sign placed flat against the face of a building and projecting no more than 0.5 metres;
- k) *“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;

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2) SPACE ALLOCATION

The structure on this property may contain a space a retail store, a Business office, an office, or a health service business, personal service shop, restaurant, repair service shop, veterinary services, and one (1) dwelling unit in this structure, and;

3) WATER AND SEWER SERVICE

The building shall be served with one (1) water and sewer service and the water service shall be metered complete with the installation of a testable backflow prevention device installed solely at the property owner's expense. For the purposes of billing each dwelling and / or business unit shall be charged separately for both water service and sewer services and billed directly to the property owner of PID 30242754.

4) STORAGE

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

5) PARKING SPACES

This lot shall provide four (4) parking space, one (1) additional parking space designated and marked as accessible, and one (1) loading and unloading space for the proposed uses in the structure located off street on the lot with unencumbered ingress and egress to the parking spaces provided off Main Street conforming to Section 340 of By-law 1350-10 and the parking area for this development shall include asphaltic concrete paved parking spaces.

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Any 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.

6) SIGNAGE

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:

The signage on this property shall be limited to:

- a) one (1) fascia sign located on the structure having a maximum area of the sign shall be 5.50 square metres placed flat against the front of a building indicating the ownership or nature of the business carried on therein for either an illuminated or non-illuminated sign with lettering not exceeding thirty-six (36) centimetres in height;
- b) One (1) illuminated free standing sign located no closer than three (3) metres to a street right-of-way on the property having a maximum size of a sign limited to three (3) square metres with lettering not exceeding thirty-six (36) centimetres in height and an overall sign height not exceeding three (3) metres.
- c) the illumination of any free standing sign shall cease at 23:00 hours daily, and;
- d) a mural may be permitted subject the approval of the Planning Advisory Committee with reasonable terms and conditions that may be imposed by the Planning Advisory Committee.

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7) BUILDING EXTERIOR AND LOT

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

The Developer is required to obtain approval from the Planning Advisory Committee, and prior to the Town issuing a building permit for changes to the existing landscape areas, of a landscape plan for any changes in development of this property subject to the provisions of:

- a. maintaining the existing grassed boulevard, two (2) metres in width, along the property line which affronts Main Street;
- b. maintaining the existing grassed boulevard on the eastern property boundary of three (3) metres in width.
- c. maintaining the existing privacy fencing on the western and northern property lines adjacent and abutting all residential properties.

