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ZONING BY-LAW AMENDMENT

BY-LAW # 1350-10-27

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:

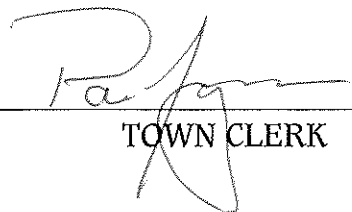
Schedule "A" of the Town of Sussex Zoning By-Law is amended by rezoning a parcel of land located on the south side of Main Street with civic address of 803 Main Street and having P.I.D. #30243919 from a Single and Two-Family Residential ("R2") zone to a Highway Commercial ("HC") zone permitting a restaurant, in the area as shown on the plan Schedule "A-24", dated July, 2017, with the attached terms and conditions.

READ FIRST TIME BY TITLE September 18, 2017

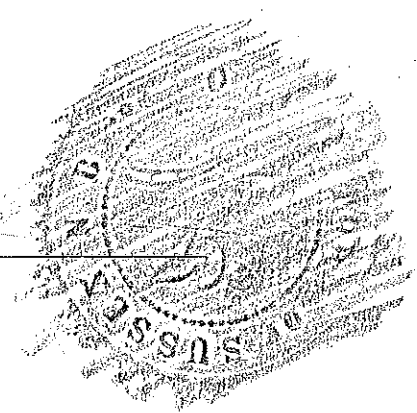
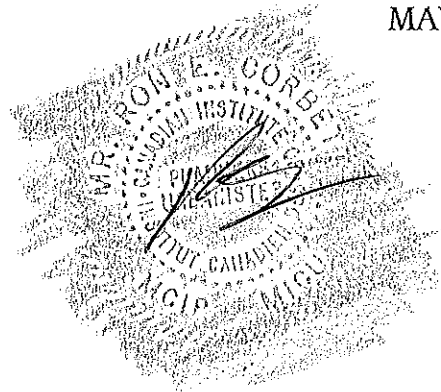
READ SECOND TIME BY TITLE September 18, 2017

READ IN ENTIRETY October 23, 2017

THIRD READING BY TITLE AND ENACTED October 23, 2017


TOWN CLERK


MAYOR



ZONING BY-LAW AMENDMENT

BY-LAW # 1350-10-27

TERMS & CONDITIONS

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-24", dated July, 2017, 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 restaurant.

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) *"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.
- b) *"fascia sign"* means a sign placed flat against the face of a building and projecting no more than 0.5 metres;
- c) *"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;

2) SPACE ALLOCATION

The structure on this property may contain a space for a restaurant, and amenities used to serve the patrons of the establishment;

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

ZONING BY-LAW AMENDMENT

BY-LAW # 1350-10-27

TERMS & CONDITIONS

backflow prevention device installed solely at the property owner's expense. For the purposes of billing the business unit shall be charged separately for both water service and sewer services and billed directly to the property owner of PID 30243919.

4) STORAGE

The storage in the structure on this property shall be for goods required directly for a restaurant and no other trade and / or other goods shall be permitted to be stored on this property.

5) PARKING SPACES

This lot shall provide the following parking spaces servicing the main floor level;

- 14 spaces, as well as four (4) additional parking space designated and marked as accessible, and one (1) loading and unloading space for the proposed uses in the structure,
- 8 additional spaces if the deck areas of the main floor are used as part of the restaurant,
- 12 additional spaces to be added for the expansion of the facility into the second floor,
- All spaces shall be 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.

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.

ZONING BY-LAW AMENDMENT

BY-LAW # 1350-10-27

TERMS & CONDITIONS

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) facia 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.

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

ZONING BY-LAW AMENDMENT

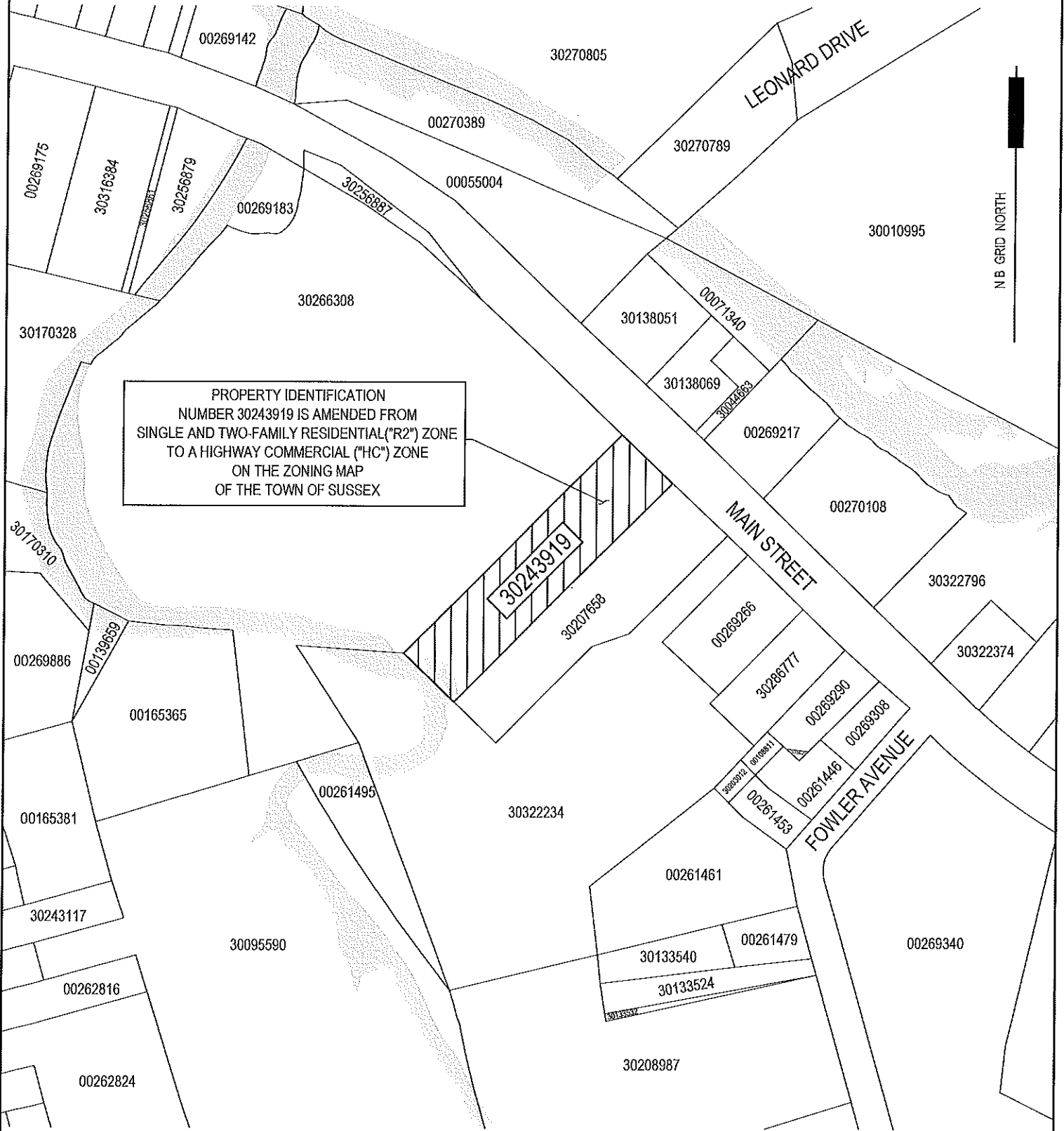
BY-LAW # 1350-10-27

TERMS & CONDITIONS

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 and rear property boundary of three (3) metres in width.
- c. Maintaining the existing privacy fence located on the eastern property boundary.

ZONING PLAN BY-LAW AMENDMENT BY-LAW # 1350-10-27



SCHEDULE "A-24"
JULY 2017

