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2021-09-15
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TOWN OF SUSSEX, N.B.
ZONING BY-LAW AMENDMENT
BY-LAW # 1350-10-39

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 21st day of March 2011, by Section 59 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 north side of St. George Street as shown on the attached Schedule "A-35", dated April 2021, having P.I.D. #00264994, from a Single and Two Family Residential ("R2") to Business Residential ("BR") permitting a "Microbrewery", a "café", a "deli", a "private gym" and / or "Office" in the area as shown on the plan, complete with terms and conditions.

| | |
|---------------------------------------|------------------------|
| READ FIRST TIME BY TITLE | <u>AUGUST 16, 2021</u> |
| READ SECOND TIME BY TITLE | <u>AUGUST 16, 2021</u> |
| READ IN ENTIRETY | <u>AUGUST 23, 2021</u> |
| THIRD READING BY TITLE AND ENACTED | <u>AUGUST 23, 2021</u> |

Jake Olesed
TOWN CLERK

[Signature]
MAYOR

Jennifer Brown
#88454

TOWN OF SUSSEX, N.B.

BY-LAW # 1350-10-39

TERMS AND CONDITIONS

WHEREAS, by resolution of the Council of the Town of Sussex, the proposed rezoning of a parcel of land on the north side of St. George Street, as shown on the attached Schedule "A-35", dated April 2021, be subject to terms and conditions and the use of said property be pursuant to Section 59 of the Community Planning Act for a "microbrewery", a "café", a "deli", a "private gym" and / or "office" in the area as shown on the plan;

AND WHEREAS, under Section 59 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

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

"Microbrewery" means an establishment that manufactures beer, wine, or spirits, or a combination thereof, in the following quantities per calendar year: (a) No more than 500,000 litres of beer; (b) No more than 100,000 litres of wine; and (c) No more than 75,000 litres of spirits. This use may include incidental retail sales including a licensed tasting room. This definition is also used for Distillery.

This instrument purports to be a copy of the original registered or filed in the

Kings
County Registry Office
New Brunswick
2021-09-15
date/date

Exemplaire présenté comme copie conforme à l'instrument enregistré ou déposé au bureau de l'enregistrement du comté de

Kings
Nouveau-Brunswick
41774820
number/numéro

This instrument purports to be a copy of the original registered or filed under the Land Titles Act

2021-09-15
date/date

Exemplaire présenté comme copie conforme à l'instrument enregistré ou déposé en vertu de la Loi sur l'enregistrement foncier

41774812
number/numéro

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2. Permitted Use:

The structure may contain and be used for one or more of the following main uses:

- a. A Microbrewery complete with the necessary indoor storage and warehousing
- b. A business office or meeting rooms,
- c. Office space integral to the administration and operation of the microbrewery,
- d. A Café or deli,
- e. A private Gym,

3. Prohibited use:

- a. A retail outlet involving the incidental sales of beer, wine or sprits including a licensed tasting room at this location is strictly prohibited.

4. Off Street Parking

The development shall contain a minimum of four (4) off-street parking spaces.

5. Water and Sewer Service:

That the structure be served separately with water and sewer.

6. Site Plan:

This development shall conform to the general layout as proposed in the sketch hereto attached as Appendix 1.

- a. that a Development be limited to the areas on the Site Plan;
- b. that a Parking Lot use be limited to the area on the Site Plan approved by the Town of Sussex Planning Advisory Committee;

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- c. that no trade and / or goods other than those required directly for the purposes of a Parking Lot be stored on site.

7. Approvals:

The Developer is required to obtain approval from the Planning Advisory Committee, prior to the Town issuing a building permit, for a lot plan for this development.

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 development of this property and subject to the provisions of these terms and conditions.

8. Parking:

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. 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.

9. Lighting:

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.

10. Signage:

The Developer is required to obtain approval from the Planning Advisory Committee, and prior to the Town issuing a building permit, for signage

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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.



PROPERTY IDENTIFICATION NUMBER 00264994 IS AMENDED FROM "SINGLE AND TWO FAMILY RESIDENTIAL" ZONE TO "BUSINESS RESIDENTIAL" ZONE ON THE ZONING MAP OF THE TOWN OF SUSSEX.

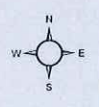
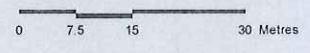
165 St George St, Sussex, NB E4E 1G9
 New Brunswick (PID No.: 00264994)

 Subject Property Boundary  Property Boundary

Town of Sussex Zoning
 By-Law No. 1350-10-39
 Schedule A-35

MAP/DRAWING INFORMATION:
 Imagery 2018

SCALE: 1:1,000



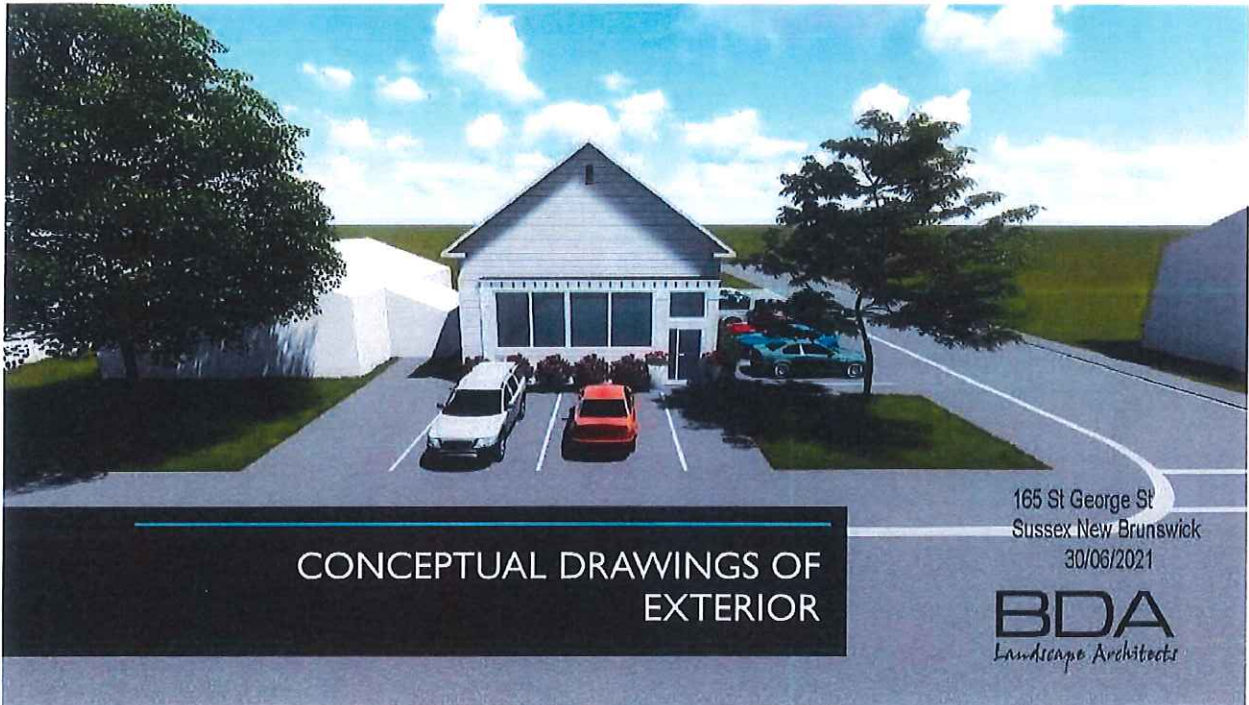
MAP CREATED BY: 51GAM
 MAP CHECKED BY: JB
 MAP PROJECTION: NAD 1983 CSRS New Brunswick Stereographic

DATE: 2021-07-07

TOWN OF SUSSEX, N.B.

APPENDIX 1, BY-LAW # 1350-10-39

SITE PLAN



**CONCEPTUAL DRAWINGS OF
EXTERIOR**

165 St George St
Sussex New Brunswick
30/06/2021

BDA
Landscape Architects

I, Tara Olesen, of the Town of Sussex in the County of Kings and Province of New Brunswick, Town Clerk, DO SOLEMNLY DECLARE

- 1. THAT I am the Town Clerk of the Town of Sussex, a municipal corporation, and have personal knowledge of the facts herein declared;
- 2. THAT the requirements of Sections 110 and 111 of the COMMUNITY PLANNING ACT have been complied with in respect to

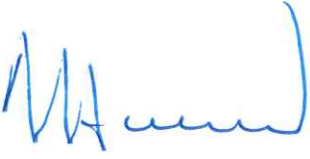
ZONING BY-LAW AMENDMENT, BY-LAW #1350-10-39,

which was passed by the Town Council of the Town of Sussex on


AUGUST 23, 2021;

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at)
 the Town of Sussex,)
 County of Kings and)
 Province of New Brunswick)
 this 27 day of August)
 A.D., 2021.)



 Commissioner Of Oaths
Burza Solicitor



 Town Clerk