

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

**ZONING BY-LAW AMENDMENT**

**BY-LAW # 1350-10-38**

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 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 south side of St. George Street as shown on the attached Schedule "A-34", dated February 2021, having P.I.D. #30022370, from a Single and Two Family Residential including Six-Family Residential ("R3") to Business Residential ("BR") permitting an "Health Service Business" or "Office" together with twelve (12) units of apartment dwellings, in the area as shown on the plan, complete with terms and conditions.

READ FIRST TIME BY TITLE

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READ SECOND TIME BY TITLE

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READ IN ENTIRETY

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THIRD READING BY TITLE  
AND ENACTED

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\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
MAYOR

**Town of Sussex**  
**By-Law # 1350-10-38**  
Terms and Conditions

**TERMS AND CONDITIONS**

**WHEREAS**, by resolution of the Council of the Town of Sussex, the proposed rezoning of a parcel of land on the south side of St. George Street, as shown on the attached Schedule “A-34”, dated February 2021, be subject to terms and conditions and the use of said property be pursuant to Section 59 of the Community Planning Act for an “Health Service Business” together twelve (12) Residential Apartment Units;

**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

*“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.

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

2. Subdivision, that the lands identified as PID 30022370 be subdivided to permit this development.
3. The land use for this parcel of land is to be an *“Health Service Business”* or *“Office”* subject to the following:

**Town of Sussex**  
**By-Law # 1350-10-38**  
Terms and Conditions

- 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.
  - c. That the second and third floors use be limited to six (6) apartment dwelling units on each floor.
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 the church ingress / egress to St. George 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 parking spaces for the office and one loading and unloading space;
  - b. there shall be parking spaces for the residential apartment complex including one handicapped parking space;
  - c. 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.

**Town of Sussex**  
**By-Law # 1350-10-38**  
Terms and Conditions

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.

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