

**ZONING BY-LAW AMENDMENT**

**BY-LAW # 1350-04-19**

The Council of the Town of Sussex, under authority vested in it by Section 34 of the Community Planning Act, amends Zoning By-Law #1350-04 enacted on the 20<sup>th</sup> day of December, 2004, 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 East side of Lowell Street with civic address of 10-12 Lowell Street and having P.I.D. # 261925 on GIC Map # 10R-29SW from a Single and Two-Family Residential ("R2") zone to a Central Business District ("CBD") zone permitting a retail store, an apartment and a business office in the area as shown on the plan Schedule "A-15", dated April, 2009, with the attached terms and conditions.

READ FIRST TIME BY TITLE JUNE 22, 2009

READ SECOND TIME BY TITLE JUNE 22, 2009

READ IN ENTIRETY JULY 20, 2009

THIRD READING BY TITLE  
AND ENACTED JULY 20, 2009

PAUL I. MAGUIRE  
TOWN CLERK

RALPH A. CARR  
MAYOR

## ZONING BY-LAW AMENDMENT

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### TERMS & CONDITIONS

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WHEREAS, by resolution of the Council of the Town of Sussex, the proposed rezoning of land on the East side of Lowell Street as shown on the attached Schedule "A-15", dated March, 2009, be on terms and conditions and the use of said property be pursuant to Section 39 of the Community Planning Act and be limited to a retail store, an apartment and a business office.

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.

#### 1.0 DEFINITIONS

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

- e) *“retail store use”* 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 # 1350-04, Town of Sussex Zoning By-Law.

## **2.0 SPACE ALLOCATION**

The structure on this property may contain a space for a retail store, an office, and one (1) dwelling unit and one (1) office on the second floor.

## **3.0 STORAGE**

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

## **4.0 PARKING SPACES**

This lot shall provide three (3) parking spaces for the proposed uses in the structure on this lot and the access to the parking spaces shall be off Lowell Street.

## **5.0 SIGNAGE**

The signage on this property shall be located on the structure and shall be limited to one (1) non-illuminated sign.

The maximum size of a sign shall be 5.50 square metres.

## **6.0 BUILDING EXTERIOR**

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