

BY-LAW NO. 43-12

**A BY-LAW TO AMEND
THE VILLAGE OF SALISBURY ZONING BY-LAW NO. 43**

- I. Under the authority vested in it by Section 74 of the *Community Planning Act*, the Council of the Village of Salisbury hereby repeals By-law amendment 43-4 enacted on May 11, 2009 and registered at the Westmorland County Registry Office as number 27149484.

- II. Under the authority vested in it by Section 34 and in accordance with Section 39 of the *Community Planning Act*, the Council of the Village of Salisbury amends By-law No. 43, the Village of Salisbury Zoning By-law and enacts the following:
 - 1. The lands having Property Identifiers 01092147 and 01092154 from “RU – Residential Use” zone to “VC - Village Centre” and subject to the terms and conditions imposed in Schedule “B-8a”, attached hereto and forming part hereof, the Resolution registered against the property.

 - 2. The following text is added to **Section 5.1.2 VC Zone (Uses Subject to Terms and Conditions)**:
 - i) sales of equipment classified as “compact, utility, or mini”
 - ii) service station

ENACTED this _____ day of _____, A.D. 2014.

MAYOR
Terry Keating

VILLAGE CLERK
Pamela Cochrane

First Reading _____

Second Reading _____

Third Reading _____

**Schedule B-8a
RESOLUTION**

Terms and Conditions

WHEREAS 3277349 Nova Scotia Ltd (hereafter called Nova International) is the owner of certain Lands, located at 15 and 19 Birkdale Drive and identified by PID #01092147 and PID# 010192154, in Salisbury New Brunswick, hereinafter called the “Subject Lands”;

WHEREAS Nova International is the owner of additional properties located at 3209 Main Street and identified by PID #70266150 and PID #70266135 in Salisbury, New Brunswick, which together with the “Subject Lands” shall be referred to as the “Development”;

AND WHEREAS the Village of Salisbury has rezoned the “Subject Lands”, from RU – Residential Use to VC- Village Centre under By-law No. 43-12, a By-law to Amend By-law No. 43 Village of Salisbury Zoning By-law, passed on _____, subject to the terms and conditions imposed in this resolution;

BE IT RESOLVED that the Council of the Village of Salisbury, pursuant to Section 39 of the *Community Planning Act*, imposes the following terms and conditions on the Development:

1. That prior to any site work and the issuance of a Development Permit, the four (4) lots owned by Nova International, specifically PIDs 70266150, 70266135 01092147, and 01092154 be consolidated into a single lot;
2. That all uses of the “Development” pursuant to this agreement shall conform to the provisions of the Village of Salisbury Zoning By-law No. 43, except as otherwise provided in the terms outlined herein;
3. That landscaping shall be in accordance with section 3.33 of the Zoning By-law No. 43.
4. In addition to clause (3) of this resolution, trees shall be planted along the eastern property line of PID 01092154 and Glendale Drive. Said trees shall be spaced not more than 6m apart and shall be at least 1.5m high at the time of planting.
5. For screening between residential and commercial uses, the developer is required to have a professional landscape plan prepared that includes trees, berms and flower beds. Said plan, to be approved by Council, shall be implemented within one year of the passing of these Terms and Conditions.

Notwithstanding the provisions of Section 39 of the *Community Planning Act*, in the event of a breach by the Developer of any of these terms and conditions, the zoning of the “Subject Lands” in By-law 43-12 shall revert back to the original zoning.