THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 04-038

A BY-LAW TO AMEND THE ZONING BY-LAW FOR 1154 CHEMONG ROAD

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF ENACTS AS FOLLOWS:

1. Section 165 of By-law 97-123 is hereby deleted and substituted with the following:

"SECTION 165

SPECIAL DISTRICT (SP. 135)

165.1 For the purpose of this by-law, land use district "Special District 135" is hereby established and may be referred to as the symbol "SP. 135".

PERMITTED USES

165.2 No person shall within an SP.135 district use any land or erect, alter or use any building or part thereof for any purpose other than:

(a) a department store
(b) a retail establishment for the sale of:
   i) hardware
   ii) new auto parts and accessories
   iii) radio, television, electrical and home appliances
   iv) furniture
   v) shoes and clothing
   vi) dry goods
   vii) jewellery
   viii) optical supplies
   ix) books, magazines and stationery
   x) smoking supplies
   xi) art supplies
   xii) musical instruments
   xiii) floral and horticultural products
   xiv) photographic supplies
   xv) pets
   xvi) paint, wallpaper and decorating supplies
   xvii) sporting goods
   xviii) pharmaceuticals
(c) a retail establishment for the sale of
   i) food
   ii) beer, wine or liquor
   iii) antiques
(d) a convenience retail store
(e) a bakeshop
(f) a retail catalogue sales establishment
(g) an establishment wherein any of the merchandise listed in the foregoing clause (b) may be rented or repaired
(h) a service station or a gas bar
(i) a bank, financial institution or loan company
(k) an office, excluding a veterinary office
(l) a clinic
(m) a personal service establishment
(n) a dry-cleaning establishment - Class 2
(o) a studio or craft workshop
(p) an art school, music school, dance school or fine arts school
(q) a library, museum or art gallery
(r) a restaurant  
(s) an auditorium  
(t) a bowling alley  
(u) a place of entertainment  
(v) a gymnasium or health club  
(w) a taxi stand  
(x) a sub-post office  
(y) place of assembly  
(z) a club house or lodge hall  
(aa) a church  
(ab) a place of amusement

REGULATIONS

165.3 No person shall within an SP.135 district use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

<table>
<thead>
<tr>
<th>Type</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>a) maximum number of department stores</td>
<td>1</td>
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<tr>
<td>b) maximum number of retail establishments for the sale of food exceeding 400 square metres of gross leaseable area</td>
<td>1</td>
</tr>
<tr>
<td>c) total maximum gross leaseable area</td>
<td>21,000 square metres</td>
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</tbody>
</table>
| d) where the district contains a department store  
  i) the total maximum gross leaseable area, excluding a department store and a food store use | 7,500 square metres |
| ii) maximum gross leaseable area of retail establishments listed in clause 165.2(b) | 4,500 square metres |
| e) where the district does not contain a department store:  
  i) total maximum gross leasable area of retail establishments in Subsection 165.2 (b) exceeding 750 square metres per purpose | 9,000 square metres |
|  ii) the total maximum gross leasable area, excluding the uses permitted in subsection 165.3 e) i) and a food store use. | 7,500 square metres |
| iii) total maximum gross leasable area of retail establishments listed in Subsection 165.2 (b) not exceeding 750 square metres per purpose | 4,500 square metres |
| f) maximum number of storeys | 2 |
| g) minimum building setback - side lot line or rear lot line | 15 metres |
| h) minimum width of landscaped open space shall be provided and maintained in accordance with the following:  
  i) along the Towerhill Road street line | 3 metres |
| ii) along all other lot lines | 6 metres |
j) planting strips shall be provided and maintained along a lot line abutting a residential or development district

k) any lighting external to buildings, except for internal lighting for signs, shall be directed away from adjacent properties or a public street

165.4 SP.135 is hereby designated as a commercial district.”

By-law read a first and second time this 8th day of March, 2004.

By-law read a third time and finally passed this 8th day of March, 2004.

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk