WHEREAS PURSUANT TO SECTION 39 OF THE PLANNING ACT, R.S.O. 1990, c. P.13, COUNCIL MAY, IN A BY-LAW PASSED UNDER SECTION 34, AUTHORIZE THE TEMPORARY USE OF LAND, BUILDINGS OR STRUCTURES FOR ANY PURPOSE SET OUT THEREIN THAT IS OTHERWISE PROHIBITED BY THE BY-LAW;

AND WHEREAS THE COUNCIL OF THE CORPORATION OF THE CITY OF PETERBOROUGH DEEMS IT ADVISABLE TO LIMIT THE USE OF THE LANDS SUBJECT OF THIS BY-LAW AS A TEMPORARY OR INTERIM USE OF THE LANDS;

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

1. Map 13 forming part of Schedule 'A' to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule 'A' from R.1, R.2, R.3 to SP. 323 –“H” Special District.

2. By-law 97-123 is amended by adding thereto a new Section 353 – Special District 323 (SP.323) as follows:

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“SECTION 353

SPECIAL DISTRICT 323 (SP. 323)

323.1 For the purpose of this by-law, land use district "Special District 323" is hereby established and may be referred to by the symbol "SP. 323".

PERMITTED USES:

323.2 No person shall within an SP.323 District use any land or erect, alter or use any building or part thereof for any reason other than:

   i)    dwelling unit

   ii)   contractor’s shop, as a use ancillary to a dwelling

REGULATIONS:

323.3 No person shall within an SP.323 District use any land or erect, alter or use any building of part thereof except in accordance with the following regulations:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) dwelling unit</td>
<td>Permitted in accordance with the provisions of the R.1, R.2, or R.3 zone</td>
</tr>
<tr>
<td>b) minimum lot area reserved for residential use.</td>
<td>12 metres by 25 metres.</td>
</tr>
<tr>
<td>b) contractor’s shop</td>
<td>Restricted to and wholly located within the existing non-residential building.</td>
</tr>
<tr>
<td>c) outdoor storage</td>
<td>Prohibited</td>
</tr>
<tr>
<td>d) dwelling units shall not be permitted</td>
<td>within the existing non-residential building.</td>
</tr>
<tr>
<td>e) notwithstanding the provisions of Section 4.3.2</td>
<td>a motor vehicle parking space and the driveway thereto may be located within</td>
</tr>
<tr>
<td></td>
<td>1.0 metre of a side lot line.</td>
</tr>
</tbody>
</table>
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f) notwithstanding the provisions of Section 4.3.2, a motor vehicle parking space shall not be located within 9 metres of a window to a habitable room in a dwelling located on a separate lot.

g) notwithstanding the provisions of Section 4.3.2, a maximum of 8 motor vehicle parking spaces may be provided for vehicles associated with the contractor's shop.

h) for the purposes of this Special District a contractor's shop shall mean an enclosed space used for the interior storage of machinery, small quantities of building or landscaping materials, the provision of building-related services, the fabrication of building-related products, and servicing of equipment, vehicles, machinery, and components used by the owner or occupant of the premises in the conduct of a building-related trade, but which does not include any exterior storage area.

323.4 SP.323 District is hereby designated as a residential district.

323.5 The 'H' – Holding Symbol will be removed from the Zoning By-law upon the owner entering into an approved Site Plan Agreement with the City.

323.6 Pursuant to Section 39(2) of The Planning Act, R.S.O. 1990, C. P.13, this By-law shall expire on October 3, 2008.

By-law read a first and second time this 3rd day of October, 2005

By-law read a third time and finally passed this 3rd day of October, 2005

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk
Change from R.1, R.2, R.3 to SP.323 -"H"