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**The Corporation of the City of Peterborough**

**By-Law Number 23-085**

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Being a By-law to amend the Zoning By-law for the lands known as 540 and 550 Brealey Drive

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The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 3.9 – Exceptions, be amended by deleting the text of Exception Number 336 in its entirety and replacing it with the following:
  - “.336 Notwithstanding the provisions of Section 347.3, the following regulations shall apply:
    - a) Minimum lot area per dwelling unit: 210 square metres
    - b) Maximum building height: 3 storeys to a maximum geodetic elevation of 244.77 metres above sea level (masl)
    - c) Minimum number of motor vehicle parking spaces to be provided and maintained per apartment dwelling unit: 1.5 spaces
    - d) Minimum landscaped open space: 48%
    - e) Minimum width of landscaped open space to be provided and maintained along the east side lot line: 7 metres
    - f) Minimum building setback from the east side lot line for a deck structure: 7 metres
    - g) Minimum width of landscaped open space to be provided and maintained where surface parking area abuts lands zoned SP.118: 0 metres
    - h) Notwithstanding the provisions of Section 4.3.2 b), where the surface parking area abuts lands zoned SP.118, a side lot line or a rear lot line may be reduced to 0 metres.
    - i) Notwithstanding the provisions of Section 4.3.2 c), a motor vehicle parking space or driveway shall not be located within 4.5 metres of a window to a habitable room in an apartment dwelling or group dwelling.”
2. That paragraph 3 of By-law 20-093 be deleted in its entirety.
3. That the ‘H’ Holding Symbol be removed from the lands zoned SP.317-336-H at such time as:
  - a. The property identified as 540 Brealey Drive has been consolidated with the property at 550 Brealey Drive; and

- b. Site Plan Approval is granted for the property, which will include the following requirements:
- i. The Owner has paid cash-in-lieu of parkland dedication to the City in accordance with the provisions of the Planning Act, R.S.O 1990 c.P.13 and the City's Parkland Dedication By-law for 38 additional dwelling units;
  - ii. That the Site Plan Agreement include provisions to incorporate the requested warning clause on behalf of CP Rail; and,
  - iii. The Owner obtains a clearance letter from NAV Canada for the proposed building.

By-law passed this 28th day of August, 2023.

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Jeff Leal, Mayor

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John Kennedy, City Clerk