

**By-law 2016-240Z**

**A By-law of the City of Greater Sudbury  
to Amend By-law 2010-100Z being the  
Comprehensive Zoning By-law for the City of Greater Sudbury**

**Whereas** the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury;

**Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:**

1.-(1) That By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, Schedule "A" attached thereto, be and the same is hereby amended by changing the zoning classification of the following lands from "R3-1", Medium Density Residential to "C3(25)", Limited General Commercial Special.

- (2) Property Description: PIN 73571-0854 (LT)  
Parcel 39929 SES  
Lot 1, Plan M-511  
Part of Lot 12, Concession 5  
Township of McKim, City of Greater Sudbury

2. That the following paragraph be added to Part 11, Section 2, Subsection (3):

- (y) **C3(25) (TAKE OUT RESTAURANT)**  
**Neelon Township Map Lot 12, Con 5; Lot 14, Con 4;**  
**McKim Township Map Lot 1, Con 5; Lot 1, Con 4**

Notwithstanding any other provision hereof to the contrary, within any area designated C3(25) on the *Zone Maps*, all provisions of this By-law applicable to C3 Zones shall apply subject to the following modifications:

- i) The only permitted *use* shall be a *take-out restaurant*;
- ii) A minimum of 10 *parking spaces* shall be provided;
- iii) A 0 metre *planting strip* and an opaque *fence* with a minimum *height* of 1.5 metres shall be provided from the *established building line* to the *easterly lot line* along the *lot line* abutting Lot 2, Plan M-511; and
- iv) A refuse enclosure shall be permitted with a minimum 0.5m *setback* to the *northern side lot line* and with a minimum 5.0m setback to the *rear lot line*.

3. Any person or public body may appeal the passage of this By-law to the Ontario Municipal Board by filing with the City Clerk:

- (i) a Notice of Appeal setting out the objection to the By-law,

(ii) reasons in support of the objection, and  
(iii) the fee prescribed under the *Ontario Municipal Board Act*,  
within 20 days of the giving of notice of passage of the By-law by the City Clerk.

If these materials and fees have not been filed with the City Clerk within this period, this By-law shall be deemed to have come into force on the day it was passed.

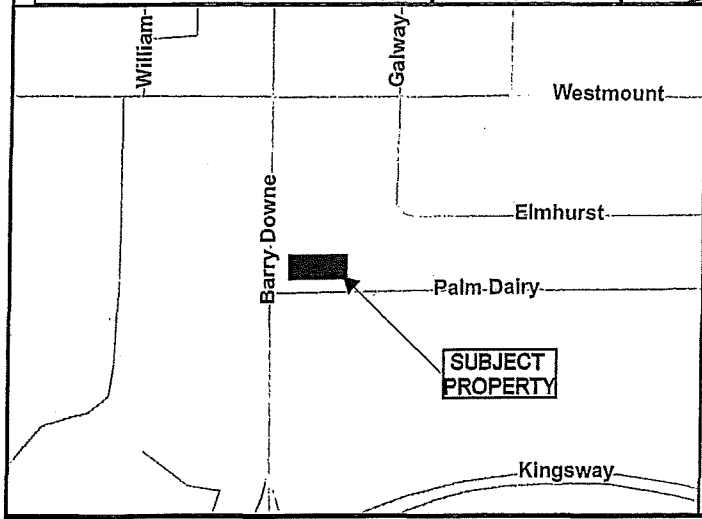
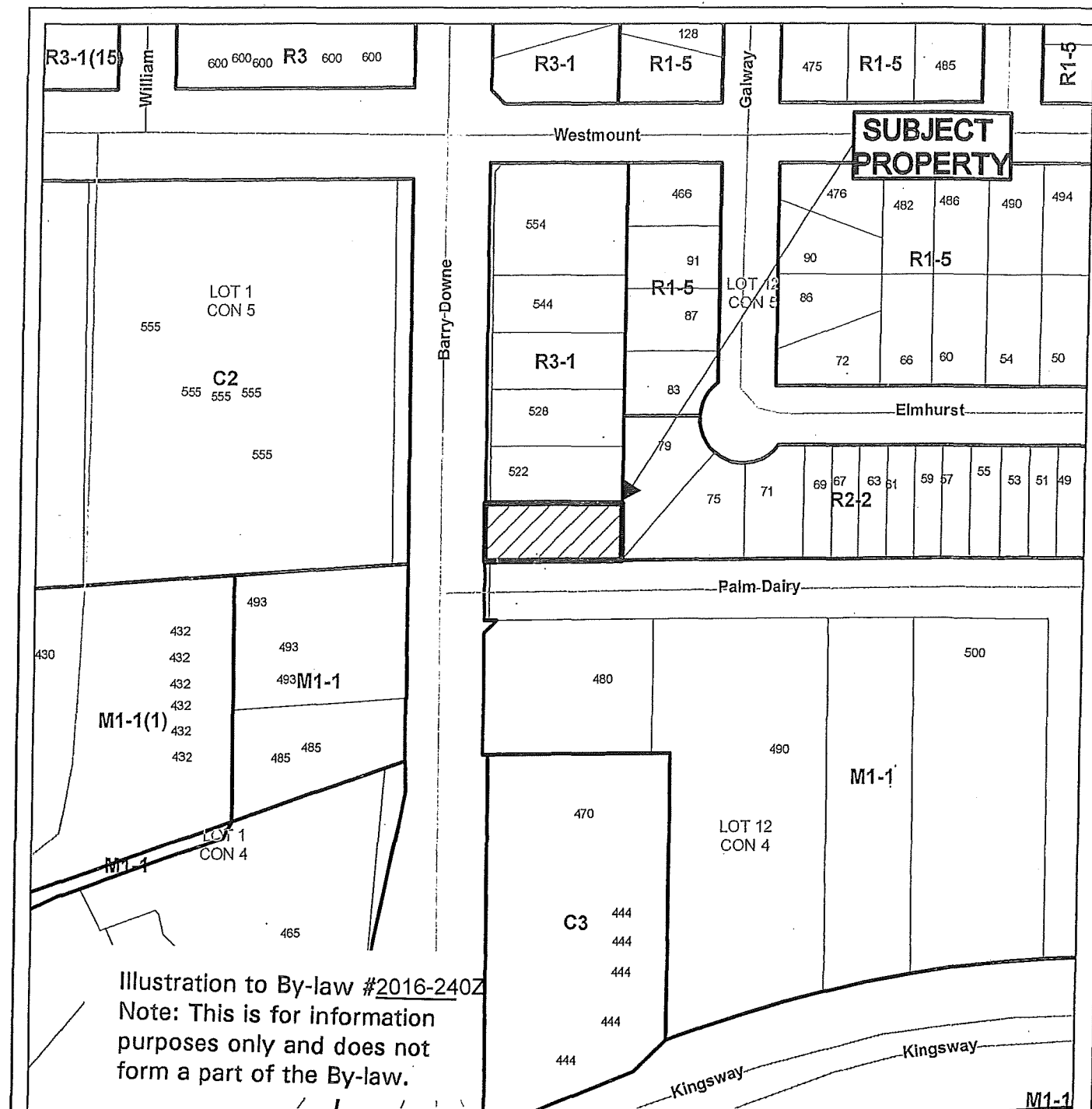
If these materials have been received within that time, this By-law shall not come into force until the appeal has been disposed of by the Ontario Municipal Board.

4. This By-law is in conformity with the City of Greater Sudbury Official Plan as amended by Official Plan Amendment #72.

**Read and Passed in Open Council** this 13th day of December, 2016

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



**Growth and Development Department**

Subject Property being PIN 73571-0854, Pcl 39929, Lot 1, Plan M-511, Lot 12, Con 5, Twp. of Neelon, Barry Downe Road, Sudbury, City of Greater Sudbury

NTS  
Sketch 1

751-6/16-12 & 701-6/16-4  
Date: 2016 03 30