REFERENCE: FILE NO. DASZ 35/03

THE CITY OF WINNIPEG

BY-LAW NO. 93/2004

A By-law of THE CITY OF WINNIPEG to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on Tomkins Bay and St. Moritz Road in the EAST KILDONAN-TRANSCONA COMMUNITY.

THE CITY OF WINNIPEG in Council assembled, enacts as follows:

PLAN OF SUBDIVISION

1. Pursuant to Section 259 of The City of Winnipeg Charter,

the plan of subdivision shown below is hereby approved for preparation as a legal plan of subdivision by a Manitoba Land Surveyor and registration in the Winnipeg Land Titles Office with such minor changes as may be required for that purpose, subject to the terms and conditions of a Development Agreement AG 35/03 to be entered into between THE CITY OF WINNIPEG and the registered owner or persons entitled to be registered owner of the above described land.

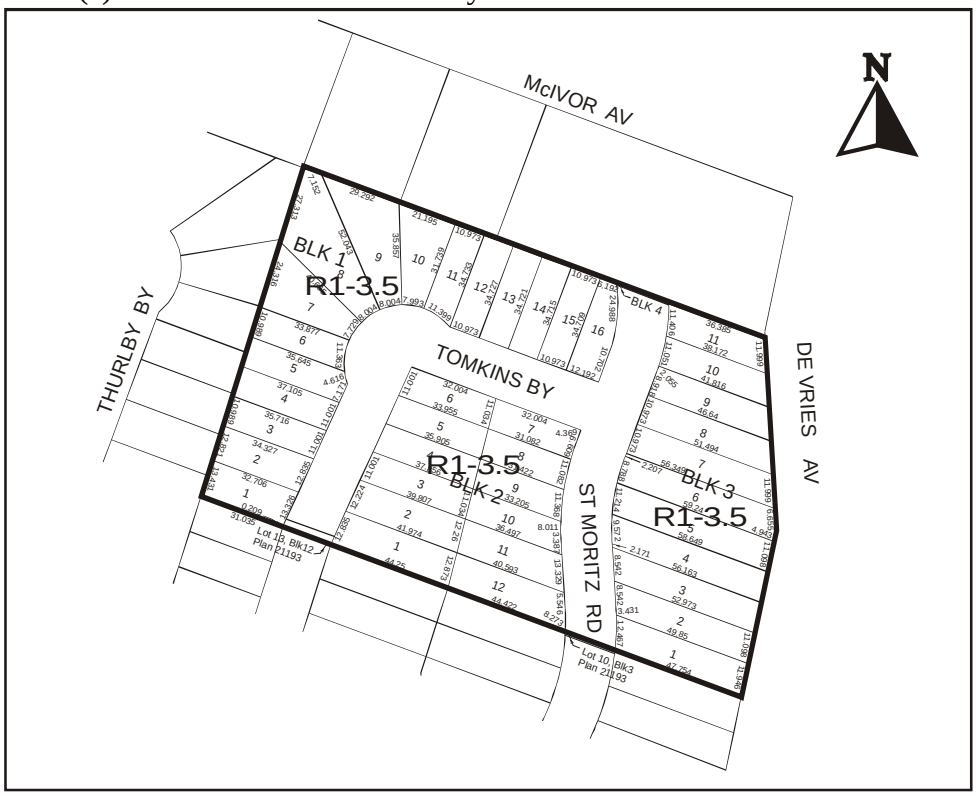


ZONING

2. By-law No. 6400/94, as amended, is hereby further amended by adding thereto after subsection A20 (455) the following:

"(456) (a) Notwithstanding anything elsewhere contained in this By-law or shown on the District Map the lands outlined on the Plan included in Clause (b) of this subsection and designated thereon as "R1-3.5" are hereby zoned as an "R1-3.5" SINGLE-FAMILY DISTRICT and the District Map shall hereafter be read and construed as shown on that Plan; and

(b) The zoning district and zoning district boundaries referred to in clause (a) of this subsection are hereby located as shown on the Plan below."



SPECIAL YARDS

3. Section 1300 of By-law No. 6400/94 is hereby amended by adding thereto the following subsection:

"1300 (28) RESIDENTIAL LOTS ABUTTING DE VRIES AVENUE

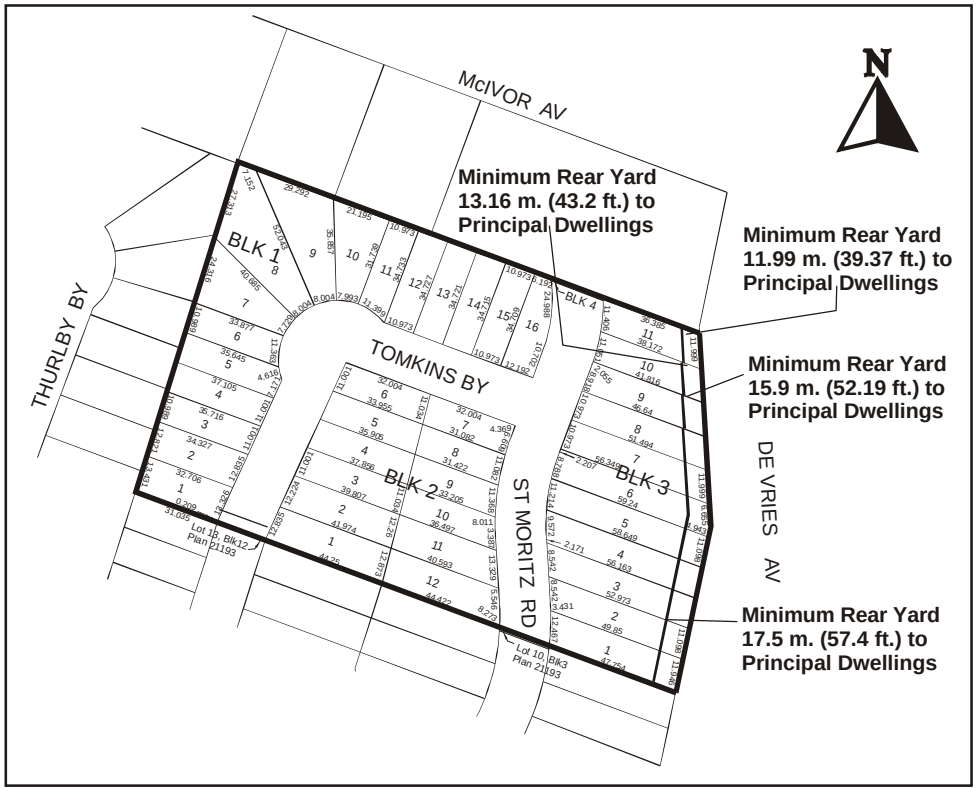
(a) Notwithstanding the provisions of subsection (3) residential development along De Vries Avenue shall provide the following:

(i) a minimum rear yard of 17.5 metres (57.4 feet) to principal dwellings on Lots 1-8, Block 3

(ii) a minimum rear yard of 15.90 metres (52.19 feet) to the principal dwelling on Lot 9, Block 3

(iii) a minimum rear yard of 13.16 metres (43.2 feet) to the principal dwelling on Lot 11, Block 3; as shown on the plan below.

(iv) A minium rear yard of 11.99 metres (39.37 feet) to the principal dwelling on Lot 11, Block 3, as shown on the plan below.



ENACTMENT

4. Section 1 of this By-law shall come into force and effect upon the execution by THE CITY OF WINNIPEG of the agreement described therein which execution notwithstanding enactment of this By-law shall remain in the absolute discretion of the City Council.:

5. Section 2 of this By-law shall come into force and effect upon:

(a) Registration in the Winnipeg Land Titles Office of the plan of subdivision approved by Section 1 of this By-law; and

(b) Registration in the Winnipeg Land Titles Office of a caveat recording Zoning Agreement DASZ 35/03 against the affected land, by not later than June 23, 2006 failing which this by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

DONE AND PASSED in Council assembled this.....day of ..... A.D. .....

.....
Mayor

.....
City Clerk

Certified as to Planning Details:

.....
for Director of Planning, Property & Development

Certified as to Form:

.....
for City Solicitor

Reference: File No. DASZ 35/03 Atlas Sheet No. U 32

By-Law No. _____

Subsection (456)

Atlas Sheet No. **U32**

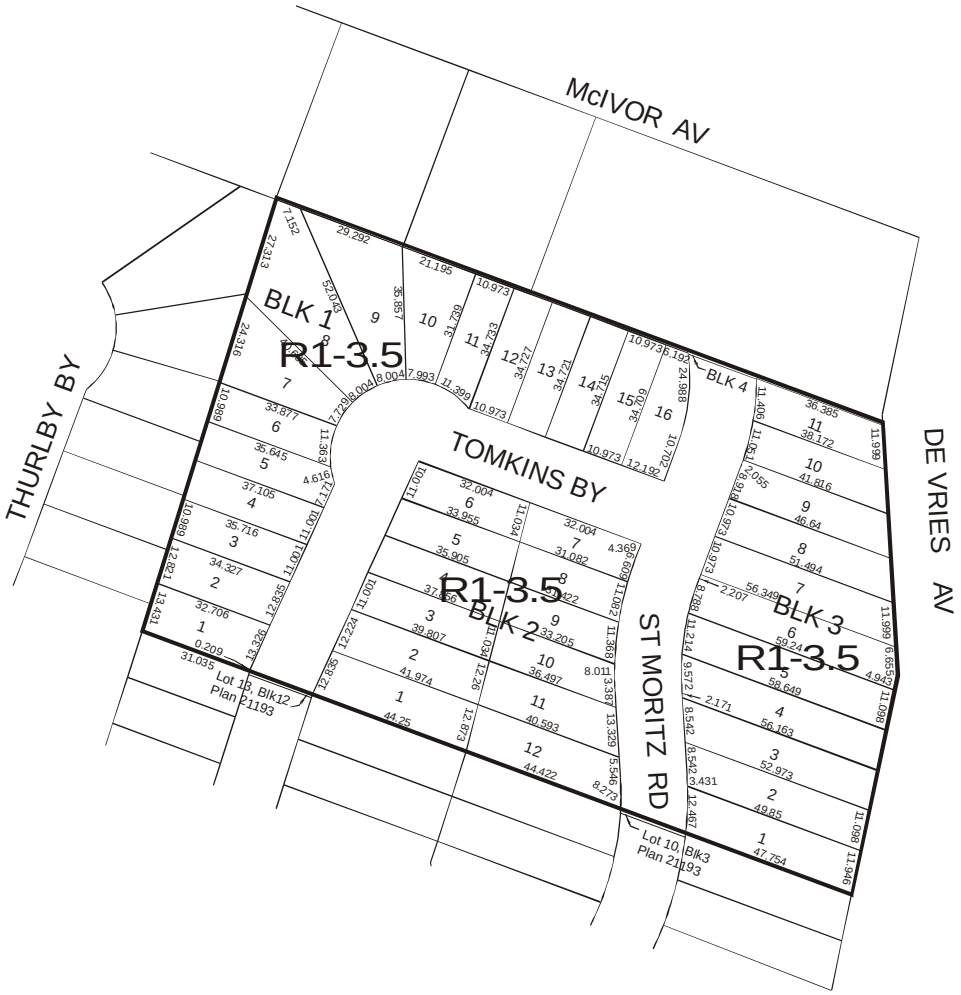
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EAST KILDONAN TRANSCONA COMMUNITY

File No. **DASZ 35/03**

Explanation

The attached By-law approves the plan of subdivision shown outlined below and amends By-law No. 6400/94 by rezoning the land located on Tomkins Bay and St. Moritz Road from an "A.5" AGRICULTUTRAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____