



## Public Meeting to Consider Amendments to Town of Essex Zoning By-law 1037

**File No.:** ZBA-04-24

**Applicant:** Town of Essex

### Meeting Information

The Council for the Town of Essex will hold a Special Council Meeting on **Tuesday, May 21, 2024, starting at 4:00pm** at the **Essex Municipal Building, 33 Talbot Street South, Essex, Ontario** to consider an amendment to the General Zoning By-law 1037 under the provisions of the Planning Act, R.S.O. 1990.

This meeting will be available for members of the public to attend in person or attend electronically. However please note there is limited space for in person attendees and delegates. Members of the public or delegates who wish to attend the meeting in person are required to pre-register by contacting the Clerks Office at 519-776-7336 ext. 1144 or [clerks@essex.ca](mailto:clerks@essex.ca). Requests for In-person attendees will be accommodated on a "first come first serve basis" subject to availability. A livestream of this meeting will be at the following address:

<https://www.youtube.com/user/EssexOntario>. The stream will be made live approximately 10 minutes before the start of the meeting and accordingly the meeting will not appear on the YouTube account page until then.

Any person who wishes to speak to Council as a Delegation must submit a **Delegation Request to the Clerk's Office (clerks@essex.ca or 519-776-7336) no later than 4:30 PM** on the Friday immediately preceding the date of the Special Council Meeting.

Any owner of land that contains seven (7) or more residential units is requested to post this notice in a location that is visible to all residents.

### Purpose and Effect of the Proposed By-law Amendment

The purpose of this meeting is to consider the following amendments to the Town of Essex Zoning Bylaw, Bylaw 1037, for the purpose of Housing:

- The removal of Minimum Gross Floor Area (GFA) for a dwelling unit.
- The addition of definitions to recognize new dwelling types and definitions to implement changes to the Planning Act because of Bill 23 including: *Single Unit, Two-Unit, Three-Unit dwellings, Additional Dwelling Units (ADU), and Areas of Settlement*.
- The amendment of definitions for existing dwelling types including *Semi-Detached, Townhome, and Multiple Dwellings*.
- The deletion of existing definitions for *Duplex Dwelling, Second Dwelling Unit, and Single Detached Dwelling*.
- The addition of new provisions for Additional Dwelling Units (ADUs) in areas of settlement.
- The amendment of general provisions for Accessory Buildings.

- The addition of *Semi-Detached Dwellings* as permitted main uses within the R1.1 Zoning District.
- The addition of *Townhome Dwellings* as permitted main uses within the R2.1 Zoning District.
- The addition of *Two-Unit* and *Three-Unit Dwellings* within the R3.1 Zoning District.
- The revision of regulations respecting lot width for *Single Unit*, *Semi-Detached* and *Townhome Dwellings*.
- Allowances for a maximum of two (2) on-site parking spaces for lands owned by Essex Non-Profit Homes, specifically, 107, 126, and 143 Michael Drive.
- The redesignation of lands known as 1 Klie's Beach (Klie's Beach) to allow for year-round occupancy.

A **Key Map** identifying the affected lands owned by Essex Non-Profit Homes and 1 Klies Beach has been attached. All other amendments are general and apply to all lands designated R1.1, R2.1, R2.2, and R3.1 within the Town of Essex. Therefore, no **Key Map** has been provided for these lands.

Copies of the proposed amendments are available at the **Town of Essex Gesto Office (2610 County Road 12, Essex, Ontario, N8M 2X6)** during regular office hours (8:30am to 4:30pm).

### **Comment Submissions and More Information**

For more information about this matter, including information about appeal rights, please contact the Planning Division at 519-776-7336 ext. 1128, via email at: [essexplanning@essex.ca](mailto:essexplanning@essex.ca) or by visiting **Town of Essex Gesto Office (2610 County Road 12, Essex, Ontario, N8M 2X6)** during regular office hours (8:30am to 4:30pm). It is recommended that an appointment be scheduled for this purpose. To schedule an appointment, please contact 519-776-7336 ext. 1128.

If you wish to be notified of the decision of the Town of Essex on the proposed official plan amendment and zoning by-law amendment, you must make a written request to the undersigned.

Written submissions must be directed to the attention of the undersigned.

### **Public Comment and Rights to Appeal**

If a person or public body would otherwise have an ability to appeal the decision of the Town of Essex to the Ontario Land Tribunal (OLT) but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Essex before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Essex before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

### **Publication of Personal Information**

Personal information contained in any correspondence or oral presentation that you provide will become part of the public record and will be available on the Town website. Personal information is collected and disclosed pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

**Public notice placed by:**

Rita Jabbour, RPP

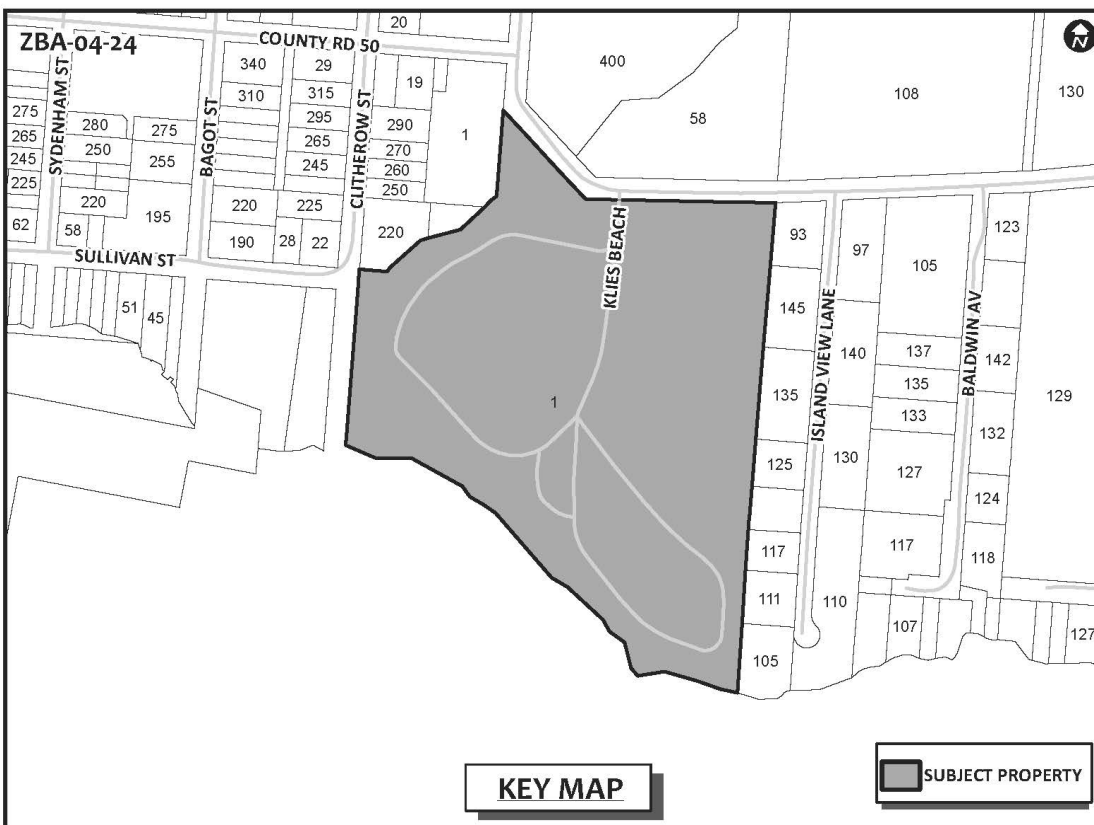
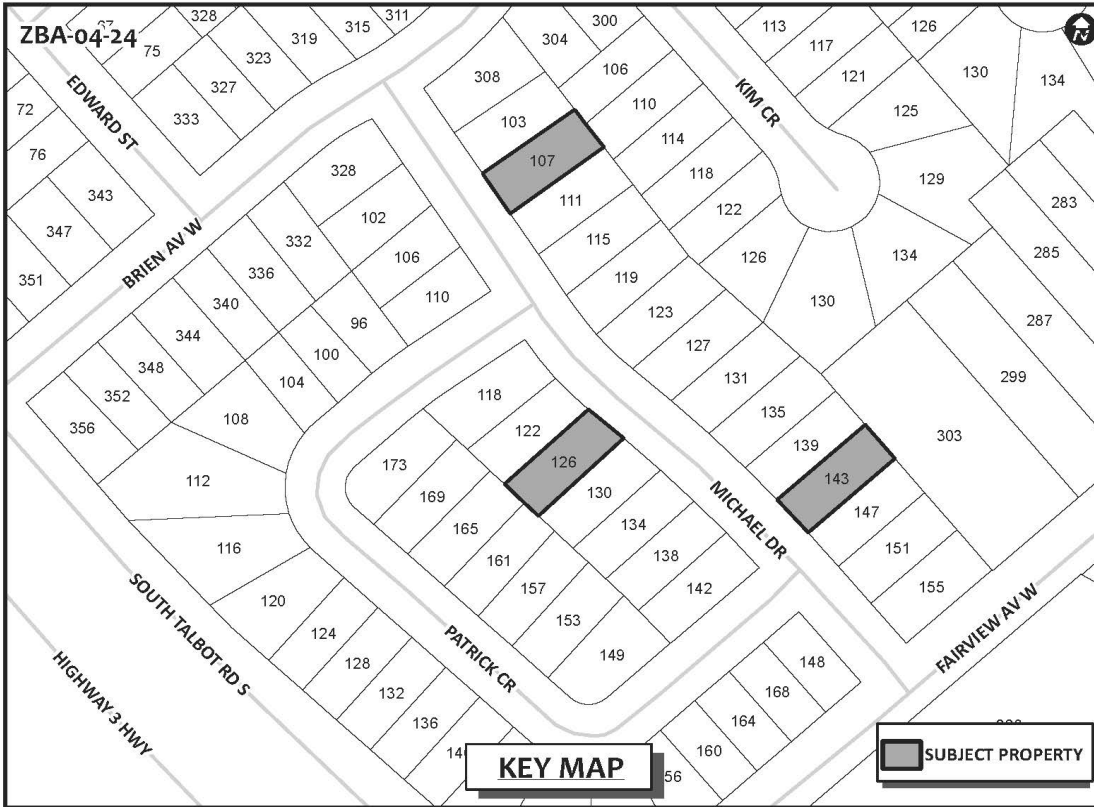
Manager, Planning Services

Tel: 519-776-7336 extension 1112

Fax: 519-776-8811

Email: [rjabbour@essex.ca](mailto:rjabbour@essex.ca)

April 23, 2024



# The Corporation of the Town of Essex

## By-Law Number XXX

Being a by-law to Amend By-Law Number 1037  
The Comprehensive Zoning By-law for the Town  
of Essex

**WHEREAS** By-Law Number 1037 is the Town's Comprehensive Zoning By-Law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

**AND WHEREAS** the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-Law Number 1037;

**NOW THEREFOERE** be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. **That** Section 7, Definitions, of Bylaw 1037, is hereby amended by adding the following definitions:

between the definitions "Accessory Use" and "Adul Entertainment Use":

"Additional Dwelling Unit" means a dwelling unit constructed within a Single-Unit Detached, Two-Unit Detached, or Semi-Detached Dwelling, Semi-Detached or Townhome Dwelling Unit, or within a detached building accessory or ancillary to a Single Unit or Two-Unit Detached or Semi-Detached Dwelling, or Semi-Detached or Townhome Dwelling Unit, as an independent and separate housekeeping unit having kitchen, living, sleeping and sanitary facilities.

between the definitions "Animal Unit" and "Attached":

"Area of Settlement" means those lands located within a Settlement Area Boundary as defined on Schedule A of this Bylaw, and serviced by municipal sewage works and a municipal drinking water system.

between the definitions "Roadside Stand" and "School":

"Single Unit Dwelling" means a building having as a main use one (1) dwelling unit.

between the definitions "Semi-Detached Dwelling" and "Sensitive land Use":

"Semi-Detached Dwelling Unit" means one unit of a Semi-Detached Dwelling.

between the definitions "Theatre" and "Through Lot":

"Three Unit Dwelling" means a building, other than a Townhome Dwelling, situated on one lot and having as the main use three (3) dwelling units separated vertically or horizontally.

between the definitions "Townhome Dwelling" and "Township Road":

“Townhome Dwelling Unit” means one unit of a Townhome Dwelling.

between the definitions “Transfer Station” and “Urban Centre”:

“Two Unit Dwelling” means a building, other than a Semi-Detached Dwelling, situated on one lot and having as the main use two (2) dwelling units separated vertically or horizontally.

2. **That** Section 7, Definitions, of Bylaw 1037 is further amended by removing and replacing the following definitions:

“Multiple Dwelling” with the following definition:

“Multi-Unit Dwelling” means a building, other than a townhome dwelling, containing a minimum of four (4) dwelling units in which all dwelling units are located on one lot.

“Semi-Detached Dwelling” with the following definition:

“Semi-Detached Dwelling” means a building separated vertically into two (2) dwelling units attached by a common interior wall. Each dwelling unit shall have a separate entrance at street level and each dwelling unit shall be on a separate lot.

“Townhome Dwelling” with the following definition:

“Townhome Dwelling” means one (1) building separated vertically into three (3) or more dwelling units attached by common interior walls. Each dwelling unit shall have a separate entrance at street level and each dwelling unit shall be on a separate lot.

3. That Section 7, Definitions, of Bylaw 1037, is further amended by removing the following definitions:

- “Duplex Dwelling”
- “Second Dwelling Unit”
- “Single Detached Dwelling”

4. That all references to a “Single Detached Dwelling” and “Multiple Dwelling”, in Bylaw 1037 be replaced with “Single Unit Dwelling” and “Multi-Unit Dwelling”, respectively.
5. **That** Section 8.4, of Bylaw 1037, is hereby amended by removing paragraph 8.4 (a) (iii).
6. **That** Section 8.15, of Bylaw 1037, is hereby repealed and replaced by the following:

### **8.15 Additional Dwelling Units**

- a) On a lot in an Agricultural District or Residential District located outside of an Area of Settlement, not including a Residential District permitting exclusively mobile homes or dwellings for three (3) season occupancy, one (1) Additional Dwelling Unit within a

Single-Unit Dwelling or within a detached building accessory or ancillary to a Single Unit Dwelling shall be permitted.

b) On a lot located within a Residential District within an Area of Settlement and serviced by municipally owned sewage works and a municipal drinking water system, not including a Residential District permitting exclusively mobile homes or dwellings for three (3) season occupancy:

- a. two (2) Additional Dwelling Units within a Single Unit dwelling or one (1) Additional Dwelling Unit within a detached accessory or ancillary building when the main dwelling contains no more than (2) dwelling units;
- b. One (1) Additional Dwelling Unit within a two-unit dwelling or within a detached accessory or ancillary building when the two-unit dwelling contains no more than two (2) dwelling units;
- c. Two (2) Additional Dwelling Units within a Semi-Detached or Townhome Dwelling Unit or within a detached accessory or ancillary building when the Semi-Detached or Townhome Dwelling Unit contains no more than two (2) Dwelling Units.

b) General Provisions:

- i) The lot has frontage on a street and is serviced by a municipal sanitary sewer of sufficient capacity or an approved septic system of sufficient capacity, an approved storm water outlet and a piped water supply;
- ii) Only one (1) water and sanitary service connection will be permitted per lot to service the main dwelling and secondary dwelling unit when available services are municipally owned and operated. A separate service connection for the second dwelling unit will not be permitted. A second dwelling unit with access to municipally owned and operated water and sanitary services will not be permitted to connect to any existing on-site private septic facilities or water systems.
- iii) One (1) onsite parking space is provided for each dwelling unit;
- iv) The main dwelling and the lot on which it is located conform to all regulations of the Zoning District applicable to them;
- v) For an Additional Dwelling Unit located in an accessory or ancillary residential building, the Gross Floor Area (GFA) of the Additional Dwelling Unit shall not exceed that of the largest dwelling unit in the main building, and,
- vi) Notwithstanding any other provisions of this By-law, the maximum height of the accessory or ancillary residential building shall be one (1) storey in a Residential District;
- vii) the provisions of clauses 8.4, i) do not apply to an Additional Dwelling Unit;
- vi) An additional dwelling unit shall be not used as a short term rental unit.

7. **That** Section 10.3, of Bylaw 1037, is hereby amended by adding the following subsection:

### **10.3 Accessory Buildings**

- a) On a through lot, an accessory building shall have a minimum setback from the rear lot line equal to the minimum front yard depth required for a main building on the lot.
- b) An accessory building or part thereof is not permitted within 1.8m (6f) of any other building located on the same lot.
- c) A detached garage, detached carport or other accessory building is permitted in a front yard, except in a required front yard, and in a rear yard and or side yard, provided that the following minimum building setbacks from the side and rear lot lines are maintained:
  - i) 1.2m (4f) from an interior rear lot line or an interior side lot line.
  - ii) 1.2m from an exterior rear lot line or exterior side lot line, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f); however,
- d) Notwithstanding the zoning district provisions respecting accessory building lot coverage, in a Residential District, on a lot having a lot area of less than 370.5m<sup>2</sup> (4000f<sup>2</sup>), the total permitted lot coverage for all accessory buildings on the lot is 37m<sup>2</sup> (400f<sup>2</sup>).
- e) Unless otherwise specifically provided, a building accessory to a Dwelling shall:
  - (i) not be used in whole or in part for a dwelling unit unless it is a permitted dwelling unit in the applicable zoning district of this By-law.
  - ii) not have sanitary facilities above the ground floor unless it is a permitted dwelling unit in the applicable zoning district of this By-law.
  - iii) not have facilities for the preparation of food, unless such facilities are in a permitted Additional Dwelling Unit or are for an activity accessory to a permitted use of a lot.
  - iv) not have a ceiling height or make provision for a ceiling height of greater than 1.8m (71 inches) within the area enclosed by the roof from the bottom of the eaves to the supporting structure or substructure next above.
  - v) the maximum height of a storey shall be 4m (13ft).
  - vi) Notwithstanding other provisions in this by-law to the contrary, when an Additional Dwelling Unit is a permitted use in an accessory building, the maximum height of the accessory building having an Additional Dwelling Unit

shall be two storeys, provided that the accessory building is not located in whole or in part in a required yard.

8. **That** Subsection 14.1, Residential District 1.1, be replaced with the following:

**Subsection 14.1 Residential District 1.1(R1.1)**

Low density housing on urban lots				
a) Permitted Uses				
i. Main use	Single Unit Dwelling, Two-Unit Dwelling, Three-Unit Dwelling, or One Bed and Breakfast Dwelling	Semi-Detached Dwelling	Lawfully Existing Duplex Dwelling	Lawfully Existing Semi-Detached Dwelling
ii. Accessory use	Any use accessory to the Main Use			
b) Regulations				
i. Lot Width – Minimum	12m (40f)	15m (50f)	18m (60f)	21m (70f)
ii. Lot Area – Minimum	360m <sup>2</sup> (4000f <sup>2</sup> ) for a lot serviced by a sanitary sewer 925m <sup>2</sup> (10,000f <sup>2</sup> ) for a lot not serviced by a sanitary sewer	460m <sup>2</sup> (5000f <sup>2</sup> )	555m <sup>2</sup> (6000f <sup>2</sup> )	650m <sup>2</sup> (7000f <sup>2</sup> )
iii. Lot Coverage – Maximum	40% of lot area	50% of lot area	40% of lot area	40% of lot area
iv. Minimum Landscaped Area in a Required Front Yard	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.			
v. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building			
vi. Front Yard Depth – Minimum	7.5m (25f)			
vii. Rear Yard Depth – Minimum	7.5m			
viii. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side yard where there is an attached garage or carport 1.2m and 3m (10f) for interior side yards (one side/other side) where there is no attached garage or carport 1.2m (4f) for an exterior side yard, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m(20f)			
ix.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.			



- x. No accessory building and combination of accessory buildings shall exceed 70m<sup>2</sup> (750f<sup>2</sup>) and 92m<sup>2</sup> (1000f<sup>2</sup>) respectively.
- xi. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:
  1. Floodplain Development Control Area – see subsection 10.6
  2. Lake Erie Flood Prone Area – see subsection 10.6

**c) Supplementary Regulations: See Sections**

- |                                  |                                        |
|----------------------------------|----------------------------------------|
| 7: Definitions                   | 10: Supplementary Building Regulations |
| 8: Supplementary Use Regulations | 11: Parking Space Regulations          |
| 9: Supplementary Lot Regulations | 12: Parking Area Regulations.          |

9. **That** Subsection 15.1, Residential District 2.1, be replaced with the following:

**Subsection 15.1 Residential District 2.1(R2.1)**

Medium density housing on urban lots			
<b>a) Permitted Uses</b>			
i. Main use	Single Unit Dwelling, Two-Unit Dwelling, Three-Unit Dwelling or One Bed and Breakfast Dwelling	Semi-Detached Dwelling	Townhome Dwelling with a maximum of three (3) townhome dwelling units
ii. Accessory use	Any use accessory to the main use		
<b>b) Regulations</b>			
i. Lot Width – Minimum	12m (40f)	15m (50f)	21m (70f)
ii. Lot Area – Minimum	360m <sup>2</sup> (4000f <sup>2</sup> )	460m <sup>2</sup> (5000f <sup>2</sup> )	650m <sup>2</sup> (7000f <sup>2</sup> )
iii. Lot Coverage – Maximum	40% of lot area	50% of lot area	50% of lot area
iv. Minimum Landscaped Area in a Required Front Yard	30% for a lot having a lot width less than 12m; 40% for a lot of 12m to 15m in lot width; 50% for a lot greater than 15m in lot width.		
v. Building Height – Maximum	10m for a main building 1 storey for an accessory building		
vi. Front Yard Depth – Minimum	6m (20f)		
vii. Rear Yard Depth – Minimum	7.5m (25f)		
viii. Side Yard Width – Minimum	1.2m (4f) both sides for an interior side yard where there is an attached garage or carport		

	<p>1.2m and 3m (10f) for interior side yards (one side/other side) where there is no attached garage or carport</p> <p>1.2m (4f) for an exterior side yard, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback from the exterior lot line shall be 6m(20f)</p>
vii.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction.
viii.	No accessory building and combination of accessory buildings shall exceed 70m <sup>2</sup> (750f <sup>2</sup> ) and 92m <sup>2</sup> (1000f <sup>2</sup> ) respectively.
ix.	Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps: <ol style="list-style-type: none"> <li>1. Floodplain Development Control Area – see subsection 10.6</li> <li>2. Lake Erie Flood Prone Area – see subsection 10.6</li> </ol>
<b>c) Supplementary Regulations: See Sections</b>	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

10. **That** Subsection 16.1, Residential District 3.1, be replaced with the following:

**Subsection 16.1 Residential District 3.1(R3.1)**

High density residential	
<b>a) Permitted Uses</b>	
i. Main use	<p>Two-Unit Dwelling Three-Unit Dwelling Bed and Breakfast Dwelling Duplex Dwelling Group Home Lodging House</p> <p>Multi-Unit Dwelling Residential Care Facility Semi-detached Dwelling Townhome Dwelling</p>
ii. Lawfully existing main use	Single Detached Dwelling
iii. Accessory use	Any use accessory to the main use
<b>b) Regulations</b>	
i. Amenity area per multiple dwelling unit - Minimum	<p>Bachelor unit - 7.5m<sup>2</sup> (81f<sup>2</sup>); One-bedroom unit - 10m<sup>2</sup> (108f<sup>2</sup>); Two or more bedroom unit - 15m<sup>2</sup> (162F<sup>2</sup>);</p>
ii. Lot Width, multiple dwelling – Minimum	18m (60f)

iii. Lot Area, multiple dwelling – Minimum	555m <sup>2</sup> (6000f <sup>2</sup> ) for the first 4 dwelling units, plus 90m <sup>2</sup> (970f <sup>2</sup> ) for each additional dwelling unit to a maximum of 105uph (42upa)  For a corner lot having a minimum frontage of 30m (100f) on each exterior lot line, the maximum number of dwelling units may be increased by 25% over that of an interior lot						
iv. Lot Coverage – Maximum	35% of lot area						
v. Building Height – Maximum	Main building 12m (39f) on an interior lot						
v. Building Height – Maximum (Con'td)	12m on an exterior lot having an exterior lot line of less than 30m 18m (59f) on an exterior lot where each exterior lot line is a minimum of 30m in length 1 storey for an accessory building						
vi. Front Yard Depth – Minimum	7.5m (25f)						
vii. Rear Yard Depth – Minimum	7.5m (25f)						
viii. Side Yard Width – Minimum	6m (20f) where a habitable room window of any dwelling unit faces a side lot line 3m (10f) where a one-way vehicular access area (driveway) abuts the main building wall 6m where a two-way vehicular access area (driveway) abuts the main building wall Equal to 30% of the building height, if none of the provisions above apply						
ix. Notwithstanding the provisions of this subsection in conflict herewith, a <b>semi-detached dwelling, townhome dwelling, Single Unit Dwelling, Two-Unit dwelling, and Three-Unit dwelling</b> and any use accessory thereto shall conform to the regulations of subsection 15.2, <b>R2.2 District</b> , of this by-law, applicable thereto.  x. Notwithstanding the provisions of this subsection in conflict herewith, a <b>lodging house</b> for the accommodation of a maximum of eight (8) persons and a <b>bed and breakfast dwelling</b> and any use accessory thereto shall conform to the regulations of subsection 14.1, <b>R1.1 District</b> , of this by-law, applicable thereto.  xi. Provisions of the following subsections shall apply in whole or in part to lands situated within any of the following restricted areas shown on the Zoning District Maps:  1. Floodplain Development Control Area – see subsection 10.6	<p style="text-align: center;"><b>c) Supplementary Regulations: See Sections</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">7: Definitions</td> <td style="width: 50%;">10: Supplementary Building Regulations</td> </tr> <tr> <td>8: Supplementary Use Regulations</td> <td>11: Parking Space Regulations</td> </tr> <tr> <td>9: Supplementary Lot Regulations</td> <td>12: Parking Area Regulations.</td> </tr> </table>	7: Definitions	10: Supplementary Building Regulations	8: Supplementary Use Regulations	11: Parking Space Regulations	9: Supplementary Lot Regulations	12: Parking Area Regulations.
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	8: Supplementary Use Regulations	11: Parking Space Regulations					
9: Supplementary Lot Regulations	12: Parking Area Regulations.						



11. **That** Subsection 28.1, Site Specific Zone Provisions, be amended to include the following:

66. For the Lands municipally known as 107, 126, and 143 Michael Drive, a maximum of two (2) on-site parking spaces shall be permitted for a Three-Unit Dwelling.

67. For the Lands municipally known as 1 Klies Beach, despite Subsection 14.6 (b) (vii), a dwelling shall be permitted to be maintained, used, modified, and converted to permit year round occupancy (Spring, Summer, Fall, Winter).

12. **That** Schedule 'A', Map 03, Map 17, and Map 19 of Bylaw 1037 be amended to implement the Site-Specific Zone Provisions outlined in Paragraph 11.

**Read a first, a second and a third time and finally passed on June XX, 2024.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk