



Special Council Meeting Agenda

April 6, 2021, 4:30 pm

Location: <https://www.youtube.com/user/EssexOntario>

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

This meeting will be hosted and chaired from the Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting is not currently open to the public for in person attendance. This meeting can only be viewed by the public electronically via livestream on YouTube at www.youtube.com/EssexOntario.

The purpose of this meeting is to discuss consider changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex.

Pages

1. Call to Order

2. Declarations of Conflict of Interest

3. Adoption of Published Agenda

3.1. Special Council Meeting Agenda for April 6, 2021

Moved by _____

Seconded by _____

That the published agenda for the April 6, 2021 Special Council Meeting be adopted as presented / amended.

4. Presentation from Administration

1

RE: Changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex

Moved by _____

Seconded by _____

That the presentation entitled Changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex, be received.

5. Public Presentations

6. Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at _____.



Public Meeting

Regarding Changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex

April 6, 2021



Purpose of Meeting:

At this Statutory Public Meeting, Council hears representations from the public in regards to the merits and concerns related to new Official Plan Policies and Zoning By-law Regulations related to the construction of Second Dwelling Units

Council does not make a decision at this time.



Definitions

Planning Act -provincial legislation that sets out the ground rules for land use planning in Ontario.

Official Plan –Municipal Policy that sets the general land use planning policies for the Town

Zoning Bylaw –Municipal regulations that provide a legal framework for implementing the objectives and policies of the Official Plan

Ancillary –means a use which complements and otherwise provide a service to the main uses of the zoning district in which it is located (clearly secondary and not permitted on its own)



More Homes, More Choice Act (2019)

To increase the opportunities for a wider range of available housing, in 2019 the Province amended the *Planning Act* to require municipalities to have *Official Plan* policies authorizing the use of two (2) residential units in a dwelling (Single, Semi or Townhouse) AND a residential unit in a building *ancillary* to a dwelling.

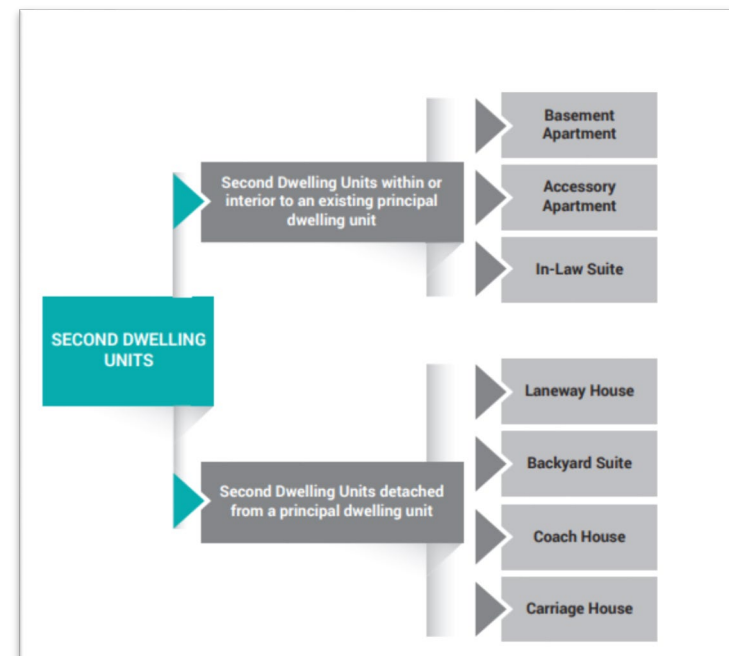
It is the Town's decision to determine where and how such dwelling units will be accommodated, the applicable *Zoning Bylaw* regulations and levels of service.

Second Dwelling Units (SDU)

A Second Dwelling Unit is a self contained-residential unit within a main dwelling (ie. single, semi, townhome dwelling unit) or within a detached structure on the same lot as the main dwelling (ie. within a detached garage).

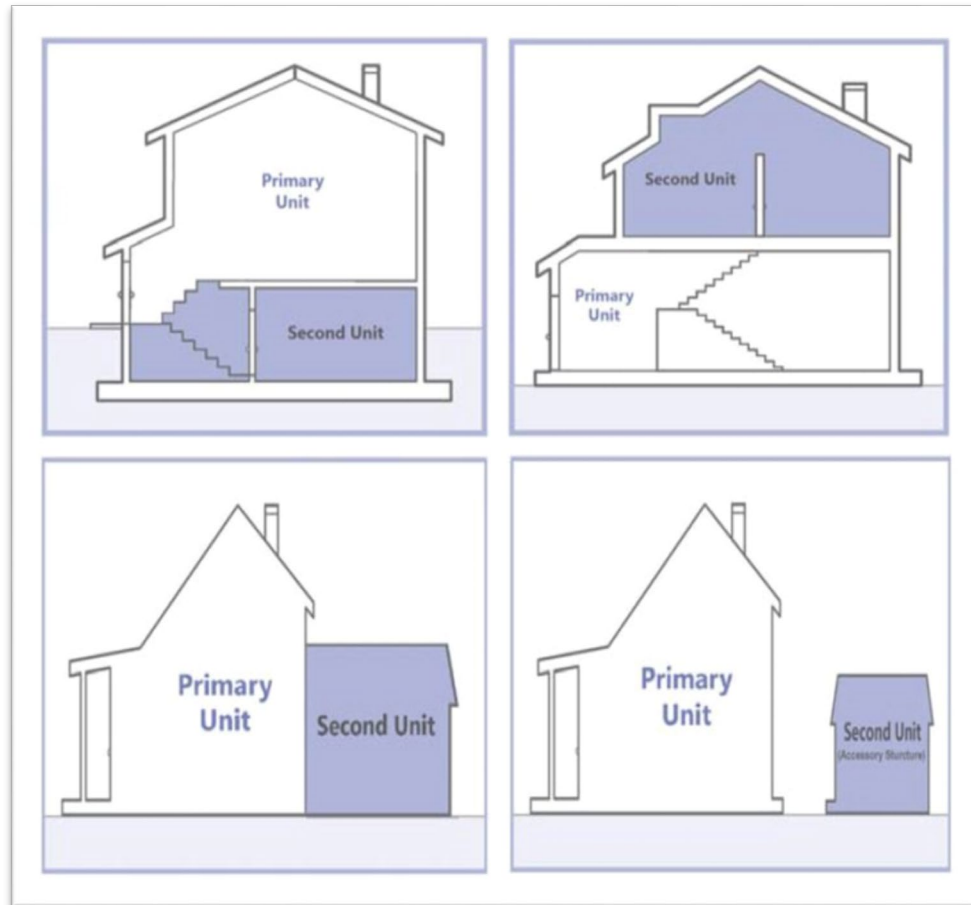
An SDU includes:

- A private kitchen
- Bathroom facilities
- Sleeping areas
- Entrances thereto



Source: City of Hamilton, *Creating a House and a Home*

Examples of a Second Dwelling Unit (SDU)





Benefits of Second Dwelling Units (SDU)

Provincial objectives, supported by the Town of Essex Official Plan and Strategic Plan:

- Increase the supply and range of affordable rental accommodation
- Support changing demographics by providing more housing options for extended families, elderly parents or for a live-in caregiver.
- Make more efficient use of existing infrastructure and the existing housing stock

A Second Dwelling Unit is NOT a short term rental



Current SDU Policies in the Official Plan

Section 4.22 “Residential Intensification and Affordability”

Second Dwelling Units

- Supports opportunity for its residents to create SDU
- One (1) SDU is permitted within a dwelling and in buildings *ancillary* to the main dwelling in general locations as set out in the land use designations of the Official Plan and the Zoning Bylaw

Current SDU Policies in the Official Plan

Section 5.4 “Lands Designated Agricultural”

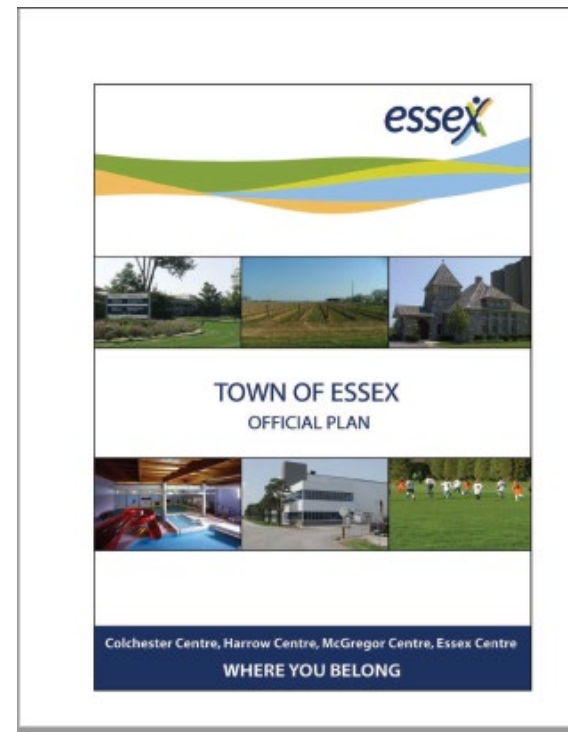
Second Dwelling Units

- Are permitted within the main dwelling

Section 5.7 “Lands Designated Residential”

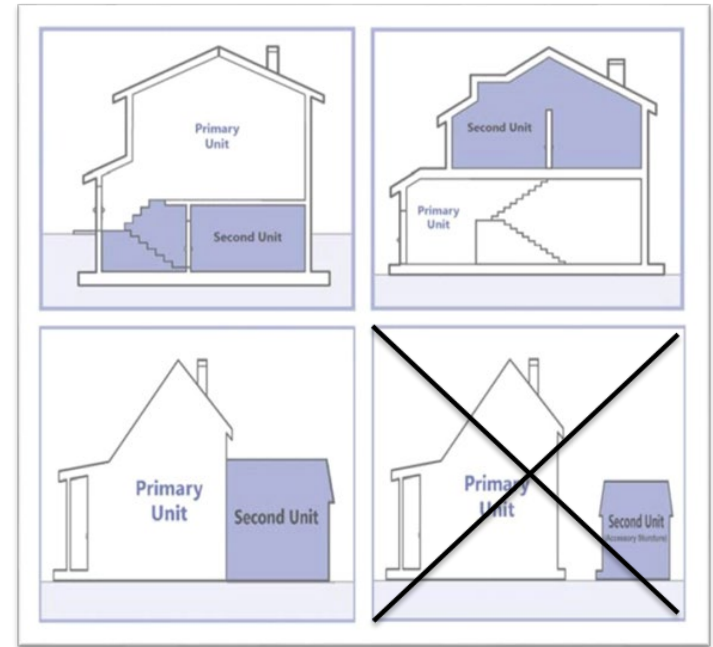
Second Dwelling Units

- Are permitted within a dwelling, OR
- In a building *ancillary* to the main dwelling



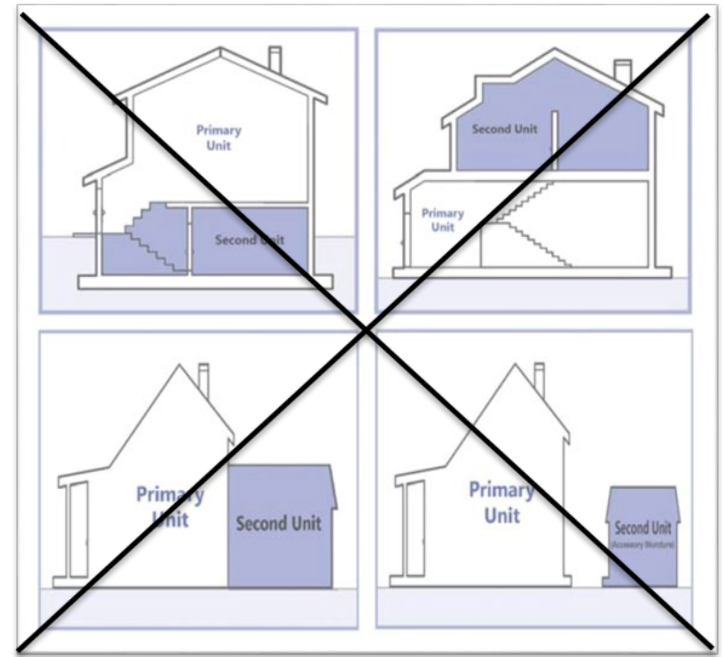
Current SDU Regulations in the Zoning By-law for Residential Districts

- A SDU is permitted within a single, semi or townhome dwelling unit in select residential districts
- A SDU is not permitted in a detached building on the same lot as a main dwelling in select residential districts
(Requires a site-specific zoning amendment)



Current SDU Regulations in the Zoning By-law for Agriculture Districts

- A SDU is not permitted within a dwelling unit in an agricultural district (Requires a site-specific zoning amendment)
- A SDU is not permitted within a detached building on the same lot as a main dwelling (Requires an Official Plan Amendment)





Required Amendments to the Official Plan

- In order to permit an SDU in an accessory building to a house in an Agricultural Zoning District, an amendment to the Official Plan (OPA) is necessary.
- Approval of an OPA is required by both Council and the County of Essex Manager of Planning Services. Preliminary discussion with the County Planner has indicated there would be support for such an amendment.
- An OPA can be submitted for approval concurrently with the amending zoning by-law(s).

THERE ARE NO APPEALS OF OFFICIAL PLAN POLICIES RESPECTING SECOND DWELLING UNITS



Required Amendments to the Zoning By-law

- In order to permit an SDU in a main dwelling in the Agricultural district and within a detached ancillary structure on the same lot as a main dwelling in the Agricultural District and select Residential districts, an amendment to the Zoning By-law (ZBA) is necessary.
- A ZBA is also necessary in order to implement regulations respecting the location and number of SDU, and maximum floor area, height, parking and setback regulations between property lines and existing structures.
- Approval of a ZBA is required only by Town Council

THERE ARE NO APPEALS OF BYLAW REGULATIONS RESPECTING SECOND DWELLING UNITS



Required Regulations

Ontario Regulation 299/19: Additional Residential Units

- Each additional residential unit shall have one (1) parking space that is provided and maintained for the sole use of the occupant of the additional residential unit
- Parking space may be a *tandem parking space* (a parking space which can only be accessed by passing through another parking space from a street, lane or driveway)
- An additional residential unit may be occupied by any person regardless of relationship to land owner
- An additional residential unit is permitted regardless of the date of construction of the primary residential unit.

It is the Town's decision to determine where and how such dwelling units will be accommodated, the applicable *Zoning Bylaw* regulations, and levels of service.



Public Consultation

What we did:

1. Created a Survey on SDU to garner public feedback (March 11-26)
2. Created **Essex.ca/SDUs** homepage to host information and links to documents and survey
3. Published Advertisements in both local newspapers
4. Published multiple posts to Town of Essex Facebook and Twitter pages
5. Created a media release and it sent to local media outlets and community contacts (eg. BIA, Chamber of Commerce, etc), as well as posted to corporate website
6. Purchased a \$100 Facebook ad campaign geo-targeted to Town of Essex residents



Public Consultation

Outreach and Outcome:

- Media Release was published in both local newspapers and AM800
- 157 survey responses
- **Facebook Video:** 11 shares and 11 engagements, 1,600 people reached. (1.6x higher engagement than other video content)
- **Facebook Post** (boosted): 5,370 Reach, 198 Link Clicks, 386 engagements including 34 shares and 25 comments
- Combined web traffic to SDUs webpage and online survey was 1,667 page views



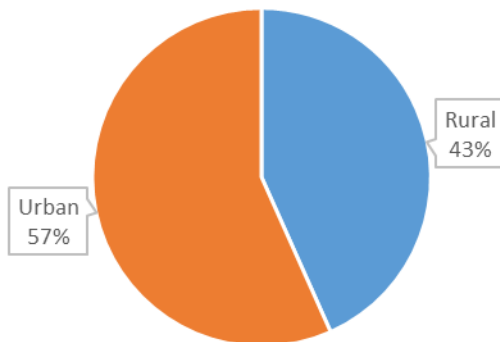
SDU Survey

1. Is your home in an urban or rural setting?
2. If rural, is it a farm?
3. Do you support the option of having a SDU in either a main dwelling or detached in an accessory building to a main dwelling?
4. Do you wish to construct a SDU?
5. Do you support the opportunity to have a SDU in either a main dwelling or in a detached accessory building located in an Agricultural Zone?
6. Do you wish to construct a SDU in your home or in a detached building?
7. Do you agree or disagree that the SDU should be limited to a maximum size of 70m² (750 sq. ft.)?
8. Do you agree or disagree that the SDU should be restricted to one storey or on the first floor of an existing two-storey accessory building

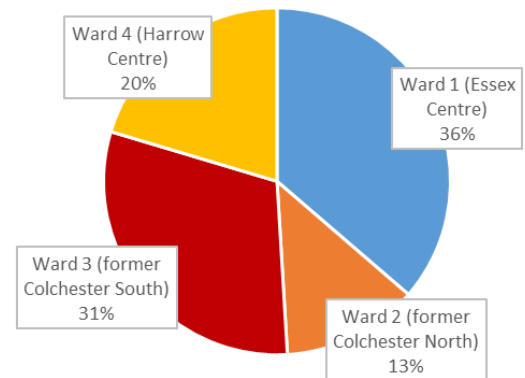
Survey Results:

- Majority of respondents considered themselves “Urban”
- Majority of respondents from Ward 1 and 3

Respondents Home Setting (Urban or Rural)

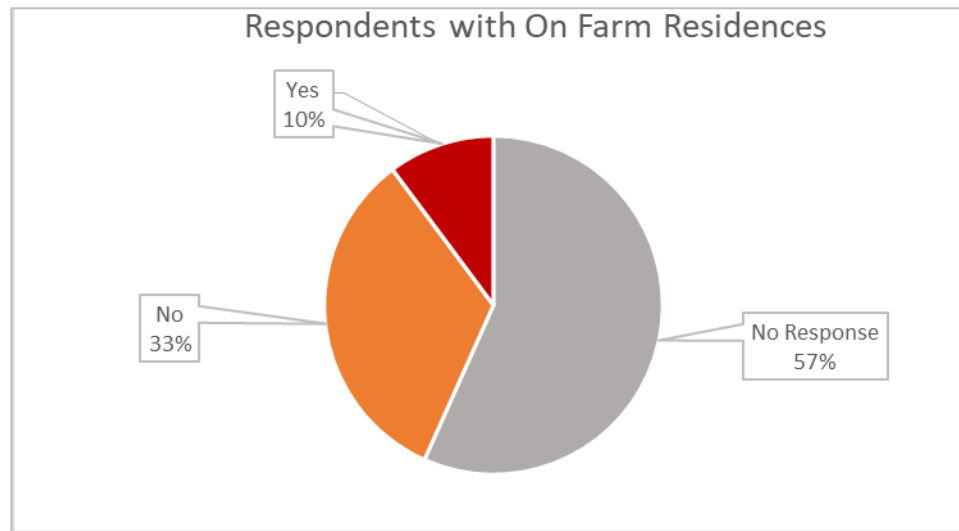


Responses by Ward



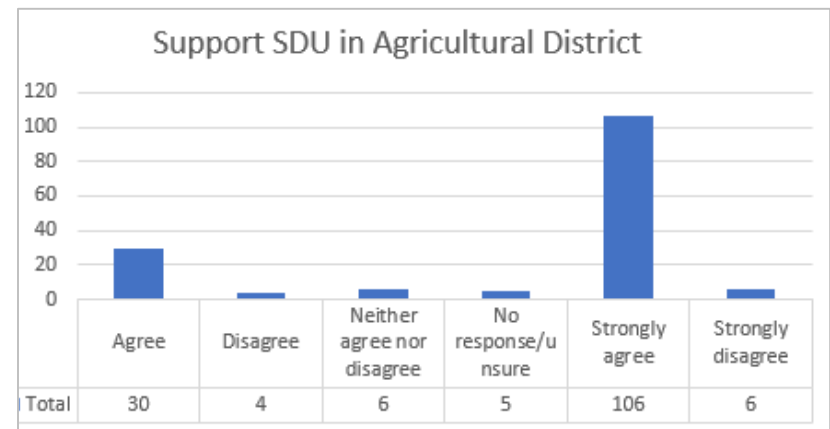
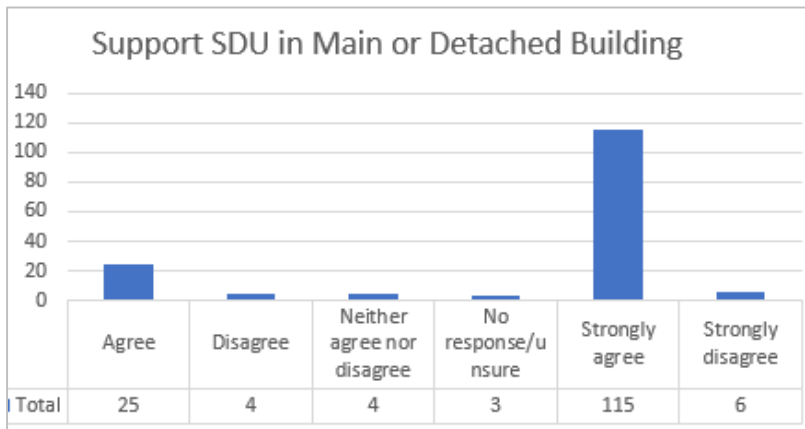
Survey Results:

- Majority of respondents **do not** reside on a farm



Survey Results:

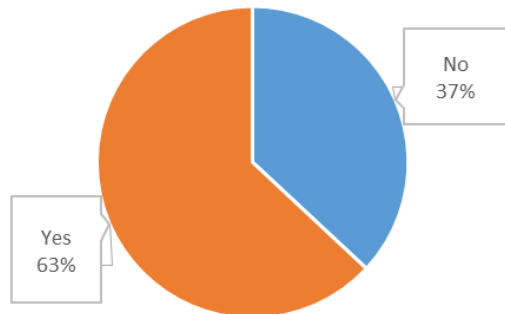
- Majority of respondents supports an SDU in a main dwelling or detached building
- Majority of respondents support an SDU in a main dwelling or detached building in the Agricultural zone



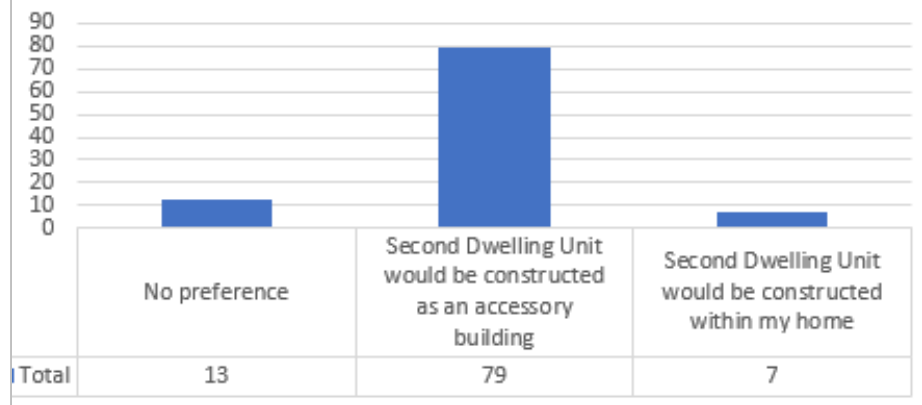
Survey Results:

- Majority of respondents considering constructing a SDU
- Majority of respondents wish to construct a SDU in a detached structure

Respondents Considering Constructing a SDU



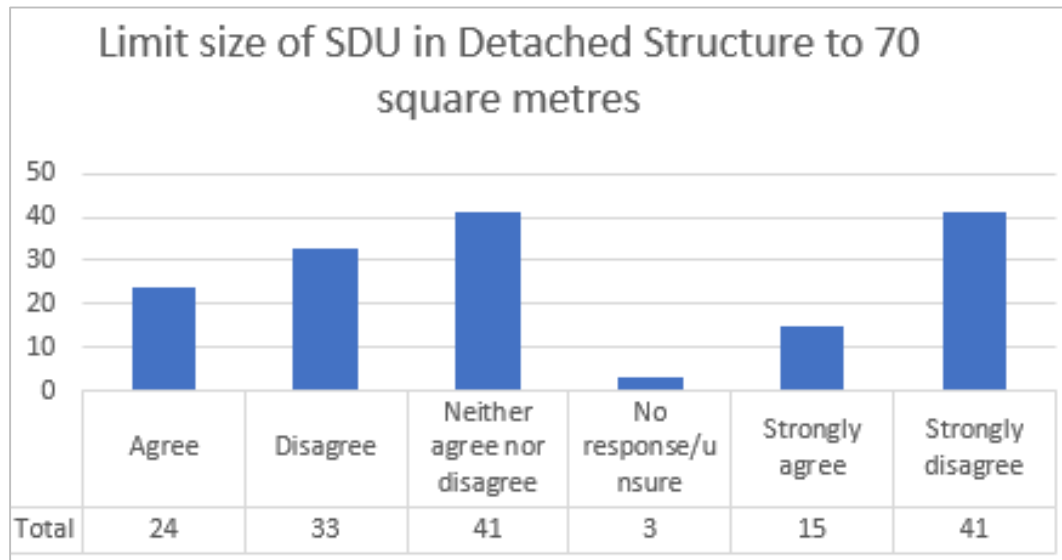
Location of SDU



**Only those who indicated they were interested in constructing an SDU received this question*

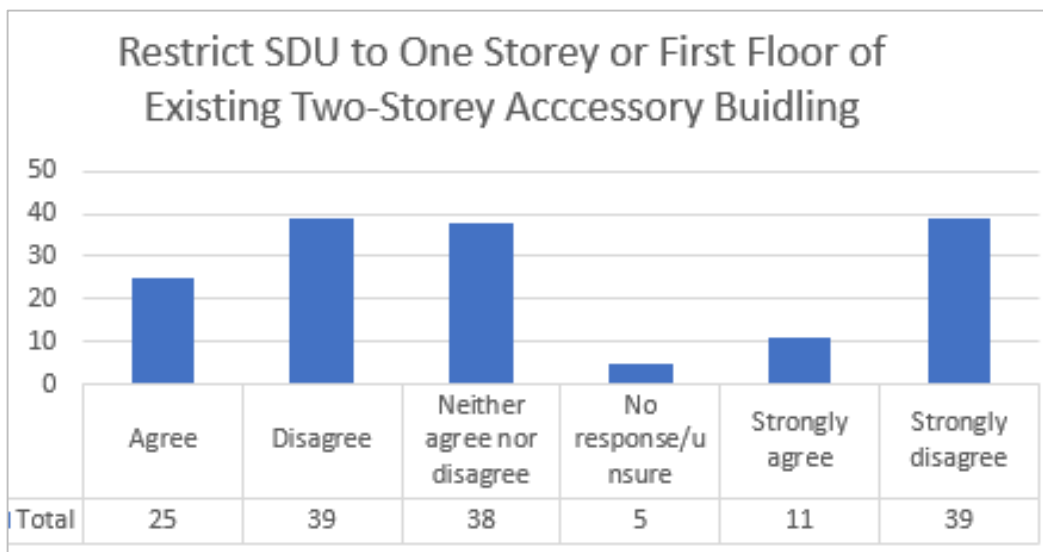
Survey Results:

- Majority of respondents **do not** support limiting the size of a SDU in a detached building to 70 square metres



Survey Results:

- Majority of respondents **do not** support limiting the height of a SDU in a detached building





Highlights of Public Comments:

- Viable/necessary option for those seeking extra income through rental property or those seeking affordable housing options especially for parents and aging family members and young individuals such as adult children who cannot afford to enter the housing market
- Ground floor limit of 70 square metres is not sufficient to accommodate a family or generate sufficient rental income to support the investment
- Support for option of having two-storey unit, or a unit on the upper floor of an unattached building such as a garage
- Concern that SDUs will be used as short term rentals

Agency Comments:

Department/Agency	Comments	Proposed Regulation
Essex Region Conservation Authority (ERCA)	No objections. Request further consideration and dialogue as it relates to SDU in flood prone or hazards area	Must permit SDU. Will be subject to ERCA approval
Infrastructure Services	Will not be permitted their own separate service connections. May have impact on servicing in areas with limited capacity	Need to have sufficient servicing capacity and frontage on street
Building Division	No objections. SDU subject to building Code regulations	
County of Essex	No objections	



Proposed Policies and Regulations:

1. Proposed amendment to the Town of Essex Official Plan:
Under subsection 5.4, Lands Designated “Agricultural”, Policies, Permitted Uses, amend paragraph f) iii), which reads, “one second dwelling unit in the main dwelling” to “one second dwelling unit in the main dwelling or in an accessory building to the main dwelling”



Proposed Policies and Regulations:

2. Proposed revisions to Zoning By-law 1037, the Town of Essex general land use zoning by-law:

i) Amend the definition of “Second Dwelling Unit” to read as follows:

Second Dwelling Unit means a second dwelling unit constructed within a single detached dwelling, semi-detached or townhome dwelling unit **or in an accessory building to a single detached dwelling, semi-detached or townhome dwelling unit for the purpose of providing full time residential accommodation of a person or persons.**



Proposed Policies and Regulations:

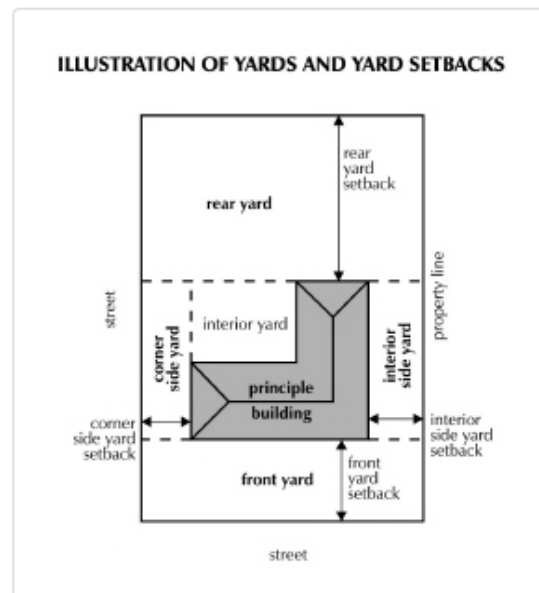
ii) Revise Section 8.15 “Second Dwelling Units” to allow:

- An option for allowing a SDU in main dwelling or a detached structure in Agricultural and select Residential District but **not** in both to limit adverse impacts to infrastructure, mitigate parking issues and impacts to our Development Charges reserves
- A two-storey SDU if not located within a *required yard*
- Maximum floor area to be dictated by *maximum lot coverage regulation* for respective zoning district but no greater than floor area of primary dwelling

Proposed Policies and Regulations

Two-storey option for SDU constructed outside of a required yard:

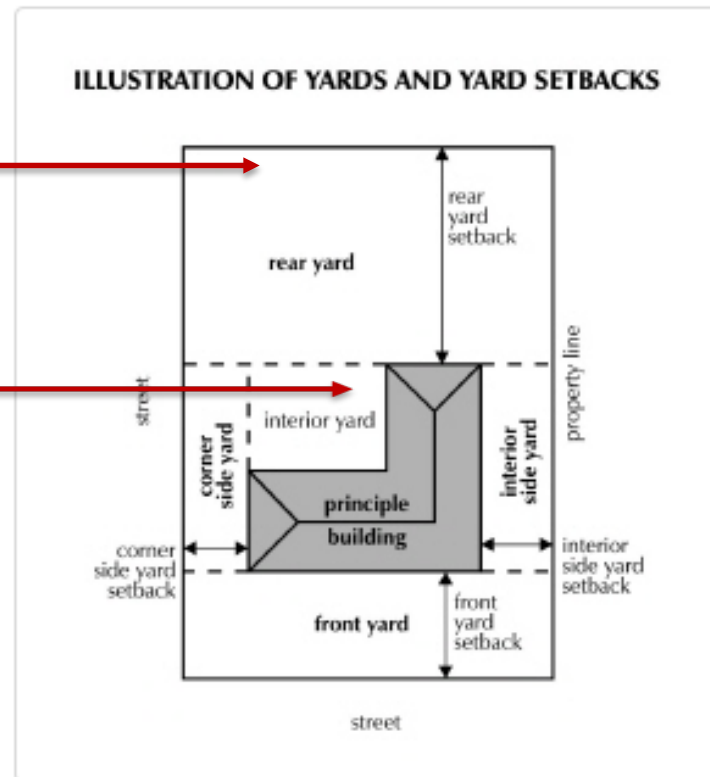
A required yard is defined as an unoccupied and unobstructed open space from ground to sky, required for each individual zoning district, except for any encroachment or structure permitted in the Zoning Bylaw.



Proposed Policies and Regulations

If SDU located here, limited to one (1) storey
(can apply for minor variance to permit two-storey)

If SDU located here, two (2) storey SDU permitted
(not permitted within 6 feet of existing dwelling)



Proposed Policies and Regulations

Maximum floor area to be dictated by maximum lot coverage regulation for respective zoning district but no greater than floor area of primary dwelling:

Lot coverage is the percentage of lot area covered by all buildings at grade.

Subsection 14.1 Residential District 1.1 (R1.1)

Low density housing on urban lots			
a) Permitted Uses			
i. Main use	One Single Detached Dwelling or One Bed and Breakfast 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	15m (50f)	18m (60f)	21m (70f)
ii. Lot Area – Minimum	460m ² (5000f ²) for a lot serviced by a sanitary sewer 1850m ² (20,000f ²) for a lot not serviced by a sanitary sewer	555m ² (6000f ²)	650m ² (7000f ²)
iii. Lot Coverage – Maximum	40% of lot area	40% of lot area	40% of lot area
iv. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building	10m for a main building 1 storey for an accessory building	10m for a main building 1 storey for an accessory building
v. Front Yard Depth – Minimum	7.5m (25f)	7.5m	7.5m
vi. Rear Yard Depth – Minimum	7.5m	7.5m	7.5m

Subsection 14.2 Residential District 1.2 (R1.2)

Pleasant Valley - estate residential, limited agricultural uses			
a) Permitted Uses			
i.	Main use	One Bed and Breakfast Dwelling or One Single Detached Dwelling	Horse farm Other Agricultural Operation exclusive of a Livestock Intensive Agricultural Use
ii.	Lawfully existing main use	Livestock intensive horse farm Other livestock intensive agricultural use in operation since November 3, 1987	
iii.	Accessory use	Any use accessory to the main use	
b) Regulations			
i.	Lot Width – Minimum	60m (200f)	
ii.	Lot Area – Minimum	4h (10a)	
iii.	Lot Coverage – Maximum	25% of lot area	
iv.	Building Height – Maximum	10m (32f)	
v.	Front Yard Depth – Minimum	15m (50f)	
vi.	Rear Yard Depth – Minimum	15m (50f)	
vii.	Side Yard Width – Minimum	3m (10f) for an interior side yard 15m for an exterior side yard	
viii.	Each dwelling shall have storm water and sanitary facilities and electrical and potable water services approved by the Town or other authority having jurisdiction		
ix.	For this zoning district, horses shall be permitted at a maximum ratio of two (2) horses for each 0.4 hectares (1 acre) of lot area; all other livestock and poultry shall be permitted at a ratio of 0.5 animal units for each 0.4 hectares to a maximum of five (5) animal units. In calculating the total lot area to determine the maximum permitted		

b) Regulations	
i. Lot Width – Minimum	The lesser of 60m (200f) or as existing, unless otherwise specifically provided
ii. Lot Area – Minimum	The lesser of 40h (100a) or as existing, unless otherwise specifically provided
iii. Lot Coverage – Maximum	25% of lot area
iv. Building Height – Maximum	10m (32f) for a dwelling 15m (49f) for all other buildings
v. Front Yard Depth – Minimum	15m (50f)
vi. Rear Yard Depth – Minimum	15m
vii. Side Yard Width – Minimum	3m (10f) for an interior side yard 15m for an exterior side yard
viii.	A bed and breakfast dwelling shall have a minimum lot area of 1850m ² (20,000f ²).
ix.	A farm equipment sales and service establishment shall only be on a lot having a minimum lot area of 2ha (2.5a) and lot width of 30m (100f).
x.	A farm production support use, if not ancillary to an agricultural operation on the same lot, shall only be permitted on a lot having a minimum lot area of 2ha (2.5a) and lot width of 30m (100f).
xi.	A kennel, which is not entirely within a dwelling, shall be a minimum of 60m (200f) from a dwelling not on the same lot as the kennel.
xii.	A mushroom farm shall not be permitted within 350m (1150f) of a Residential District. A facility used for the growing, storage, packaging, or distribution of marijuana and hemp shall be licensed by the licensing authority having jurisdiction and shall be a minimum of 300 m (985f) from a dwelling and a Green District and 500 m (1640f) from a Resident District.
xiii.	A nursery shall have a minimum lot area of 2ha (5a) the lesser of 2ha (5a).
xiv.	A riding stable shall only be permitted on a lot having a minimum lot area of 2ha (5a) and lot width of 30m (100f).



Next Steps:

1. A report to Council and proposed Bylaw will be prepared for Council's decision at the April 19, 2021 Regular Council Meeting.
2. At the April 19, 2021 Council Meeting, Council may:
 - Approve the Official Plan Amendment or defer decision if further information is required
 - Approve Zoning Bylaw amendment or defer decision if further information is required
 - Material regarding Official Plan Amendment will be submitted to County of Essex for Approval
 - If County approves, notice of Official Plan Amendment and Zoning Bylaw Amendment for SDUs will be published in local papers

Thank You!

Questions?





Public Meeting to Consider Amendments to the Town of Essex Official Plan and to Zoning By-Law 1037 Regarding Second Dwelling Units

ZBA-04-21

Applicant: Town of Essex

Meeting Information

The Council for the Town of Essex will hold a **Public Meeting on Tuesday, April 6, 2021 starting at 4:30pm.** You are invited to attend this meeting and to express any interest you may have in the requested amendments. This matter is also scheduled for formal decision at the Regular Council Meeting on **Monday, April 19th, 2021** commencing at **6:00pm.**

Proposal

The purpose of this statutory meeting is to consider amendments to the Official Plan and to Zoning By-law 1037 with regard to the adoption of expanded provisions for second dwelling units, in accordance with Provincial mandates set out under the More Homes, More Choice Act (2019). A *second dwelling unit* is a dwelling unit accessory to a main dwelling.

Current Regulations:

Currently a second dwelling unit is permitted in a single detached dwelling or in a semi-detached or townhome dwelling unit. Currently within the Agricultural Zoning districts, a second dwelling unit is neither permitted within a dwelling nor a detached structure.

Proposed Changes:

- Official Plan to be amended to include policies permitting a second dwelling unit in a detached structure accessory to the main dwelling on lands designated "Agricultural", and,
- The Town's Zoning Bylaw be revised to permit a second dwelling unit within the main dwelling in Agricultural Districts 1.1 and 1.2, and that,
- The Town's Zoning Bylaw be revised to permit a second dwelling unit in a detached building accessory to the main dwelling in select Residential zoning districts including Agricultural districts 1.1 and 1.2.

A second dwelling unit would be subject to restrictions in Gross Floor Area (GFA) and building height, in addition to the current regulations governing a second dwelling unit. No description or key map has been provided as these are general amendments to the Town of Essex Official Plan and Zoning Bylaw 1037

You are invited to attend the **Virtual Public Meeting on Tuesday, April 6, 2021** to express any interest you may have. Any person who wishes to attend this meeting electronically and/or speak at this meeting

as a delegate will need to register as an electronic delegation by providing your contact information (name, address, email and phone number) to the Planning division via email to essexplanning@essex.ca or by phone at 519.776.7336 extension 1128 no later than the deadline of 24 hours prior to the date and time of the scheduled meeting. Attendees/Delegates will be contacted directly with registration details prior to the meeting.

Additional information relating to the proposed amendment and Bylaw is available for review at the Town Hall at 33 Talbot Street South, Essex, during regular office hours or at the following webpage: www.essex.ca/SDUs Residents are also invited to provide their comments on the proposed amendment and Bylaw through completion of a survey found at the following link:

It is recommended that an appointment be scheduled for this purpose of attending Town Hall. Please contact the Planning Division at 519-776-7336, extension 1128, to schedule an appointment.

Written submissions should be directed to the Manager of Planning Services, Town of Essex, 33 Talbot Street South, Essex, Ontario N8M 1A8.

Public Comment and Rights to Appeal

For more information about this matter, including information about appeal rights, please contact the undersigned.

If you wish to be notified of the decision of Council regarding the proposed amendments and Bylaw, you must make a written request to the undersigned.

Personal Information: The 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.

Dated: at the Town of Essex this 26 day of February 2021.

Public notice placed by:

Rita Jabbour, RPP, BA, Msc

Tel: 519-776-7336 extension 1112

Fax: 519-776-8811

Email: rjabbour@essex.ca