



The Corporation of the Town of Essex

Special Council Meeting Minutes

April 6, 2021, 4:30 pm

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

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/user/EssexOntario)

The purpose of this meeting was to have a public meeting to discuss and/or consider changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex.

Present:

- Mayor Larry Snively
- Deputy Mayor Richard Meloche
- Councillor Joe Garon
- Councillor Morley Bowman
- Councillor Kim Verbeek
- Councillor Steve Bjorkman
- Councillor Sherry Bondy
- Councillor Chris Vander Doelen
- Rita Jabbour, Manager, Planning Services

Also Present:

- Chris Nepszy, Chief Administrative Officer
- Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
- Shelley Brown, Deputy Clerk, Legal and Legislative Services
- Doug Sweet, Director, Community Services/Deputy CAO
- Jeffrey Morrison, Director, Corporate Services and Treasurer
- Lori Chadwick, Director, Development Services
- Kevin Girard, Director, Infrastructure Services
- Cassandra Roy, Legislative Clerk, Legal and Legislative Services

1. Call to Order

Mayor Snively called the meeting to order at approximately 4:30 P.M.

2. Declarations of Conflict of Interest

There were no conflicts of interest noted at this time.

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for April 6, 2021

SP21-04-001

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

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

Carried

4. Presentation from Administration

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

Rita Jabbour, Manager, Planning Services, presented the merits and concerns of the new Official Plan Policies and Zoning By-Law Regulations related to the construction of Second Dwelling Units.

Ms. Jabbour explained that Bill 108: *More Homes, More Choice Act (2019)* was created 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 residential units in a dwelling and a residential unit in a building ancillary to a dwelling.

Ms. Jabbour stated that the second dwelling units (SDU) increase the supply and range of affordable rental accommodations, support changing demographics by providing more housing options and make more efficient use of existing infrastructure and the existing housing stock. Ms. Jabbour noted that these units are not for short term rentals.

Ms. Jabbour explained that the Town of Essex zoning by-laws do not allow second dwelling units in residential and agriculture areas. She stated that the Town is required to make amendments to both Zoning By-Laws and the Official Plan.

Ms. Jabbour said that the Town of Essex has reached out to various members of the public for input and the majority of respondents were in support of second dwelling units. The results of the survey showed that the public felt it was a viable and necessary option but the limit of 70 square meters per dwelling needed to be increased.

Ms. Jabbour proposed an amendment to the definition of a second dwelling unit to state that a 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.

Ms. Jabbour also proposed a revision to the Town of Essex Official Plan in Section 8.15 Second Dwelling Units to allow:

- An option for allowing special dwelling units in the 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 second dwelling unit 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

Ms. Jabbour stated that the next step is a report to Council and proposed By-Law will be prepared for Council's consideration at the Regular Council Meeting on April 19, 2021.

Ms. Jabbour asked Council if there were any questions or concerns.

Mayor Snively asked how the Town will enforce these short-term rentals.

Ms. Jabbour explained that she was currently working with Infrastructure Services and Legal and Legislative Services regarding zoning by-law amendments that would regulate short-term rentals.

Councillor Garon expressed concerns with second dwelling units being built on small lots in subdivisions that could cause privacy and parking issues. Councillor Garon also questioned how the Town would enforce parking by-laws and short-term rental by-laws.

Councillor Bowman noted that he was in favour of each dwelling using the same services as it prevents severability.

Councillor Bjorkman asked Ms. Jabbour if all services for the secondary dwelling come from the primary dwelling.

Councillor Bjorkman expressed concerns regarding the lack of space and privacy in subdivisions stating that he is in favour of having the secondary dwelling unit limited to one story and further that they be limited to a maximum size of 50% of the principal dwelling on the property.

Ms. Jabbour confirmed that the second dwelling units would be serviced by the primary dwelling and that in the urban areas the second dwelling unit would not exceed the size of the main dwelling.

Mayor Snively stated that the primary lot size should be considered prior to approving second dwelling units. He suggested a minimum lot size before a second dwelling is permitted.

Ms. Jabbour explained that the Province has approved these units and it should not be so restrictive that people cannot have a second dwelling unit on their property. She said that the initial proposal is a minimum size of 750 square feet subject to maximum lot coverage.

Councillor Bowman stated that he was concerned about the minimum lot size with some of the new subdivisions.

Mayor Snively explained that he is in favour of this amendment and understands that there is a shortage of housing. However, he wants to ensure that there is significant green space on smaller lots prior to building a second dwelling.

Councillor Vander Doelen agreed with this proposal noting that it was overdue but he is worried that the complexity of building a second dwelling unit might discourage residents.

Councillor Vander Doelen asked if any other towns in our Municipality were permitting second dwelling units.

Ms. Jabbour stated that in our region Amherstburg has implement this policy which includes a lot limit of approximately 30 square meters in urban areas and no restrictions in rural areas. The Municipality of Leamington is in the process of amending their Official Plan. The City of Windsor allows second dwelling units in the main dwelling and in a detached building but second dwellings cannot be taller than the main dwelling.

Ms. Jabbour noted that Essex was the first town in Essex-County to allow second dwelling policies in the Official Plan in 2014.

Mayor Snively stated that he would like to approve this plan and add restrictions on the lot size permitting second dwelling.

Councillor Bondy explained that the community has been anticipating this plan. Councillor Bondy also noted similar concerns related to regulating by-laws and parking. She mentioned that she spoke with residents and these second dwelling units are not for short-term rentals but for their elderly family and their children. She added that the housing crisis is real and you cannot purchase a house for less than 250, 000 in our municipality.

Mayor Snively responded to Councillor Bondy by stating that he was speaking with a prospective buyer and a house to renovate went more than hundred thousand over the asking price. He also noted that Toronto residents are coming to Essex-County to purchase a home and it is increasing housing prices.

Deputy Mayor Meloche said that one of his concerns is regarding the location of the second dwelling unit on the property and ask if there were restrictions on whether the second dwelling could be located in front or beside the primary dwelling. Deputy Mayor Meloche also asked if there were any concerns with the sewage system due to the potential influx of residents.

Ms. Jabbour noted that the building permit would depend on the ability to service the second dwelling unit. She stated that the Planning Department would be working with the Infrastructure Services and Building and By-Law to gather statistics to identify where these permits were issued.

Deputy Mayor Meloche requested information regarding the developmental charges.

Ms. Jabbour said that the developmental charges are waived at the building permit stage but if second dwelling units exceed the size of the main dwelling it is not waived through the Town of Essex. The More Homes, More Choice Act (2019) only covers charges for second dwelling units that do not exceed the primary residence.

Councillor Verbeek asked if a resident could build three or four dwellings.

Ms. Jabbour stated that it is currently only the primary dwelling and if this is approved only two dwellings would be permitted.

Councillor Garon questioned the driveway allowances.

Ms. Jabbour noted that only one driveway would be allowed per lot and within the zoning by-law there is a maximum driveway width of 25 feet. One on-site parking space will be a requirement in order to build a second dwelling unit.

Lori Chadwick, Director, Development Services, added some comments noting that the zoning by-law and building code requirements would be review by the building technician then by the building inspector. She explained that the building inspector reviews plans and informs residents of any issues with regulations. Ms. Chadwick also noted that the decision would then be made by the Committee of Adjustment through the four tests of minor variance and the policies that bind such as zoning by-laws.

SP21-04-002

Moved By Councillor Garon

Seconded By Councillor Bowman

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

Carried

5. **Public Presentations**

6. **Adjournment**

SP21-04-003

Moved By Councillor Bjorkman

Seconded By Councillor Garon

That the meeting be adjourned at 5:46 P.M.

Carried

Mayor

Clerk