

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 one (1) Additional Dwelling Unit 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 one (1) Additional Dwelling Unit within a detached accessory or ancillary building when the Semi-Detached or Townhome Dwelling Unit contains no more than two (2) Dwelling Units.

e.c) For the purposes of this subsection, where a lot contains a dwelling and an additional dwelling unit is proposed within a detached accessory or ancillary residential building, the dwelling existing on the lot prior to the construction of an Additional Dwelling Unit, shall be considered the main dwelling.

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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 potable piped water supply;

ii) Only one (1) water and sanitary service connection will be permitted per lot to service the main dwelling and Additional Dwelling Unit ~~secondary dwelling unit~~ when available services are municipally owned and operated. A separate service connection for the Additional Dwelling Unit ~~second dwelling unit~~ will not be permitted in an area of settlement. An Additional Dwelling Unit ~~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 in an area of settlement;

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;

v) A detached Additional Dwelling Unit may contain an attached garage if the total Gross Floor Area (GFA) of the Additional Dwelling Unit with attached garage does not exceed the GFA of that of the largest dwelling unit in the main building;

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vi) Notwithstanding any other provisions of this By-law, an Additional Dwelling Unit within a detached accessory or ancillary building, shall not be permitted above the ground floor;

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vii) The maximum building height for an Additional Dwelling Unit in a detached accessory or ancillary building in an area of settlement shall be 4m, the maximum height of the accessory or ancillary residential building shall be one (1) storey in a Residential District;

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viii) No Additional Dwelling Unit located within a detached accessory or ancillary building shall be permitted within 1.2 m (4 feet) of any other building located on the same lot;

ix) An Additional Dwelling Unit located in a detached accessory or ancillary building shall be permitted in a front yard, except in a required front yard, and in a rear yard and or side yard, except in a required rear yard or required side yard;

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~~vii)x~~ An Additional Dwelling Unit located in a detached accessory or ancillary building shall have access to the street as prescribed under the Building Code;

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~~viii)xi~~ the provisions of clauses 8.4, i) do not apply to an Additional Dwelling Unit, and;

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 1.28m (46f) 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 370.5m2 (4000f2), the total permitted lot coverage for all accessory buildings on the lot is 37m2 (400f2).
- 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, <u>or Semi-Detached Dwelling Unit</u>	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) for a Semi-Detached Dwelling	18m (60f)	21m (70f)
ii. Lot Area – Minimum	360m2 (4000f2) for a lot serviced by a sanitary sewer 925m2 (10,000f2) for a lot not serviced by a sanitary sewer	460m2 (5000f2)	555m2 (6000f2)	650m2 (7000f2)
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 70m2 (750f2) and 92m2 (1000f2) 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.		

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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			
a) Permitted Uses			
i. Main use	Single Unit Dwelling, Two-Unit Dwelling, Three-Unit Dwelling or One Bed and Breakfast Dwelling	Semi-Detached Dwelling, or, Semi-Detached Dwelling Unit	Townhome Dwelling with a maximum of three (3) townhome dwelling units
ii. Accessory use	Any use accessory to the main use		
b) Regulations			
i. Lot Width – Minimum	12m (40f)	15m (50f) for a Semi-Detached Dwelling	21m (70f) for a Townhome Dwelling
ii. Lot Area – Minimum	360m2 (4000f2)	460m2 (5000f2)	650m2 (7000f2)
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 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)		
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 70m2 (750f2) and 92m2 (1000f2) 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:		
	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.		

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	
a) Permitted Uses	
i. Main use	Two-Unit Dwelling Three-Unit Dwelling Bed and Breakfast Dwelling Duplex Dwelling Group Home Lodging House Multi-Unit Dwelling Residential Care Facility Semi-detached Dwelling Townhome Dwelling
ii. Lawfully existing main use	Single Detached Dwelling Duplex dwelling
iii. Accessory use	Any use accessory to the main use
b) Regulations	
i. Amenity area per multiple dwelling unit - Minimum	Bachelor unit - 7.5m2 (81f2); One-bedroom unit - 10m2 (108f2); Two or more bedroom unit - 15m2 (162F2);
ii. Lot Width, multiple dwelling – Minimum	18m (60f)
iii. Lot Area, multiple dwelling – Minimum	555m2 (6000f2) for the first 4 dwelling units, plus 90m2 (970f2) 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 semi-detached dwelling, townhome dwelling, Single Unit Dwelling, Two-Unit dwelling, and Three-Unit dwelling and any use accessory thereto shall conform to the regulations of subsection 15.2, R2.2 District , of this by-law, applicable thereto.
x.	Notwithstanding the provisions of this subsection in conflict herewith, a lodging house for the accommodation of a maximum of eight (8) persons and a bed and breakfast dwelling and any use accessory thereto shall conform to the regulations of subsection 14.1, R1.1 District , 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
c) Supplementary Regulations: See Sections 7: Definitions 8: Supplementary Use Regulations 9: Supplementary Lot Regulations 10: Supplementary Building Regulations 11: Parking Space Regulations 12: Parking Area Regulations.	

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~~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