



Report to Council

Department: Development Services

Division: Planning

Date: June 3, 2024

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: Planning-2024-14

Subject: Proposed Zoning By-law Amendment for Housing (ZBA-04-24)

Number of Pages: 9 plus attachments

Recommendation(s)

That Planning Report Planning-2024-14 entitled Proposed Zoning By-law Amendment for Housing (ZBA-04-24) prepared by Rita Jabbour, RPP, Manager, Planning Services dated June 3, 2024 be received, and

That By-law Number 2332, Being a By-Law to Amend By-Law 1037, the Comprehensive Zoning By-law for the Town of Essex, to permit alternative housing options in residential districts within the Town of Essex, be read a first, second and a third time and finally passed on June 3, 2024.

Purpose

Council approval is required to amend the Comprehensive Zoning By-law for the Town of Essex, By-law 1037, to implement changes to housing regulations because of Bill 23, the *More Homes Built Faster Act*, and to allow alternative housing types and tenures in specific areas within the Town of Essex.

Background and Discussion

In October 2023, Administration provided Council with an update on the various initiatives that were being undertaken to address the affordable housing issue in the Town of Essex. As a result, Council directed Administration to initiate a Zoning By-Law Amendment to accommodate the changes to the *Planning Act* due to Bill 23, the *More Homes Built Faster Act*, and to explore opportunities for the development of alternative housing types and tenures in specific areas within the Town of Essex.

Bill 23 Changes

Bill 23 makes changes to the *Planning Act* that now require Planning Authorities to permit in Settlement Areas, on lands that are designated residential and serviced with municipal water and sanitary systems, two (2) Additional Residential Units within a Single-Detached, Semi-Detached, or Townhouse Dwelling. One (1) Additional Residential Unit within a detached structure *accessory* to a Single-Detached, Semi-Detached, or Townhouse Dwelling is also permitted where there are no more than two (2) dwelling units in the main residential building. In all scenarios, no more than three (3) dwelling units are permitted per lot because of Bill 23 changes.

To accommodate Bill 23 changes, Zoning By-law 1037 is proposed to be amended to add new definitions to better explain the number of dwelling units that are permitted within a residential building and within a detached, accessory building such as a garage or garden suite. These definitions are as follows:

- Single-Unit Dwelling (to replace Single Detached Dwelling)
- Two-Unit Dwelling (to replace Duplex Dwelling)
- Three-Unit Dwelling (to recognize the maximum number of dwelling units permitted within a residential building)
- Additional Dwelling Unit (to replace Second Dwelling Units)

Amendments to Zoning By-law 1037 are also proposed to amend the definition of existing dwelling types, specifically, Semi-Detached and Townhome Dwellings, to differentiate them from Two-Unit and Three-Unit Dwellings and recognize their different ownership structure.

Residential Intensification Initiatives

To allow for the development of alternative housing types, Zoning By-law 1037 is proposed to be amended to allow for the following:

- ***Semi-Detached Dwellings***- in addition to Single-Unit, Two-Unit, and Three-Unit Dwellings- in Residential District 1.1 (R1.1) where currently only Single Unit Dwelling are permitted.
- ***Townhome Dwellings up to Three Units*** – in addition to Single-Unit, Two-Unit, and Three-Unit Dwellings- in Residential District 2.1 (R2.1) where currently only Single Unit and Semi-Detached Dwellings are permitted.
- ***Two-Unit and Three-Unit Dwellings*** in Residential District 3.1 (R3.1) where they are currently not permitted.
- A ***minimum lot width of 12m*** (40f) for Single-Unit, Two-Unit, and Three-Unit Dwellings where 15m (50f) is currently the minimum.
- A ***minimum lot width of 15m*** (50f) for Semi-Detached Dwellings where 18m (60f) is currently the minimum.
- A ***minimum lot width of 21m*** (70f) for Townhome Dwellings where 24 m (79f) is currently the minimum.
- ***Removal of the minimum dwelling unit*** size under s. 8.4 of By-law 1037 (Bill 23 has rendered any reference to minimum dwelling unit size null and void. Maximum size limits are still permitted).
- ***Amendments to Accessory Building Regulations*** under s. 10.3 of the Zoning By-law to facilitate the construction of Additional Dwelling Units.

A full list of changes are attached to this report under By-law 2332.

Conformity with Planning Legislation and Policy

Planning Act

Section 2 of the *Planning Act* requires Municipal Councils- as a matter of Provincial interest- to have regard to the adequate provision of a full range of housing when exercising their approval authority on applications for Zoning By-law Amendments.

Comments: The requested amendments to the Zoning By-law provide for the provision of a full range of housing types in the residential districts throughout the Settlement Areas of the Town of Essex. Therefore, the proposal has regard to matters of provincial interest respecting housing.

Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement (PPS, 2020) requires Planning Authorities (Municipal Councils) to provide for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents of the regional market area by:

- permitting and facilitating all *housing options* and types of residential intensification, including additional residential units (s. 1.4.3 b)
- establishing development standards for residential intensification, redevelopment and new residential development which minimizes the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety (s. 1.4.3 f).

Comments: Under the PPS, Housing Options include single-detached, semi-detached, townhouses, stacked townhouses, multiplexes, tiny homes, and additional residential units. The requested amendments propose to permit these housing options in residential districts where they are presently not permitted. In accordance with the Growth Analysis Background Report completed by Watson and Associates for the County of Essex and its area

municipalities, future housing growth is anticipated across a diverse range of housing forms with increased market demand for medium and high density housing options such as townhouses over the next three (3) decades. To accommodate this demand, the Policy Directions Report prepared by NPG Planning Solutions for the County of Essex and its area municipalities suggests allowing flexibility in the scale, form and types of residential uses permitted without a Zoning By-law Amendment and by adopting development standards that promote compact development such as narrower lot sizes. Therefore, the proposal is consistent with the Provincial Policy Statement (PPS, 2020).

County of Essex Official Plan

The County of Essex Official Plan supports and encourages residential intensification and redevelopment within Settlement Areas in order to offer a full range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities. The County permits additional dwelling units within single-detached, semi-detached, townhouse dwelling and within detached accessory buildings.

Comments: The proposed amendments will add a variety of housing options through residential intensification (development that results in the addition of more residential units on a lot than what previously existed) and redevelopment (change of land use) in the Town of Essex Settlement Areas. Therefore, the proposal is consistent with the County of Essex Official Plan.

Town of Essex Official Plan

It is the intent of the Town of Essex Official Plan that a broad range of residential uses be permitted on residential lands in order to meet the needs of all households within the Planning period. The construction of a greater variety of housing types is encouraged including singles units, two units, three units, townhomes, additional residential units and multiple dwellings. In low and medium density residential zones, single unit, two unit, and multiple dwellings are permitted.

Comments: The proposed amendments will add a broad range of residential uses in residential districts in keeping with the available infrastructure supply and the established zoning characteristics of the area.

Results of May 21 Statutory Public Meeting

A Statutory Public Meeting was held on Tuesday May 21, 2024 to hear representation from notified members of the public and comments from public agencies regarding the proposed Zoning By-law Amendments. **A copy of the Public Meeting presentation is attached to this report.**

One (1) delegation was received at the public meeting. A summary of questions and comments received at the Public Meeting is provided below:

Agency	Question/Comment	Response
Essex Region Conservation Authority (ERCA)	<ul style="list-style-type: none">• objection to year-round occupancy for existing dwellings at 1 Klies Beach due to natural hazard• supportive of year-round occupancy for vacant lands outside of hazard area	<p>Proposed amendments have been removed from By-law 2332</p> <p>Owners of 1 Klies Beach will consult with ERCA on development opportunity for future site-specific Zoning By-law amendment.</p>
Chippewa of the Thames First Nation	<ul style="list-style-type: none">• Minimal concerns with the information	No action required.
Council	<ul style="list-style-type: none">• Would a four unit continue to be allowed?	This depends on whether the lands are zoned to permit a Multi-Unit dwelling.

Council	<ul style="list-style-type: none"> Can you clarify policies for ADUs in Agricultural Districts 	<p>One (1) ADU is still permitted in the main dwelling or a detached structure in an Agricultural Area.</p> <p>Intent of Bill 23 is to direct intensification to settlement areas.</p>
Council	<ul style="list-style-type: none"> Are there limitations through regulations for ADUs with respect to lot coverage 	<p>Yes. There are regulations in the Zoning By-law requiring that an ADU meet all lot and building regulations for that zoning district.</p>
Council	<ul style="list-style-type: none"> Does each ADU need two doors for emergencies when located in the same dwelling 	<p>Generally no, but this will depend on several factors prescribed under the Building Code.</p>
Council	<ul style="list-style-type: none"> Concerns with Parking reductions for the Essex Non Profit lands 	<p>Administration has met with Essex Non profit to consult on alternative designs to accommodate all required parking on-site.</p> <p>The amendments have therefore been removed from By-law 2332.</p>
Council	<ul style="list-style-type: none"> Would ERCA support a new three season dwelling at 1 Klies Beach and can an existing dwelling be replaced at 1 Klies Beach? 	<p>Zoning only recognizes existing dwelling; no new dwellings permitted without Zoning By-law Amendment.</p> <p>Dwelling can be reconstructed but it has to be the same size and height and conform to the same setbacks it had before.</p>

Delegation	<p>Can I have six units total on a 15m wide lot?</p> <p>Why is there a 7.5 m setback from the ADU and the rear yard?</p>	<p>It depends on the zoning. If the zoning allows a Semi-Detached, it would be permitted on a 15m lot, and each of those dwelling units could include two more additional dwelling units but they must comply with all lot, building and parking regulations.</p> <p>7.5m setback was established to maintain privacy.</p> <p>Additional Dwelling Units in detached accessory structures cannot be located above ground floor.</p>
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By-law 2332

By-law Number 2332 has been amended from its draft form to remove amendments respecting 107, 126, and 143 Michael Drive, and 1 Klies Beach.

Following the Public Meeting, Development Services Staff met as a whole to discuss the amendments. As a result, minor amendments were recommended to By-law Number 2332. The changes are tracked in the attached draft of the By-law.

It is the recommendation of Administration that By-law Number 2332 be approved since the amendments conform with Planning legislation and policy, and since there is no further follow up from the public meeting. Council may however choose to defer the decision on By-law 2332 until a future Council meeting if further information. **It is important to note that the Planning Act does not allow appeals of any part of By-law Number 2332 that are passed to give effect to Bill 23 changes.**

Financial Impact

There are no financial impacts as a result of the Zoning By-law Amendments.

Consultations

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Chief Building Official/Manager, Building and Bylaw Enforcement

Lori Chadwick, Director, Development Services

Link to Strategic Priorities

- ☐ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ **Leverage our Town's competitive advantages to promote jobs and economic investment.**
- ☒ Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- ☐ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Proposed Zoning By-Law Amendment for Housing (ZBA-04-24) - Planning-2024-14.docx
Attachments:	<ul style="list-style-type: none">- ZBA-04-24 Public Meeting Presentation - Housing ZBA- May 2024 (Final).pptx - Read-Only.pdf- Draft By-Law with Development Services Revisions.pdf- By-Law Number 2332.pdf
Final Approval Date:	May 29, 2024

This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - May 29, 2024 - 9:08 AM



Doug Sweet, Chief Administrative Officer - May 29, 2024 - 10:22 AM