



Report to Council

Department: Development Services
Division: Planning
Date: January 12, 2026
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning-2026-02
Subject: General Amendments to Zoning By-law 1037 (ZBA-03-25)
Number of Pages: 11 including attachments

Recommendation(s)

That Planning Report 2026-02 entitled General Amendments to Zoning By-law 1037 (ZBA-03-25) prepared by Rita Jabbour, RPP, Manager, Planning Services dated January 12, 2026 be received, and

That By-law Number 2501, being a by-law to amend By-law 1037, the Comprehensive Zoning By-law for the Town of Essex, be read a first and second time and provisionally adopted on January 12, 2026.

Purpose

To recommend adoption of general amendments to the Town of Essex Comprehensive Zoning By-Law, By-law 1037, as presented at the Special Council Meeting of December 15, 2025.

Background and Discussion

The Town of Essex has initiated general amendments to the Town of Essex Comprehensive Zoning By-law, By-law 1037 (File No.: ZBA-03-25). By-law 1037 controls the use of land in the Town of Essex by regulating how land or buildings and structures may be used and the permitted building types on such land; the size of a lot, and; the location of buildings and structures on a parcel of land and the regulations applicable to those buildings and structures, including but not limited to: setbacks, building heights, and parking standards.

The purpose of the amendments as proposed in ZBA-03-25 are as follows:

- To revise the definition of a “Hotel” and “Motel” to include a description of what constitutes “self-contained cooking facilities” (Note: self contained cooking facilities are not permitted in Hotel or Motel guest rooms or suites).
- To revise the definition of a “Gas Bar” to “Motor Vehicle Fuel Station” to recognize the emergence of modern and alternative fuel stations such as Electric Vehicle (EV) Charging Stations.
- To amend regulations respecting Additional Dwelling Units (ADUs) to allow for a maximum lot coverage of 45% as required by Ontario Regulation 299/19; to remove regulations respecting the manner in which ADUs are to be serviced (regulation not permitted in a Zoning By-law); and, to clarify what constitutes a main dwelling for the purpose of constructing an ADU in an agricultural area.
- To revise the minimum parking regulations for dwelling units in combined use buildings (i.e. buildings with commercial and residential uses) to reflect the parking regulations required for dwelling units in standalone residential buildings (i.e. apartments and condos).
- To exempt minimum parking requirements for new commercial buildings in parking exceptions areas in downtown Essex Centre and Harrow.

- To remove permission for semi-detached dwellings (i.e. two dwelling units attached by a common interior wall with each dwelling unit located on a separate lot) on residential lots along County Road 50, east and west of the Colchester Hamlet.
- To reduce the minimum interior side yard width (i.e. the distance between a side lot line and the main building wall) from 3m on one side where there is no attached garage to 1.2m on both sides regardless of whether the building contains an attached garage or not.
- Miscellaneous changes including:
 - reference change from “Day Nursery” to “Day Care Centre”
 - revise setback requirement for accessory buildings on through lots
 - removing reference to existing lots with single unit dwellings which do not meet lot area and lot width requirements
 - rename section 10.2 to include front yard averaging for accessory buildings and add regulation for minimum setback regulations when a vehicle entrance will face an exterior lot line
 - include permissions for roadside stands in the Pleasant Valley (R1.2) in combination with an agricultural operation

Since these are general amendments to By-law 1037, the amendments affect all lands and development within the Town of Essex where an amended regulation is relevant to a development.

Proposal Conformity with Provincial and Municipal Policy

In carrying out their responsibilities under the Planning Act, the Council must have regard to matters of Provincial Interest as set out under section 2 of the Planning Act and must render a decision on a Planning matter that is consistent with the Provincial Planning Statement (PPS, 2024). For an amendment to the Zoning By-law, the decision must also conform with the County of Essex and Town of Essex Official Plan.

The proposed amendments have regard to matters of Provincial Interest by:

- promoting the orderly development of a safe and healthy community,
- supporting the provision for a full range of housing, and,
- supporting the provision for a full range of employment opportunities.

The proposed amendments are consistent with the PPS (2024) by:

- providing for regulations which will permit and facilitate all types of residential intensification,
- encouraging land use patterns in settlement areas which efficiently use land and resources, optimize existing infrastructure, and support active transportation and general intensification and redevelopment to achieve complete communities, and,
- promoting economic development and competitiveness by encouraging intensification of employment uses.

The proposed amendments conform with the County of Essex (2024) and Town of Essex (2009) Official Plan by:

- focusing growth and investment in Primary Settlement Areas,
- maintaining/enhancing the existing, pedestrian-oriented streetscape character of downtown/uptown areas, and,
- facilitating compact built form of new residential development and intensification.

Public Meeting of December 15, 2025

A statutory Public Meeting was held on Monday December 15, 2025, to hear representation from the Public regarding the merits and concerns related to the application for Zoning By-law Amendment. A copy of the presentation from the Public Meeting is **attached to this report**.

In advance of the meeting, Planning Services received no written comments from members of the Public in response to the notice published in the local Essex Free Press and Harrow News.

The following comments were received from members of the Public at the Public Meeting. Our response and/or further actions in response to the comments (if any) has been summarized below. Where a member of the Public made written or oral comments on the proposal or requested a copy of the decision, the member of the Public will be directly notified of the decision on the proposal and any changes thereto:

Comment	Response/Further Action(s)
<p>Where there any discussions of adjusting the minimum rear yard setback for dwellings since the amendments propose a reduction to the minimum side yard setback?</p>	<p>This proposal did not include any discussion regarding a reduction in the minimum rear yard setback.</p> <p>Reductions in the side yard setback has been considered because the impact of the reduction has been determined to be minimal since the intent of the side yard setback (i.e. for adequate building separation, adequate on-site parking) can still be met despite the reduction.</p> <p>Any consideration of an amended rear yard setback requires a more extensive analysis and public input as the intent of the rear yard is mainly for the adequate supply of outdoor space and separation between buildings (privacy).</p>

The following comments were received from the agencies circulated on this file. Our response and/or further actions in response to the comments (if any) has been summarized below. All agency comments are **attached to this report**. Where an agency has requested a copy of the decision on the file, or to be further informed of any changes to the proposed amendments, the agency will be notified directly when a decision is rendered or changes are proposed thereto:

Agency	Comment	Response/Further Action(s)
County of Essex, Engineering Technologist	Applications will be required to comply with County Road regulations (By-law Number 2481 and 2480).	Compliance with County By-laws will be determined at the time of Building permit. The proposed amendments do not affect compliance with County regulations.
Essex Region Conservation Authority (ERCA)	ERCA has no objection to ZBA-03-25.	No response is required.
Chippewas of Kettle and Stony Point First Nation	<p>They have minimal concerns about the project and do not foresee any negative impacts with the project. They wish to stay informed of any changes.</p> <p>They have concerns about the cumulative impact of all development and land use in their territory. They want proponents to be aware and they welcome collaboration or support in their community-led assessments on cumulative impacts.</p>	We will continue to engage with our First Nations partners on this project and future development projects within the Town of Essex.

The following comments were received from members of Council. Our response and/or further actions in response to the comments (if any) has been summarized below:

Comment	Response/Further Action(s)
<p>Will multiple meters and sanitary and water connections now be required for additional dwelling units (ADU) if the regulation is removed.</p> <p>Is there a mechanism to get a second connection for an ADU?</p>	<p>No. The Water Services By-law already addresses servicing and will duplicate the regulation that is being removed from the Zoning By-law.</p> <p>Each application is reviewed individually and if there is a need for a second connection, Infrastructure Services will work with the proponent to secure an alternate solution.</p> <p>No further action is required.</p>
<p>How did we choose the parking ratio for multi-units?</p> <p>Can we review parking regulations for Single Unit, Semi-Detached, and Townhome Dwellings through this proposal?</p>	<p>A review of parking regulations of multi-unit dwellings (i.e. condominium/apartment style buildings) was completed in 2023. The amendments were based on an analysis of parking standards across the county and in consultation with the Public. The amendments proposed in this file are for dwelling units in combined use buildings only. Due to an oversight in 2023, parking regulations for dwelling units in combined use buildings were not changed to reflect the revised parking regulations for dwelling units in multi-unit buildings, as was the intent.</p> <p>Council has directed administration to review the adequacy of existing parking regulations for Singles, Semis, and Townhome dwellings in a separate motion and prior to this housekeeping zoning by-law amendment. That report is currently in progress and is targeted to be completed in the Spring.</p>

	No further action is required.
<p>What are the parking regulations for a bachelor Unit?</p> <p>Do we get any applications for apartment with basements, and do they need to specify whether the basement will be used for living space?</p>	<p>A bachelor unit is referred to as a “studio” unit in the Zoning By-law. Studio units require 1.25 spaces.</p> <p>Apartments may contain basements but the zoning by-law only allows dwelling units in apartment buildings to be above the ground floor. Therefore, a proponent must apply for a minor variance or Zoning By-law amendment to permit dwelling units on the ground floor or in a basement. The use of all floors must be identified as part of the Planning review process to ensure compliance with the Zoning By-law.</p> <p>Following the Public Meeting, it was noted that the parking standards for Multi-Unit Dwellings containing a maximum of four (4) dwelling units is 1 parking space per dwelling unit with the no requirement for visitor parking. Since these are also multi-unit type buildings- similar to combined use buildings and multi-unit buildings containing 5 or more units, the parking standard should be amended to be consistent with other similar dwelling types and to include regulation for visitor parking.</p> <p>An amendment has been made to the proposed By-law to change the parking regulation for Multi-Unit Dwellings containing a maximum of four (4) dwelling units to reflect parking standards for multi-unit dwellings containing 5 or more dwelling units.</p>

<p>Is the proposed regulation for the increase in lot coverage required as part of provincial mandate and are there requirements to reduce other performance standards such as setbacks and building heights?</p>	<p>Yes, a maximum lot coverage of 45% is required by Ontario Regulation 299/19 for any urban lot where an ADU is proposed.</p> <p>The Ontario Government recently made changes to the Planning Act to permit setback reductions of up to 10% without the need for Planning approval (i.e. minor variance) for any parcel of urban residential land.</p> <p>The Ontario Government is considering “as of right” amendments to other performance standards. The type of performance standard affected, and the degree of variation permitted without the need for Planning approval is not yet known.</p> <p>No further action is required. Any as of right amendments passed by the Provincial Government are in effect despite whether a zoning by-law has been amended to reflect the changes.</p>
<p>Do roadside stands in Pleasant Valley require Site Plan Control Approval (SPCA)? There may be concerns with vehicles being able to pull in.</p>	<p>Roadside stands are not subject to SPCA. They will be limited to 75 square metres and will need to be setback from a highway, a minimum of 9m.</p> <p>No further action is required.</p>

By-Law 2501 and Next Steps

It is our recommendation that By-Law Number 2501 be adopted by Council.

The proposed By-law has regard to matters of Provincial Interest, is consistent with the Provincial Planning Statement (2024), and conforms with the County of Essex and Town of Essex Official Plan.

Following the final reading of the By-law, notice of decision will be circulated to all members of the public and agencies who made written or oral comments on the proposed amendments. A 20-day appeal period will be effective as of the date of adoption of the By-law. If no appeals are received within the 20-day appeal period, By-law 2501 will be in full force and effect.

Financial Impact

There are no anticipated financial impacts from the approval of By-Law 2501.

Consultations

Prescribed persons and agencies required to be consulted under Ontario Regulation 545/06 including members of Town of Essex administration.

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:	General Amendments to Zoning By-law 1037 (ZBA-03-25) - Planning-2026-02.docx
Attachments:	<ul style="list-style-type: none">- By-Law 2501.pdf- (County of Essex) ZBA-03-25Dec8.pdf- ERCA Comments ZBA-03-25.pdf- response--zba-03-25--town-of-essex-house-keeping-amendment--from--chippewas-of-the-kettle-stony-point-first-nation.pdf- Public Meeting Presentation_ZBA_03_25.pdf
Final Approval Date:	Jan 7, 2026

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



Lori Chadwick, Director, Development Services - Jan 7, 2026 - 9:12 AM



Kate Giurissevich, Chief Administrative Officer - Jan 7, 2026 - 9:36 AM