

The Corporation of the Town of Essex

By-Law Number 2501

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 THEREFORE 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 further amended by removing and replacing the following definitions:

"Gas Bar" with the following definition:

"Motor Vehicle Fuel Station" means a lot or part thereof used for the retail sale and dispensing of motor vehicle fuels which includes but is not limited to gasoline, diesel, electricity and hydrogen and may include in combination therewith, a retail store, if the retail store has a maximum gross floor area of 100 square metres (1076 square feet) and is not otherwise permitted in the zoning district.

"Hotel" with the following definition:

"Hotel" means a building or part thereof, used primarily for the sleeping accommodation of the travelling public, in which

- a) a minimum of five (5) guest rooms or suites of rooms are provided for sleeping accommodation;
- b) all guest rooms or suites of rooms are accessible only from the interior of the building;
- c) no guest rooms or suites of rooms has self-contained cooking facilities, and
- d) there may be in combination therewith any one (1) or more of the following: restaurant; meeting room; retail store; personal service shop; one (1) dwelling unit.

For the purposes of this definition, "self-contained cooking facilities" shall mean any permanent appliance such as an oven and/or stove for the preparation of food which requires exhaust systems to remove smoke and grease.

“Motel” with the following definition:

“Motel” means a building or part thereof, used primarily for sleeping accommodations of the travelling public, in which

- a) a minimum of five (5) guest rooms or suites of rooms are provided for sleeping accommodation;
- b) all guest rooms or suites of rooms are accessible from the exterior of the building and may also be accessible from the interior of the building;
- c) no guest rooms or suites of rooms has self-contained cooking facilities;
- d) there may be in combination therewith any one (1) or more of the following: restaurant; meeting room; newsstand; and
- e) there may also be in combination therewith one (1) personal service shop and one (1) dwelling unit.

For the purposes of this definition, “self-contained cooking facilities” shall mean any permanent appliance such as an oven and/or stove for the preparation of food which requires exhaust systems to remove smoke and grease.

2. **That** all references to a “Day Nursery” in By-law 1037 are hereby replaced with “Day Care Centre”.

3. **That** all references to a “Gas Bar” in By-law 1037 are hereby repealed and replaced with “Motor Vehicle Fuel Station”.

4. **That** subsection 8.15 c), general provisions, of By-law 1037, is hereby amended by adding the following paragraph:

xv) 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 the Additional Dwelling Unit shall be considered the main dwelling.

5. That subsection 8.15 c) iv), general provisions, of By-law 1037, is hereby amended by repealing the paragraph and replacing it with the following:

iv) the main dwelling and the lot on which it is located conform to all regulations of the Zoning District applicable to them except that, for a residential lot located within an Area of Settlement, on which Additional Dwelling Units are proposed or located, the maximum lot coverage shall not be any less than 45 percent (%). For greater clarity, if the applicable zoning district permits more than 45 percent (%) lot coverage, the regulations of that Zoning District prevail.

6. **That** subsection 8.15 b) d) and 8.15 c) ii) of By-law 1037 is hereby removed.
7. **That** subsection 9.3 b) of By-law 1037 is hereby removed.
8. **That** subsection 10.2 is hereby renamed "Front Yard Averaging for Dwellings and Accessory Buildings" and that the following subsections are repealed and replaced:
 - 10.2 a) i) with the following
 - i) On an interior lot that abuts lot on which dwellings have setbacks from the front lot line of less than that required by this by-law, the minimum required front yard depth is equal to the average front yard depth of the dwellings on the abutting lots, but not less than 3m (10f) except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f).
 - 10.2 a) ii) with the following
 - ii) On a corner lot that abuts a lot on which a dwelling is setback from the front lot line less than required by this by-law, the minimum required front yard depth is equal to the front yard depth of the dwelling on the abutting lot, but not less than 3m (10f) except where a building wall except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f).
9. **That** subsection 10.3 a) of By-law 1037 is hereby removed.
10. **That** subsection 11.2 c) of By-law 1037 is hereby removed.
11. **That** subsection 11.5 a) of By-law 1037, for Dwelling Units in a Combined-Use Building, Column 2, is hereby amended by repealing the Required Number of Parking Spaces and replacing it with the following:
 - 1.25 spaces for each studio and 1- bedroom dwelling unit;
 - 1.5 spaces for each 2- bedroom dwelling unit;
 - 2 spaces for each 3- bedroom or greater dwelling unit;Plus, in addition to the above, to be exclusively maintained and individually signed for visitor parking,
 - 0.15 spaces for each dwelling unit.When the calculation of parking spaces results in a fraction of one half or greater, one additional parking space shall be required.
12. **That** subsection 11.5 a) of By-law 1037, for Dwelling Units in a Multi-Unit Dwelling containing a maximum of 4 dwelling units, Column 2, is hereby amended by repealing the Required Number of Parking Spaces and replacing it with the following:
 - 1.25 spaces for each studio and 1- bedroom dwelling unit;

1.5 spaces for each 2- bedroom dwelling unit;

2 spaces for each 3- bedroom or greater dwelling unit;

Plus, in addition to the above, to be exclusively maintained and individually signed for visitor parking,

0.15 spaces for each dwelling unit.

When the calculation of parking spaces results in a fraction of one half or greater, one additional parking space shall be required.

13. **That** Subsection 11.6 a) of By-law 1037, be amended and replaced with the following:

a) For a building located on lands identified as a "Parking Exception Area" on the Zoning District Maps, notwithstanding the provisions of subsection 11.5, the required number of parking spaces for each use listed in Column I shall be as shown in Column II, opposite the respective use or uses:

14. **That** Subsection 14.1, Residential District 1.1, of By-law 1037 be amended to include the following paragraph:

xii. A Semi-Detached Dwelling or Semi-Detached Dwelling Unit shall not be located on lands on the south side of County Road 50, east and west of the settlement area boundary of the Colchester Hamlet as illustrated on Map 17 of this By-law.

15. **That** Subsection 14.1 viii), Residential District 1.1, of By-law 1037 be repealed and replaced with the following:

viii. Side Yard Width –Minimum

1.2m (4f) both sides for an interior side

1.2m for an exterior side, 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)

16. **That** Subsection 14.2 iii), Residential District 1.2, of By-law 1037 be amended to include the following paragraph:

Any use accessory to the main use, including a Roadside Stand

17. **That** Subsection 14.2, Residential District 1.2, of By-law 1037 be amended to include the following paragraph:

xi. A roadside stand shall have a maximum gross floor area of 75m² (800f²) and a minimum setback of 9m (30f) from the highway.

18. **That** Subsection 15.1 viii), Residential District 2.1, of By-law 1037 be repealed and replaced with the following:

viii. Side Yard Width –Minimum

1.2m (4f) both sides for an interior side

1.2m for an exterior side, 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)

19. **That** Subsection 15.2 viii), Residential District 2.2, of By-law 1037 be repealed and replaced with the following:

viii. Side Yard Width –Minimum

1.2m (4f) both sides for an interior side

1.2m for an exterior side, 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).

Read a first, a second and a third time and finally passed on January 12, 2026.

Mayor

Clerk