

Appendix A –
Draft Bylaw to Amend By-Law Number 1037
The Comprehensive Zoning By-Law for the Town of Essex
For the addition of Second Dwelling Unit Policies

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 the Corporation of the Town of Essex enacts as follows:

1. That the definition for a Second Dwelling Unit be amended under Section 7, Definitions, to read as follows:

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.

2. That Subsection 8.15, Second Dwelling Units, is hereby deleted and the following substituted therefor:

"8.15 Second Dwelling Units

- a) One (1) second dwelling unit shall be an additional permitted use in a single-detached dwelling or a semi-detached dwelling or townhome dwelling unit, provided that:
 - (i) the lot is in an Agricultural Zoning District or in Residential Zoning District, not including a Residential Zoning District permitting exclusively dwellings for three season occupancy or mobile homes;
 - (ii) there is no outward indication of the existence of the second dwelling

unit, except as mandated by the Ontario Building Code;

b) Alternatively, but not in combination with a) above, one (1) second dwelling unit, shall be an additional permitted use in an accessory building to a single-detached dwelling, semi-detached dwelling unit or townhome dwelling unit, provided that:

- (i) the lot is in a Residential Zoning District, not including a Residential Zoning District permitting mobile homes or dwellings for three season occupancy exclusively;
- (ii) no second dwelling unit or part thereof shall be permitted above the ground floor of the accessory building if the accessory building is located in a required yard;

c) 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 piped water supply;
- ii) one (1) onsite parking space is provided for each dwelling unit;
- iii) the dwelling and the lot on which it is located conform to all regulations of the Zoning District applicable to them;
- iv) the provisions of clauses 8.4, i) and iii), do not apply to a second dwelling unit;

2. That subsection 9.3, Special Lot and Yard Provisions, be amended by adding the following paragraph:

3. “a) For an existing accessory building, in a Residential District, which has less than the required setback from the side or rear lot line, the required setback shall be as existing; provided ,however, any additions thereto shall be a minimum of 1.2m (4 ft) from the side and rear lot lines. That subsection 9.3 (b), Special Lot and Yard Provisions, be amended to read as follows:

For an existing lot in a Residential District 1.1 or 2.1 (R1.1, R2.1), which has less than the minimum lot area and /or lot width required for that district, one (1) single-detached dwelling and any use accessory thereto shall be permitted uses, provided that the lot

width is a minimum of 12m (40f) and the lot area is as existing, the accessory use is not a second dwelling unit, and subject to compliance with all other applicable provisions of this by-law;

4. That subsection 10.3, Accessory Buildings, be amended by deleting paragraphs i), ii) and iii) and substituting the following therefor:

- “i) not be used in whole or in part for a dwelling unit, unless it is a permitted second dwelling unit;
- ii) not have cooking or sanitary facilities above the ground floor;
- iii) not have facilities for the preparation of food, unless such facilities are in a permitted second dwelling unit or are for an activity accessory to a permitted use not located in a Residential District;”