

# **The Corporation of the Town of Essex**

## **By-Law Number 2035**

### **Being a By-Law to Amend By-Law Number 1037**

### **The Comprehensive Zoning By-Law for the Town of Essex**

### **To Permit and Regulate Second Dwelling Units**

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 Section 7, Definitions, be amended to include the following definition:

"Ancillary Residential Building" means a permanent residential building that would be ancillary 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 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 a detached building accessory or ancillary 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.

3. 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 District or in a Residential Zoning District but not in a Residential District permitting exclusively dwellings for three (3) 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 a building ancillary to a single-detached dwelling, semi-detached dwelling unit or townhome dwelling unit, provided that:

- (i) the lot is in an Agricultural District or a Residential Zoning District, but not in a Residential Zoning District permitting exclusively dwellings for three (3) season occupancy or mobile homes;
  - (ii) a second dwelling unit shall not be permitted in an accessory or ancillary residential building 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) Only one (1) water and sanitary service connection will be permitted per lot to service the main dwelling and secondary dwelling unit when available services are municipally owned and operated. A separate service connection for the second dwelling unit will not be permitted. A 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.
  - 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 a second dwelling unit located in an accessory or ancillary residential building, the Gross Floor Area (GFA) of the second dwelling unit shall not exceed the GFA of the main dwelling and, notwithstanding any other provisions of this By-law, the maximum height of the accessory or ancillary residential building shall be one (1) storey in a Residential District;
  - vi) the provisions of clauses 8.4, i) and iii), do not apply to a second dwelling unit;
  - vii) a second dwelling unit shall not be used as a short term rental unit.
2. That subsection 9.3, Special Lot and Yard Provisions, be amended by adding the following paragraph:
- That subsection 9.3 (b), Special Lot and Yard Provisions, be amended by adding to paragraph “b)” :
- The accessory use shall not be or include a second dwelling unit;
3. That subsection 10.3, Accessory Buildings, be amended by deleting paragraphs i) 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;
  - 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 of a lot which is not located in a Residential district;
4. That section 10.3, Accessory Buildings, be amended by adding the following clause:
- vi) Notwithstanding other provisions in this by-law to the contrary, when a second

dwelling unit is a permitted use in an accessory building, the maximum height of the accessory building having a second dwelling unit shall be two storeys, provided that the accessory building is not located in whole or in part in a required yard.”

5. This By-law shall come into force and take effect on the date of approval by Council.

**Read a first and second time and provisionally adopted on June 21, 2021.**

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Mayor

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Clerk

**Read a third time and finally passed on August 23, 2021.**

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Mayor

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Clerk