

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

### **By-Law Number 2063**

#### **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 the Corporation of the Town of Essex enacts the following amendments to By-Law Number 1037:

1. That subsection 8.5, Home Occupation, Residential, be deleted and the following substituted therefor:

"8.5 Home Occupation, Residential"

- a) Unless otherwise specifically provided in this by-law, a residential home occupation shall be a permitted use in a dwelling, dwelling unit or an accessory building to a main dwelling, in any Zoning District where a dwelling or dwelling unit is a permitted use, provided that it is conducted in accordance with the following regulations:
  - i) a maximum of 25% of the gross floor area of the dwelling or dwelling unit can be devoted to the home occupation. This limitation shall not apply to guest rooms and guest facilities within a bed and breakfast dwelling;
  - ii) as an alternative to i) above, but not in combination with i) above, one

residential home occupation, exclusive of a bed and breakfast dwelling, shall be permitted in an accessory building to a main dwelling, provided that the lot area is a minimum of 1850m<sup>2</sup> (20,000f<sup>2</sup>) and the accessory building is not located in whole or in part in a required yard;

- iii) the maximum gross floor area of a residential home occupation located in an accessory building shall be 45m<sup>2</sup>(500f<sup>2</sup>);
- iv) there shall be no visible indication from the exterior of the dwelling, dwelling unit or accessory building that a home occupation is being carried on except for a sign in accordance with the municipal sign bylaw;
- v) there shall be no sale of goods on the premises;
- i) there shall be no external storage of materials, goods or equipment related to the home occupation;
- vii) there shall be no generation of perceptible noise, odour, fumes or dust outside the dwelling, dwelling unit or accessory building;
- vii) it is carried on exclusively by the inhabitants of the dwelling or dwelling unit;
- viii) a bed and breakfast operation shall only be permitted in a bed and breakfast dwelling, being exclusively a main dwelling situated in a Zoning District where a bed and breakfast dwelling is a stated permitted use and in accordance with the regulations of that Zoning District. Such dwelling shall have a maximum of 5 guest bedrooms.

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

- "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, that any additions thereto shall be a minimum of 1.2m (4ft) from the side or rear lot line, except that any wall having a vehicular entrance shall be a minimum of 6m (20ft) from the exterior lot line

when facing the exterior lot line and the maximum height of any addition thereto shall be one storey.”

3. That clause c, of subsection 10.3, Accessory Buildings, be deleted and the following substituted therefor;

“c) A detached garage, detached carport or other accessory building is permitted in a front yard, except in a required front yard, and in a rear yard and or side yard, provided that the following minimum building setbacks from a required lot line are maintained:

- i) 1.2m (4f) from an interior rear lot line or an interior side lot line;
- ii) 1.2m from an exterior rear lot line or exterior side lot line, except that, where a building wall has a vehicle entrance facing the exterior lot line, the minimum setback shall be 6m (20f)”;

4. That subsection 13.1, Agricultural District 1.1, be amended by:

a) deleting in clause xviii, the numbers “1850m<sup>2</sup> (20,000f<sup>2</sup>)” and substituting the numbers, “0.4ha (1acre)” therefor;

b) deleting clause xviii, 5, and substituting the following therefor:

- “5. minimum rear yard depth – 7.5m;
- 6. minimum exterior side yard – 2m(6.6f), 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)”;
- 7. For a lot on an existing registered plan of subdivision, the minimum lot area for a dwelling shall be 925m<sup>2</sup>(10,000f<sup>2</sup>).”;

6. That subsection 13.2, Agricultural District 1.2, be amended by deleting clause xv and substituting the following therefor;

“xv. For a lot having a lot area of less than 0.4ha (1 acre) and a lot width of less than 30m (98f):

- 1. maximum lot coverage - 35%

2. maximum building height - 10m (32f)
  3. minimum front yard depth - 7.5m (25f)
  4. minimum rear yard depth - 7.5m
  5. minimum interior side yard width - 2m (6.6f)
  6. minimum exterior side yard width—2m(6.6f), 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);
  7. For a lot on an existing registered plan of subdivision, the minimum lot area for a dwelling shall be 925m<sup>2</sup> (10,000f<sup>2</sup>)."
5. That in the following clauses: subsection 14.1, Residential District R1.1, vii; subsection 15.1, Residential District R2.1, vii, and, subsection 15.2, Residential District 2.2, vii, the words "4.5m (15f) for an exterior side yard" be deleted and the following substituted therefor:
- "1.2m (4f) for an exterior side yard, 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)";
6. That subsection 14.1, Residential District 1.1, be amended by:
- a) deleting in clause b) ii, the numbers "1850m<sup>2</sup> (20,000f<sup>2</sup>)" and substituting the numbers "925m<sup>2</sup>(10,000f<sup>2</sup>)" therefor;
  - b) deleting in clause b) viii the words, "When not serviced by a sanitary sewer, for a lot having a lot area of less than 1850m<sup>2</sup> (20,000f<sup>2</sup>), a tertiary treatment septic system shall be required for any new dwelling or where the replacement of an existing septic system is mandated by the Ontario Building Code.";
7. That subsection 14.3, Residential District 1.3, be amended by:
- a) deleting in clause b) ii the words, "The lesser of 925m<sup>2</sup> (10,000ft<sup>2</sup>) or as lawfully existing" and substituting therefor: "925m<sup>2</sup> (10,000f<sup>2</sup>)" ;

b) deleting in clause b) viii, the words, "When not serviced by a sanitary sewer, for a lot having a lot area of less than 1850m<sup>2</sup> (20,000f<sup>2</sup>), a tertiary treatment septic system shall be required for any new dwelling or where the replacement of an existing septic system is mandated by the Ontario Building Code.";

8. That clause a) i, Main Use, of subsection 20.2, Commercial District 3.2, be amended by adding between the words, "Take-out Food Outlet" and "Veterinary Clinic" the words, "Temporary Outdoor Vendor's Site".

This Bylaw shall come into force and take effect on the date of its passing thereof by Council.

**Read a first, second and third time and finally passed on September 21, 2021.**

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Mayor

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Clerk