

Public Meeting

**Regarding General Amendments to the Town of Essex
Comprehensive Zoning By-law, Bylaw 1037**

August 23, 2021



Purpose of Meeting:

At this Statutory Public Meeting, Council hears representations from the public in regards to the merits and concerns related to the proposed amendments to Zoning Bylaw 1037.

Council does not make a decision at this time.



Zoning Bylaws

- Controls the use of land in a community through a set of regulations which are legally enforceable
- May be passed by Council to establish the following:
 - How land may be used
 - Where buildings and other structures can be located
 - The types of buildings that are permitted and how they may be used
 - The lot sizes and dimensions, parking requirements, building heights and densities, and setbacks from a street

Construction or new development that does not comply with the Zoning Bylaw is not permitted unless appropriate amendments are obtained.



Zoning Bylaw 1037

- Passed on July 12, 2010
- Is often amended in response to changes in Building Code Regulations, land use trends and Official Plan Policies (i.e. second dwelling units, 2021)
- May be amended on a site-specific basis through an application for **zoning bylaw amendment** (i.e Motel development at 96 CTY RD 50 West)
- Zoning regulations may also be amended on a site-specific basis through an application for **Minor Variance** to the Committee of Adjustment (i.e relief from front yard setback requirement)

**Any amendment or variance to the Zoning Bylaw must comply with the Official Plan
(i.e. proposed use must be permitted in the Official Plan)**



Basis for Proposed Amendments to Bylaw 1037

The following information was used to identify the proposed and/or required amendments:

- Analysis of recent applications to the Committee of Adjustment
- Analysis of recent applications for Zoning Bylaw Amendments
- Development inquiries from residents
- Discussions with the Building Division
- New septic system technologies
- Resolutions and motions brought forward by Council



List of Proposed Amendments to Bylaw 1037

1. Revision to the **minimum exterior side yard width** for a detached accessory building and main dwelling with attached garage
2. Revision to provisions for permitted encroachments of porches, decks and sunrooms in **required rear yards**
3. Reduction of the minimum **lot area** and dwellings for lots outside of the settlement areas
4. Establishment of minimum and maximum **building and yard regulations** for dwellings on less than 0.8 hectares (1 acre)
5. Allowance for the use of **outbuildings for home occupations** on lots greater than 1850 square metres (20,000 square feet)
6. Expansion of allowances for **temporary outdoor vendor's sites** in additional highway commercial districts



Proposed Regulation #1: Minimum Exterior Side Yard

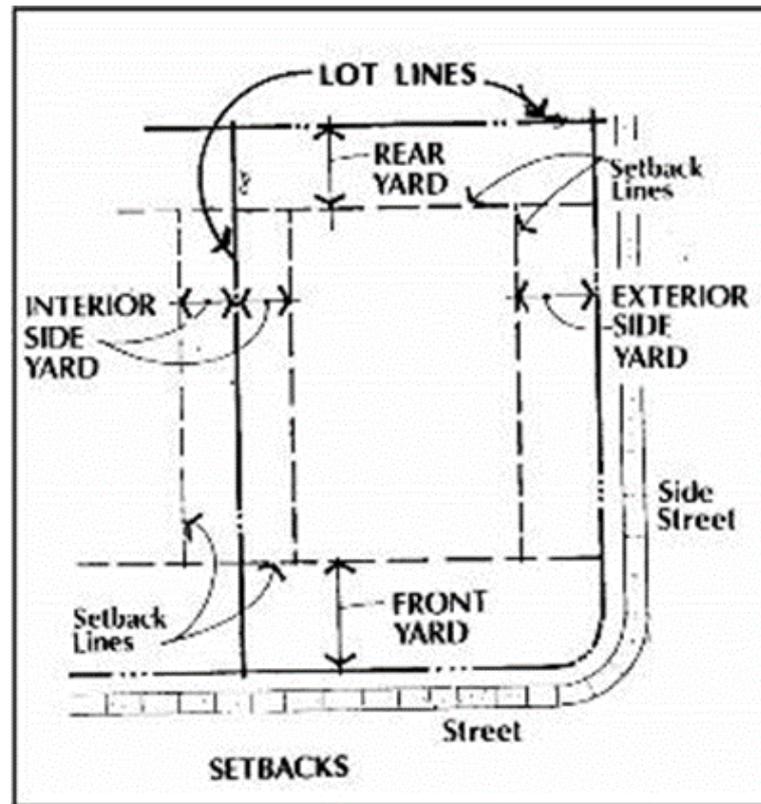
1. That the **minimum exterior side yard width** between a main dwelling and a detached accessory building shall be 1.2m (4 feet) in the Residential Districts, R1.1, R2.1, R2.2, subject to a **minimum 6m (20 foot) setback for garage entrances facing the exterior lot line.**



Definitions:

- **Exterior lot line** defined as a lot line which parallels and abuts a street
- **Exterior side yard** defined as the side yard of a corner lot between an exterior side lot line and the nearest wall of a main building on such lot.

Exterior Lot Lines and Side Yards:





Current Regulation:

- Current zoning regulation prescribes a 1.2 metre (4 foot) setback between a detached accessory structure (ie. garage) and an exterior lot line **with no regulation establishing a setback between entrances to the accessory structure and exterior lot line.**
- Current zoning regulation prescribes a 4.5 metre setback between a main dwelling and an exterior lot line

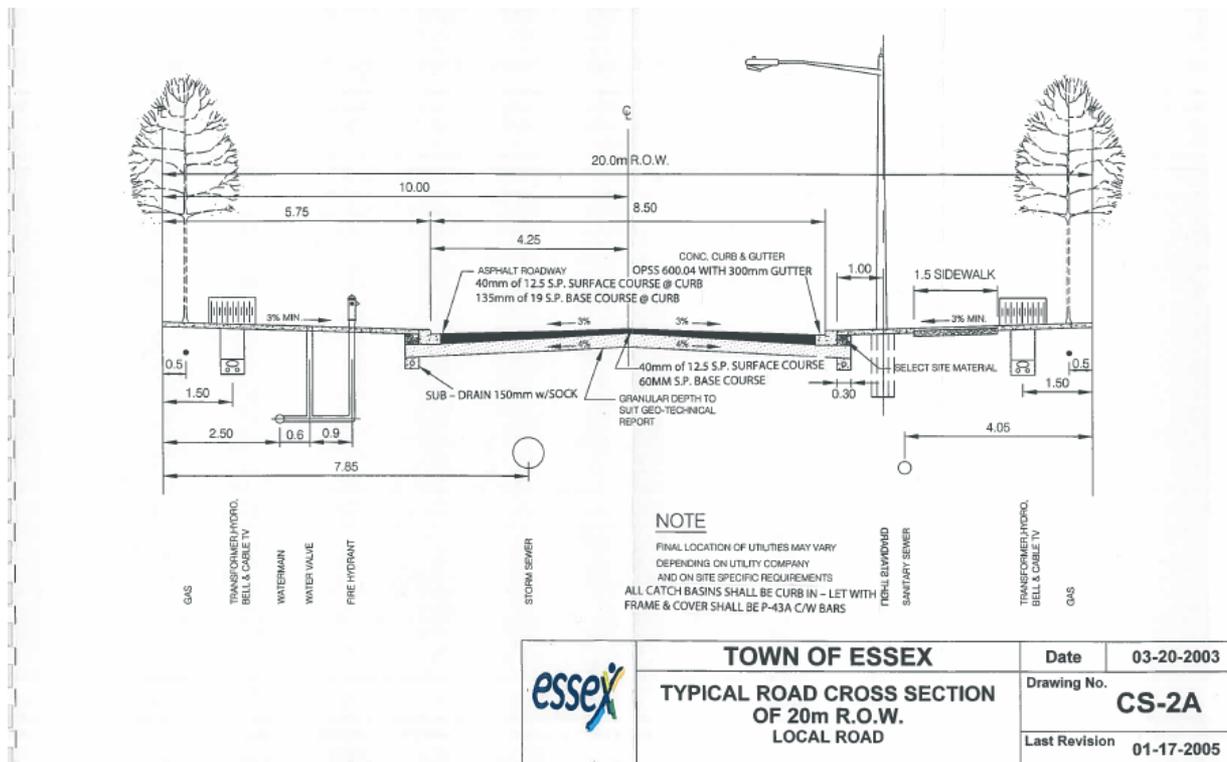
Accessory Structure with a 1.2 metre exterior side yard width:



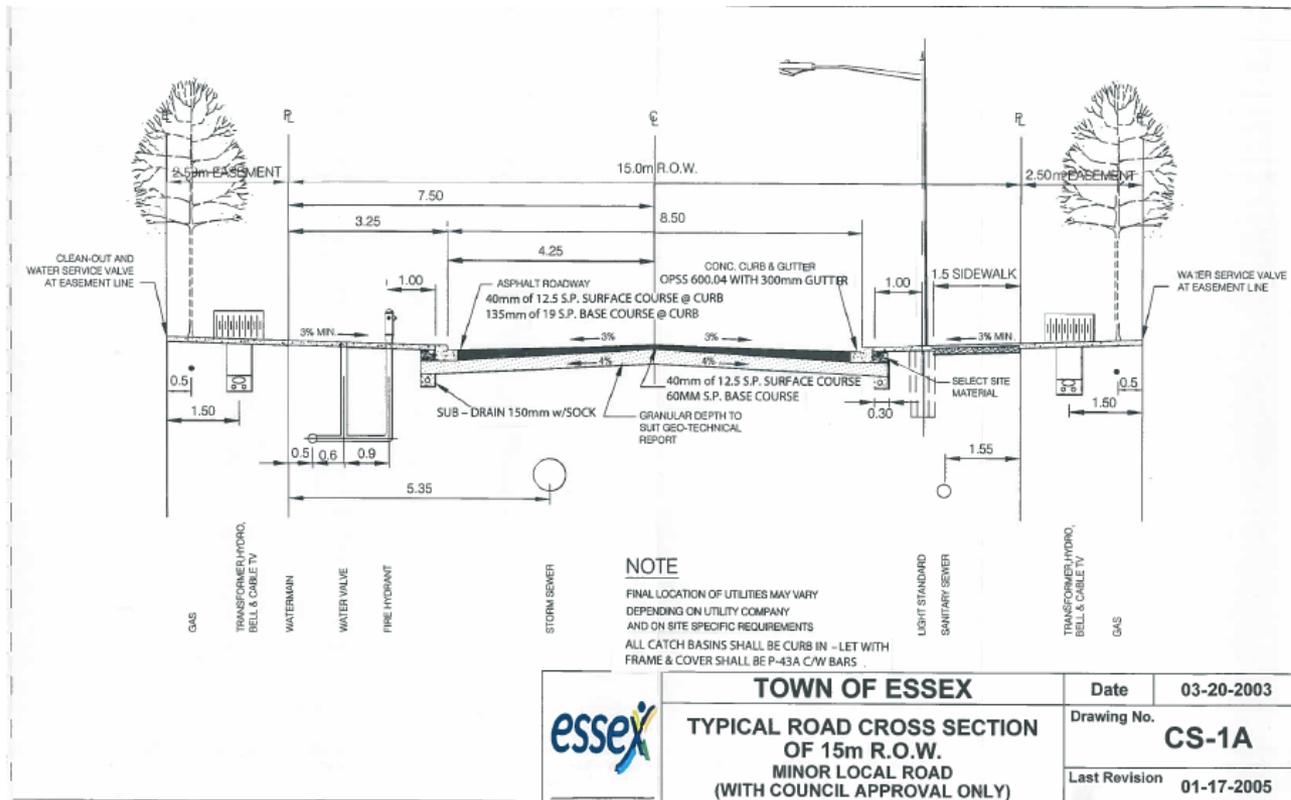
Dwelling with a 4.5 metre exterior side yard width:



Typical Road Cross Section of 20 metre Right of Way (ROW):



Typical Road Cross Section of 15 metre Right of Way (ROW):



Dwelling with a 1.2 metre exterior side yard width:





Proposed Regulation #2: Encroachment of Porches, Decks and Sunrooms

2. That the provisions of subsection 9.5, of the Zoning By-law, regarding the extension of a porch or sunroom into a required rear yard **be deleted**

OR

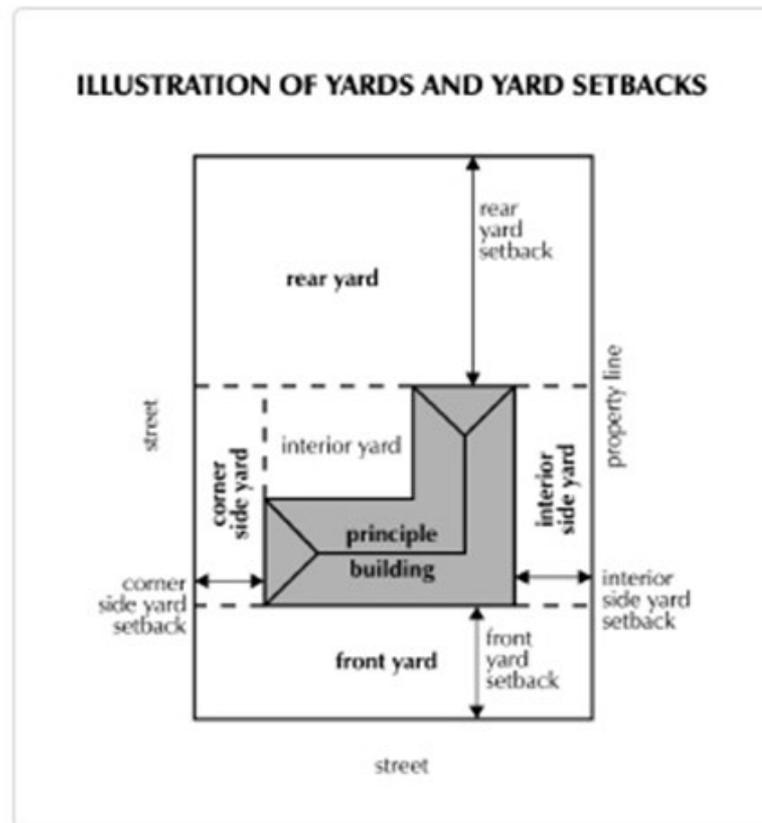
That encroachments of porches and sunrooms **be limited** to porches and sunrooms of one (1) storey only, measured at grade.



Definitions:

- **Rear Lot Line** is defined as the lot line which is the farthest from the front lot line.
- **Rear Yard** defined as a yard extending across the full width of a lot between the rear lot line and the nearest wall of a main building on such lot

Rear Lot Lines and Rear Yards:





Current Regulation:

- Current zoning regulation allows for a **deck or porch** having a floor height of greater than 1.2 metres (4 feet) to encroach into a **required rear yard** a maximum of 2.5 metres (8.2 feet) **with no restrictions on the height of the structure**
- Current zoning regulation allows for a sunroom with a maximum gross floor area of 10 square metres (107 square feet) to encroach into a **required rear yard** a maximum of 2.5 metres (8.2 feet), exclusive of eaves and gutters

Decks greater than 1.2 metres in height encroaching into rear yard:



Decks greater than 1.2 metres in height encroaching into required rear yard:



Decks greater than 1.2 metres in height encroaching into required rear yard:



Decks greater than 1.2 metres in height encroaching into required rear yard:



Sunroom encroaching into required rear yard:





Proposed Regulation #3: Minimum Lot Area for Rural Lots

3. For lots **not** serviced by a municipal sanitary sewer in the Residential R1.1 zoning district:
That the minimum lot area be **reduced** to 925 square metres (10,000 square feet) and that the choice of which septic sewage treatment system be determined by the Chief Building Official.



Definitions:

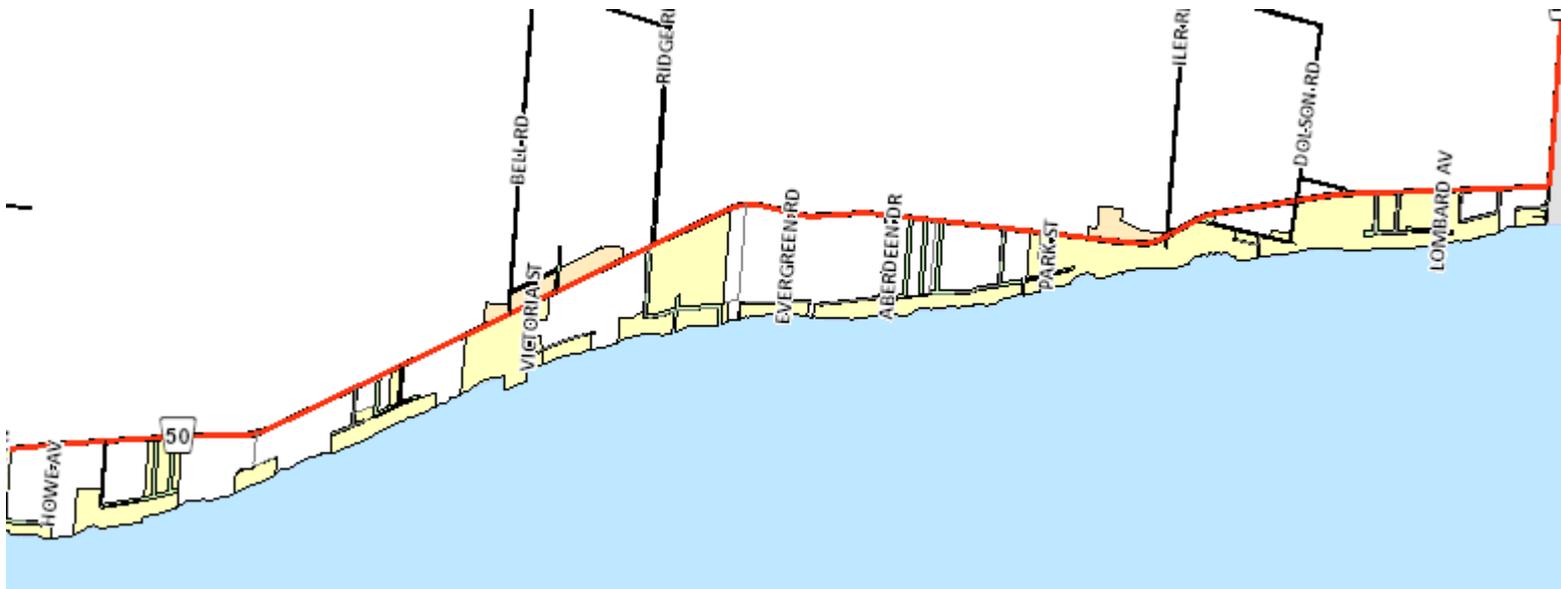
- **Lot Area** means the total land area within the lot lines of a lot but does not include any part of a lot permanently covered by water



Current Regulation:

- Current zoning regulation prescribes a minimum lot area of 1850 square metres (20,000 square feet) for a lot not serviced by a municipal sanitary sewer
- One (1) single detached dwelling is still permitted on a lot which has less than minimum lot area provided lot width is a minimum of 12 metres (40 feet)
- East of Colchester Hamlet, until such time as full municipal services are available, minor infilling is permitted within the currently established and zoned residential areas that meets the applicable provisions of the Ontario Building Code for the provision of septic systems

R1.1 Zoning district:





Proposed Regulation #4: Minimum Lot Area for Rural Lots

4. That the provisions of the Agricultural A1.1 zoning district regarding special building and yard regulations for small lots be applied to lots of 0.8 hectares (1 acre) or less in **both** the A1.1 and A1.2 districts and that the minimum rear yard depth be 7.5 metres (25 feet).



Current Regulation:

Agricultural A1.1 zoning district establishes the following provisions **for a lot having an area less than 1850 square metres (20,000 square feet)** and a lot width of less than 30 metres (98 feet) :

1. maximum lot coverage - 35%
2. maximum building height - 10m (32f)
3. minimum front yard depth - 7.5m (25f)
4. minimum interior side yard width - 2m (6.6f)
5. A tertiary treatment septic system shall be required for any new dwelling or when the replacement of an existing septic system is mandated by the Ontario Building Code.

For a lot on an existing registered plan of subdivision, the minimum lot area for a dwelling shall be 925m² (10,000f²)."



Current Regulation:

- The minimum rear yard depths in both the A1.1 and A1.2 Districts is 15m (50 feet).
- Recommended reduction to 7.5m (25 feet) to provide more flexibility for dwelling location on smaller lots.
- Many properties front on County roads and the County requires a greater building setback (85 feet from the center line of the road) which constrains building siting on the lot.
- Proposed rear yard depth is also consistent with the required rear yard depth in the R1.1 and R1.3 Districts.
- A1.2 Zoning District, which is a restricted agricultural zone surrounding the hamlets of McGregor and Gesto, **does not** have the same smaller lot reduced building setback provisions of the A1.1 zone.



Proposed Regulation #5: Residential Home Occupation

5. Amend zoning regulation Section 8.5 to provide that a residential home occupation may take place in an accessory building to a dwelling located on a lot of 1850 square metres (20,000 square feet) or greater in lot area provided the accessory building is **not** located in a required yard or within a floodplain development control area.



Definitions:

- **Home Occupation, Residential** means an occupation for profit or gain conducted entirely within the dwelling unit, such occupation being incidental and secondary to the primary residential use without changing the character thereof
- **Home Occupation, Agricultural Operation** means an occupation for profit or gain conducted entirely within the farm dwelling or accessory building in an Agricultural District, such occupation being incidental and secondary to the residential use of the dwelling and the agricultural operation, without changing the character thereof.



Current Regulation:

- For larger lots located in agricultural or rural districts that are **not** tied to an agricultural operation, residential home occupations regulations apply, and home occupations are confined to the main dwelling
- An Official Plan and Zoning Amendment would be required to permit a rural home occupation in an outbuilding

Current Regulation:

8.5 Home Occupation, Residential

- a) Unless otherwise specifically provided in this by-law, a home occupation is a permitted use in a dwelling unit, in any zoning district, provided that it is conducted in accordance with the following regulations:
 - i) a maximum of 25% of the gross floor area of the 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) there shall be no visible indication from the exterior of the dwelling unit that a home occupation is being carried on except for a sign having a maximum sign face area of 0.5m² (5.4f²);
 - iii) there shall be no sale of goods on the premises;
 - iv) there shall be no external storage of materials, goods or equipment related to the home occupation;
 - v) there shall be no generation of perceptible noise, odour, fumes or dust outside the dwelling unit;
 - vi) it is conducted entirely within the main dwelling, not in a garage or accessory building;
 - vii) it is carried on exclusively by the inhabitants of the dwelling unit;
 - viii) a bed and breakfast operation shall only be permitted in a bed and breakfast dwelling and only in a zoning district where a bed and breakfast dwelling is a stated permitted use. Such dwelling shall have a maximum of 5 guest bedrooms.



Proposed Regulation #6: Temporary Outdoor Vendor's Site

6. That a "Temporary Outdoor Vendor's Site" be added as permitted use in the C3.2, Highway Commercial Corridor Zoning District



Definitions:

- **Temporary Outdoor Vendor's Site** is defined as means a lot or part thereof used for the temporary display and retail sale of goods by a single vendor licensed by the Town. It may include, in combination therewith, a temporary greenhouse, tent or other structure erected and maintained solely for the duration of the license period, in accordance with the provisions of the license



Current Regulation:

- Temporary Outdoor Vendor's sites permitted in the following commercial Zoning Districts:
 - C2.1 and C2.2 (the downtown commercial districts of Essex Centre and Harrow) and C3.1 (the highway commercial lands along Talbot Street, north of Maidstone and portions of Queen Street, north of Sinasac Street).
- Temporary Outdoor Vendor's sites **not** listed as a permitted use in the Highway Commercial Corridor Zoning District along Maidstone (C3.2 zoning District) (i.e. Canadian Tire site)



Public & Stakeholder Consultation

What we did:

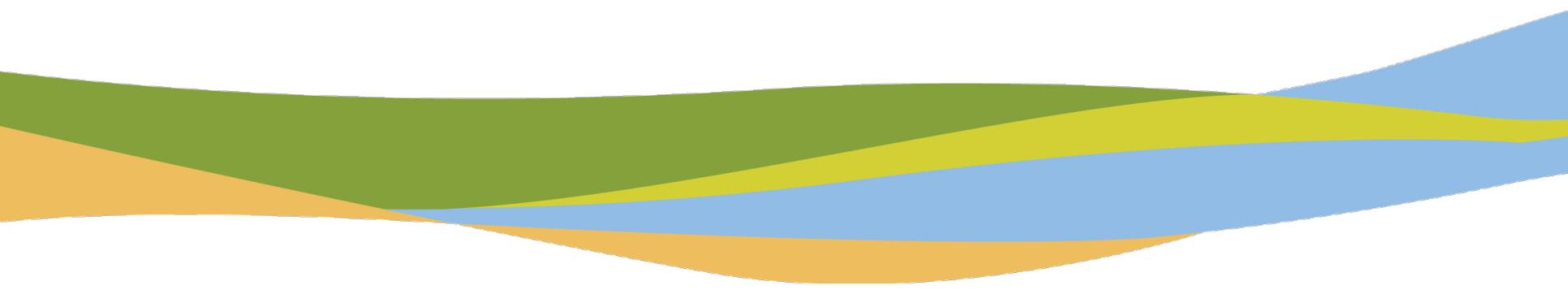
1. Published Advertisements in both local newspapers (Essex Free Press and Harrow News) but **received no written comments from the public as of Thursday August 19th**
2. Circulated notice directly to several major land developers in Town of Essex
3. Circulated notice to all agencies identified in Ontario Regulation 545/06, including County of Essex, Essex Region Conservation Authority, School Boards, Hydro Agencies, and First Nations community.
4. Internal consultation with the Building and Planning Division.

Agency Comments:

Department/Agency	Comments	Response/Proposed Regulation
Essex Region Conservation Authority (ERCA)	<p>Concerns with reductions in minimum lot areas, building and lot standards, and home occupations in outbuildings if implemented for flood prone areas.</p> <p>Requesting further consideration and dialogue during official plan update rather than zoning amendment, particularly with regard to any amendments to current standards for lot creation and buildings within flood prone areas which fall under ERCA's regulated area.</p>	<ul style="list-style-type: none">• Prohibit home occupations in outbuildings in regulated areas• Construction within regulated areas require ERCA approval• Lot creation proposals require pre-consultation with ERCA and cannot be supported on hazard lands

Next Steps:

1. A report to Council and proposed Bylaw will be prepared for Council's decision at the September 7, 2021 Regular Council Meeting.
2. At the September 7, 2021 Council Meeting, Council may:
 - Approve the Zoning Bylaw amendment where notice of approval will be published in the local papers and forwarded to any persons or public bodies who provided written or oral comments or who requested to be notified of the decision, and a 20 day appeal period takes effect.
 - Deny the Zoning Bylaw Amendment where notice of denial will be published in the local papers and forwarded to any persons or public bodies who provided written or oral comments or who requested to be notified of the decision, and a 20 day appeal period takes effect.
 - Defer decision if further information or amendments are required.



Thank You!

Questions?