



Where Town and Country Meet

**NOTICE OF A VIRTUAL PUBLIC MEETING pursuant to the PLANNING ACT  
concerning  
AN OFFICIAL PLAN AMENDMENT (OPA 38) AND ZONING BY-LAW AMENDMENT (No.  
Z2/21)**

Entire Geographic Area of the Township of Essa

**TAKE NOTICE** that the Council of the Corporation of the Township of Essa will hold a **Public Meeting on Wednesday the 21<sup>st</sup> day of April, 2021 at 6:00 p.m** to consider an Official Plan Amendment and Zoning By-Law Amendment under the Planning Act.

**THE PURPOSE** of this Virtual Public Meeting is to discuss a proposed Amendment to the Official Plan and Zoning By-law in accordance with Sections 22 and 34 of the Planning Act, R.S.O., c.p. 13, and to hear comments and review written submissions from the public and other plan review agencies.

**THE PROPOSED AMENDMENTS** apply to lands within the entire geographic area of the Township of Essa. The proposed Amendments seek to align the Township of Essa Official Plan and Zoning By-law policies, with the Provincial Policies in effect currently. Specially, the amendments will allow up to three units on properties which contain a detached house, semi-detached house or rowhouse. Of the three units, one Additional Residential Unit may be in the same building as the primary residential unit and one Additional Residential Unit may be in the accessory building/structure on the same lot. The proposed amendments are intended to remove the barriers that residents may currently face with the limited options for affordable housing in the Township.

**VIRTUAL PARTICIPATION** in accordance with precautions to protect the health and safety of the public during the COVID-19 pandemic, the Township will be holding this public meeting virtually. Any person may participate electronically in the public meeting and/or make written or verbal representation either in support of, or in opposition to, the proposed amendment. To receive details on how to participate, please contact Township Planner Jaspreet Sidhu (Email: [jsidhu@essatownship.on.ca](mailto:jsidhu@essatownship.on.ca)/ Phone: 705-424-9770 ext. 104) **by 4:30 pm on Friday April 16<sup>th</sup>, 2021**. We cannot accept any meeting participation that is not planned for in advance.

If you wish to be notified of the adoption of the proposed by-law amendment, you must make a written request to the Clerk of the Township of Essa. If a person or a public body that files a notice of appeal of a decision of the Township of Essa, in respect of the proposed zoning by-law amendment, does not make oral submission at a public meeting or make written submissions to the Township of Essa before the proposed amendments are adopted, the Local Planning Appeal Tribunal may dismiss all or part of the appeal.

**ADDITIONAL INFORMATION** related to the proposed amendments is available through the Planning and Development Department during regular business hours at (705) 424-9770.

DATED this 30th day of March, 2021.

Aimee Powell, B.URPL., MPA, MCIP, RPP  
Manager, Planning & Development

# Attachment A – OPA

## Amendment XX To the Township of Essa Official Plan

### Introduction

**Part A – The Preamble** does NOT constitute a part of this Amendment

**Part B – The Amendment** consisting of the following text constitutes Amendment No. \_\_\_\_ to the Township of Essa Official Plan.

**Part C – The Appendices** attached hereto do NOT constitute part of this Amendment.

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## **Part A – The Preamble**

### **Purpose**

The proposed amendments seek to align the Township of Essa Official Plan policies with the Provincial Policies in effect currently. In 2019, the Province amended the Planning Act to require that municipalities have provisions that authorize the use of Additional Residential Units. The amendments have the effect of replacing the legislation authorizing Second Units to instead allow up to three units on properties which contain a detached house, semi-detached house or rowhouse. Of the three units, one Additional Residential Unit may be in the same building as the primary residential unit and one Additional Residential Unit may be in the accessory building/structure on the same lot. The proposed amendments are intended to remove the barriers that residents may currently face with the limited options for affordable housing in the Township.

### **Location**

This Amendment applies to lands within the entire geographic area of the Township of Essa.

### **Basis**

The provisions of Subsections 16(3), of the Planning Act, R.S.O., 1990, c.P. 13, as amended, provides that an Official Plan shall include framework through polices that authorize the use of Additional Residential Units by permitting, (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and (b) the use of a residential unit in a building or structure accessory to a detached house, semi-detached house or rowhouse.

### **Implementation and Interpretation**

The implementation and interpretation of his Amendment shall be in accordance with the relevant policies of the Township of Essa Official Plan.

## **Part B – The Amendment**

### **Introductory Statement**

All of this part of the document entitled “Part B – The Amendment” consisting of the following text constitutes Amendment No. XX to the Official Plan of the Township of Essa.

### **Details of the Amendment**

The Official Plan of the Township of Essa is hereby amended as follows:

1. THAT the TABLE OF CONTENTS is amended by:
  - a. Adding Section 5.X with the following heading “Additional Residential Unit(s)”
  - b. Adding Section 5.X.1 with the following heading “Additional Residential Unit within a Primary Residence”
  - c. Adding Section 5.X.2 with the following heading “Additional Residential Unit within an Accessory Building or Structure”
2. THAT “Section 5.X” be added with the following text:

Additional Residential Unit(s), also known as accessory or basement apartments, secondary suites or in-law suites are self-enclosed residential units with separate kitchen, bathroom and sleeping accommodations. Additional Residential Unit(s) are an efficient form of intensification and improve the supply of affordable rental housing; provide an additional source of income for homeowners; and offer the community alternative housing options. The Municipality may create a registration or licensing program to regulate and/or administrate Additional Residential Unit(s).

Garden suites are temporary dwellings and are not considered Additional Residential Unit(s) under this Plan.

It is the policy of this Plan to permit:

  - a) The use of two residential units in a single detached dwelling, semi-detached dwelling or rowhouse

b) The use of a residential unit in a building or structure accessory to a single detached dwelling, semi-detached dwelling or rowhouse.

For further transparency, the intent of this policy is to permit up to a total of **three** residential units, which includes the primary dwelling unit, on eligible properties.

An Additional Residential Unit within a primary residence or within an accessory building or structure on a property will not be permitted within hazardous lands as defined and regulated by the local Conservation Authority, Nottawasaga Valley Conservation Authority (NVCA). An Additional Residential Unit will be required to be serviced by appropriate water and wastewater/stormwater services in a manner that is acceptable to the Township. Additional Residential Units located within vulnerable or Environmental – Significant Areas, Environmental – Wetlands, and Environmental – Flood Prone Areas designation may not be permitted. All applicable consent policies continue to apply. Additionally, surplus farm dwelling severance policies shall not be used to create separate lot for Additional Residential Units.

3. THAT “Section 5.X.1” be added with the following text:

Additional Residential Unit within a Primary Residence

The Township shall enact zoning provisions to allow one Additional Residential Unit within a single detached dwelling, semi-detached dwelling, or rowhouse on a property.

In developing zoning provisions for an Additional Residential Unit within a primary residence, the Township should consider the following:

- a. That safe road access be provided;
- b. That establishment of an Additional Residential Unit does not require the construction of an additional driveway access;
- c. That the Additional Residential Unit is situated within the primary residence on the property;
- d. That the Additional Residential Unit will be regulated by the provisions of the Implementing Zoning By-law;

- e. That any exterior alterations to the main residence, necessary to accommodate the Additional Residential Unit, are minimized to reduce visual impacts on the streetscape;
- f. That the character of the primary residence be maintained;
- g. That sufficient amenity areas are offered for the primary residence and Additional Residential Unit;
- h. That the Additional Residential Unit meets the applicable Building Code, Fire Code and local property regulations; and
- i. That a Garden Suite and Additional Residential Unit cannot be permitted on the same lot.
- j. That the Additional Residential Unit will be established in accordance with the Minimum Distance Separation Formulae
- k. That adequate off-street parking can be provided on site for both the main residence and additional residential unit;
- l. That all applicable permits and or approvals are required to be obtained from the Nottawasaga Valley Conservation Authority and any other agencies;
- m. That the Additional Residential Unit is not considered multi-residential use for the purposes of the Site Plan Control By-law

3. THAT "Section 5.X.2" be added with the following text:

Additional Residential Unit Within an Accessory Building or Structure

The Township shall enact zoning provisions to allow one Additional Residential Unit within a building or structure that is accessory to a single detached dwelling, semi-detached dwelling or rowhouse, provided that a residential unit does not already exist in an accessory building or structure on the property. An Additional Residential Unit is prohibited from being severed from the property.

When developing zoning provisions to address Additional Residential Unit in accessory building or structures the Township shall give consideration to the items listed in section 5.X.1 and shall have zoning provisions to address the following:

a. That the Additional Residential Unit will be evidently secondary to the primary residence on the property; and

b. That minimum Distance Separation Formula is complied with, where applicable. The Township of Essa may apply Site Plan Control to Additional Residential Units in accessory buildings or structures.

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## Attachment B – ZBA

### THE CORPORATION OF THE TOWNSHIP OF ESSA

#### BY-LAW NUMBER 2021- XX

#### A BY-LAW TO AMEND TOWNSHIP OF ESSA COMPREHENSIVE ZONING BY-LAW NO. 2003-50, AS AMENDED

**WHEREAS**, pursuant to Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, the Council of the Township of Essa has passed a comprehensive Zoning By-Law No. 2003-50 for the Township of Essa;

**AND WHEREAS**, authority is granted under Section 34 and XX of the Planning Act, R.S.O. 1990. C.P.13 as amended, to enact such amendments;

**AND WHEREAS** the provisions of this By-law conform to the Official Plan of the Township of Essa;

**AND WHEREAS**, Council deems it advisable and expedient to amend Zoning By-Law No. 2003-50;

**NOW THEREFORE**, the Council of The Corporation of the Township of Essa HEREBY ENACTS as follows:

1) THAT Zoning By-Law No. 2003-50, as amended, is hereby amended by adding the following to Section 4 to read as follows:

4.XX.1. Additional Residential Unit(s) - Any Additional Residential Unit(s) shall be developed in accordance with the following provisions:

4.XX.1.1. Additional Residential Unit(s) shall be permitted on lands zoned to permit a single detached dwelling, semi-detached dwelling, or rowhouse and/or located within a detached accessory building/structure on the same lot as the primary residence.

4.XX.1.2. A maximum of two Additional Residential Units shall be permitted on a lot, one within the same building as the primary dwelling and one located in a detached accessory building/structure to the primary residence.

4.XX.1.3 Additional Residential Unit(s) shall not be permitted on properties that are accessed from a private street.

4.XX.1.4 In accordance with the Off-Street Parking Requirements provided within this by-law, one (1) parking spaces per Additional Residential Unit is required to



be provided and maintained on site for the sole use of the occupant of an Additional Residential Unit and may include tandem parking spaces.

4.XX.1.5. Additional Residential Unit(s) shall be appropriately serviced and shall comply with all applicable health and safety standards, including but not limited to those set out in the Ontario Building Code and the Ontario Fire Code.

4.XX.1.6 The maximum floor area of an Additional Residential Unit shall be 50% of the gross floor area of the primary residence.

4.XX.1.7 Additional Residential Unit(s) shall only be permitted if there is adequate connection to both municipal water supply and municipal sanitary sewers.

4.XX.1.7.1 despite section 4.XX.1.7 Additional Residential Unit(s) may be permitted where municipal water supply and municipal sanitary sewer are unavailable, provided that it can demonstrate, to the satisfaction of the Township, that all servicing is appropriately complied with including but not limited to the Ontario Building Code.

4.XX.1.8. Additional Residential Unit(s) shall have separate sanitary and kitchen facilities from the primary dwelling.

4.XX.1.9. Additional Residential Unit(s) shall not be permitted on a lot that is used for a Bed and Breakfast, Group Home, Private Home Tutor, Private Home Daycare, or Correctional use.

4.XX.1.10. No Additional Residential Unit(s) shall be permitted within the flooding and erosion hazard limits of any/all watercourses.

4.XX.1.11 Where any lot contains a primary residence, and Additional Residential Unit(s) and is permitted to have a home occupation, the home occupation shall be permitted in only 1 (one) of the units.

4.XX.1.12 The civic address of a lot containing an Additional Residential Unit(s) shall clearly indicate the existence of an Additional Residential Unit(s) by adding signage in accordance with By-law 2008.15 as amended.

4.XX.1.13. A separate entrance shall be required for the Additional Residential Unit(s).

#### 4.XX.2. Additional Residential Unit within a Primary Residence:

4.XX.2.1. A separate entrance shall be required for the Additional Residential Unit and shall be located on the rear or side of the primary residence; this

does not limit the ability to utilize existing entrances on the front main wall of the primary residence.

4.XX.2.2. All other provisions of the respective zones are complied with.

4.XX.3. Additional Residential Unit within a Detached Accessory Building/Structure:

4.XX.3.1 The Additional Residential Unit shall not exceed the maximum permitted accessory building/structure floor area for the applicable zone.

4.XX.3.2 The maximum building height of an Additional Residential Unit is two (2) storeys and shall not exceed the height of the primary residence.

4.XX.3.3 All applicable setbacks for the detached accessory building/structure within the applicable zone applies to an Additional Residential Unit on a residential use.

4.XX.3.4. A minimum of 3 metres shall be provided between the Additional Residential Unit in a detached accessory building/structure on the same lot and any other structure permitted on the lot.

4.XX.3.5 All other provisions of the respective zones are complied with.

2) THAT Schedule "A" By-law 2013-28 as amended, is hereby further amended by adding the following

5.12 Additional Residential Unit initial inspection: \$150.00 flat rate

5.12.1 Subsequent Inspections per Additional Residential Unit: \$75.00 per inspection

3) THAT By-Law NO. 2003-50 as amended, is hereby further amended by removing the following definitions in Section 3

"Dwelling, Row"

Means a building divided vertically into three or more dwelling units, situated on one lot.

4) THAT By-Law NO. 2003-50 as amended, is hereby further amended by adding the following definitions to Section 3

"Additional Residential Unit" shall mean a separate and self-contained dwelling unit that is subordinate to the primary dwelling and located within the same building or within a detached accessory building/structure on the same lot as the primary residence.

“Primary Residence” shall mean a single detached dwelling, semi-detached dwelling or rowhouse

“Primary Dwelling” shall mean the main dwelling unit to which additional residential units may be subordinate

“Rowhouse” shall mean a consecutive series of similar residential units that shall share a maximum of two common walls with the adjacent units, situated on the lot

- 5) THAT all other respective provisions of the Zoning By-law 2003-50, as amended, shall apply.
- 6) THAT this By-law shall come into force and take effect on the date of passing thereof, subject to the provisions of Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13 as amended.

**READ A FIRST, SECOND AND THIS TIME AND FINALLY PASSED THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Mayor Sandie Macdonald

\_\_\_\_\_  
Clerk Lisa Lehr

## Attachment C - Registration By-law

### THE CORPORATION OF THE TOWNSHIP OF

### ESSA BY-LAW 2021 - XX

#### Being a By-law to for Additional Residential Unit(s)

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25 provides that the Council of the local Municipality shall in each year prepare and adopt estimates of all sums required during the year on all rateable property in the local municipality; and

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25 provides that the Council of the local Municipality shall in each year pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes; and

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25 Sections 308(2)(5), provides that a set of tax ratios shall be established for every municipality and that the County of Simcoe By-law No. 6847 passed on April 8, 2020, established these tax ratios; and

WHEREAS the *Assessment Act*, R.S.O. 1990, Chapter A.31, as amended, establishes the classes of real property and methods of assessment, as well as provides for alterations to the Collector's Roll;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

#### 1. DEFINITIONS

In this By-law, the following definitions apply:

- (a) "Single detached dwelling", "semi-detached dwelling", "row housing", "primary residence", and "accessory building/structure", shall have the meanings assigned to such terms as defined in the Zoning By-law;
- (b) "Inspector" means a Building Inspector, Municipal Law Enforcement Officer or Fire Prevention Officer;
- (c) "Registrar" means the Chief Building Official or his or her designate;
- (d) "Township" means The Corporation of the Township of Essa; and
- (e) "Two-unit lot" means a lot which contains a primary residence and one (1) additional unit.
- (f) "Three-unit lot" means a lot which contains a primary residence and two (2) additional units

#### 2. PROHIBITION

No person shall operate or permit the occupancy of more than one (1) dwelling unit in a two-unit house, unless the two-unit house is registered as required by this By-law.

#### 3. REGISTRATION

- (a) Every person who owns a two-unit lot or three-unit lot shall register the two-unit lot or three-unit lot, with the Registrar as required by this By-law.
- (b) Prior to registration:

- (i) each dwelling unit in a two-unit lot or three-unit lot shall be inspected to ensure that it complies with all relevant standards set out in the Building Code and the Fire Code;
- (ii) the owner shall ensure that each unit is equipped with an operable smoke alarm and carbon monoxide detector to the satisfaction of the Inspector;
- (iii) the owner shall provide the Registrar with a letter of compliance from the Electrical Safety Authority;
- (iv) the owner shall pay a one-time, non-refundable registration fee, and where the Registrar deems it necessary a re-inspection fee may be required, as set out in Schedule "A" to this By-law;
- (v) where a unit was constructed legally with a Building Permit prior to the enactment of this By-law, appropriate documentation is required to show unit was built to meet all applicable Zoning Building Code, and Fire Code
- (vi) the owner shall submit a completed application form provided by the Township.

#### 4. REFUSAL AND REVOCATION

- (a) The Registrar may refuse to register any two-unit lot or three-unit lot that does not meet the requirements set out in this By-law;
- (b) The Registrar may revoke the registration of any two-unit lot or three-unit lot, which, at any time after registration, ceases to meet the requirements set out in this By-law;
- (c) The onus of proving that each dwelling unit in a two-unit lot or three-unit lot meets the requirements set out in this By-law is on the owner of the building;
- (d) Where the Registrar has revoked the registration of a two-unit lot or three-unit lot, the owner may re-apply for registration in accordance with this By-law and will be required to pay the applicable fees

#### 5. NOTIFICATION OF REVOCATION

- (a) Prior to the revocation of the registration of a two-unit lot or three-unit lot, the Registrar shall notify the owner of the two-unit lot or three-unit lot of his or her "intent to revoke" and provide an explanation of the reasoning behind this intention;
- (b) Such notice shall be sent by registered mail to the owner of the two-unit lot or three-unit lot, at the address of the two-unit lot or three-unit lot and the address supplied on the application for registration;
- (c) The owner shall have a period of no more than sixty (60) days to comply with the requirements of registration as set out in this By-law. Where the owner fails to comply, the Registrar shall revoke the registration of the two-unit lot or three-unit lot

#### 6. MUNICIPAL ADDRESSING

Upon registration of the two-unit lot or three-unit lot, the Township shall assign a municipal address to indicate that the house contains two-unit or three-unit and the owner shall be required to display any/all applicable municipal address(es) in accordance with the Township's Sign By-law No. 2008-15, as amended

7. OFFENCES

Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended

8. EXCEPTION

The owners of two-unit lot or three-unit lot that are existing and currently have a valid Temporary Use, Zoning By-law Amendment/Agreement that permits a two-unit or three-unit lot, shall not be required to register said two-unit lot or three-unit lot as required by this By-law

9. SEVERABILITY

If any section of this By-law, or parts thereof, are found by any court of law to be illegal or beyond the power of Council to enact, such section, sections, part, or parts shall be deemed to be severable, and all other sections or parts shall be deemed to be separate and independent therefrom and to be enacted as such

10. COMING INTO FORCE

The provisions of this By-law shall come into force and take effect upon third reading

**READ A FIRST AND SECOND TIME THIS XX<sup>TH</sup> DAY OF XXXX, 2021.**

**READ A THIRD TIME AND FINALLY PASSED THIS XX<sup>TH</sup> DAY OF XXXX 2021.**

**MAYOR**

\_\_\_\_\_

**CLERK**

\_\_\_\_\_

**SCHEDULE "A" TO BY-LAW 2021-XX**

**FEE SCHEDULE**

1. REGISTRATION FEE: \$150.00
  - Upon Application (Non-Refundable, includes one inspection)
  
2. RE-INSPECTION FEE: \$75.00
  - Payable if more than one inspection is required and/or the works do not require a building permit (payment due prior to release of registration)

**Note:** *Building permit fees or any other agency administration or inspection fees are not included in the above and are payable by the applicant, as required.*

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