

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2022-28

**A By-Law to amend Township of Essa Comprehensive Zoning
By-Law 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 Comprehensive Zoning By-Law No. 2003-50 for the Township of Essa; and

WHEREAS, authority is granted under Section 34 and 35.1 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 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 new subsection 4.38 Additional Residential Unit(s) to Section 4 immediately following subsection 4.37 as follows:

“4.38 Additional Residential Unit(s)

4.38.1 Additional Residential Unit(s) shall be developed in accordance with the following provisions:

- a) Additional Residential Unit(s) shall be permitted where permitted by this By-law within a permitted single detached dwelling, semi-detached dwelling, or rowhouse or located within a detached accessory building/structure on the same lot as the primary residence where permitted by this By-law.
- b) A maximum of one Additional Residential Units shall be permitted on a lot, one within the primary residence or one located in a detached accessory building/structure to the primary residence in the specified zones.
- c) Additional Residential Unit(s) shall not be permitted on properties that are accessed from a private street.
- d) In accordance with the Off-Street Parking Requirements provided within this by-law, a minimum of two (2) parking spaces per

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

- e) 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.
- f) The maximum floor area of an Additional Residential Unit within or attached to the primary residence shall be 50% of the gross floor area of the primary residence.
- g) Additional Residential Unit(s) shall be connected to both municipal water supply and municipal sanitary sewers, where available, and the Township confirms there is sufficient capacity to service the Additional Residential Units.
- h) Despite section 4.38.1.g), Additional Residential Unit(s) may be permitted where municipal water supply and municipal sanitary sewer are unavailable provided that it can demonstrated, to the satisfaction of the Township, that all private servicing is appropriately complied with including but not limited to the requirements of the Ontario Building Code.
- i) Additional Residential Unit(s) shall have separate washroom and kitchen facilities from the primary dwelling.
- j) Additional Residential Unit(s) shall not be permitted on a lot that is used for a Garden Suite, Bed and Breakfast, Group Home, Private Home Tutor, Private Home Daycare, or Correctional use.
- k) No Additional Residential Unit(s) shall be permitted within the flooding and erosion hazard limits of any/all watercourses.
- l) Home occupations shall only be permitted in the primary dwelling.
- m) 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.
- n) A separate entrance shall be required for the Additional Residential Unit(s).

- 4.38.2 An Additional Residential Unit within a Primary Dwelling shall be developed in accordance with the following additional provisions:
- a) A separate entrance shall be required for the Additional Residential Unit and shall be located on the rear or side of the primary residence.
 - b) All other provisions of the respective zone are complied with.

- 4.38.3 Additional Residential Unit within a Detached Accessory Building/Structure shall be developed in accordance with the following provisions:
- a) The maximum gross floor area of an Additional Residential Unit in a Detached Accessory Structure shall be the lessor of 102 square metres or 50% of the gross floor area of the principle dwelling unit.
 - b) The maximum building height of an Additional Residential Unit is one (1) storey and shall not exceed the height of 4.5 metres.
 - c) All applicable setbacks for a detached accessory building/structure within the applicable zone shall also apply to the Additional Residential Unit accessory structure.
 - d) A minimum of 1.5 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.
 - e) That a minimum 1.2 metre walkway shall be provided from the Additional Residential Unit to the main access to the property.
 - f) An Additional Residential Unit within a detached accessory building/structure in the "A" and "RL" Zones shall be located no more than 30 metres from the Primary Residence.
 - g) The Additional Residential Unit shall not have a basement.
 - i) All other provisions of the respective zone are complied with.

- 2) That By-Law 2003-50 as amended, is hereby further amended by deleting the following definition in Section 3:

"Dwelling, Row" means a building divided vertically into three or more dwelling units, situated on one lot.

3) That By-Law 2003-50 as amended, is hereby further amended by adding the following definitions to Section 3 alphabetically as follows:

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

“Primary Residence”
means a single detached dwelling, semi-detached dwelling, or rowhouse.”

“Primary Dwelling”
means the main dwelling unit to which additional residential units shall be secondary and subordinate.””

“Additional Residential Unit”
means 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 Dwelling.”

5) That By-Law 2003-50 as amended, is hereby further amended by inserting a new permitted use a “j)” immediately following “i)” in Section 6.2 AGRICULTURAL (A) ZONE as follows:

“j) Accessory Residential Unit(s) in accordance with Section 4.38.”

6) That By-Law 2003-50 as amended, is hereby further amended by inserting a new permitted use a “j)” immediately following “i)” in Section 7.2 RURAL (RL) ZONE as follows:

“j) Accessory Residential Unit(s) in accordance with Section 4.38.”

7) That By-law 2003-50 as amended, is hereby further amended by inserting a new permitted use row in the table in Section 14 PERMITTED USES FOR RESIDENTIAL ZONES as follows:

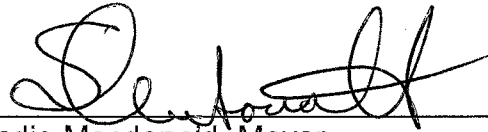
Permitted Uses	R1 Zone	R2 Zone	R3 Zone	R4 Zone	R5 Zone
Accessory Residential Unit(s) in accordance with Section 4.38	√	√	√		

8) That By-Law 2003-50 as amended, is hereby further amended by inserting a new permitted use a “c)” immediately following “b)” in Section 15.2 ESTATE RESIDENTIAL (RS1) ZONE as follows:

“c) Accessory Residential Unit(s) in accordance with Section 4.38.”

- 9) That all other respective provisions of the Zoning By-law 2003-50, as amended, shall apply.
- 10) 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, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this 18th day of May, 2022.



Sandie Macdonald, Mayor



Lisa Lehr, Manager of Legislative Services