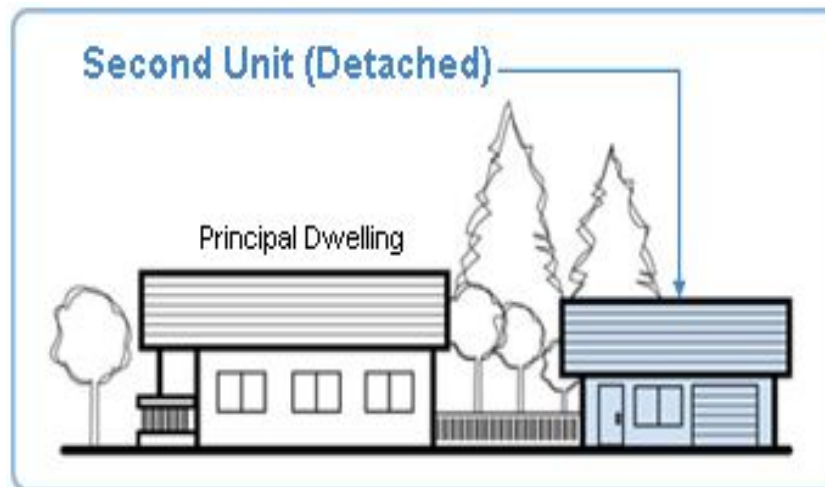
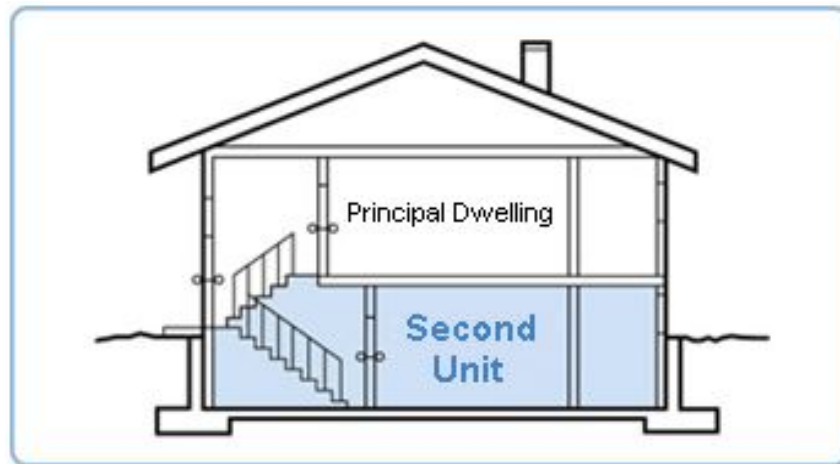




The Corporation of The Town of Essex

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DEVELOPMENT SERVICES



GUIDE TO SECOND DWELLING UNITS

www.essex.ca/sdu

August 2021

[Why is the Town of Essex permitting second dwelling units?](#)

The *More Homes, More Choices Act (2019)* requires municipalities across Ontario to amend their Official Plans and Zoning By-laws to facilitate the creation of secondary dwelling units to provide a form of affordable housing for the community.

This document is for information purpose only. It is recommended that a qualified designer be retained for the purpose of design and for code compliance.

[What are second dwelling units?](#)

Second Dwelling Units (SDU) are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within accessory or ancillary buildings and structures.

SDUs are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites. A SDU can provide safe and affordable housing for a variety of tenants. SDUs can be constructed to provide long-term housing for aging parents who want to remain independent but need support or for adult children who have completed their education and are just starting their careers. SDUs also provide affordable housing options for residents in established neighbourhoods that are close to jobs, public facilities, and retail stores.

[Where can second dwelling units be located in Essex?](#)

The provisions for SDUs within the Town of Essex came into effect in August 2021. The Town's Official Plan and Comprehensive Zoning By-Law were amended to permit SDUs in settlement areas (residential) and rural areas (agricultural) in accordance with the *Planning Act*.

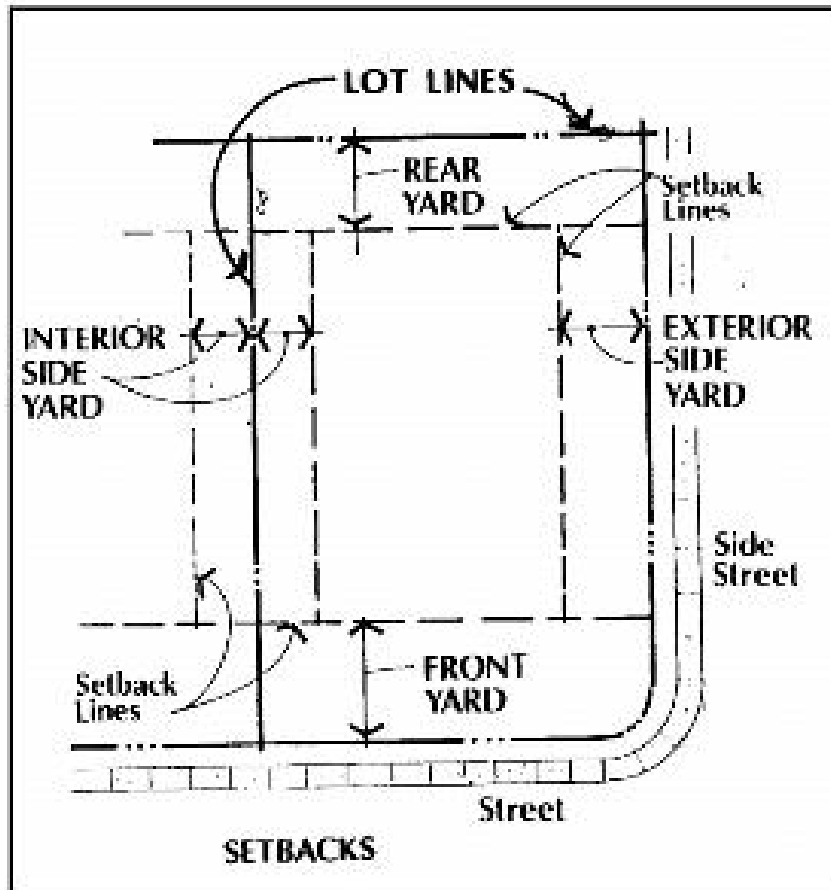
Second Dwelling Units are not permitted in a Residential District permitting exclusively dwellings for three (3) season occupancy or in mobile home districts.

[Where are second dwelling units permitted?](#)

SDUs may be located in a single detached, semi-detached or Townhome dwelling unit, or alternatively, in a building ancillary or accessory to these dwelling types. A SDU is not permitted in both the main dwelling and in an ancillary or accessory building on the same lot.

SDUs in an ancillary or accessory building must have a minimum floor area of 30 square meters (323 square feet). A SDU in an ancillary or accessory building cannot be located within a required yard, being a yard that is required to be maintained between a front, rear or side lot line and the nearest wall of a main building.

An illustration depicting a required rear yard is provided below:



A SDU is not permitted in an ancillary or accessory structure on a lot which has less than the minimum required lot width and lot area for that zoning district.

[How many second dwelling units am I permitted to have on my property?](#)

You are permitted to have **one** SDU within the main dwelling which is subordinate in size to the main living space (i.e. in a lower level or second story of a dwelling) OR have **one** second dwelling unit in an ancillary or accessory building. The total number of dwelling units permitted on a lot is two (2).

[How close does the second dwelling unit in an accessory structure need to be to my primary residence?](#)

A SDU must be located a minimum of six (6) feet from the primary residence or any other structure on the property.

What is the minimum and maximum size of a second dwelling unit?

The minimum gross floor area for a second dwelling unit within an ancillary or accessory building is 30 square meters (323 square feet). A SDU in the main dwelling can be no bigger than 50% of the Gross Floor Area (GFA). A SDU in an ancillary or accessory structure cannot be greater than the GFA of the main dwelling. A SDU in an ancillary or accessory structure located in a residential district cannot exceed one (1) storey in height.

Are there parking requirements for a second dwelling unit?

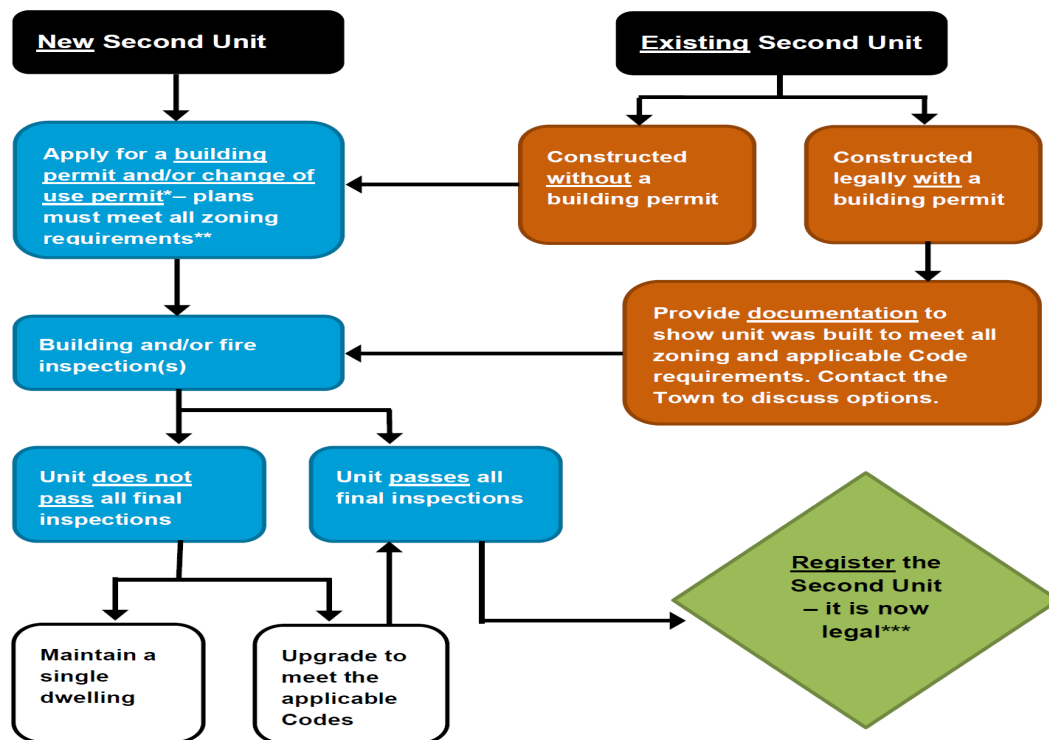
A minimum of **one** on-site parking space is required for the SDU, in addition to the parking required for the main dwelling.

Can I add a second dwelling unit on a property with a septic system?

For properties served by a septic system, adding a second dwelling unit will require the existing septic system to be evaluated by a certified septic designer. The septic system may have to be upgraded or replaced to handle the additional sewage loading.

How do I make my second dwelling unit legal?

To be legal, you must obtain a building permit from the Town of Essex for the addition or construction of a SDU, and receive a final inspection from the Town of Essex Building Division. An existing SDU must be registered with the Town.



* All Second Units require a building permit.

[Are permits required for a second dwelling unit?](#)

Yes, permits are required for the construction or addition of a SDU. This is to ensure that the construction meets the minimum standards set out in the Ontario Building Code. Permits are also required to ensure that other applicable laws such as the zoning by-law, are complied with. This will provide information to the emergency services in case an emergency occurs on the property.

Drawings should be prepared by an “Ontario Registered Qualified Designer” (B.C.I.N.).

[What do I need to submit for a building permit for a second dwelling unit or accessory structure?](#)

An application for building permit with the applicable fee and any plans required by the Town of Essex is required to be submitted as part of the building permit application process. Specific information can be found on the Town website at www.essex.ca under the Building and Construction section.

The following is a list of required documents for new applications for SDUs:

- Application to Construct or Demolish
- Designer form
- Energy efficiency form
- Two sets of construction drawings
- Other approvals as required

Please note that incomplete applications or plans will not be accepted.

[What drawings will I need to submit?](#)

Along with your completed building permit application form you will be required to submit two full sets of construction drawings completed by a licensed designer. All drawings shall be of legible scale and include the following:

- Site plan
- Foundation plan
- Floor plans
- Elevations
- Sections and details
- Engineered drawings (where required)

Along with the drawings listed above, other approvals may be required for your particular project. The following are some approvals that may be required upon submitting your application prior to issuance a building permit:

- ERCA (Essex Region Conservation Authority)
- Septic System approval\

- Committee of Adjustment
- County Road Department approval or Entrance Permit

How long does it take to get my permit and when can I start?

Residential building permits are usually issued within 10 business days of a complete application being submitted. All other approvals are required for an application to be considered complete. Applications that are incomplete because of missing or incorrect information will be delayed. **No work can commence until the permit has been issued and all fees have been paid.**

What inspections are required and how are they scheduled?

Requesting inspections is the responsibility of the homeowner or the contractor of the project. Inspections must be booked 24 hours in advance. Permit and drawings must be onsite at the time of inspection. Any work covered before inspections are made, must be uncovered for proper inspection. Inspections will be available between the hours 8:30 am to 12:00 pm and 1:00 pm to 4:30 pm.

Each phase of construction must be inspected to make certain the work conforms to the Ontario Building Code. Listed below are the mandatory inspections that are required.

- Storm and sanitary sewer connection inspection (water test required on both services)
- Water service line inspection (Contact Environmental Services at 519-776-7336)
- Footing inspection (before concrete is poured). Top of footing certificate required for new homes
- Pre-backfill inspection (prior to foundation walls being backfilled)
- Underground plumbing inspection (water or air test required)
- Framing inspection (provide roof truss drawings and engineered floor truss drawing layouts)
- Rough plumbing inspection (water or air test required)
- Fire separation inspection (where required)
- Insulation and air/vapour barrier inspection (post attic insulation certificate at the hydro panel location)
- Final building and plumbing/occupancy inspection

Building Code Requirements

Minimum Room Size Requirements

Required Space	Minimum Area
<u>Open Concept Bachelor Apartment</u>	
Living, Dining, Kitchen and Sleeping space	13.5 m ²
<u>Other Partitioned Apartments</u>	
Living Area	13.5 m ²
Living Room combined with a kitchen and dining space (not intended for more than 2 persons)	11.0 m ²
Dining area	7.0 m ²
Dining area if combined with one other space	3.25 m ²
Kitchen	4.2 m ²
	3.7 m ² (Not more than 2 persons and not more than one bedroom)
Master Bedroom (Unit must contain one)	9.8 m ²
	8.8 m ² If a built in closet is provided
Other Bedrooms	7.0 m ²
	6.0 m ² If a built in closet is provided
	4.2 m ² If bedroom is combined with any other space.
Bathroom	Sufficient space to accommodate a toilet, sink and bathtub or shower stall.

Minimum Required Ceiling Height

Rooms and Combined Spaces	New and Houses Less than 5 years old	Greater than 5 years old
Living Room	2.3 m (7'-7") over at least 75% of the required floor area with a clear height of 2.1 m (6'-11') at any point	Minimum 1950 mm (6'-5") over the required floor area or minimum room height not less than 2030 mm (6'-8") over at least 50% of the required floor area
Living Room combined with a kitchen and a dining area		
Dining Room		
Dining Room if combined with other spaces		
Kitchen Area		
Master Bedroom		
Bedroom		

Minimum Window Requirements for Natural Light

Location	New and Houses Less than 5 years old	Greater than 5 years old
Laundry Room, Kitchen, Bathroom	Window not required	Window not required
Living and Dining Rooms	10% of floor area	5% of floor area
Bedrooms and other Finished Rooms	5% of floor area	2.5% of floor area

Minimum Door Width Requirements

Door Location	Requirements
Entrance Door to Dwelling	810mm
Any door between the exterior and the basement	810 mm
Utility rooms	810 mm
Walk-in closets	610 mm
Bedrooms	760 mm
Bathrooms	610 mm

Smoke and Carbon Monoxide Alarms

Requirements	New and Houses less than 5 years old	Houses greater than 5 years old
SMOKE ALARMS <ul style="list-style-type: none"> Required to be contained within each unit, on every storey, in any hallway serving bedrooms and in every bedroom 	<ul style="list-style-type: none"> Must be hardwired Must be interconnected within the suite Must have a strobe light 	<ul style="list-style-type: none"> May be battery operated Interconnected (wireless) Must have a strobe light
CARBON MONOXIDE ALARMS <ul style="list-style-type: none"> Required when a fuel burning appliance is located in any suite or if there is an attached garage. Must be installed adjacent to all sleeping areas. Installed per manufactures instruction, or in the absence of that, on or near the ceiling 	<ul style="list-style-type: none"> Must be mechanically fastened Must be hardwired Must be interconnected within the suite 	<ul style="list-style-type: none"> May be battery operated or plugged into an electrical outlet. When a fuel burning appliance is located in a suite or if there is an attached garage.

Fire Separations Between and Within Units

New and Houses less than 5 years old**	House greater than 5 years old
<p>1. If both dwelling units only have 1 storey:</p> <ul style="list-style-type: none"> • 45 minute fire separation required between units • 45 minute fire rating required to protect supporting structure (columns, loadbearing walls, beams, etc). <p>2. If either dwelling unit has more than 1 storey:</p> <ul style="list-style-type: none"> • then a 1 hr separation is required between the units, and • 1 hr fire rating required to protect supporting structure (columns, loadbearing walls, beams, etc). • if new construction, floors within the unit shall have a rating of 45 minutes, if existing building floors within the unit to be minimum rating of 30 minutes 	<ul style="list-style-type: none"> • 30 minute fire separation required between units • 30 minute fire separation required to protect supporting structure (columns, loadbearing walls, beams, etc).

****If no fire separation is existing then sound attenuation is required between units. (min 50 STC)**

Heating and Ventilation

New and Houses less than 5 years old	House greater than 5 years old
<ul style="list-style-type: none"> • Principle and Second Dwelling Units require separate heating system. • Dampers on ductwork may be required. 	<ul style="list-style-type: none"> • Existing system may service both units; a smoke detector must be installed in the supply or return air duct that would turn off the fuel supply and electrical power to the heading system when triggered. • Dampers are not required.

Minimum Plumbing Facilities

Kitchen Sink	<ul style="list-style-type: none"> • Hot And Cold Water Supply Required
Laundry Facilities	<ul style="list-style-type: none"> • Hot And Cold Water Supply Required; • Laundry May Be Located In A Common Area In The Building.
Bathroom With Lavatory, Toilet, Bathtub Or Shower Stall	<ul style="list-style-type: none"> • Hot And Cold Water Supply Required; • Provisions Shall Be Made For The Future Installation Of Grab Bars Around Toilet And Bath/Shower Area.

Egress Requirements

New and Houses less than 5 years old	House greater than 5 years old
<p>1. Dedicated exit (not shared with other unit) without having to go up or down more than 1 floor.</p> <p>2. Shared Exit with a fire resistance rating of 45 minutes or 1 hr dependent on Section 5.6 above and a second and separate means of egress.</p> <p>***if the exit door is not at the same level as the bedroom, one window for egress that is:</p> <ul style="list-style-type: none"> • openable from the inside without tools, • provides an individual, unobstructed open portion having a minimum area of 0.35 m² (3.8 ft²) with no dimension less than 380mm (15") and does not require additional support to keep it open, and • except for basement windows, have a maximum sill height of 1 metre. <p>***only openable portion of slider can be used for these dimensions, removable panels are not accepted.</p>	<p>1. Dedicated exit (not shared with other unit) with reasonable access to grade.</p> <p>2. Shared Exit with a fire resistance rating of 30 minutes, and smoke alarms in both units and common areas are interconnected, and if the bedroom is not at the same level, provide an egress window as listed for new houses.</p> <p>***if there is a door within the unit has an unshared direct access to the exterior, an egress window is not required.</p>

Contact Information

1. Building Department	519-776-6476 ext. 1400
2. Planning Department	519-776-7336 ext 1128
3. Public Works	519-776-7336 ext 1100
4. Water Department	519-776-7336 ext 1425
5. Clerks Department	519-776-7336 ext 1101
6. Finance Department	519-776-7336 ext 1140
7. Essex Region Conservation Authority	519-776-5209
8. County of Essex	519-776-6641
9. ELK Power	519-776-5291
10. Hydro One	1-888-664-9376
11. Electrical Safety Authority	1-877-372-7233
12. Ontario One-Call	1-800-400-2255
13. Union Gas	1-888-774-3111
14. Municipal Property Assessment Corporation	519-739-9920
15. Windsor Essex County Health Unit	519-258-2146
16. Ministry of Transportation	519-354-1400
17. Ministry of Environment	519-254-2546
18. Ministry of Natural Resources	519-354-7340
19. Ministry of Municipal Affairs	416-265-4736
20. Ontario New Home Warranty (Tarion)	1-800-250-3589
21. Ontario Provincial Police	519-776-2252
22. Town of Essex Fire Services	519-776-7132