



STAFF REPORT EXECUTIVE SUMMARY & RECOMMENDATION

The following executive summary provides a brief description about the report and the recommendation advises on any action being requested from Council.

**Subject: Accessory 'Third' Dwelling Units - Final Zoning By-law
 Amendment**

Executive Summary:

Final amendments to the Zoning By-Law and Accessory Dwelling Units Registration By-Law to allow up to two accessory dwelling units on properties in Innisfil.

Recommendation:

- 1. That Staff Report DSR-078-21 regarding Accessory 'Third' Dwelling Units Final Zoning By-Law Amendment, dated May 26, 2021 be received; and**
- 2. That By-law 043-21 being a by-law to amend the Town's Comprehensive Zoning By-law 080-13, as amended, be adopted; and**
- 3. That By-law 044-21 being a by-law to Register Accessory Dwelling Units and repeal By-law No. 017-16, be adopted; and**
- 4. That the Fees and Charges By-Law be amended as described in DSR-078-21; and**
- 5. That Staff report back to Council within 18 months of the adoption of the final Zoning By-Law Amendment with an update on their implementation, as discussed in DSR-078-21.**



TO
W
N
OF
IN
NI
SFI

L STAFF REPORT

STAFF REPORT NO: DSR-078-21
DATE: June 2, 2021
TO: Mayor, Deputy Mayor and Members of Council
FROM: Mary Nordstrom, Manager of Land Use Planning
SUBJECT: Accessory 'Third' Dwelling Units - Final Zoning By-Law Amendment and Registration By-Law

Cross Reference: DSR-035-21; DSR-192-20

RECOMMENDATION:

1. That Staff Report DSR-078-21 regarding Accessory 'Third' Dwelling Units Final Zoning By-Law Amendment, dated May 26, 2021 be received; and
2. That By-law 043-21 being a by-law to amend the Town's Comprehensive Zoning By-law 080-13, as amended, be adopted; and
3. That By-law 044-21 being a by-law to Register Accessory Dwelling Units and repeal By-law No. 017-16, be adopted; and
4. That the Fees and Charges By-Law be amended as described in DSR-078-21; and
5. That Staff report back to Council within 18 months of the adoption of the final Zoning By-Law Amendment with an update on their implementation, as discussed in DSR-078-21.

BACKGROUND:

The purpose of this report is to provide a summary of the proposed final Zoning By-Law Amendment (Attachment 1) and Registration By-Law (Attachment 2) to potentially allow for an additional 'third' dwelling unit on properties in Innisfil. These amendments would also have the effect of updating the Town's existing provisions for accessory 'second' dwelling units that have been in place since 2014.

A 'third' dwelling unit is an additional third unit on a lot that already contains a house (principal dwelling unit) and an accessory second dwelling unit (i.e. basement apartment). Third dwelling units can be situated within the principal dwelling or they can be attached to or detached from the principal dwelling on the same lot. Third dwelling units can be added to Innisfil's housing supply while maintaining the character of both the principal dwelling and the surrounding neighbourhood.

The Town's Zoning By-law currently permits accessory 'second' dwelling units in Innisfil, which consist of one additional unit that is either within, attached or detached to the principal dwelling. However, in September 2019, the Province amended the *Planning Act* (through Bill 108) to require municipalities to amend their zoning by-laws to allow up to two dwelling units that are accessory to the primary dwelling on the property. This was part of the Province's [Housing Supply Action Plan](#) intended to create more housing supply and provide more affordable housing choices. Despite these Provincial policies, the Town can still consider policies to ensure that accessory 'third' dwelling units are appropriately situated in Innisfil.

The Background Information Report ([DSR-192-20](#)) and Public Meeting Report ([DSR-035-21](#)) also outlined the many community benefits of allowing accessory 'third' dwelling units in Innisfil such as:

- [Flexible living arrangements](#) - accessory dwellings can provide a separate living arrangement for youth or an elderly family member who for health or safety reasons may no longer be able to live on their own;
- [More affordable housing](#) - house prices and rents continue to increase in Innisfil and the surrounding regional market area;
- [More rental housing](#) - there is a strong demand for rental housing as evident by a low rental vacancy rate in the regional market area;
- [Economic benefits to homeowner](#) - rental income assists with mortgage payments and can allow the individual to purchase the house;
- [Increased safety for tenants](#) - legal accessory dwellings are built to meet health and safety standards of Building, Electrical and Fire Codes; and
- [Efficient use of existing infrastructure](#) – accessory dwellings help optimize the use of existing housing stock and infrastructure with minimal impact on its built form.

As a result of these potentially positive impacts, Planning Staff feel that an increase in the number of legal accessory dwelling units in Innisfil and the creation of more housing choices, can provide a substantial overall community benefit. Comments received through the online survey and at the Public Meeting also highlighted the important role that accessory dwelling units can play in supporting the community's resilience in providing economic and social security during the Covid-19 pandemic.

Public Meeting Comments

Attachment 3 summarizes Staff's response to comments and questions received at the Public Meeting. Staff feel that the final proposed policies have appropriately considered and addressed the comments received at the Public Meeting. While it was recognized that these additional units can respond to the broader housing supply problem, concerns expressed at the Public Meeting and through the online survey related to the perception of an increase in negative impacts (e.g. increased noise, crime, overcrowding, parking issues, etc.) as a result of potentially more rental households within neighbourhoods, including the potential for accessory dwellings to be operated as short-term rentals.

However, at the Public Meeting, Staff emphasized that these concerns do not reflect the realities of the Town's experience with allowing accessory 'second' dwelling units, where since 2014, there have only been five By-Law infractions (representing only 6% of all 78 registered second dwelling units at the time of the assessment). Furthermore, analysis suggests that only four (or 5%) of the Town's now 82 registered second dwelling units appear to be operated as short-term rentals. Therefore, when also considering that nearly 80% of all survey respondents indicated that their purpose for creating an accessory dwelling would be for 'family accommodation', this suggests that many accessory dwellings may not be occupied by renter households or be used as short-term rentals, and that accessory dwellings will continue to be accommodated within Innisfil with minimal neighbourhood impact, as they have been since 2014.

Agency Comments

As summarized in the following table, Staff received comments from the following agencies:

Agency/Organization	Comment	Change to Draft ZBA?
NVCA (Nottawasaga Valley Conservation Authority)	NVCA staff were of the opinion that wording as follows (or similar) should remain in the zoning by-law amendment: "Any additional residential units shall not be located within any area subject to natural hazards such as flooding or erosion hazards."	Though provisions elsewhere in the Town's Zoning By-Law have this same effect, this statement was nevertheless added to the ZBA to provide additional clarity for accessory dwellings.
Enbridge	"Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions."	No change.
Contact Community Services – South Simcoe Community Information Centre	CONTACT provided a letter of support that included the following statements: "We strongly support allowing third dwelling units in Innisfil. It will help improve the quality of life for you, your friends and neighbours."	No change.

Other Municipal Examples

Comments at the Public Meeting suggested that it would be helpful for Council to consider examples of how other municipalities have chosen to allow up to two accessory dwelling units. These examples, with an emphasis on provisions for detached accessory dwellings, are summarized in the Table found as Attachment 4. Overall, the Town's proposed zoning provisions are generally aligned with most of these examples, though Staff is recommending that the Town take a generally more permissive approach than some of these municipalities in accommodating accessory dwelling units. This is to help incentivize the creation of more legal accessory dwelling units in Innisfil, because of the many community benefits they can provide.

ANALYSIS/CONSIDERATION:

Final Accessory 'Third' Dwelling Unit Zoning By-Law Amendment

The final proposed provisions to allow up to two accessory dwelling units in Innisfil are largely unchanged from what was originally proposed at the Public Meeting held on March 17, 2021. However, the following changes have been made:

- Maximum height of detached accessory dwelling unit reduced from 7 metres to 6 metres, or up to the height of the principal dwelling, whichever is less – this is to help minimize neighbourhood impact;
- No balconies will be permitted on detached accessory dwelling units on a property less than 1000m² (0.25 acres) in size – this is to maintain privacy and minimize impact on adjacent properties;
- A detached accessory dwelling unit located in a rear yard must be accessed by at least a 1 metre path of travel between the main building and side lot line – this is to restrict detached accessory dwellings on interior townhouse lots, which will help with emergency access and maintain more privacy on narrower townhouse properties;
- Increased setback of 3m from exterior lot line – for consistency with other accessory buildings; and
- Provision added to reflect comment from NVCA that: “Any additional residential units shall not be located within any area subject to natural hazards such as flooding or erosion hazards.”

The main provisions to allow up to two accessory dwellings can be summarized as follows:

- Up to two accessory dwellings will be permitted as an accessory use to a single-detached, semi-detached, or street townhouse dwelling;
- Maximum size of up to 50% of gross floor area of principal dwelling, up to 100m² (or less than principal dwelling when two accessory dwellings within existing structure)
- Maximum of 3 bedrooms;
- 1 parking space for each dwelling unit located on a lot with an accessory dwelling (3 spaces total if 1 principal dwelling + 2 accessory dwellings; 2 spaces total if 1 principal dwelling + 1 accessory dwelling);
- Maximum height for detached accessory dwellings up to 6m or the height of principal dwelling, whichever is less;
- Up to two detached accessory dwellings on properties larger than 1000m² (0.25 acres); only one detached accessory dwelling (with no balcony) on properties smaller than 1000m²;
- Detached accessory dwellings can be maximum of 50% of rear yard, up to maximum of 50m² (540 ft²) building footprint and at least 25% of rear yard maintained as landscaped open space;
- Detached accessory dwellings setback a minimum of 1.2m from the rear and side lot line; 3m from exterior side lot line; and
- Not permitted with 100m of Lake Simcoe shoreline on private servicing, in Cookstown until sufficient servicing, or within hazard lands.

Further to these zoning provisions, all accessory dwellings must be designed and constructed to the standards of the Ontario Building Code, which generally affect the following:

- Placement and size of windows near property lines;

- Entrance and access to the accessory dwelling;
- Lot grading and drainage;
- Proximity to nearby lot lines and structures;
- Minimum servicing requirements; and
- Minimum construction requirements to address fire and building safety and occupant health and comfort.

In combination with the Town's zoning provisions, the requirements of the Ontario Building Code will assist in ensuring that accessory dwelling units are both appropriately and safely accommodated within Innisfil. The implementation of these new provisions will be closely monitored and Staff will report back to Council with an update within 18 months, in addition to considering any amendments that may be required as part of the comprehensive Town-wide Zoning By-Law update process that will be initiated later this year.

Amendments to Accessory Dwellings Registration By-Law/Fees and Charges By-Law

A Registration By-Law has required all accessory second dwelling units to be registered with the Town. Other than a few minor technical changes, the final Registration By-Law remains unchanged from what was presented at the Public Meeting. Overall, changes to existing Registration By-Law have been made (e.g. removing renewal requirements and application/renewal fees) and follows to relieve the growing administrative burden on the Town, while also aiming to incentivize the legalization of more accessory dwelling units in Innisfil:

- Accessory dwelling units will be automatically registered with the Town after obtaining a building permit / Notice of Completion;
- A secondary address of 'Unit 2' or 'Unit 3' will be assigned and this address must be affixed at the entrance to the primary dwelling and clearly visible from the nearest property line to the entrance;
- No registration fee; and
- One-time registration/no periodic renewal, though accessory dwellings will be required to maintain compliance with all applicable Town standards and if deemed to be in non-compliance, they would be subject to a fine and be required to make changes to ensure compliance with these standards.

Furthermore, other than amending the Fees and Charges By-Law to remove the registration and renewal fees for accessory dwelling units, the existing 'Inspection/Administration Fee for Non-Compliance' of \$350 and \$500 for each follow-up letter will be maintained. This is in addition to the existing penalties in the Registration By-Law as follows:

- Upon a first conviction, the minimum fine shall be \$350.00 up to a maximum fine of \$100,000.00;
- Upon any subsequent conviction, the minimum fine shall be \$500.00 up to a maximum of \$100,000.00;
- Upon conviction for a continuing offence, the minimum fine shall be \$500.00 up to a maximum of \$10,000.00 for each day or part of a day that the offence continues;
- Upon conviction for a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500.00 up to a maximum of \$10,000.00.

Implementation / Monitoring of Policies

To support the effective implementation of the proposed policies for accessory 'third' dwelling units, staff intends to undertake the following:

- **Prepare an updated Accessory Dwelling Units How-To Guide**

Staff will update the Town's existing [Homeowners Guide](#) to assist with the construction of accessory dwelling units. This updated Guide will be available shortly upon adoption of the Town's new provisions for accessory dwelling units and will assist interested property owners with the planning and design of their accessory dwelling unit project.

- **Host a virtual Accessory Dwelling Units Public Information Session**

This Session will assist property owners by answering any questions they may have about undertaking an accessory dwelling unit project. This type of an information session was successfully held previously by the Town (in 2016) with collaboration from the Town's Planning and Building departments as well as the County of Simcoe's Housing Department (the County provided information about the County's [Secondary Suites Grant Program](#) where now up to \$30,000 may be available to support the construction of an accessory dwelling that is rented at an affordable rent for at least 15 years).

- **Establish a monitoring program and report back to Council within 18 months**

Staff propose to establish a monitoring program to assess the uptake and effectiveness of the policies and whether any further amendments may be required. This monitoring program will generally consider the following and may require the Town to undertake a survey of property owners to help retrieve and assess certain information:

- Number of accessory 'second' or 'third' dwelling units created and their location (by settlement), size and configuration (i.e. within, attached or detached from principal dwelling);
- Nature of occupancy (i.e. long-term rental, short-term rental, family accommodation);
- Any reported by-law infractions after registration;
- Number of 'affordable' units created; and
- Approximate rent prices.

The findings of this monitoring program will also help inform whether any updates to the Town's provisions for accessory dwellings may need to be undertaken as part of the comprehensive Town-wide Zoning By-Law update.

- **Prepare a local affordable housing strategy**

Staff intend to prepare a local affordable housing strategy later in 2021 that will include additional considerations that the Town may undertake to help stimulate and incentivize the construction of more affordable housing in Innisfil, including accessory dwelling units. This will include stakeholder consultation and Staff will keep Council updated once initiated.

FINANCIAL CONSIDERATION:

There are no direct financial costs associated with the adoption of this Staff Report. Staff costs on this project have been covered through the approved Capital Budget.

LOCAL IMPACT:

Staff feel that allowing accessory 'third' dwelling units can have an overall positive community impact, particularly through addressing the strong local need for more safe and affordable rental housing opportunities. This will also contribute towards the economic security of residents, one of the 5 priority areas of community concern as reported by our residents in the COVID-19 Community Needs Assessment.

CONCLUSION:

Overall, Planning Staff feel that an increase in the number of legalized accessory dwelling units in Innisfil and the creation of more housing choices, can provide a substantial overall community benefit. Comments received through the public survey and at the Public Meeting highlighted the important role that accessory dwelling units can play in immediately supporting the community's resilience in providing economic and social security during the Covid-19 pandemic.

The final policies to allow accessory dwelling units in the Town aim to flexibly maximize their overall community benefit, while still addressing concerns. Staff will monitor the implementation of the final policies and update Council within the 18-month timeframe on the elements described in this report, in addition to considering any amendments that may be required as part of the comprehensive Town-Wide Zoning By-Law update process.

PREPARED BY:

Paul Pentikainen,
Senior Policy Planner

APPROVED BY:

Mary Nordstrom
Manager of Land Use Planning

Attachments:

1. By-law 043-21 - Final Zoning By-Law Amendment
2. By-law 044-21 - Final Accessory Dwelling Units Registration
3. Public Meeting Comments/Questions and Staff Response
4. Other Municipal Examples

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 043-21

**A By-law of The Corporation of the Town of Innisfil to Amend
the Town's Comprehensive Zoning By-Law 080-13, as
amended.**

WHEREAS the Council of the Town of Innisfil deems it desirable to amend the Town's Comprehensive Zoning By-Law 080-13, as amended with provisions for up to two accessory dwelling units on certain properties in Innisfil; and

WHEREAS the authority to pass this By-law is provided pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, as amended; and

WHEREAS no further notice is to be given pursuant to Section 34 (17) of the *Planning Act*, R.S.O. 1990, as amended; and

WHEREAS Section 35.1 of the *Planning Act*, R.S.O. 1990, passed as part of the Province's Housing Supply Action Plan, requires local municipalities to pass by-laws that allow up to two accessory dwelling units on certain properties in Innisfil.

NOW THEREFORE the Council of The Corporation of the Town of Innisfil enacts as follows:

(1) Table 4.1 and Table 8.1 delete 'Garden suite dwelling' as a permitted use and rename 'Accessory Second Dwelling Unit' to 'Accessory Dwelling Unit'.

(2) Section 2, Definitions, is hereby amended as follows:

1. Section 2.57 "Dwelling, Accessory" to:

"An accessory dwelling unit shall be a self-contained **dwelling unit** that is physically detached, attached, and/or within the **principal dwelling** on a lot."

2. Section 2.58 "Dwelling, apartment" is hereby amended by replacing the word "three" with the word "four" after the word, "containing".

(3) Section 3, General Provisions, is hereby amended as follows:

1. Section 3.5, Accessory Dwelling Units is hereby amended to read as follows:

Notwithstanding any other provisions of this By-Law to the contrary, the following provisions shall apply to permit the construction of an **accessory dwelling unit**, as an **accessory use** to a **single-detached**, **semi-detached**, or **street townhouse dwelling** in the permitted residential and agricultural zones subject to the following provisions:

General

a) A maximum of two (2) **accessory dwelling units** will be permitted per lot.

to By-law 043-21

- b) Any **accessory dwelling unit** shall not be greater than 50% of the **gross floor area** of the **principal dwelling** on the **lot**, up to a maximum **gross floor area** of 100 square metres. When accessory dwelling units are constructed within the **existing principal residential structure** on the **lot**, each accessory dwelling unit shall be less than the **gross floor area** of the **principal dwelling** unit.
- c) Any **accessory dwelling unit** shall have a maximum of 3 bedrooms.
- d) Any **accessory dwelling unit** shall not be permitted within a **group home**.
- e) Any **accessory dwelling unit** shall not be severed from the **lot** that contains the **principal dwelling**.

Parking

- f) Notwithstanding the provisions of Section 3.35.1 in this By-Law, a minimum of 1 off-street **parking space** must be provided for each **dwelling unit** that is located on the **lot**. **Tandem parking** is permitted. Notwithstanding the provisions of 3.35.2 in this By-Law, exterior **parking spaces** on the **lot** shall be a minimum of 2.5 metres in width and 5 metres in length.

Detached Accessory Dwelling Units

- g) The maximum **height** for a detached **accessory dwelling unit** shall not exceed the **height** of the **principal dwelling** or 6 metres, whichever is less.
- h) A maximum of two (2) detached **accessory dwelling units** shall be permitted on a **lot** that has a minimum **lot area** of 1,000 square metres. On a **lot** with less than 1,000 square metres of **lot area**, a maximum of one (1) detached **accessory dwelling unit** shall be permitted and a **balcony** shall not be permitted on a detached **accessory dwelling unit**.
- i) Any detached **accessory dwelling units** shall not be located within the **front yard** of the **lot** and shall not be located more than 60 metres from the **principal dwelling** on the **lot**.
- j) Notwithstanding the provisions in Section 3.3 of this By-Law, any detached accessory dwelling units located in a **rear yard** shall be a combined maximum of 50% of the **rear yard**, up to a maximum of 50 square metres each in building footprint coverage, measured as the outside perimeter of the **structure** containing the accessory dwelling unit, with a minimum of 25% of the **rear yard** maintained as **landscaped open space**. Any detached **accessory dwelling unit** shall be **setback** a minimum of 1.2 metres from the **rear** and **side lot line**.
- k) Any detached **accessory dwelling unit** shall be **setback** a minimum of 3 metres from the **exterior side lot line**.
- l) The entrance to any detached **accessory dwelling unit** located in a **rear yard** shall be accessed by a continuous, unobstructed path of travel of at least 1 metre wide between the main wall of the **building** and the **side lot line**.

Page 3 of 3
to By-law 043-21

Restricted Areas

- m) Any **accessory dwelling unit** shall not be permitted on a **lot** serviced by a private septic system, where the **lot** is located within 100 metres of the Lake Simcoe shoreline.
- n) Any **accessory dwelling unit** shall not be permitted on a **lot** within the Cookstown Settlement Area until sufficient servicing capacity is available, subject to the determination of the Town.
- o) Any **accessory dwelling unit** shall not be located within any area subject to natural hazards such as flooding or erosion hazards.

Regulation

- p) The property owner must register each **accessory dwelling unit** with the Town and shall be in compliance with any applicable Accessory Dwelling Units Registration By-Law.

PASSED THIS 2ND DAY OF JUNE, 2021.

Lynn Dollin, Mayor

Lee Parkin, Clerk

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 044-21

A By-law of The Corporation of the Town of Innisfil to Register Accessory Dwelling Units and to repeal By-law No. 017-16

WHEREAS section 8 and 11 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that municipalities may pass by-laws respecting matters including but not limited to the health, safety and well-being of persons; the economic, social and environmental well-being of the municipality; and the protection of persons and property; and

WHEREAS the Council of the Corporation of the Town of Innisfil deems it necessary to pass a by-law requiring the registration of accessory dwelling units, as permitted in the Town of Innisfil's Zoning By-Law 080-13, as amended; and

WHEREAS it is now deemed necessary to update and repeal By-Law 017-16 and replace it with this By-Law.

NOW THEREFORE the Council of the Corporation of the Town of Innisfil enacts as follows:

1.0 DEFINITIONS

"By-law" means this By-law of the Town of Innisfil to register Accessory Dwelling Units that are in full compliance with the applicable standards of the Town's Zoning By-Law, or any applicable Community Planning Permit System, the Ontario Building and Fire Code's, and the Town's Building Maintenance By-Law (No. 035-18, as amended), and may be referred to as the Accessory Dwelling Units Registration By-Law.

"Inspector" means an employee of the Town or a person or persons appointed by the Town whose duties include the inspection(s) of buildings or the enforcement of the Ontario Building Code, Ontario Fire Code, the Town's Zoning By-law or the Town's Building Maintenance By-law or any Regulations, Codes or Standards which are applicable under the noted regulations.

"Order" means an order to discontinue the use of the Accessory Dwelling Unit in accordance with Section 9 of this By-law.

"Owner" means the registered owner on title to the property.

"Principal Dwelling" means the principal residential dwelling unit on the property that the Accessory Dwelling Unit(s) will be accessory to.

"Registrar" means the Community Development Standards Branch of The Corporation of the Town of Innisfil, or any employee of the Town appointed by the Chief Building Official to administer this By-law.

"Registration" means the process to register Accessory Dwelling Units for inclusion onto the Registry, in accordance with this By-law.

to By-law 044-21

"Registry" means the written or computerized public record established and maintained by the Registrar which contains a list of all Accessory Dwelling Units that are registered with the Town.

"Accessory Dwelling Unit" is defined in the Town's Zoning By-Law, as amended and means a self-contained **dwelling unit** that is physically detached, attached, and/or within the **principal dwelling** on a **lot**.

"Town" means The Corporation of the Town of Innisfil.

2.0 PROHIBITION

- 2.1 No **Owner** shall establish, operate, or permit the occupancy or tenancy of an Accessory Dwelling Unit unless the Accessory Dwelling Unit is registered with the Town's Registry in accordance with this **By-law** and in compliance with the applicable standards outlined in Section 3 of this **By-Law**.

3.0 STANDARDS

- 3.1 Prior to the Registration of an Accessory Dwelling Unit, the **Owner** shall obtain a building permit from the Community Development Standards Branch and complete all required construction and inspections through to an acceptable Notice of Completion to close the building permit. This will ensure full compliance with the applicable standards of:

- (a) the Town's Zoning By-Law, as amended,
- (b) the Ontario Building Code, as amended;
- (c) the Ontario Fire Code, as amended; and,
- (d) the Town's Building Maintenance By-law, as amended.

- 3.2 Notwithstanding Section 3.1 (a) of this **By-law**, where the **Owner** has provided documentation to the Town's satisfaction and a declaration to the Town, as part of their building permit application, that the Accessory Dwelling Unit was created prior to November 16, 1995, the provisions for Accessory Dwelling Units set out in the Town's Zoning By-Law, as amended, shall not apply.

4.0 REGISTRATION

- 4.1 Every **Owner** who operates or permits the occupancy of an Accessory Dwelling Unit shall register, or cause the registration of the Accessory Dwelling Unit with the Registrar as required under this **By-law**. Once it has been registered, the Accessory Dwelling Unit shall remain registered, unless the Registration is revoked by the Town as identified under this **By-law**.

5.0 ADDRESSING AND SIGNAGE

- 5.1 Prior to requesting a Notice of Completion inspection for the building permit, an accessory municipal address of 'Unit 2', or 'Unit 3', as applicable, must be affixed to the Accessory Dwelling Unit, as specified in this section, or in any future Town Addressing

to By-law 044-21

and/or Signage By-Law(s), to indicate that it is registered in accordance with this **By-law**.

- 5.2 The **Owner** shall affix and display the accessory address of 'Unit 2', or 'Unit 3', as applicable, on the outside of the building, beside or above the primary entrance into the Accessory Dwelling Unit. It must be a minimum of four (4) inches high and clearly visible within a reasonable distance of the front, side, or rear lot line that the primary entrance faces.
- 5.3 If the primary entrance to the Accessory Dwelling Unit is accessed from a common hallway or stairway inside of the **Principal Dwelling**, the accessory address of 'Unit 2', or 'Unit 3', as applicable, shall be affixed and displayed on the outside of, either beside or above the door that provides direct access to the Accessory Dwelling Unit.
- 5.4 If the primary entrance to the Accessory Dwelling Unit is accessed from the inside of a garage, the accessory address of 'Unit 2', or 'Unit 3', as applicable, shall be affixed and displayed on the outside of and located either beside or above the vertically swinging door that provides direct outdoor access from the garage.

6.0 DUTIES OF THE REGISTRAR

- 6.1 The Registrar shall process the Registration of Accessory Dwelling Units.
- 6.3 Upon being notified by the **Inspector(s)** that an Accessory Dwelling Unit building permit has received an acceptable Notice of Completion inspection and the building permit is closed, thereby confirming the Accessory Dwelling Unit complies with the applicable standards listed in Section 3.1 of this **By-law**, the Registrar shall record in the Registry the following information:
 - (a) the name and contact information of the **Owner**;
 - (b) the municipal address of the **Principal Dwelling** that the Accessory Dwelling Unit is accessory to;
 - (c) the municipal address that has been assigned to the Accessory Dwelling Unit;
 - (d) the date the Accessory Dwelling Unit was registered in the Registry; and
 - (e) any other relevant information deemed to be applicable to the Registration of the Accessory Dwelling Unit.
- 6.4 Upon registration of an Accessory Dwelling Unit in the Registry, the Registrar shall send written notice advising that the Accessory Dwelling Unit is now registered with the Town to the following:
 - (a) the **Owner**;
 - (b) Town of Innisfil Fire Department;
 - (c) Town of Innisfil Building Department;

Page 4 of 7
to By-law 044-21

- (d) Town of Innisfil Planning Department;
 - (e) Town of Innisfil Engineering Department;
 - (f) Town of Innisfil Information Technology Department;
 - (g) South Simcoe Police Services;
 - (h) County of Simcoe Waste Management Department;
 - (i) Innisfil Hydro;
 - (k) any other departments, agencies or organizations as deemed to be relevant by the Registrar.
- 6.5 The Registrar shall maintain and keep records pertaining to the Registration for Accessory Dwelling Units, including the Registry.
- 7.0 REFUSAL AND REVOCATION OF REGISTRATION**
- 7.1 The Registrar shall refuse to register any Accessory Dwelling Unit when any of the requirements set out under this **By-Law** are not met. A decision by the Registrar to refuse or revoke a Registration shall cause the forfeiture of any application fees.
- 7.2 The Registrar may revoke the Registration of any Accessory Dwelling Unit which;
- (a) at any time after being registered, ceases to meet any standard set out in Section 3.1 of this **By-law**;
 - (b) was issued based on mistaken, false or incorrect information;
 - (c) was issued in error; or
 - (d) at the request of the **Owner**, upon valid documentation and an inspection by an **Inspector** (if applicable) that the use and operation of the Accessory Dwelling Unit has been removed from the property.
- 7.3 Where the Registrar intends to revoke the Registration of any Accessory Dwelling Unit, the Registrar shall give notice of intent to revoke the Registration no later than sixty (60) days prior to the date of revocation. The Registrar shall send written notice to the **Owner** of the Accessory Dwelling Unit advising of the revocation and setting out the reason for the revocation. If the **Owner** does not make the corrections or changes as required in the written notice prior to the date identified, the Registration of the Accessory Dwelling Unit shall be revoked. The Registrar shall advise the parties listed in Section 6.4 of any Accessory Dwelling Unit that has had its Registration revoked.
- 7.4 Where the Registrar has revoked a Registration, the **Owner** can re-apply for Registration in accordance with this **By-law** by obtaining a new building permit.

to By-law 044-21

8.0 INSPECTIONS AND POWER OF ENTRY

- 8.1 No person shall hinder, obstruct, or attempt to hinder or obstruct, any **Inspector** who is exercising a power or performing a duty under this **By-law**.
- 8.2 An **Inspector** may enter on land at any reasonable time for the purpose of carrying out an inspection of the land, building or structures on the property to determine whether or not the following are being complied with:
- (a) this **By-law**;
 - (b) the building permit to construct the Accessory Dwelling Unit;
 - (b) a condition of a site alteration permit issued;
 - (c) an **Order** of the Town made under this **By-law**; or
 - (d) an order made under s. 431 of the *Municipal Act, 2001*, as amended.
- 8.3 For the purposes of conducting an inspection pursuant to the policies of this **By-law**, an **Inspector** may, in accordance with the provisions in s. 436 of the *Municipal Act, 2001*, as amended:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.4 An **Inspector** may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*.
- 8.5 The Town's power of entry may be exercised by:
- (a) an employee, officer or agent of the Town;
 - (b) a member of a police force having jurisdiction; or
 - (c) any person acting under the direction of a member of a police force having jurisdiction.

to By-law 044-21

9.0 ORDER TO DISCONTINUE

9.1 Where an **Inspector** is satisfied that a contravention of this **By-law** has occurred, the **Inspector** may make an **Order** requiring the person who contravened this **By-law**, or who caused or permitted the contravention, or the **Owner** or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

9.2 An **Order** to discontinue shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the date by which there must be compliance with the **Order**.

9.3 Any person who contravenes an **Order** to discontinue is guilty of an offence.

9.4 The **Order** shall be served personally on the **Owner** of the Accessory Dwelling Unit or by registered mail to the **Owner** of the Accessory Dwelling Unit at the address of the **Principal Dwelling** and/or the address supplied on the Town's tax roll.

10.0 OFFENCE

10.1 Every person who contravenes a provision of this **By-law**, including an **Order** issued under this **By-law**, is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*.

10.2 If there is a contravention of any provision of this **By-law**, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.

10.3 If an **Order** has been issued under this **By-law**, and the **Order** has not been complied with, the contravention of the **Order** shall be designated as a continuing offence for each day or part of a day that the **Order** is not complied with.

10.4 For purposes of this **By-law**, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this **By-law**, then the offence is designated as a multiple offence.

10.5 For purposes of this **By-law**, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.

11.0 PENALTY

11.1 Every person who is guilty of an offence under this **By-law** on conviction is liable to the following penalties:

- (a) upon a first conviction, the minimum fine shall be \$350.00 up to a maximum fine of \$100,000.00;

to By-law 044-21

- (b) upon any subsequent conviction, the minimum fine shall be \$500.00 up to a maximum of \$100,000.00.
- (c) upon conviction for a continuing offence, the minimum fine shall be \$500.00 up to a maximum of \$10,000.00 for each day or part of a day that the offence continues;
- (d) upon conviction for a multiple offence, for each offence included in the multiple offences, the minimum fine shall be \$500.00 up to a maximum of \$10,000.00.

12.0 EFFECT

12.1 This **By-Law** will be enacted and take effect immediately upon its adoption by the Council of the Town of Innisfil.

PASSED THIS 2ND DAY OF JUNE, 2021

Lynn Dollin, Mayor

Lee Parkin, Clerk

Attachment 3

<u>Comments/Questions</u>	<u>Staff Response</u>
<p>Would committee of adjustment approval be required for accessory dwelling units? Could a similar process be implemented?</p>	<p>Accessory dwellings that meet the provisions of the Zoning By-law Amendment are permitted 'as-of-right' and do not need committee of adjustment approvals, which would be for a 'minor variance' from the zoning provisions. Requiring additional approvals would act as a deterrent to the creation and legalization of accessory dwellings and potentially result in more unsafe, illegal units in the Town.</p>
<p>If we are going to potentially allow for greater lot coverages, is there anything that will request a drainage review in terms of how water is handled? (e.g. Water impacts, water management)</p>	<p>A lot grading plan would be required for detached accessory dwellings.</p>
<p>How will smaller homes work with meeting minimum requirements of building code?</p>	<p>The accessory dwelling would need to meet the minimum requirements of the building code, though there are flexibilities under the code to construct smaller dwellings. These considerations will be further outlined in the</p>
<p>If allowed to have two detached dwellings on the property, will each one be able to be up to 50% of the principal dwelling?</p>	<p>The intent is that each detached unit (only on properties larger than 1000m²) could be up to half the size of the principal dwelling up to a maximum building footprint size of 50m² (most detached dwellings would max out at 50m²). The final zoning amendment clarifies that when two detached accessory dwellings are allowed, they may only be a <u>combined</u> maximum of 50% of the rear yard.</p>
<p>Does Innisfil have an option to permit accessory 'third' dwelling units?</p>	<p>In accordance with Bill 108, third dwelling units are a requirement by the Government of Ontario under the Planning Act. However, some municipalities have passed policies that are more restrictive in allowing them – though this is against the spirit and intent of the Provincial Housing Supply</p>

	<p>Action. Planning staff are also of the opinion that accessory dwellings can provide ample community benefits and are therefore proposing a generally more permissive approach.</p>
<p>Will there be a change to the Our Shore Community Planning Permit System because of these policies for accessory dwellings?</p>	<p>No changes are proposed to Our Shore, which also does not permit accessory dwellings on shoreline properties or in boat houses.</p>
<p>How are properties with septic beds impacted?</p>	<p>Properties on private servicing will need to show sufficient capacity of their septic system in order to obtain a building permit for an accessory dwelling. This will therefore restrict accessory dwellings on those properties that are unable to expand the capacity of their septic system.</p>
<p>Some properties have large garages in backyards. Can they be used to accommodate accessory dwellings?</p>	<p>Yes, if they meet all of the proposed provisions such as for maximum height (6m) and size (50% of main dwelling up to 50m²), setbacks, coverage, etc.</p>
<p>What are the fines for non-compliance?</p>	<p>The fines for non-compliance will remain the same as those imposed for illegal accessory second units.</p>
<p>Would the town receive increased tax revenues due to an increase in property values?</p>	<p>The Town would potentially receive an increase in tax revenues if a property is reassessed by MPAC at a higher value as a result of the accessory dwelling unit(s).</p>
<p>Would additional costs be imposed to cover sewage and wastewater?</p>	<p>These costs are charged based on usage, so if there is more usage at a property, this would result in higher costs.</p>
<p>Would rent control be in effect as people may try to maximize their revenue from these units?</p>	<p>Rent control is under the jurisdiction of the Province and the Town or County of Simcoe is unable to control rent levels (unless the accessory dwelling receives a grant from the County and must maintain an 'affordable' rent for at least 15 years). Furthermore, it also worth noting that the survey results reflected the strong interest to construct accessory dwellings for 'family</p>

	accommodation', which would likely result in units being occupied at below average market rent.
What happens if someone builds an accessory dwelling for the purpose of an Airbnb/short term rental?	The Town does not currently have policies in place to restrict the use of accessory dwellings as a short-term rental, however this may be considered through the Town's upcoming process to consider a licensing system to regulate short-term rentals in Innisfil. This could include limiting the number of short-term rentals permitted on a property. However, an assessment of the Town's existing registered accessory dwellings indicates that only 4 (or 5%) appear to be operated as short-term rentals. Based on this, this should not be a significant concern.
Are parking spaces inside of a garage counted towards the required number of parking spaces?	Yes, parking spaces inside of a garage are counted towards the required number of parking spaces.
How have neighbouring municipalities allowed accessory third dwelling units?	The City of Barrie currently allows accessory third dwellings, while the Township of Essa recently considered a draft zoning amendment at a Public Meeting. The provisions of these municipalities as well as others in Ontario are summarized in Attachment 4 to this report. The Town's provisions are generally aligned with these examples.
Will there be different rules for family members as opposed to strangers – for accommodating families?	The provisions for accessory dwellings will be applied consistently, regardless of the occupancy/tenure of the unit, as the Zoning By-Law includes provisions to regulate land use and the placement of structures.
How many dogs are allowed in a third dwelling unit?	The Town's Animal Control By-Law specifies that no more than 2 dogs are allowed on a property in the Town. Therefore, a property with an accessory dwelling unit can still only have a total of 2 dogs on the property.
There may be issues such as	Parking has not been a major concern with

<p>accommodating parking</p>	<p>the existing registered second dwellings. This is perhaps because of accessory dwellings having smaller household sizes, as well as the door-to-door service of Innisfil Transit helping reduce reliance on motor vehicles. The draft provisions state that at least 1 parking space would be required for each dwelling unit on the property. To prevent front lawns from being paved over for parking, a minimum of 40% of the front yard must remain landscaped open space as required elsewhere in the Town's Zoning By-Law.</p>
<p>There may be an issue with illegal units and bylaw infractions</p>	<p>To date, only 6% of registered second units have had bylaw infractions. Therefore, the policies intend to incentivize the creation of more legal accessory dwellings and to help lessen issues with illegal units.</p>
<p>There may be concerns with servicing capacities in areas that have accessory dwelling units</p>	<p>InnServices has not expressed concerns with servicing capacity. Accessory dwellings are typically occupied by smaller households.</p>
<p>Impact on fire, ambulance, police, and emergency services on accessing accessory dwelling units</p>	<p>Accessory dwellings must comply with the building code, including the fire code to ensure the safety of all occupants. Adhering to such codes will also help ensure ease of access for emergency personnel. Further, the Town's Registration By-Law requires the entrance to each accessory dwelling to be marked with 'Unit 2' or 'Unit 3'.</p>

Attachment 4

Municipality	Side and Rear Yard Setbacks	Size	Height	Parking
<p>Barrie:</p> <p>Proposed: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p>min. of 0.6 metres (5.3.5)</p>	<p>min. of 35 square metres, and</p> <p>max. of 10% of lot coverage (5.3.5)</p>	<p>max. of 4 metres (5.3.5)</p>	<p>min. of one space for each dwelling unit (primary residence counts as one) (5.2.9.2)</p>
<p>Brantford:</p> <p>Legislated: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p>min. 0.6 metres and</p> <p>min. 1.5 metres to any main building or structure on the lot (6-3)</p>	<p>max. of 50% of the principal dwelling GFA or</p> <p>110 square metres, whichever is less (6-3)</p>	<p>max. of 4.5 metres (6-3)</p>	<p><u>min.</u> of one space for each additional dwelling unit + one space for primary residence (6-22)</p>
<p>Essa:</p> <p>Proposed: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p>min. 3 metres (pg. 26-27)</p>	<p>max. of 50% of the principal dwelling GFA (pg. 21)</p>	<p>max. of two storeys, cannot exceed primary residence height (pg. 23)</p>	<p>min. of one space (pg. 21) for each additional dwelling unit + two spaces (pg. 21) for primary residence</p>
<p>Guelph:</p> <p>Proposed: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p>same as primary residence</p>	<p><u>max.</u> 80 square metres measured from the interior walls, and</p> <p>cannot exceed 45% of principal dwelling GFA, and</p> <p>max. 30% of the yard, including all other accessory buildings and structures</p>	<p><u>max.</u> 5 metres, or 6.1 metres above detached garage, and cannot exceed primary residence height</p>	<p>min. of one space for each additional dwelling unit (pg. 3) + one space for primary residence (4-17)</p>
<p>Kitchener:</p> <p>Proposed: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p><u>min.</u> of 0.6 metres</p>	<p><u>max.</u> of 50% of the principal dwelling GFA (excluding basement) or</p> <p>80 square metres, whichever is less, and cannot exceed 15% of the lot area.</p>	<p><u>max.</u> of 3 metres for flat roofs and 4.5 metres for all other types</p>	<p><u>min.</u> of one space for each dwelling unit (primary residence counts as one)</p>

Attachment 4

<p>London:</p> <p>Proposed: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p>min. of 0.6 metres (4.1.4)</p>	<p>min. of 25 square metres and</p> <p>max. 40% of principal dwelling GFA (pg. 15)</p>	<p>max. 4-6 metres (4.1.3)</p>	<p>no additional parking spaces required (pg. 15) + one space per 100 square metres of GFA (pgs. 3-32)</p>
<p>Ottawa:</p>	<p>min. 1-4 metres (142.8)</p>	<p>max. 40% of the principal dwelling footprint, or</p> <p>50 square metres if principal dwelling footprint is 125 square metres or less, or</p> <p>40% of backyard, or 80-95 square metres, whichever is less (142.9)</p>	<p>max 4.5 metres or primary residence height, whichever less, or</p> <p>6.1 metres above detached garage (142.7)</p>	<p><u>no</u> additional parking spaces required + <u>one</u> space for primary residence</p>
<p>Toronto:</p> <p>Legislated: one primary dwelling + one attached dwelling unit + one detached dwelling unit in laneway</p>	<p>min. 5 metres for one storey primary dwelling, or</p> <p>min. 7.5 metres for two storey (pg. 60)</p>	<p>must be less than primary dwelling unit, and</p> <p>max. of 30% of lot area (150.8.60.50)</p>	<p>max. 4 metres & 2 storeys if located a min. of 5 to 7.5 metres from primary dwelling, or</p> <p>max. 6 metres & 2 storeys if located 7.5 metres or more from primary dwelling (150.8.60.40)</p>	<p>min. 2 bicycle parking spaces required (150.8.80) + one space per dwelling unit in primary residence (200.5.10.1)</p>
<p>Windsor:</p> <p>Legislated: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p><u>min.</u> 1.2 metres</p>	<p><u>min.</u> 40 square metres, and</p> <p>max. 100 square metres (intended to be smaller than primary dwelling)</p>	<p><u>max.</u> of 6 metres for flat roofs, and</p> <p>8 metres for all others, and</p> <p>cannot exceed primary residence height</p>	<p><u>min.</u> one space for first adu, or</p> <p>none required in the core area, and</p> <p>no additional spaces required for second additional dwelling units</p>
<p>Innisfil:</p> <p>Proposed: one primary dwelling + one attached dwelling unit + one detached dwelling unit</p>	<p>min. 1.2 metres</p>	<p>no greater than 50% of primary residence with a max of 50 square metres building footprint</p>	<p>max. 6 meters or height of principal residence, whichever is less</p>	<p>min. of one space for each dwelling unit (primary residence counts as one)</p>