

Homeowner's Guide to Accessory Dwelling Units (ADU's)



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WHAT IS AN ACCESSORY DWELLING UNIT (ADU)?

An Accessory Dwelling Unit (ADU) is defined as follows under the Town of Newmarket's 2010-40 Zoning By-law:

Dwelling Unit, Accessory

Means a separate *dwelling unit* that is located within the *structure* of a detached or *semi-detached dwelling unit* and which is clearly subordinate or incidental to the principal dwelling.

Under the Ontario Building Code, "*dwelling unit*" is defined as follows:

Dwelling Unit means a *suite* operated as a housekeeping unit, used or intended to be used by one or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities.

WHY IS A BUILDING PERMIT REQUIRED?

The Ontario Building Code requires that you obtain a Building Permit before starting work on a new house, addition, or any significant alterations to an existing house including any additional dwelling units. The Code sets out minimum and maximum provisions respecting the safety of buildings with reference to public health, fire protection and structural sufficiency.

APPLICATION PROCESS

STEP 1: ZONING

The first step is to ensure that an Accessory Dwelling Unit is permitted in your zone. To determine the zoning for your property, please use our Navigate Newmarket tool on the Town's "[What's My Zoning](#)" webpage. The Zoning By-Law provides information on permitted uses, parking requirements, setbacks, lot coverage and other standards that may limit your proposal. As per the [2010-40 Newmarket Zoning By-Law](#), as amended, the following standards must be met prior to clearing the zoning review process. Note: this list is not exhaustive:

- A maximum of two (2) accessory dwelling units are permitted per lot, in addition to 1 primary unit;
- Permitted in a detached, semi-detached, or town/row house;
- The primary dwelling unit must be serviced by full municipal water and sewer services;
- The property shall not be located within the Environmental Protection Open Space (OS-EP) Zone or within the Floodplain and Other Natural Hazards (FP-NH) Zone as delineated by the Lake Simcoe Region Conservation Authority (LSRCA);
- The external appearance of front façade of building or any façade where the lot has frontage shall not be altered;
- Parking requirements must be in accordance with section 5.3.1 of the by-law, which notes the following:
 - Minimum of two (2) parking space provided for the primary unit and one (1) parking space for every additional unit, off-street and **exterior to any garage or structure (i.e., Carport)**;
 - Each parking space is perpendicular to the street and a minimum of 2.6m wide x 5m long;
 - All parking is to be provided within the maximum permitted driveway width in your zone under section 6.2.2 of the by-law, and located between the garage and sidewalk/curb;
- If one of the proposed units is located within an Accessory Structure, all provisions of a Residential Accessory Structure in relation to height, setback and size are applicable.

If you are unable to meet any of the above zoning requirements, please contact the Planning Department via email at planning@newmarket.ca for more information regarding relief from the by-law through Minor Variance.

STEP 2: COMPLETE CONSTRUCTION DRAWINGS

Drawings must be completed to scale and detailed enough so that anyone using them can understand how to construct the project. Where an owner engages the services of a design professional to preform design activities, that person must comply with the qualification requirements established by the Ministry of Municipal Affairs and Housing (MMAH). Information regarding drawings required for an ADU application can be found under Step 3, Part 2 (Page 5) of this booklet.

STEP 3: ZONING PRELIMINARY REVIEW (ZPR)

Applications for an Accessory Dwelling Unit require a Zoning Preliminary Review, prior to Submission of Building Permit. The fee for a Zoning Preliminary Review is deducted from the total cost of the Building Permit fee once processed. All submissions for ZPR are accepted via our online [Development Portal](#).

Part 1: Required Submission Documents

The following forms are required at minimum when submitting for Zoning Preliminary Review:

- **Construction Drawings**
 - o Site Plan
 - o Floor Plans
 - o Minimum of 2 Elevations (front and side with proposed entrance if applicable)
- Applicable **Zoning Preliminary Review Information Sheet(s)**
 - o Accessory Dwelling Unit Zoning Preliminary Review Info Sheet
 - o Residential Accessory Structure Zoning Preliminary Review Info Sheet (if applicable)
 - o Additional Zoning Preliminary Review Info Sheet (If applicable)
- **Applicable Law Checklist** – located on our website
- **Fees** as outlined in current Building Fees By-law, located on the [Town's Fees and Charges](#) webpage.

STEP 4: APPLYING FOR BUILDING PERMIT

When all the applicable forms and drawings are completed and the Zoning Preliminary Review Letter has been obtained by the Zoning Examiner, you can now apply for the Building Permit. Permit Applications are accepted via our [Development Portal](#). Once applied for, a Technician will reach out regarding additional information that may be required and how to make payment.

If drawings are complete and proposed construction meets all Applicable Law requirements, as outlined in our Applicable Law checklist located on our website. A Building Permit may be issued or refused within the prescribed period which can range between 10-20 business days.

Part 1: Forms

Form	When Required
Application for Permit to Construct or Demolish	Every Application
Schedule 1: Designer Information Form	Required when submitting drawings that have NOT been stamped by Engineer and/or Architect
Applicable Law Checklist	Every Application
Applicable Fee(s) paid (as per current Building Permit Fee Schedule)	Every Application

All standard forms noted above can be found on our website at www.newmarket.ca.

Filling out the Application Forms

The application is a prescribed document from the Ministry of Municipal Affairs and Housing that all municipalities are required to use. Please ensure the following areas of the application are filled out completely:

	Section	Section Title	Details
Application to Construct or Demolish	Section A	Project Information	- Filled out in full
	Section B	Purpose of Application	- An ADU is considered an alteration - Proposed use of building dwelling with ADU (provide number of units proposed)
	Section C	Applicant	- Check off box for either Owner or Authorized Agent of Owner
	Section D	Owner, if different than applicant	- Skip if owner and applicant are the same.
	Section E,F,G	Builder, Tarion Warranty, Required Schedules	- Not applicable for ADU application
	Section I	Declaration of Applicant	- Filled out in full
Schedule 1	Section A	Project Information	- Filled out in full
	Section B	Individual who reviews and takes responsibly for the design activities	- Designer to fill out information as required, if homeowner is the designer, homeowner to fill out section
	Section C	Design Activities undertaken by individual identified in section B	- Designer to check off the work they are taking responsibility for (for ADU application, kindly check the "house" box only) - Provide description of work, same as description of work in Application Form
	Section D	Declaration of Designer	- If homeowner is taking responsibility for drawings, print name as seen in section B, Check the 3 rd box, and write "homeowner" online. - Sign and date

Part 2: Drawings

Each application for permit requires **Drawings** (to scale) that accurately describe the construction proposed. The drawings submitted for Permit require enough detail, that anyone reading them could construct the project. Standard technical details are available at the local municipal offices to assist in preparation of your plans. Please include the following drawings as part of your application package:

Drawing	Information Required
Site Plan	<p>Drawing depicting the complete property and its boundaries, and where the location of all structures in relation to these boundaries.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Scale, north arrow <input type="checkbox"/> Lot lines and dimension of lot in metric units <input type="checkbox"/> Existing and proposed construction <input type="checkbox"/> Setbacks to all lot lines, measured perpendicular to the lot line, to the closest point of the structure. <input type="checkbox"/> Parking requirements as outlined in Section 5.3.1 of the 2010-40 Newmarket Zoning By-law, or other applicable zoning by-law.
Floor Plan (required for each floor of house effected by construction)	<p>Provide floor plans of <u>existing and proposed</u> floors effected by construction. Each plan to show the interior layout and structural framing requirements for the floor above.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Scale <input type="checkbox"/> Room name/Use of room, and dimensions of each <input type="checkbox"/> Extent of construction including new work in existing building <input type="checkbox"/> Size, type and location of interior and exterior walls and partitions <input type="checkbox"/> Width, location, and lintel size of all openings <input type="checkbox"/> Width, height, and glazed area of windows for proposed ADU <input type="checkbox"/> Location, dimensions, and direction of stairs <input type="checkbox"/> Sectional arrows <input type="checkbox"/> References to detailed drawings <input type="checkbox"/> Material specifications and/or construction notes
Elevations	<ul style="list-style-type: none"> <input type="checkbox"/> Scale <input type="checkbox"/> Extent of new and existing construction <input type="checkbox"/> Vertical dimensions of walls, windows, and doors <input type="checkbox"/> Grade level <input type="checkbox"/> Exterior wall cladding, finishes and flashing <input type="checkbox"/> Areas of all existing and proposed windows/openings <input type="checkbox"/> Area of exterior wall elevation <input type="checkbox"/> Limiting distance and unprotected openings calculations may be requested <input type="checkbox"/> Dimensions from proposed exit to all glazed openings within the same building
Sections and Details	<p>Represents a view of the house along an imaginary line at a particular location that illustrates construction details. The extent of the section shall correspond with sectional arrows outlined on floor plans.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Scale of drawings <input type="checkbox"/> Headroom height under any low-lying parts in unit (i.e., Ductwork)
Mechanical Drawings	<p>Mechanical drawings are required to ensure that the current furnace and its location has the capacity to heat or cool the house. An HVAC sketch can be completed by the homeowner if no major changes to the system are proposed, and there are less than 6 bedrooms.</p> <p>Heat loss/heat gain calculations are required for any major changes to the system or if there are more than 5 bedrooms in the home, to determine the capacity of the furnace required and drawings of the duct design and layout. These are required to be completed by qualified designer.</p>

STEP 4: PERMIT ISSUANCE

Review issued permit drawings prior to commencing work. Ensure that a copy of the permit drawings are kept on the project site at all times. The permit card must be posted in a conspicuous place on your property, prior to starting work. Once the permit is issued, work must commence within 6 months of issuance.

Utilities

Local utilities like hydro, gas and telephone operate independently from the municipality and should be contacted regarding their specific requirements and inspections. Be sure to contact all utility companies prior to commencing work to determine locations of all nearby underground services.

Inspections

Inspection requirements will be provided at the time of permit issuance. Inspections are arranged by contacting the inspector directly prior to covering work. The schedule of inspections stapled to your permit package provides a list of required inspections and direct contact information for your inspector. The following inspections are typical, but not limited to, a permit to construct an Accessory Dwelling Unit:

- **Excavation/Footings:** This stage includes visual inspection for soil bearing capacity and footing sizes. Foundations are intended to safely carry their own weight, and loads transferred to them;
- **Inside Drains:** Inspector will look for appropriate installation of storm and sanitary drains including material type, slope, colour (green for sanitary, white for storm), fittings, etc.;
- **Structural Framing:** Inspector will examine structural integrity of wall, floor and roof systems, means of egress and windows;
- **Mechanical Rough-in Inspection:** Roughing in of any heating, venting, and plumbing work;
- **Insulation:** Inspect to ensure compliance with thermal resistance, air barrier, and sound transmission requirements in addition to all deficiencies regardless of past approvals, as this may be the last inspection before covering;
- **Fire separations:** Inspect for compliance with the Ontario Building Code, SB-2 and permit drawings. Includes inspections of closures, closers, roughing in of fire separation and firestop systems;
- **Final inspection:** All systems are complete along with operational and construction requirements. Note that a report from the Electrical Safety Authority is required at this stage in order to receive final approval. It is also highly recommended to have Radon Testing once the unit is complete.

Required inspection stages will be noted on the Building Permit Documents. It is the responsibility of the permit holder, owner and contractor to ensure all required inspections are completed in a timely manner and passed (including final inspection).

Revisions to Permit

If changes to your proposed and issued permit package are desired or required, please contact your inspector directly to determine if a revision to your permit is necessary. Please see attached Request for Inspection Form.

STEP 5: REGISTRATION

Once construction is complete, and the final inspection has been passed, registration of your ADU is required through the Town of Newmarket Legislative Services Department. For more information, please contact Legislative Services at 905-953-5300 ex. 2220. To register your New ADU with the town, the following steps are required:

1. Complete construction and obtain/file appropriate documents from Fire Department and Electrical Safety Authority for Final Building Permit Inspection
2. Complete ADU application form located on the [By-laws and Licensing Page for Registering your ADU](#)
3. Pay 1 time applicable registration fee as per Fee By-law.