

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



## Building Services

**TOWN OF NEWMARKET**  
395 Mulock Drive  
P.O. Box 328

[www.newmarket.ca](http://www.newmarket.ca)  
[buildings@newmarket.ca](mailto:buildings@newmarket.ca)  
905-953-5300 ext. 2400

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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 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 PERMIT REQUIRED?

The Ontario Building Code requires that you obtain a Building Permit for an ADU before starting work on a new house, addition, or any significant alterations to an existing house. 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 ADU's are permitted in your zone. To determine the zoning for your property, navigate to the Town's "[What's My Zoning](#)" webpage and follow the instructions. 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 permit issuance:

- Only 1 accessory dwelling unit is permitted **per lot**, and shall be located within the main dwelling unit;
- Shall only be permitted in a single detached, link or semi-detached home;
- 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 that the lot has frontage shall not be altered;
- Parking requirements are in accordance with section 5.3.1 of the by-law, which notes the following:
  - o 3 parking spaces are provided, off-street and exterior of any garage or structure (ie. Carport);
  - o Each parking space is perpendicular to the street and a minimum of 2.6m wide x 5m long;
  - o All parking is to be provided within the driveway width permitted in your zone under section 6.2.2 of the by-law;

If you are unable to meet any of the above zoning requirements, please contact the Planning Department via email at [planning@newmarket.ca](mailto:planning@newmarket.ca) for more information on Minor Variance applications.

### STEP 2: COMPLETE CONSTRUCTION DRAWINGS

Once zoning is approved, the next step involves preparing 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 perform design activities, that person must comply with the qualification requirements established by the Ministry of Municipal Affairs and Housing. Information regarding Drawings required for an ADU application can be found under Step 3, Part 2 (Page 5) of this booklet.

## STEP 3: APPLYING FOR PERMIT

When all the applicable forms and drawings are completed, permit applications can be made in person at 395 Mulock Drive or via email to [buildings@newmarket.ca](mailto:buildings@newmarket.ca). Once the application is applied for, a Building Services Technician will contact you regarding additional information that may be required and how to payment. All paper applications require three (3) copies of all drawings. All documents submitted digitally are to be **PDF format** only.

If drawings are complete and proposed construction meets all applicable law requirements including, but not limited to, zoning regulations, the Ontario Building Code, and all other agencies including the Lake Simcoe Region Conservation Authority (LSRCA), The Town's Public Works Department, and the Region of York (if applicable). Building permits will 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
Pre-screening Questionnaire	Every Application
Owner Sign Off – Current Status Of Dwelling	Every Application
Schedule 1: Designer Information Form	Required when submitting drawings that have been stamped by Engineer and/or Architect
Schedule E: Agent Authorization Form	Required when the Owner is not the Applicant
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](http://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	Title	Details
Application for Permit 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 is an ADU
	Section C	Applicant	- Ensure to check off boxes for 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	Designer Information	- Section A-C not applicable - If owner completed drawings, check off 3 <sup>rd</sup> box, and write "homeowner" on line provided - If designer is retained, section to be filled out in full by designer
	Schedule 2	Sewage System Installer Information	- Not required as an ADU is not permitted on private services
	Schedule B	Plumbing	- To fill out number of new/filled fixtures in ADU
	Schedule E	Agent Authorization Form	- To be filled out if applicant is not the owner
		Pre-Screening Questionnaire	- To be filled out in full

## 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 help assist in preparation of your plans. Please include the following drawings as part of your application package:

Drawing	Information Required
<b>Site Plan</b>	<p>Drawing depicting the complete property and its boundaries, and where the location of all structures are in relation to these boundaries.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Scale, north arrow</li> <li><input type="checkbox"/> Lot lines and dimension of lot in metric units</li> <li><input type="checkbox"/> Existing and proposed construction</li> <li><input type="checkbox"/> Setbacks to all lot lines, measured perpendicular to the lot line, to the closest point of the structure</li> <li><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</li> </ul>
<b>Floor Plan</b> (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 shows the interior layout and structural framing requirements for the floor above.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Scale</li> <li><input type="checkbox"/> Room Name/Use of Room, and dimensions of each</li> <li><input type="checkbox"/> Extend of construction including new work in existing building</li> <li><input type="checkbox"/> Size, type and location of interior and exterior walls and partitions</li> <li><input type="checkbox"/> Width, location and lintel size of all openings</li> <li><input type="checkbox"/> Width, height and glazed area of windows for proposed ADU</li> <li><input type="checkbox"/> Location, dimensions and direction of stairs</li> <li><input type="checkbox"/> Sectional arrows</li> <li><input type="checkbox"/> References to detailed drawings</li> <li><input type="checkbox"/> Material specifications and/or Construction Notes</li> </ul>
<b>Elevations</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Scale</li> <li><input type="checkbox"/> Extent of new and existing construction</li> <li><input type="checkbox"/> Vertical dimensions of walls, windows and doors</li> <li><input type="checkbox"/> Grade Level</li> <li><input type="checkbox"/> Exterior wall cladding, finishes and flashing</li> <li><input type="checkbox"/> Areas of all existing and proposed windows/openings</li> <li><input type="checkbox"/> Area of exterior wall elevation</li> <li><input type="checkbox"/> Limiting distance and unprotected openings calculations may be requested</li> <li><input type="checkbox"/> Dimensions from proposed exit to any and all glazed openings within the same building</li> </ul>
<b>Sections and Details</b>	<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"> <li><input type="checkbox"/> Scale of drawings</li> <li><input type="checkbox"/> Headroom height under any low lying parts in unit (ie. Ductwork)</li> </ul>
<b>Mechanical Drawings</b>	<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. Any major changes to the system or if there are more than 5 bedrooms in the home, heat loss/heat gain calculations are required 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 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 independent to the municipality and should be contacted regarding specific requirements and inspections required through them. Ensure 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 of 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 received 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 an [ADU application](#) form
2. File the appropriate documents from the Fire Department and Electrical Safety Authority for a final building permit inspection report.
3. Pay one time application fee as per fees by-law.

## IMPORTANT CONTACT INFORMATION

Directory	Inquiry	Phone Number	Fax	Email Address
<b>Building Department</b>	Building Permit Information	905-953-5300 Ext. 2400		<a href="mailto:buildings@newmarket.ca">buildings@newmarket.ca</a>
<b>Planning Department</b>	Minor Variance Information	905-953-5300 Ext. 2450	905-953-5140	<a href="mailto:Planning@newmarket.ca">Planning@newmarket.ca</a>
<b>Fire Department</b>	Information Regarding Fire Code	905-895-9222	905-895-1900	<a href="mailto:info@cyfs.ca">info@cyfs.ca</a>
<b>Public Works and Environmental Services</b>		905-953-5193	905-953-5139	<a href="mailto:publicworks@newmarket.ca">publicworks@newmarket.ca</a>
<b>Enbridge</b>	Locate Gas Lines	1-888-362-7434		<a href="http://www.enbridge.com">www.enbridge.com</a>
<b>Newmarket Hydro</b>		905-895-2309		<a href="mailto:nmhydro@nmhydro.ca">nmhydro@nmhydro.ca</a>
<b>Electrical Safety Authority</b>		1-877-372-7233		<a href="http://www.esasafe.com">www.esasafe.com</a>
<b>Lake Simcoe Region Conservation Authority</b>	If your property is located within LSRCA limits, a permit may be required through them.	905-895-1281	905-853-5881	<a href="http://www.lsrca.on.ca">www.lsrca.on.ca</a> - Regulation map located on their website.
<b>Legislative Services</b>	Registering Accessory Dwelling Unit	905-953-5300 Ext.2220		<a href="mailto:info@newmarket.ca">info@newmarket.ca</a>