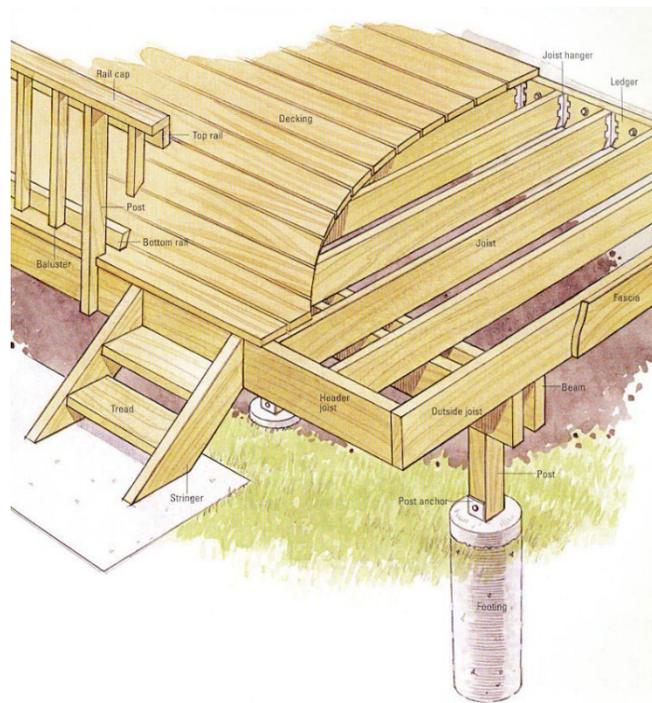


Homeowner's Guide to Building Permits: Decks



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When and why is a Building Permit required to build a deck?

A building permit is required **prior to constructing or altering a new/existing deck** when the proposed is more than 2 feet (0.6m) above finished grade to top of deck floor. The Ontario Building Code sets out minimum and maximum provisions respecting safety of buildings with reference to public health, fire protection and structural sufficiency.

STEP 1: ZONING

A “deck” is defined as follows under the Town of Newmarket’s 2010-40 Zoning By-law as amended:

Means a platform, with no solid roof or walls, which is constructed on piers or a foundation above **finished grade** adjacent to a ground floor or **walkout basement** wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in height measured from the deck floor to the highest part of the privacy screen including any ornamental features.

ZONING PROVISIONS FOR DECKS:

The first step is to ensure that your proposed deck complies with all applicable setbacks. 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 setbacks, lot coverage and other standards that may limit your proposal. As per the [2010-40 Newmarket Zoning By-law](#), the following standards must be met prior to clearing the zoning review process. Note that this list is not exhaustive:

DECKS UP TO 0.6M (< 2’) IN HEIGHT:

- Required to comply with all applicable law including zoning regulations, but may not require a building permit. For more information on whether a permit is required, please contact the Building Department for further information.

DECKS 0.6M – 3M (2’ – 9’-10”) IN HEIGHT:

- Required to maintain minimum side yard setbacks of the zone category
- Permitted to encroach into the required rear yard setback a maximum of 3.6m (see site plan example in Appendix A on how to calculate permitted encroachment)
- Under no circumstance is the deck permitted to be closer than 2.4m to the rear property line (specific to properties with rear yard setbacks of less than 6m)
- Side yard setback does not apply to townhomes or semi-detached homes on side of dwelling units that are attached

DECKS OVER 3M (>9’-10”) IN HEIGHT:

- No encroachment is permitted
- Maintain side and rear yard setbacks as required for the zone category.

RULES APPLICABLE FOR ALL DECKS:

- Steps must be located within the required setback as noted above
- Maximum height of a privacy screen, including any ornamental features is 2m (6’-7”), and is measured from deck floor to highest point
- Solid roof or walls are not permitted
- Height is measured from average grade to deck floor

CAN I PUT A GAZEBO OR PAVILION ON MY DECK?

If a Residential Accessory Structure (i.e. gazebo, shed, pavilion, etc.) is proposed on top of the deck, that structure is required to comply with the setback requirements as per section 4.2 of the Zoning By-law. Any structure mounted on the deck, and attached to the house is considered an addition and does not enjoy the encroachment provisions of section 4.2 of the Zoning By-law unless otherwise noted. If you are unable to meet any of the above zoning requirements and want to proceed with your proposed application, 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 perform 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 a deck application can be found under Step 4, Part 2 (Page 4) of this booklet.

STEP 3: ZONING PRELIMINARY REVIEW (ZPR)

Applications for a deck permit require a Zoning Preliminary Review, prior to submission of Building Permit Application. 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](#).

REQUIRED SUBMISSION DOCUMENTS

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

- **Construction Drawings**
 - o Site Plan (example attached)
 - o Floor plans of deck with all structural components
 - o Minimum of 1 Elevation (including height from grade to top of deck floor)
- Applicable **Zoning Preliminary Review Information Sheet for Decks** (attached to this package)
- **Applicable Law Checklist** – located on our website (attached to this package)
- **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 from the Zoning Examiner, you can apply for the Building Permit. Building Permit Applications are accepted via our online [Development Portal](#). Once you have applied, a Building 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, a building permit may be issued or refused within the prescribed period which can range between 10-20 business days.

Step 4 - Part 1: Required 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 an 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	- Deck is considered an alteration - Proposed use of building is DECK, covered or uncovered
	Section C	Applicant	- Check off box for either Owner or Authorized Agent of Owner
	Section D	Owner, if different than applicant	- Skip if applicant is the owner
	Section E,F,G	Builder, Tarion Warranty, Required Schedules	- Not applicable for deck application
	Section I	Declaration of Applicant	- Fill out in full + Sign/date bottom
Schedule 1	Section A	Project Information	- Fill out in full
	Section B	Individual who reviews and takes responsibility for the design activities	- Designer to fill out information as required. If homeowner is the designer, homeowner to fill out this section
	Section C	Design Activities undertaken by individual identified in section B	- Designer to check off the work they are taking responsibility for (for deck application, kindly check the “house” box only) - Provide description of work, similar to 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

Step 4 - 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. Appendix A also provides sample specifications/drawings to assist with drawing production. Please include the following drawings as part of your application package, at minimum:

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 deck construction <input type="checkbox"/> Setbacks to all lot lines, measured perpendicular to the lot line, to the closest point of the structure.
Floor Plan	<p>Provide floor plans of <u>proposed</u> + existing deck affected by construction. Each plan to show layout and structural framing of proposed deck, ensure to provide:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Extent of construction including new work <input type="checkbox"/> Size, type and location of deck boards, beams, columns and piers <input type="checkbox"/> Plan for guard <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	<input type="checkbox"/> Scale <input type="checkbox"/> Extent of new and existing construction (labelled accordingly) <input type="checkbox"/> Vertical dimensions of walls, windows, and doors near proposed deck <input type="checkbox"/> Grade Level (and height of deck floor from grade) <input type="checkbox"/> Areas of all existing and proposed windows/openings <input type="checkbox"/> Area of exterior wall elevation
Cross Section	<input type="checkbox"/> Outlining attachment to existing house <input type="checkbox"/> Scale
Guard Detail	<input type="checkbox"/> Connection detail to deck <input type="checkbox"/> Distance between posts <input type="checkbox"/> Distance between Pickets <input type="checkbox"/> Composition guard and handrail (ie. Wood, aluminum etc.) <ul style="list-style-type: none"> ○ Note that any guard and handrail that is composed of anything other than wood falls outside of the limits of the Building Code and requires Drawings stamped and sealed by a Professional Engineer of Ontario or an Architect

STEP 5: 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

Contact all utility companies prior to commencing work to determine locations of all nearby underground services.

INSPECTIONS

Required inspections are noted on your issued permit plans. To book an inspection, email our inspections team at inspections@newmarket.ca. An inspector will reach out to you directly to book an inspection within 24 – 48 hours. The following inspections are typical for a deck permit:

- **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;
- **Structural Framing:** Inspector will examine structural integrity of wall, floor and roof systems, means of egress and windows;
- **Final inspection:** All systems are complete including all construction requirements. (all other information can be removed)

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.

Appendix A