

Corporation of the Town of Newmarket

By-law 2026-10

A By-law to amend Zoning By-laws 1979-50, 2010-40, and 2019-06 to introduce and amend various definitions, standards, and provisions related to additional residential units.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

And whereas it is deemed advisable to amend Zoning By-laws 1979-50, 2010-40, and 2019-06;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That all references in Zoning By-laws 1979-50, 2010-40, and 2019-06 to “**Accessory Dwelling Unit**” are hereby amended to “**Additional Residential Unit**”. For clarity, this includes but is not limited to instances of “**Accessory Dwelling Unit**” where they are listed as permitted uses in the by-law.
2. And that Zoning By-laws 1979-50, 2010-40, and 2019-06 are hereby amended as follows:
 - a. Delete the definition of **Dwelling Unit, Accessory** and replace or add the following definitions:

Additional Residential Unit: Means a separate, self-contained **dwelling unit** that is ancillary and subordinate to the **Primary Residential Unit** and to be used or intended for use as a residential premises with its own private entrance, cooking, sleeping, and sanitary facilities provided for the exclusive use of those residing within the unit. An **Additional Residential Unit** may be located within the primary dwelling (**Additional Residential Unit, Attached**) or within an ancillary **building** or **structure** (**Additional Residential Unit, Detached**) on the same lot as a single-detached dwelling, semi-detached dwelling, link dwelling, or townhouse dwelling.

Additional Residential Unit, Attached: Means an **Additional Residential Unit** located wholly within a single-detached, semi-detached, link dwelling, or townhouse dwelling.

Additional Residential Unit, Detached: Means an **Additional Residential Unit** located within a separate ancillary **structure** or **building** on the same lot as a single-detached dwelling, semi-detached dwelling, link dwelling, or townhouse dwelling.

Primary Residential Unit: Means the main dwelling unit located within the principal building on a lot which establishes the residential use of a property. It is distinct from and does not include any additional residential unit.

- b. Add **Additional Residential Units, Detached** to the dwelling types listed in the definition of **Storey**.

3. That Zoning By-laws 1979-50, 2010-40, and 2019-06 are hereby amended by replacing the parking rate for “accessory dwelling unit” with the following:

Type or Nature of Use	Minimum Off-Street Parking Requirements
Additional Residential Unit, Attached or Detached	1 exterior parking space per Additional Residential Unit

4. That Sections 8.1(6), 9.1(4), 10.1(4), 11.1(4), 12.1(4), 13.1(4), 14.1(4), 15.1(4), 16.1(4), 17.1(4), 18.1(4) of Zoning By-law 1979-50 are hereby amended to add **Additional Residential Units** as a permitted use within **single family detached dwellings, semi-detached dwellings, street townhouses, and row-house dwellings.**
5. That Section 6.2.1 of Zoning By-law 2010-40 is hereby amended to add (*8) to include **Additional Residential Units** as a permitted use for the **R4** zone for **Dwelling, Townhouse.**
6. That Section 6.2.2 of Zoning By-law 2019-06 is hereby amended to add **Additional Residential Units** as a permitted Residential use with conditions (*8). The condition shall note that **Additional Residential Units** are permitted where **detached dwellings, semi-detached dwellings, townhouse dwellings** are permitted or existing.
7. That Section 6.42 of Zoning By-law 1979-50, and Sections 4.2 of Zoning By-laws 2010-40 and 2019-06 are hereby amended as follows:
- a. Add the following text to allow Encroachments into Required Yards for the following features:

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Structural And Ornamental Features:		
Walkway, Residential	Any Yard	No closer than 0.6 metres from the lot line
Stairs, stairwells, or retaining walls to facilitate an entrance below grade at any point	Exterior, interior, and rear yard	May encroach into the required yard and shall be no closer than 1.2 metres to the lot line.

8. That Zoning By-laws 1979-50, 2010-40, and 2019-06 are hereby amended by adding the following section to Section 7 – General Provisions for Residential Zones of Zoning By-law 1979-50, and Section 4 – General Provisions of Zoning By-law 2019-06, and by deleting and replacing Section 4.5 - Accessory Dwelling Units of Zoning By-law 2010-40 with the following:

Additional Residential Units

Where an **Additional Residential Unit** is permitted, the following provisions shall apply:

- i) **Additional Residential Units** shall be permitted in detached dwellings, link dwellings, semi-detached dwellings, row house dwellings, and townhouse dwellings, subject to the Ontario Building Code and the Fire Code.
- ii) **Additional Residential Units** shall be permitted on properties serviced by full municipal water and sewer services in accordance with Town Engineering Design Standards, or the owner must demonstrate that adequate private servicing is available and that site conditions are suitable for the long-term provision of such services with no negative impacts.
- iii) In addition to the primary residential unit, a maximum of two (2) **Additional Residential Units** are permitted per residential lot, which may include:
 - a. A maximum of two (2) **Attached Additional Residential Units** and no **Detached Additional Residential Units**; or,
 - b. A maximum of one (1) **Attached Additional Residential Unit** and one (1) **Detached Additional Residential Unit**.
- iv) No **Additional Residential Unit** shall be permitted within the following:
 - a. The Environmental Protection Open Space (OS-EP) Zone or within the Floodplain as determined or confirmed by the Lake Simcoe Region Conservation Authority under the Conservation Authorities Act and associated regulations; or,
 - b. Within the Rural Residential – Oak Ridges Moraine (RR1-ORM) Zone, Rural General First – Oak Ridges Moraine (RU-1-ORM) Zone, Rural General Second – Oak Ridges Moraine (RU2-ORM) Zone, Environmental Protection – Oak Ridges Moraine (EP-ORM) Zone, and Natural Core Area – Oak Ridges Moraine (NC-ORM) Zone. (applicable to 1979-50 By-law area only)
 - c. Within the common elements areas of a condominium corporation.
- v) A maximum of one entrance may be provided on any facade of a building that faces a public street or private road, except on a corner lot that abuts two public streets, where one entrance for each street-facing facade may be permitted.
- vi) Parking shall be provided in accordance with the applicable section of the parent Zoning By-law.
- vii) The lot coverage for all buildings and structures on a lot containing an additional residential unit shall be a maximum of 45% or the existing zone requirement, whichever is greater.
- viii) A **Home Occupation** shall be permitted within an additional residential unit. The area devoted to the home occupation shall not exceed 25% of the unit's gross floor area.
- ix) Where access to the primary entrance of the **Additional Residential Unit** is provided from the side or rear yard, the following shall apply:
 - a. A minimum 1.2 metre wide clear, unobstructed path of travel shall be provided from the street, driveway, or established parking area on the lot to the primary entrance of the **Additional Residential Unit**;
 - b. A minimum vertical clearance of 2.1 metres must be provided for the entire length of the path of travel;

- c. Notwithstanding a.) above, the following encroachments shall be permitted into the path of travel:
 - i. Utility metres with a maximum projection of 0.3 metres;
 - ii. Window wells with a maximum projection of 0.3 metres; and,
 - iii. Air conditioning units and other household mechanical equipment with a maximum projection of 0.3 metres.
- d. If the path of travel contains hard landscaping, the path of travel shall be setback a minimum of 0.6 metres from any lot line. For greater clarity, part of a **walkway, residential** may also be considered as a path of travel.

Detached Additional Residential Units

A maximum of one (1) **Additional Residential Unit** may be located in an ancillary detached **building** or **structure**, creating a **Detached Additional Residential Unit**, in accordance with the following provisions:

- i) A **Detached Additional Residential Unit** shall only be located in the **interior side yard** or **rear yard** of the permitted dwelling types.
- ii) The maximum distance from a public street and the primary entrance of the **Detached Additional Residential Unit** shall be 60 metres, measured along the path of travel, from the curb of the street to the primary entrance of the **Detached Additional Residential Unit**.
- iii) The minimum separation distance between a **Detached Additional Residential Unit** and the primary dwelling shall be 3.0 metres.
- iv) **Detached Additional Residential Units** shall not be permitted to have a rooftop patio or any rooftop amenity space.
- v) **Detached Additional Residential Units** shall be permitted to have a **basement** and shall have a maximum **finished floor height** of no greater than 1.2 metres.
- vi) An existing **Residential Accessory Structure** or detached **garage** located on the same lot as an existing **detached dwelling, semi-detached dwelling, link dwelling, row house dwelling, or townhouse dwelling**, legally established as of March 30, 2026, which does not comply with the provisions outlined below, may be converted to a detached additional residential unit, subject to the following provisions:
 - a. Any additions shall be subject to the zone provisions as outlined in this by-law.
 - b. If the existing separation distance between the primary dwelling and the existing ancillary structure or detached **garage** is less than the required minimum separation distance prescribed in this by-law, the existing separation distance shall be permitted to remain.
- vii) The following table shall establish the zone standards applicable to **Detached Additional Residential Units**:

Development Standard	One-Storey Detached ARU	Two-Storey Detached ARU	ARU Located Above a Detached Garage

Maximum Building Height (*1)	<i>Pitched Roof:</i> Shall be the lesser of the height of the primary dwelling or 5.5 metres	<i>Pitched Roof:</i> Shall be the lesser of the height of the primary dwelling or 6.5 metres	<i>Pitched Roof:</i> Shall be the lesser of the height of the primary dwelling or 6.5 metres
	<i>Flat roof:</i> Shall be the lesser of the height of the primary dwelling or 3.5 metres	<i>Flat roof:</i> Shall be the lesser of the height of the primary dwelling or 5.5 metres	<i>Flat roof:</i> Shall be the lesser of the height of the primary dwelling or 5.5 metres
Maximum Gross Floor Area for the detached additional residential unit	10% of the lot area or 75 sq. m., whichever is less	10% of the lot area or 100 sq. m., whichever is less	10% of the lot area or 100 sq. m., whichever is less
Minimum Side Yard Setback	1.8 metres	2.4 metres	2.4 metres
Minimum Rear Yard Setback	1.8 metres	2.4 metres	2.4 metres

(*1) Overall building height is measured from established grade to the highest point of the roof surface or parapet, whichever is greater.

- viii) Notwithstanding any other provision of the By-law to the contrary, only the following encroachments shall be permitted for a **Detached Additional Residential Unit**.

Permitted Structure or Feature	Required Setback or Permitted Encroachment
Structural and Ornamental Features	
Deck, uncovered (0.6 metres or less in height above finished grade)	No closer than 1.2 metres to the lot line(s)
Eaves, eavestroughs, gutters, or similar features	May encroach a maximum of 0.7 metres into the required yard and may be no closer than 0.3 metres to the lot line
Sills, cornices, parapets, pilasters, or other similar ornamental structures	May encroach 0.6 metres into the required yard
Grade or above grade Steps/Landings/Staircases	May encroach 0.6 metres into the required yard
Patio, uncovered	No closer than 0.6 metres to any lot line

Inward facing porch	May encroach 1.0 metres into the required separation distance between a Detached Additional Residential Unit and the primary dwelling unit
Chimneys	May encroach 0.6 metres into the required yard
Inward facing Balcony	May encroach 1 metre into the required separation distance between a Detached Additional Residential Unit and the primary dwelling unit

All other provisions of the zoning by-law remain applicable.

Enacted this 30th day of March, 2026.

John Taylor, Mayor

Lisa Lyons, Town Clerk