

# FAQ's



Rockland Ontario

New Ontario communities include planning and design features not often encountered in older existing neighbourhoods. Purchasing lots and homes carry covenants and obligations conveyed between the City, developer, home builders and **home buyers**. Below is a sampling of **frequently asked questions** about new subdivisions.



## 1.0

## NEW SUBDIVISION

### 1.1 What is the Subdivision Agreement?



The Subdivision Agreement describes the **developer's obligations** to the City for construction of roads, sewers, watermain, parks and other services in the subdivision. It contains obligations conveyed to **lot buyers, builders and home buyers** as well as warning or advisory clauses to be incorporated in Agreements of Purchase & Sale to **home buyers**.

### 1.2 What are warning or advisory clauses?

These clauses originate in the subdivision agreement for transfer to Agreements of Purchase & Sale between home builders and home buyers. They are to **alert lot buyers and home buyers** of potential issues regarding the subdivision (noise, odour, school capacities, maintenance, fencing etc). Buyers should **carefully examine** these **clauses** with their lawyer prior to signing an Agreement of Purchase and Sale.



### 1.3 What is the Developer's responsibility?



The developer is responsible for **overall** (not individual lots) **subdivision works** grading, drainage, sewers, watermain, roads, curbs, sidewalks, utilities and street lighting. Responsibility for individual lot works is legally transferred to lot buyers.

### 1.4 What is the Home Builder's (Lot Buyer's) responsibility?

Builders (Lot Buyers) are responsible for **house construction** and work **within** building **lots** including driveway (to curbs), grading, drainage, utility connections and landscaping (to curbs).



### 1.5 Can individuals purchase a building lot from the Developer?

Subdivision lots are intended for purchase by **registered home builders** for the sale and construction of new homes to home buyers. There are two options for **private individuals** to purchase a specific larger lot: **(1)** Directly from Spacebuilders assuming responsibility for all obligations and performance securities. **(2)** Via a registered home builder (*recommended*). Some builders will purchase a specific lot on behalf of a home buyer client and provide a

comprehensive lot-home-warranty package (while assuming performance obligations as well as scheduling and obtaining permits). Upon request, Spacebuilders can provide a list of home builders that have expressed interest in building custom homes in the community.

### 1.6 Why are there subdivision design controls?



Design controls are established to apply **minimum standards** for siteplan and building design in the community context as well as to help maintain value for the **benefit** of **residents**. Building plans are subject to **Control Review** for compliance.

### 1.7 Can home designs include higher basements?

Subdivision engineering contemplates building designs with **conventional** foundation wall **heights** of approximately 7'-10" (2.38m). When proposing design height adjustment, lot buyers should consult with their **design professionals** to ascertain feasibility of adjusting heights and to address impact if any, on grading, drainage and adjacent properties.

### 1.8 Are semi-detached or duplex buildings permitted on single home lots?

Multi dwelling buildings are sometimes mixed with single detached designs depending on zoning regulations and market demand. Well planned communities integrate **multiple dwelling** types in the community context.

### 1.9 Are carports permitted?

Most residential building designs require attached garages. Designs with carports or without garages are generally **discouraged** by **design controls**.

### 1.10 Can driveways be flipped to the opposite site of a lot?

Subdivision engineering plans illustrate approximate driveway locations (*meaning near the left or right side of lot frontage*). Driveways should be located according to **subdivision design** and adjusted where necessary to **avoid conflicts** with other subdivision works.

### 1.11 Is it possible to have wider driveways?

Paved driveway width is regulated by municipal zoning by-laws. Designers should confirm **zoning regulations** at the design stage. Excessive paving is **not recommended** and can impact stormwater drainage, winter snow storage and street parking. The addition of unit paving (such as interlock pavers) to driveway width will not comply with zoning regulations.

### 1.12 Can lots be selected without a hydro transformer in front?

Engineering plans illustrate approximate locations of proposed above-ground utilities. **Transformer locations** are determined by Hydro authorities. Utility locations are considered preliminary and **subject to change** until installed and commissioned.

### 1.13 Can lots be purchased and re-sold to others?

Lots are sold for the sale and construction of new homes by registered builders for new home buyers. Agreements contain **restrictions on transfer** of vacant lots.



### 1.14 What are “through lots”?

Through lots are those with rear yards **backing** onto **another roadway**. Some subdivision designs require lot-specific landscaping standards at rear yards depending on roadway design and provisions in the subdivision agreement.

### 1.15 When are building permits available?

Building permit applications can usually be processed following issuance of the **preliminary acceptance** certificate by the City for subdivision works as well as confirmation that the applicant’s **Control Review** has been processed by the developer.

### 1.16 What does “Preliminary” or “Final” Acceptance mean?

**Preliminary Acceptance** generally occurs when a subdivision phase receives base asphalt and is sufficiently constructed and certified to allow City processing of building permit applications. **Final Acceptance** occurs when a phase receives final wear-course asphalt and is sufficiently constructed and certified to allow assumption of public roadways by the City.



### 1.17 What is a “Final Lot Grading Approval”?

The builder’s (lot buyer’s) engineer prepares an as-built certified lot grading plan from data collected on site and the builder submits it to the City for approval under the building permit. The City reviews it (*sometimes visits the site*) to **confirm compliance** with **subdivision design**. Approval is issued if grading is compliant. If non-compliant, re-inspection is required. Lot grading inspection is subject to season and weather conditions.

### 1.18 Can back yard slopes be levelled off?

Lot grading and drainage are engineered as interconnected systems for larger areas. Lot grading and drainage are required to be maintained according to subdivision design. **Property owners** can be found **legally responsible** in **civil lawsuits** between property owners for damage if flooding occurs as a result of altered grading. Swales, drainage patterns and catch basins should not be filled, altered or obstructed.



### 1.19 Can back yards be landscaped with pavers?

Subdivision engineering partially contemplates rainwater seepage through soft landscaped areas. Excessive hard surface landscaping (*e.g. pavers or concrete*) could affect storm drainage and is **not recommended**. Property owners should consider using permeable paving systems as alternatives. There are environmental advantages in allowing rainwater to filter through earth.

### 1.20 Why is there ponding after some rainfalls?

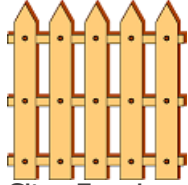
Ponding can occur during major rainfall events and snow melt. Subdivision design includes **stormwater management** features. Some designs intentionally restrict water flow into storm drainage systems. Flow restriction can result in temporary **localized ponding** (*often near catch basins and swales*). Property owners are required to maintain rear yard catch basins and swales to ensure they are working and free of obstructions.



### 1.21 Who should be called if there's flooding on the property?

Property flooding is not normal and should be **reported to the City**. If property damage is observed, it should be reported to the property owner's **insurer**.

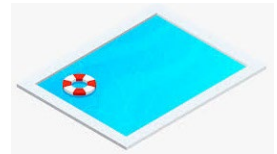
### 1.22 When can fences / hedges be installed?



Fencing is regulated by the City and may require **fence permits**. Hedge is considered "fence" in the municipal Fence By-law. The Fence By-law includes restrictions on extent and height of front yard fence. Property owners should contact the City (*if required*) to obtain permit applications. **Installation should be deferred** until after the subdivision has received **final acceptance** by the City. Fencing installation should not interfere with utilities, grades, services, drainage patterns, swales, retaining wall systems or other subdivision works. Obtain utility locates and verify property boundaries prior to digging.

### 1.23 Can swimming pools be installed in back yards?

Swimming pools are regulated by the City and require **pool construction permits**. Lot/home buyers should contact the City to obtain pool permit applications. When planning to install pools, soil conditions and rock elevations should be confirmed prior to design. It's recommended to consider rock removal and subgrade preparation during house construction to help facilitate worksite access for machinery and equipment.



### 1.24 Can property owners plant more trees?



Tree planting is subject to municipal **restrictions on species** and planting locations. Check with the City for restricted tree types. Planting should not alter or obstruct grading and drainage or interfere with underground services and utilities. All trees are maintained by property owners. Obtain utility locates prior to digging.

### 1.25 Who maintains retaining walls, fencing and landscaping?

Retaining walls, guards and fencing are maintained by lot owners. Trees, hedges and fence within and adjacent to lots are maintained by lot owners. Grassed boulevards between lot boundaries and street curbs are maintained by frontage **lot owners**. Subdivision retaining wall systems are engineered. Caution is advised when planning to install fencing or other work at or near retaining wall systems.

### 1.26 Are there nearby playgrounds or parks?

Community planning includes **parkland** and **open space**. Subdivision designs include passive parks, active parks, linear parks, woodland, environmental preservation zones, pathway and trail systems as well as a pond park. Most parks will be accessible via interconnected pedestrian links and public roadway. The City's **Community Services** department determines **park planning** and uses.



### 1.27 Why do streetlights come on at different times?

Street lighting is individually controlled by **sensors** set to activate at dusk and deactivate at dawn. They sometimes operate at slightly different rates due to variance in sensitivity and exposure.

### 1.28 Why is Bell wire service not available on some streets?

Bell often reviews each subdivision phase to determine if they are prepared to invest in wire service infrastructure and sometimes decide to decline. Where this occurs **other providers** can offer consumers similar services.

### 1.29 Why are some utilities not in service at occupancy?

Some utility services such as cable television, internet or mail delivery may not yet be in service when first occupancies occur in new neighbourhoods. Home buyers should contact their utility providers for service information.

### 1.30 Why is there a booster or pumping station in the neighbourhood?

Booster and pumping stations are part of major infrastructure improvements to accommodate existing and future **infrastructure capacities**.

### 1.31 What are Setbacks?

The term "setback" usually refers to the distance between a property's wall and the lot boundary. The Zoning By-law prescribes setback requirements, which may vary depending on specific zoning designation.

### 1.32 What is a City Right-of-Way?

The term usually refers to the City-owned component of land which is often wider than roads and sidewalks abutting private properties.

### 1.33 What are Easements?

An easement is a right-of-way for others to make use of part of land for a limited purpose and is usually indicated on the title of properties. There are access easements for townhome back yards, utility easements for various utility providers and City sewer and drainage easements.

## 2.0 LIVING WITH ACTIVE CONSTRUCTION

### 2.1 Why are sidewalks installed on some streets?

Sidewalk locations are determined by City Planning and are required by the subdivision agreement. Installation is usually deferred until most homes fronting the street are constructed. Home buyers should **request information** from their builder about **sidewalk locations** when purchasing.

### 2.2 When are driveways paved where sidewalks are not yet installed?

Where street design includes sidewalks, **driveway paving** should be deferred until **after sidewalks** are constructed. Driveway repair, grading adjustments and reinstatement following sidewalk construction are the lot buyer's/builder's responsibility.



### 2.3 Why are there small asphalt ramps at driveways?

Some Home builders install small temporary ramps between curbs and road base asphalt to help facilitate **driveway access**. They remove them prior to installation of final road asphalt.

### 2.4 When are streets paved with final asphalt?

Streets are first paved with base asphalt at the preliminary acceptance stage. Final asphalt is installed after **most buildings** are **constructed** along a street or subdivision phase. Final asphalt includes curb repair, iron adjustments and catch basin cleaning. Notices are delivered to residents and builders when paving occurs. Paving schedules are subject to seasonal and weather conditions.



### 2.5 Who is responsible for street tree planting?

City regulations require subdivision street trees be planted within the lots. **Lot buyers / Builders** are responsible for planting. **Property owners** are responsible for maintenance. Trees that don't survive the first year require replacement by Lot Buyer/ Builder. Trees that don't survive after the first year require replacement by property owners.

### 2.6 When are street name signs installed?

Temporary traffic and street name signage is installed by the developer when streets are prepared for preliminary acceptance. Permanent signage is scheduled **after most homes** are **built** and roadway final asphalt is installed in phases being prepared for final acceptance.

### 2.7 Why does water pressure vary at times?



Water pressure can vary during **peak period usage**. Pressure can vary when water distribution systems are extended or adjusted to accommodate system **switching** or **expansion**. Subdivision engineering sometimes includes design to help address water supply issues in nearby existing neighbourhoods.

### 2.8 When is street debris cleaned where homes are under construction?

Streets with homes under construction are scraped as necessary and flushed at the **end of work weeks** during non-winter periods after first occupancies along a given street or phase. Frequency is sometimes adjusted according to roadway and weather conditions. Street cleaning is an obligation in the subdivision agreement conveyed from City to developer to lot buyer/builder.



### 2.9 Is snow cleared on streets where new homes are being built?

Winter snow clearing **applies** after streets receive **preliminary acceptance** as homes become occupied. On streets with base course asphalt, iron work is adjusted to facilitate snow clearing operations.

### 2.10 Is garbage collected where new homes are being built?

Municipal residential waste **collection applies** to streets having received preliminary acceptance as homes become occupied.

### 2.11 Can residents use temporary construction access roads?

Temporary construction access roads are intended for heavy construction equipment and vehicles only. They can be hazardous and are **not available** for public use.



### 2.12 Are there regulations for construction traffic and parking?

Builders/lot buyers are responsible for construction traffic and parking for workers, trade contractors and suppliers. Streets and driveway entrances should remain free of obstructions. Residents can **report problems** to City By-law Enforcement. All road users are responsible for traffic and safety regulations.

### 2.13 Can residents use construction waste bins?



Home builders/lot buyers remove and recycle construction waste and debris from their worksites at their expense. Waste containers are **private property** under builder control and **not available** for use by others without consent. Unauthorized users could become liable for damage claims.

### 2.14 Can residents dump fill on an empty lot?

Vacant building lots are **private property unavailable** for access by others. Lot owners could take legal action against those depositing fill or debris on their lots.



### 2.15 How are nearby blasting concerns handled?

Residents or lot buyers having concerns over blasting or vibration can contact **Spacebuilders** for information. Site development sometimes requires controlled drilling and blasting in rock conditions. **Blasting** operations are **regulated** and require specialized engineering, construction, insurance, and monitoring.

Buildings and structures within predetermined blasting zones become part of a documented **pre-construction survey**. Property owners within blasting zones may be requested access to their property for review by engineers before blasting starts. Nearby property owners can also request properties be included in the pre-construction survey. Complaints, concerns or requests for information are forwarded to blasting engineers.

### 2.16 How are nearby blasting concerns handled?

Residents or lot buyers having concerns over blasting or vibration can contact **Spacebuilders** for information.

### 2.17 Are there laws for construction noise?

Construction activities and noise levels are **regulated** by **City By-laws**. There are restrictions on allowable noise levels and time periods for weekdays and weekends. Residents can report nuisance construction noise to City By-law Enforcement.

### 2.18 Where should Downspouts Drain?

Rainwater from downspouts should drain onto its own property into the ground and directed away from the foundation to a permeable surface such as grass. Water should not be redirected to other neighbouring properties or hard surfaces.

### 2.19 Who is Responsible for Dust Control?

Nuisance dust occurs in and around construction zones throughout dry non-winter periods. Some originates from traffic where clay-type material was deposited by vehicles on roadway surface. Depending on what type of work (*travel*) is involved, either the developer, lot buyer or builder is responsible. For example: (*where a lot is being landscaped*), all associated street cleaning costs will be allocated to that lot's buyer/builder. The developer assumes the role of project manager for street cleaning operations (*generally at the end of each work week*).

## MUNICIPAL BY-LAWS

Clarence-Rockland's municipal By-laws include restrictions and regulations affecting property owners and residents. Property owners and residents can research the City's website for updated By-law information.

## MORE INFORMATION

### Spacebuilders

For more information about the **Morris Village** community, send requests by email to [info@spacebuildersottawa.com](mailto:info@spacebuildersottawa.com)

### Clarence-Rockland

For more information about the **City of Clarence-Rockland** and **By-laws** visit [www.clarence-rockland.com](http://www.clarence-rockland.com)

*end*