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## **CHAPTER 1 INTERPRETATION AND DECLARATORY DISPOSITIONS**

### **1.1 TITLE OF BY-LAW**

This By-law is called "Subdivision By-law number 033-05-2003" Municipality of Otter Lake.

The By-law called: "Administration and Interpretation of the Planning By-laws number 031-05-2003" regulates the current By-law.

### **1.2 OBJECTIVES**

This by-law aims to:

- Harmonize the development of the municipal territory and ensures that newly created lots are subdivided out in an optimal and rational manner.
- Plan for the construction of safe and functional roadways.

### **1.3 SUBJECTED TERRITORY**

The present By-law, of which the provisions are imposed to individuals as well as to legal persons of public right or of private right, applies to the entire territory under the jurisdiction of the Municipality of Otter Lake.

## **1.4 SUPERSEDED BY-LAW**

The following by-laws, amendments and attached plans are abrogated and superseded by the current by-law:

Subdivision By-law of the Municipality of Otter Lake, By-law N° 136-003 and its amendments.

Also abrogates all other regulatory dispositions that are incompatible with the Planning By-law.

The abrogation of these by-laws does not however, legally affect previous procedures instituted under the authority of superseded by-laws. These will remain in effect under the authority of the replaced by-law until a final decision is passed. Also, these changes do not affect issued permits under the authority of the superseded by-laws.

## **1.5 AMENDMENT METHODOLOGY**

The dispositions of this by-law can only be adopted, modified or abrogated under an approved by-law that is in accordance with the dispositions of the Provincial Planning Act.

## **CHAPTER 2 LOT STANDARDS**

### **2.1 SURFACE, DEPTH, WIDTH AND MINIMAL FRONTAGE OF A LOT**

All newly created lots that require a subdivision permit and potentially a building permit for main buildings must be in accordance with the dispositions found in the following table:

Exception: In the case of a cadastral plan for a private or public road and for public parks, the standards below do not apply, however the subdivision permit remains obligatory.

#### **Minimal area and dimensions of lots to be subdivided**

	Within zones permitting the following categories of use	
	RESIDENTIAL AND/OR COMMERCIAL	INDUSTRIAL AND/OR INSTITUTIONAL AND OTHERS
<b>1. Lot serviced by a municipal water system</b> <u>Less than 100 metres from a watercourse</u> - or - <u>Less than 300 metres when the watercourse is a lake</u>  A. Width and frontage  B. Depth  C. Area	30 metres  61 metres  1,858 square metres	50 metres  61 metres  3,000 square metres
<u>More than 100 metres from a watercourse</u> -or - <u>Less than 300 metres when the watercourse is a lake</u>  A. Width  B. Depth  C. Area	22.58 metres  -  1,393 square metres	22.86 metres  -  1,393 square metres

<p><b>2. Unserviced lot</b></p> <p><u>Less than 100 metres from a watercourse</u> - or - <u>Less than 300 metres when the watercourse is a lake</u></p> <p>A. Width and frontage B. Depth C. Area</p> <p><u>More than 100 metres from a watercourse</u> - or - <u>Less than 300 metres when the watercourse is a lake</u></p> <p>A. Width and frontage B. Depth C. Area</p> <p><u>Regional Forestry land use designation ( all the zone outside the provincial agricultural designation ant the ones with the zone number equal or greater than 101).</u></p> <p>A. Width and frontage B. Depth C. Area</p>	<p>45.72 metres 61 metres 3,716 square metres</p> <p>45.72 square metres - 2,787 square metres</p> <p>61 metres 152 metres 5,905 square metres</p>	<p>50 metres 61 metres 3,716 square metres</p> <p>50 metres - 700 square metres</p> <p>- - -</p>
<p><b>3. Lot bordering a road of the higher network (adjacent to Highway 301 or 303)</b></p> <p>A. Width and frontage B. Depth C. Area</p>	<p>45.72 metres - 2,787 square metres</p>	<p>50 metres - 3,700 square metres</p>

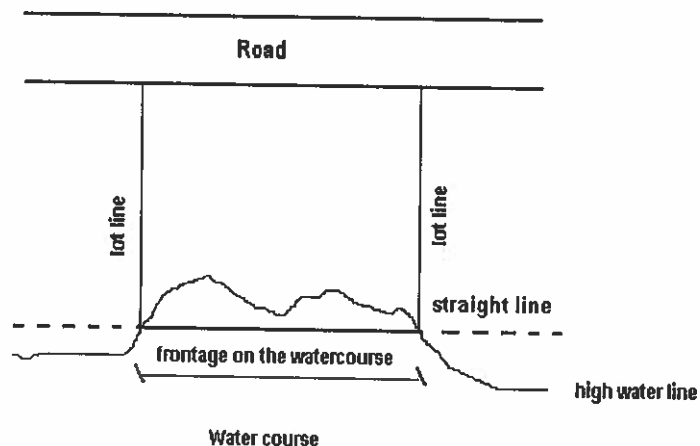
## 2.2 PROPERTY FRONTAGE BORDERING A DEAD END AND AN EXTERIOR SIDE OF A CURB

The frontage of lots bordering a dead end and an exterior side of a curb of 10 degrees to 90 degrees, wherein the lateral lot lines converge towards this type of road section, can be reduced to a minimum width of 15 metres, under the condition that the minimum surface area, as specified in the previous article of this By-law be respected and that the minimum width, as specified in the previous article of this By-law, be obtained in at least one area within the created lot.

## 2.3 SUBDIVISION ADJACENT TO A WATERCOURSES

The minimum width and minimum frontage of the part of a lot bordering a watercourse is indicated in [Article 2.1](#). The frontage along the watercourse is calculated by measuring the two furthest property lines bordering the watercourse in a straight line. See sketch below 2.3.

Sketch 2.3



## 2.4 FRONTAGE OF LOTS ADJACENT TO A PUBLIC OR PRIVATE ROAD AND A RIGHT OF WAY

All newly created lots, except for the lots indicated at [Article 2.1](#) must have a frontage that is in conformity with those indicated at [Article 2.1](#) on an existing public road or on an existing or cadastered private road.

In the case of an enclosed lot, that is to say, not adjacent to a public or private road wherein this situation existed prior to the coming into force of the first Municipal Subdivision By-law dated February 1, 1984, a subdivision permit can be issued for the purposes of subdividing the one lot in question; however, no other subdivision permit can be issued for this same lot, insofar as creating an additional lot.

## **2.5 SURVEY MARKER DAMAGE**

A person who either damages or moves a survey marker belonging to the Municipality must immediately inform the Municipality of this occurrence as well as assume full financial responsibility to restore the situation.

## **2.6 NON CONFORMING LOTS**

Only lots existing before February 1, 1984, can obtain a subdivision permit to create a lot with a lesser surface area than what is stipulated in the table at Article 2.1, and having a frontage inferior to that stipulated in the table at Article 2.1. This is in accordance with the subsequent articles.

### **2.6.1 Definition**

Derogatory lot (not cadastered): Is a parcel of land not subdivided wherein the area or size is not in conformity with the provisions of the present Subdivision By-law. Some of these parcels of land, if the following conditions are met, have an acquired right therefore can obtain a subdivision permit, under the present Subdivision By-law.

On the date of the coming into force of the current Subdivision By-law, the land was used as a building foundation and was in conformity with the regulation stipulated at the time of construction;

**or**

The land is vacant, the size and area is in conformity with the provisions of the Municipal Subdivision By-law, if any, that was in force prior to the implementation of the first "Interim control By-Law" put in force by the Pontiac MRC dated February 1, 1984. As well was and is not forming one or several distinct lots on the official cadastral plans, and was described in registered title deeds dated prior to February 1, 1984.

Derogatory lot (cadastered): Is a lot wherein the area and/or size is not in conformity with the provisions of the present Subdivision By-law and is registered onto the Provincial cadastral survey in conformity with the legislative and regulatory dispositions that were applicable on the date of this cadastral registration.

### **2.6.2 Conditions applicable to the issuing of permits**

According to the Provincial Planning Act., it is permitted to govern, by zone, the introduction of particular conditions to the construction and use on derogatory lots with respect to the standards of the present Subdivision By-law. These derogatory lots are therefore protected by an acquired right.

A subdivision permit for a derogatory lot cadastered or not, can be issued, on the condition that:



The day that precedes the coming into force of the first "Interim control By-Law" of the Pontiac MRC, dated February 1, 1984, the area and size of the lot meets the requirements, if any, in terms of the regulation relative to cadastral plans applicable on that date;

The cadastral plan results in creating one lot, or unless the lot consists of several original lots, in which case, only one lot per original lots, can result from it;

It is not required for the frontage of derogatory lot cadastered or not, to meet the minimal frontage stipulated under Article 2.1 of the present Subdivision By-law; however, it is prohibited to reduce the frontage as long as the frontage does not meet the provisions of Article 2.1 of the present Subdivision By-law.

### **2.6.3 Construction on cadastered or non-cadastered derogatory lots**

A construction, renewal or renovation permit on a cadastered or non-cadastered derogatory lot, as described in Article 2.6.1 can be issued. However, other provisions of the current By-law, in particular, Article 2.6 to 2.6.2 and other Planning By-laws articles, for example, the margins, must be respected as well as any other newly created lot.

## **CHAPTER 3 STANDARDS AND DISPOSITIONS RELATIVE TO ROAD SYSTEMS**

### **3.1 DEFINITION**

The allowance of roads must be established in accordance with the appropriate function for which they were intended as ascribed by the Transportation Plan being an integral part of the By-law called: "Master Plan number 2002-001".

All the geometrical characteristics of roads prescribed under this chapter are the minimal required standards decreed by the "Transportation Association of Canada".

When the layout of a road is provided under the Transportation Plan, it is considered an essential element for the efficient functioning of the Municipal road network systems. Consequently, it must ultimately link to the proposed road network within the Transportation Plan.

### **3.2 LAYOUT OF ROADS NEAR WATERCOURSES**

The construction, reconstruction, widening or strengthening of a road including an interchange, exit ramp and other road infrastructures must further its consideration by abiding to a minimal distance of seventy five (75) metres from the natural waterline of a watercourse, a lake or a river.

However, when the topography, because of its contours makes it difficult to build a good road and it is proven that by locating a section of that road within the 75 metres, it would reduce its slope of at least 5 degrees, a section of road can be located less than seventy five (75) metres from the natural waterline of a watercourse, lake or river without ever being closer than 15 metres from the natural waterline. In the case where that section of the road is to be longer than three hundred (300) metres within the minimal distance of 75 metres from the natural waterline, the applicant must obtain a "Certificate of Authorization" from The Provincial Ministry of the Environment as stipulated under the Environmental Act.

### **3.3 LINKING OF ROADS TO REGIONAL ROADS 301 AND 303**

All subdivision proposals must limit, as much as possible, the number of access (laneways) means to Regional Roads 301 and 303.

### **3.4 CLASSIFICATION AND ROAD WIDTH**

The municipal road system is coordinated and classified according to the characteristics, main function and the importance of the roads which make up the system.

All roads appearing on a preliminary subdivision plan must be classified by the designated officer according to one of the four (4) road categories listed below:

#### **3.4.1 Main road**

A road mainly serving the major high-speed traffic flow. It mainly serves circulation linking major attraction points. Its predominant use is for fast moving and uninterrupted traffic flow from one major attraction point to another. In the case of Otter Lake, the Regional Roads 301 and 303 are classified under this definition.

#### **3.4.2 Collector road**

A collector road within a neighborhood road. These collector roads are used on the one hand to service riverside properties and the other for traffic between local roads and main arteries, i.e Picanoc and Belmont roads.

#### **3.4.3 Neighborhood road**

The main function of this type of road is to service residential (or cottage) properties in which the layout, stop signs, slow speed limits, and local traffic use makes it such that transit vehicle traffic has no interest in using this type of road, i.e King and Pine.

#### **3.4.4 Private road**

A common access road built without controlled or decreed municipal **construction** standards. However, in terms of a **subdivision**, the creation of a lot intended for private road purposes, requires a minimal allowance width of fifteen (15) metres and, in this case, have a dead end radius of 9 metres.

### 3.4.5 Allowance width and road width

Any type of road falling under the classification described in articles 3.4.1, 3.4.2, 3.4.3 and 3.4.4 must adhere to the following characteristics:

a) Allowance width in metres

Type of road	Minimum	Maximum	Radius Cul-de-sac minimum
Private road	15 m.	20 m.	9 m.
Neighborhood road	15 m.	20 m.	9 m.
Collector road	15 m.	20 m.	9 m.
Main road	20 m.	none	15 m.

b) Road width

Type of road	Minimum	Maximum	Radius Cul-de-sac minimum.
Private road	none	none	none
Neighborhood road	9 m.	20 m.	7 m.
Collector road	9 m.	20 m.	7 m.
Main road	15 m.	none	10 m.

### 3.4.6 Right of way and easement

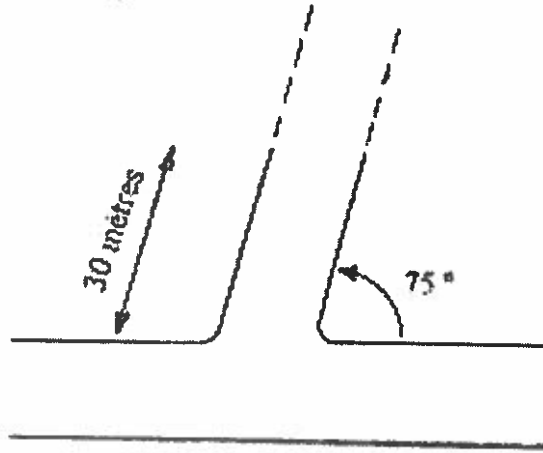
A right of way or easement identified in a notarized agreement indicating its existence prior to February 1, 1984, the date in which the "Premier règlement de contrôle intérimaire de la MRC de Pontiac" came into force, will be recognized and/or accepted same as an existing private road.

## 3.5 TURNS, INTERSECTIONS AND VISIBILITY

The following intersections and turns stipulated herewith are in accordance with the principles provided under *l'Association québécoise du transport et des routes* called "Normes canadiennes de conception géométrique des routes".

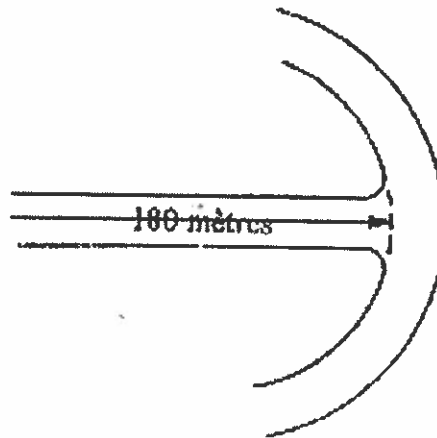
During the concept stage of the subdivision, the following standards must be respected:

1. The angle of the intersection must not be inferior to seventy-five (75) degrees. This alignment must be maintained for a minimal distance of thirty (30) metres. Intersections with right angles are desirable.



**Figure 1: Angle intersection**

2. No intersection can be located on the interior side of the curb when the radius of this curb is inferior to one hundred and eighty (180) metres.



**Figure 2: Interior intersection**

- No intersection can be located on the exterior side of the curb when the radius of this curb is inferior to one hundred and twenty (120) metres;

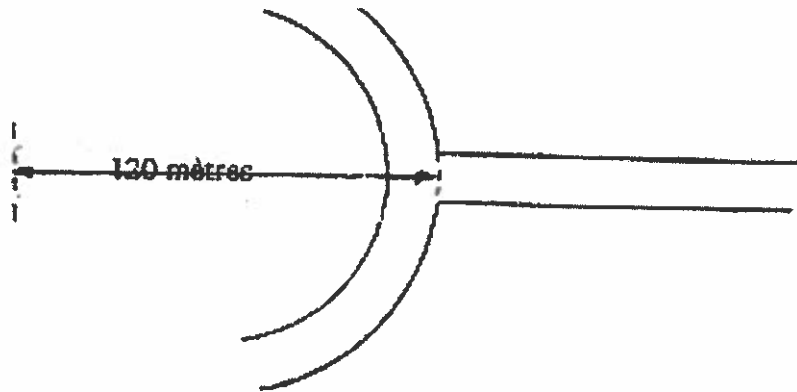


Figure 3: Exterior intersection

- No curb is authorized within the first fifteen (15) metres from a road when it intersects with an existing or planned road. The angle of the intersection, as seen herein, must be ninety (90°).

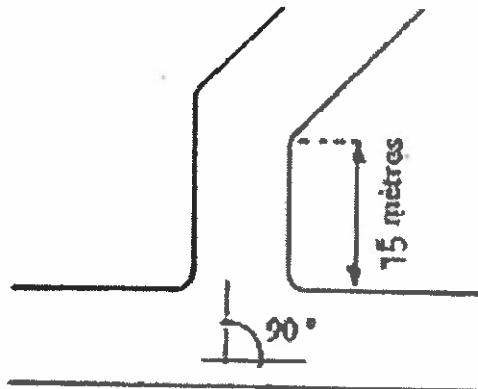


Figure 4: Minimal distance of a curbed to an intersection

5. All intersections on a road with a fifteen (15) metre or more allowance must have a visibility distance of thirty (30) metres minimum on the proposed road.

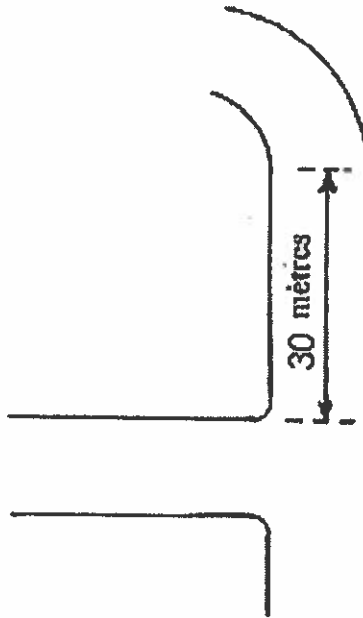


Figure 5: Visibility at intersection on road with an allowance of fifteen (15) metres or more.

6. On a same road, the centre of two (2) intersections must be distanced at a minimum of sixty (60) metres.

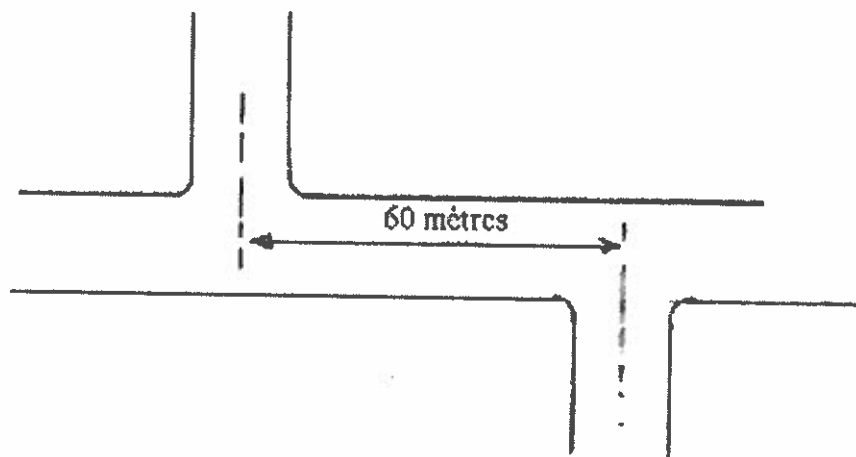


Figure 6: Minimal distance between intersections on the same road

7. On roads having a slope superior to eight percent (8%), no intersection is authorized within that slope. Also, a minimal visibility distance of thirty (30) metres must be envisioned between the top of the slope and all future intersections.

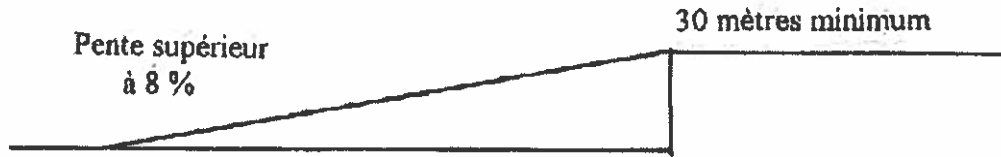


Figure 7: Intersections on roads having a slope superior to 8%

### 3.6 DEAD END

The dead end can be used when it is deemed a practical or economical for the development of a lot when its shape, depth or location does not result in a continuous road. The subdivision standards identified in table Article 3.4.5 must be respected.



## **CHAPTER 4 DISPOSITIONS RELATIVE TO SUBDIVISION PLANS AND SUBDIVISION PERMITS**

### **4.1 PRELIMINARY SUBDIVISION PROPOSAL**

The creation of any additional lots within the Municipality of Otter Lake must follow the subsequent stages:

- Submit a preliminary subdivision proposal with all related documentation needed. This documentation may be prepared by the applicant without incurring any costs.
- Approval of the preliminary subdivision proposal by the designated officer.
- Present a full subdivision plan prepared by a certified land surveyor.
- Obtain a subdivision permit issued by the Municipality.
- Forward the approval of the subdivision permit issued by the Municipality to the Land Surveyor.
- Forwarding of the Municipal approval and the registration application for the lot by the Land Surveyor to the Government of Quebec, for cadastral registration and completion purposes.

#### **4.1.1 Presentation of the preliminary subdivision proposal**

A preliminary subdivision proposal is a plan showing all required elements needed to enable the analysis and approval of the preliminary subdivision proposal by the Municipality. Three (3) copies of the preliminary subdivision proposal using a scale of 1:1000, or any other scale deemed acceptable by the designated municipal official must be provided. They must indicate the following information, if applicable:

- 1) The dimensions and total area of the subdivision as well as the proposed lot lines and its approximate dimensions.
- 2) The layout, slope, road allowance for proposed and existing roads or roads previously accepted to which the proposed roads will be connected.
- 3) The identification and boundaries of lots adjacent to the proposed subdivision as well as providing a general subdivision layout for the adjacent lots that are owned by the same developer or are under his responsibility.
- 4) The topographic lines identified by the contour lines at an interval of five (5) metres or any other interval judged to be acceptable by a designated officer.
- 5) A description of the natural lot characteristics such as watercourses, ditches, marshes, rock formations, wooded areas, etc.
- 6) Watercourse locations.

- 7) Should the applicant determine the existence of landslide zones, he must indicate the location of the boundaries of these landslide zones according to the categories described in the by-law titled: Zoning By-law number 2002-003.
- 8) The proposed and existing public infrastructures and services.
- 9) Servitudes and easements.
- 10) Areas reserved for particular land use such as: residential, commercial, etc.
- 11) The date, plan of scale, name and address of the owner as well as a signature or a written authorization if the request is made by other persons.

All other information that the Municipality may deem to be necessary.

When the designated officer determines that the preliminary subdivision proposal is conforming to all of the provisions of the planning by-laws, he will proceed to its approval and authorize the applicant to apply for a subdivision permit.

#### **4.1.2 Modifications to the preliminary subdivision proposal**

To render a preliminary subdivision proposal in conformity with the Planning By-laws, the designated officer is responsible for the identification of the possible modifications required to the preliminary subdivision proposal and inform the applicant that the subdivision permit request will be delayed until all modifications to the preliminary subdivision proposal have been made.

#### **4.1.3 Approval of the preliminary subdivision proposal**

The designated officer will approve the preliminary subdivision proposal when the conditions and the modifications required are received and deemed conforming by the designated officer.

The objectives of presenting the preliminary subdivision proposal to the designated officer, are meant to initiate a discussion on the possible alternatives regarding the disposition of the proposed lots, and when the designated officer deems it necessary inform members of Council that the applicant will hire a professional to reproduce the preliminary subdivision proposal onto a subdivision plan to be submitted with the subdivision permit application.

## 4.2 PRESENTATION OF A SUBDIVISION PLAN

All subdivision permit requests must include the following documents:

1. Three (3) copies of the Plan prepared by a Land Surveyor (1 copy for the MRC) including the dimensions and the total area of the subdivision as well as the proposed lot lines and their dimensions;
2. Obtain an attestation from the officer designated by a resolution of Council, confirming that every lot identified on the subdivision plan can receive a septic installation and a well in conformity with the minimal standards under the municipal regulations and those of the *Ministère de l'Environnement et de la Faune du Québec*. -or-  
Provide an attestation signed by an expert confirming that each lot identified on the subdivision plan can receive a septic installation and a well in conformity with the minimal standards under the Municipal By-laws and those of the *Ministère de l'Environnement et de la Faune du Québec*, in cases where the situation of the proposed lots presents a complexity exceeding the knowledge of the designated officer.
3. When an owner informs the Municipality that a subdivision is located within a low to medium land slide risk zones (as defined by Zoning By-law number 2002-003) the applicant must provide an attestation from an accredited engineer, member of *l'Ordre des ingénieurs du Québec (OIQ)*, indicating that the soil (land) is capable of receiving the proposed development, taking into account the pedological, hydrological and geological characteristics.
4. The layout, slope, road allowance for proposed and existing roads or roads previously accepted to which the proposed roads will be connected.
5. A description of the natural characteristics of the lots such as watercourses, ditches, marshes, rock formations, wooded areas, etc.
6. In flood zones, plans prepared by a Land Surveyor must indicate the elevation levels.
7. The date, plan of scale, name and address of the owner as well as a signature or a written authorization if the request is made by other persons.

## 4.3 LAND TRANSFERS FOR PARKS, PLAYGROUNDS AND NATURAL AREAS

As a condition for the approval of a cadastral plan, the Provincial Act « *Provincial Planning Act* » allows Quebec municipalities to demand:

That a land owner who wishes to subdivide a lot, that is to say, creating a new lot that can entertain a construction opportunity, the owner is to yield gratuitously to the municipality a plot of land used for the development of parks, playgrounds and natural areas. This at an area equal to 0% - 10% of the total land area of the proposed subdivision plan -OR-

That a land owner is levied a partial cash payment equivalent to 0% - 10% of the value inscribed under the Municipal assessment role for the lot indicated in the subdivision plan request.

In the case of Otter Lake, the Municipal Council has decided to select the 0% option and thus have decided not to demand any land transfer or monetary compensation as a condition for the approval of a new subdivision plan. This is intended as an incentive to the creation of lots within the boundaries of the Municipality.

## **CHAPTER 5 SUBDIVISION PERMIT**

### **5.1 SUBDIVISION PERMIT OBLIGATIONS**

Persons wishing to proceed with a cadastral operation conforming to the Subdivision By-law, including a road or absence of a road, private or public, cannot proceed without obtaining an official subdivision permit as stipulated in the current By-law.

Only those subdivision permits authorized by a designated officer, duly nominated by a Municipal Council resolution can be registered at the Québec Ministry, in accordance with the dispositions of the Civil Code of Québec.

A subdivision or cadastral operation that is inconsistent with the dispositions found in the present By-law can be cancelled as per the procedures found in the Provincial Planning Act.

Under no circumstances can the Municipality consider a lot division or lot subdivision, modification or cancellation unless an official subdivision permit was issued.

The fulfillment of the conditions above-mentioned does not obligate the Municipality to accept the cessation of road(s) proposed in a plan, to declare its opening nor to take care of or assume civil responsibility for construction and maintenance costs to road(s).

All subdivision projects must require a subdivision permit.

### **5.2 SUBDIVISION PERMIT ISSUE CONDITIONS**

The designated officer issues a subdivision permit when:

- The subdivision plan is prepared in accordance with the propositions provided in the Master Plan.
- The request is in conformity with the current By-law and is designed to receive the planned uses for this zoning as per the specification grid found under the Zoning By-law number 2002-003.
- The request includes all plans and documents required by the current By-law. Every element within these documents is in conformity with the Municipal Planning By-laws.
- The request for a permit has been paid.
- The planned roads are in conformity with the current By-law and shown as distinct lots. The planned roads are in conformity with the applicable regulation governing road construction standards, specifically the slope.

- The preliminary subdivision proposal has been approved by the designated officer beforehand.
- All municipal taxes for buildings under the subdivision plan have been settled.
- The cadastral plan is deemed approved by the Ministry – or – the applicant provides the Municipality with a written confirmation from a Land Surveyor that he has been mandated and paid to forward the plan for registration to the Ministry.

### **5.3 SUBDIVISION PERMIT ISSUE TIMEFRAME**

When a request is made in accordance with the current By-law and includes all pertinent information prescribed under this By-law, the designated officer has, of the date of receipt of the request and all supporting documentation, sixty (60) days in which to issue the subdivision permit.

### **5.4 SUBDIVISION PLAN APPROVAL**

When the conditions of Article 4.5 of the current By-law are met, the designated officer approves the subdivision plan and issues the subdivision permit. The permit confirms the approval of the cadastral plan by the Municipality. Copies of this subdivision plan approval signed by the designated municipal officer will be returned to the applicant as well as the Land Surveyor who produced the cadastral plan.

### **5.5 SUBDIVISION PERMIT NULLITY**

A subdivision permit is null and void if it has not been approved by Ministère de la justice, division du cadastre within two (2) years following the date the aforementioned permit was issued by the municipality.

Following the expiry of this two (2) year period, a new permit application must be made and payment resubmitted. The cost for the original permit is not refundable.

## **CHAPTER 6 ABROGATIVE DISPOSITIONS**

The current By-law abrogates all regulatory dispositions of same, specifically By-law N° 90-003 and its amendments.

## **CHAPTER 7 EFFECTIVE DATE**

The present By-law will come into force following the accomplishment of all formalities provided by the Law.

GIVEN AT OTTER LAKE, QUEBEC the XX<sup>th</sup> day of September 2004.

.....  
Terry Richard  
Mayor

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Anita Lafleur,  
Secretary-Treasurer

Adoption date of the Notice of Motion:	May 27, 2003
Adoption date of the Draft By-law:	May 27, 2003
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