



## BY-LAW

NO. 2024 –

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**Being a By-law to Adopt a Plans of Subdivision / Development Policy for  
The Corporation of the Municipality of Kincardine**

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**Whereas** pursuant to the said Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

**Whereas** the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Plans of Subdivision / Development Policy; now therefore be it

**Resolved** that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Plans of Subdivision / Development Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That Policy DEV.02 and all other Policies passed by By-law and Resolution inconsistent with this By-law, be repealed.
4. That By-law may be cited as the "Plans of Subdivision / Development Policy By-law".

**Read a First, Second and Third Time and Finally passed** this 9th day of October, 2024.

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Mayor

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Clerk

## **Schedule 'A'**

**Policy No.:** DEV.02

**Section:** Your Infrastructure and Services

**Policy Title:** Plans of Subdivision / Development

**Adopted Date:** October 9, 2024

**Resolution No.:** 2024 -

**Revision Date:**

### **1. Purpose**

The Plans of Subdivision / Development Policy provides the framework for standard subdivision/development agreements with the Municipality of Kincardine and includes the Municipal Servicing Guidelines as approved by Council.

### **2. Scope**

This policy applies to Council, Staff and developments within the Municipality of Kincardine.

### **3. Responsibility**

Staff responsible for the ensuring this policy is followed includes Director of Infrastructure and Development, Manager of Development Services and Planning Coordinator.

### **4. Procedure/ Policy**

The attached standard subdivision agreement Appendix 'A' shall be used as the basis for all subdivision & development agreements between the Municipality and developers. It is understood that each subdivision & development may have specific provisions in addition to the attached standard. Such provisions shall be negotiated with the developer on an "as required" basis. The Municipality of Kincardine supports the philosophy of developers paying 100% of the costs attributed to their development.

The attached Municipal Development and Servicing Guidelines Appendix 'B' shall be used for all subdivision/development agreements between the Municipality of Kincardine and developers. The guidelines should be adhered to wherever possible. It is acknowledged that on occasion unique and special circumstances occur and minor deviations may be required from the guidelines. The deviations shall only be made through consultation with the Director of Infrastructure and Development and/or the Municipal Engineer. The guidelines will be updated by the Director of Infrastructure and Development as required.

### **5. Related Documents/Legislation**

Appendix "A" – Subdivision/Development Agreement

Appendix "B" – Municipal Development and Servicing Guidelines

Planning Act, R.S.O. 1990, c.P.13 Part VI