

Resolution 7A

AMENDMENTS TO THE *MUNICIPAL GOVERNMENT ACT* - SITE PLAN APPROVAL WITH RESPECT TO ARCHITECTURAL REQUIREMENTS (PASSED)

- ⇒ District of Chester
- ⇒ Town of Antigonish

WHEREAS Municipalities desire to protect and enhance community identity through architectural controls; and

WHEREAS Municipalities should be able to avail themselves of appropriate land use controls to manage the various land uses and design so as to meet and complement the goals of the municipality; and

WHEREAS Site Plan Approval represents an important tool to assist municipalities in achieving land-use planning goals and would serve to streamline and add some flexibility to otherwise complex planning processes; and

WHEREAS the *Municipal Government Act* does not enable the use of the Site Plan Approval for architectural controls resulting in the use of zone standards to control architectural controls, where zone standards offer little flexibility and are narrowly prescriptive; and

WHEREAS the Halifax Charter, in recognition of the need for innovation and flexibility in architectural design, enables Halifax to regulate architectural controls through a Site Plan Approval;

THEREFORE BE IT RESOLVED that the UNSM call upon the Province to amend the *Municipal Government Act* to grant Municipalities the enabling authority to regulate architecture through the use of the site plan approval process.

Background:

Under Section 8 of the *Municipal Government Act*, municipalities are granted tools with which to regulate land use. Regulatory tools include prescriptive requirements, site plan approval and development agreements. Of these tools, site plan approval provides a solid middle ground in terms of complexity, cost, public consultation and timelines of application. Understandably, municipalities wish to achieve municipal objectives in the least burdensome manner. This can only be achieved where they may choose from a robust arsenal of planning tools.

The ability to regulate architecture through the site plan approval tool is available to Halifax through their Charter. The remaining municipalities—which represent over one-half of the province's population—are not currently permitted the use of this regulatory option notwithstanding the importance of design in maintaining and enhancing community identity and vibrancy.

Response from:
Department of Municipal Affairs

RESPONSE:

The Department of Municipal Affairs has initiated a review of the Municipal Government Act. One of the topics of the review is considering the amendment of the Municipal Government Act to grant Municipalities throughout the province the enabling authority to regulate architecture through the use of the site plan approval process.

Through the Municipal Government Act review process, the Department is working closely with municipal planners throughout the province to prepare a policy analysis, obtain input from municipal councils, and provide a recommendation for the amendment.