

James Street West Residents Questions and Answers

Question: The specific Official Plan policies that support permitting five units on a lot previously limited to three.

Answer: The February 10, 2025, Staff Report to the Planning Advisory Committee included the analysis of the Official Plan Considerations. That portion of the report is provided below.

Official Plan Considerations:

When a Zoning By-law amendment is considered the proposed zoning change is evaluated to determine if it circumvents or undermines the Town's Official Plan. It is important to examine the Official Plan and consider the intent and purpose of the document. There can often be times when slight adjustments need to be made through a zoning amendment to the current Zoning By-law to reflect the Official Plan.

The subject property is designated Residential in the Official Plan, as amend. The proposed increase in the number of residential units within the existing structure conforms with the general intent of the Official Plan as it is compatible with the surrounding land uses, is feasible from a functional servicing perspective, and will provide sufficient functional amenity space and off-street parking for future users.

The additional units will be located within the existing structure and will not negatively impact the character of the building, neighbourhood or its streetscape and will provide a mixture of dwelling unit types within walking distance to the commercial core (Downtown Prescott). The proposed five units will consist of two affordable units, one barrier free unit with a dedicated barrier free parking space and two additional rental units. The proposed mixture of unit types will add to the supply of housing that supports affordability and accessibility in the community.

Intensification in existing residential neighbourhoods is supported by the Ministry of Municipal Affairs and Housing through many amendments to the Planning Act through initiatives such as the 'More Homes Built Faster' which is intended to increase the housing supply to address the housing crisis in Ontario. The proposed increase in density on the subject property from 20 du/net ha to 47 du/net ha is in keeping with Section 2.2.2(2) of the Official Plan which permits residential development intensification which is generally not to exceed 50 du/net ha.

The additional dwelling units is also in keeping with the Housing Supply Policies of Section 3.5.2 of the Official Plan.

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The additional units will make use of existing municipal service and will not result in any added costs or extension of municipal services. The proposal may require an upgraded service from the city services to accommodate increase in use of services and discharge as a result of the additional units. This will be addressed through the building permit application process.

The proposal will result in each dwelling unit having its own dedicated off-street parking space. Some tenants may not have vehicles therefore the development is required to provide parking/ storage spaces for bicycle parking. The subject property is within a two-block radius 75 and walking distance to the commercial downtown core, which will increase the use of local commercial shops.

The property has access to James Street West which is a municipally owned and maintained road. The proposed increase in the number of parking spaces and units is not anticipated to have any negative impacts on traffic.

The proposed development is therefore in keeping with the intent of the Official Plan.

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Question: The Official Plan justification for permitting tandem parking and counting municipal street allowance as part of the required parking supply.

Answer: The Zoning Amendment for 235 James Street West decreased the minimum number of parking spaces to 1 per unit. The justification for reducing of the minimum number of parking spaces can be found in Section 2.2.2.2 (2)(e) and Section 5.1.2.5 (5) of the Official Plan as this is both a higher density and a development containing affordable rental housing.

Section 2.2.2.2 subsection 2. paragraph e. of the Official Plan states the following.

Parking: Adequate on-site parking must be provided in accordance with the provisions of the Zoning By-law, with minimal impact on adjacent uses. For higher-density development, the Town may consider permitting reduced standards for on-site parking, or off-site parking, where accommodation of on-site parking is not possible;

Section 5.1.2.5, subsection 5. Of the Official Plan states the following.

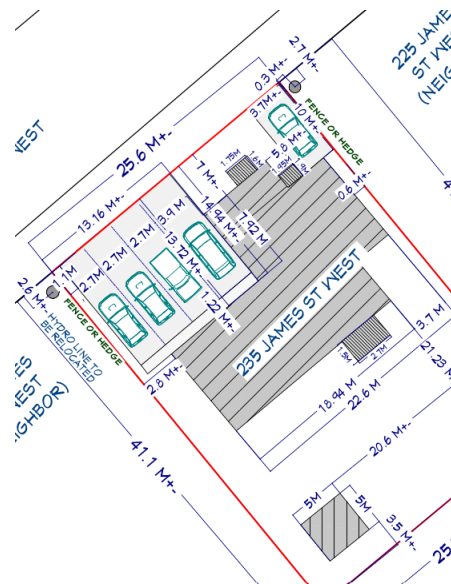
Consider permitting reduced off-street parking requirements for developments containing affordable rental housing.

This results in a minimum number of parking spaces of 5 for a 5-unit building. The minimum number of 5 parking spaces has been satisfied. Neither the use of tandem parking nor the use of the municipal road was used to provide for the minimum number of parking spaces required.

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Question: The specific section of the Zoning By-law or Planning Act that allows public road allowance to be counted as private parking spaces.

Answer: Neither the use of tandem parking nor the use of the municipal road was used to provide for the minimum number of parking spaces required. The Zoning By-law amendment for 235 James Street West allows for a decrease in the minimum number of parking spaces to 1 per unit for a total of 5. As noted in the meeting, the use of the municipal road allowance cannot be used to count as private parking spaces for the purpose of satisfying the minimum parking required. The development satisfied the provision of 5 parking spaces as shown below.

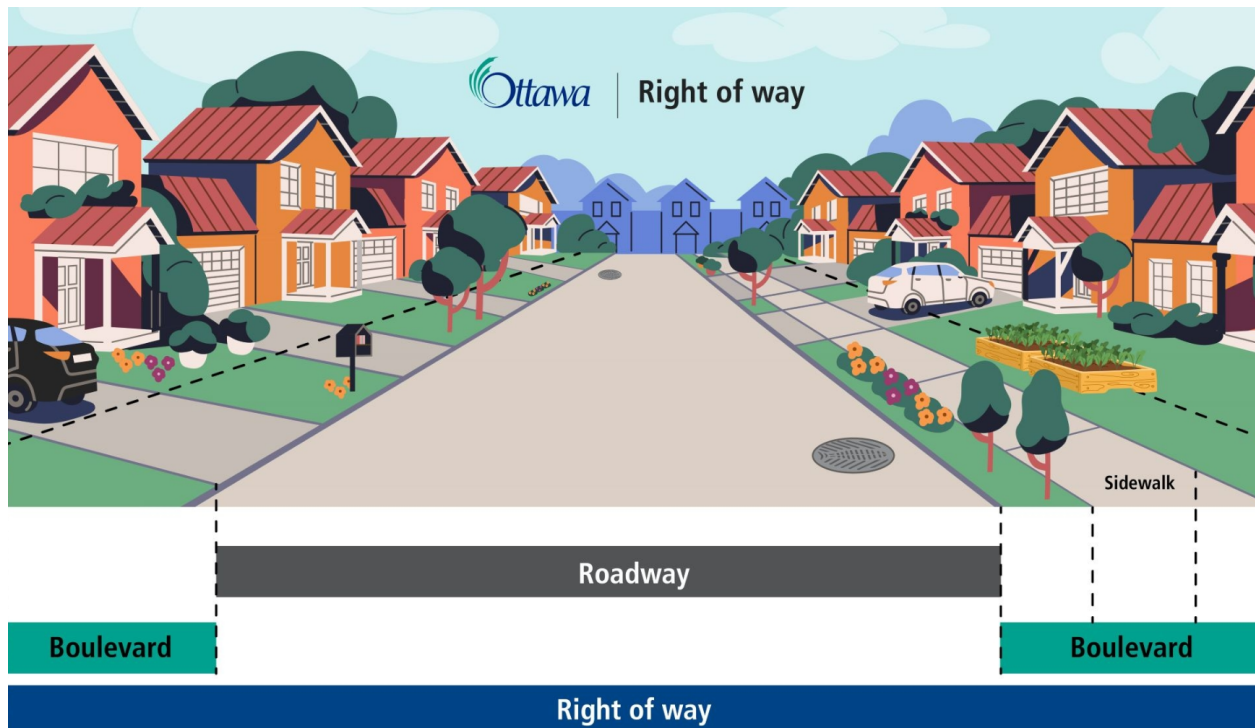


There is functionally space for 9 parking spaces using tandem parking on the west side of the lot when you take into account that two cars can fit between the sidewalk and the building.

A municipal road right-of-way (or road allowance) is a strip of public land, owned by the local municipality. It contains the paved road, ditches, sidewalks, and a portion of residential front lawns. Private property lines do not start at the edge of the asphalt or sidewalk; they usually begin several feet back onto what residents consider "their yard"

The figure below illustrates a road right of way.

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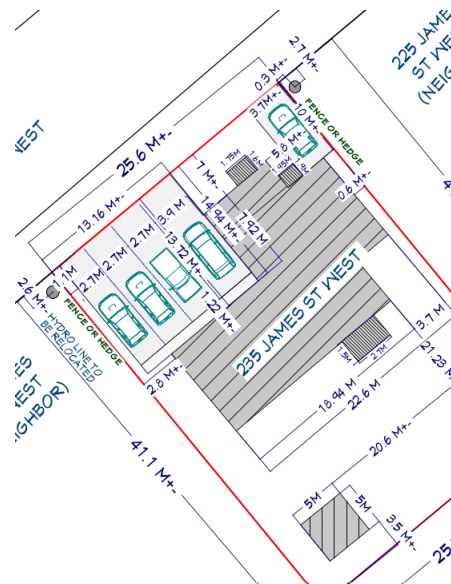


While a road right of way cannot be used to satisfy the minimum number of parking spots for a development, there is nothing precluding a homeowner from using the portion of the laneway in the right of way to park on, provided it does not block the sidewalk. Parking By-law 47-2017 Section 7.2 (a) specifically prohibits parking on a sidewalk at any time.

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Question: The by-law section that permits tandem parking to satisfy minimum parking requirements for multi-unit residential buildings.

Answer: The use of tandem parking nor the use of the municipal road was used to provide for the minimum number of parking spaces required. The Zoning By-law amendment for 235 James Street West allows for a decrease in the minimum number of parking spaces to one per unit for a total of 5. As noted in the meeting, the use of the municipal road allowance cannot be used to count as private parking spaces for the purpose of satisfying the minimum parking required. The development satisfied the provision of 5 parking spaces as shown below.

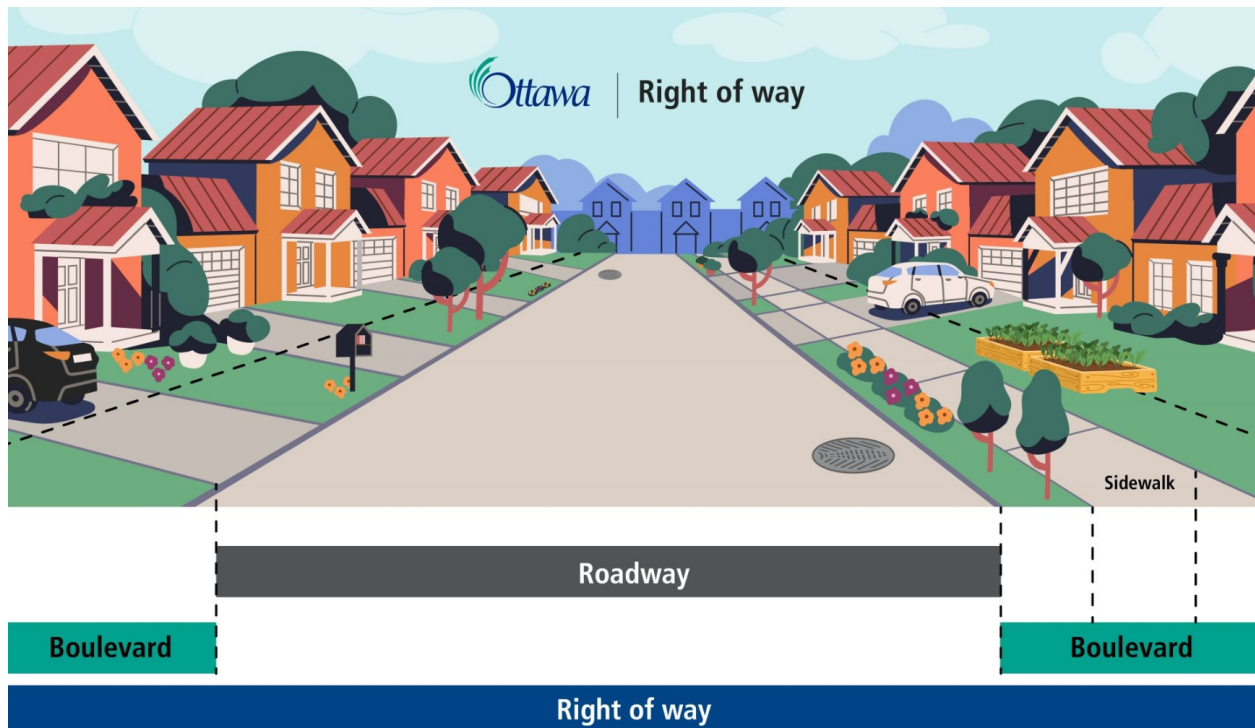


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Question: Confirmation of whether Fire Services reviewed and approved this parking configuration, given repeated hydrant obstruction.

Answer: The Fire Department reviewed the Site Plan for 235 James Street West and did not have any comments regarding the on-site parking.

Parking By-law 47-2017 Section 7.2 (d) states the following in regards to parking and fire hydrants.

Within a distance of three (3) metres from any fire hydrant and for the purpose of e) this section, such distance shall be defined as being measured longitudinally along the curb or edge of the traveled road as the case may be, from the vehicle to a point on a line at right angles to the roadway and passing through the centre of the hydrant; provided that where a vehicle is properly parked in a designated parking area marked on a highway, the three (3) metres distance shall not apply

The Town has been monitoring the area and will issue parking tickets as appropriate.

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Question: Your response does not address the ongoing safety issues that have occurred since occupancy, including:

- multiple police attendances
- hydrant obstruction
- driveway congestion
- tenants blocking each other in
- unsafe parking patterns
- neighbourhood destabilization

These issues were not known at the time of approval and represent material new information.

We request confirmation of:

- whether these issues will be considered as part of the Notice of Motion on September 8
- whether staff will provide updated safety assessments prior to the meeting

Answer: Councillor Campbell brought forward a Notice of Motion to the Council Meeting on August 10, 2026.

Section 27 (j) of the Procedural By-law 39-2020, which governs the proceedings of Council and its Committees, states the following.

Notices of Motion

Notice of all new motions shall be given in writing and read during a regular meeting and shall include the name of the mover and advise that the motion described therein will be added to the next regular meeting agenda as a proposed resolution.

The motion may be an amendment or repeal of a by-law, a change in Council's established policy, a new by-law or resolution or policy or procedure, an action for Council to consider, or the revocation or amendment of a resolution or Council passed at a prior meeting.

A notice of motion shall be not be debated until the next regular meeting.

Councillor Campbell's Notice of Motion was read at the meeting and will be added to the to the next Council meeting, which will be on September 8, 2026.

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Councillor Campbell did not discuss the reasoning behind the Notice of Motion with Staff prior to bringing it forward to Council and no discussion was held at the August 10, 2026 Council meeting to identify what the reference to deficiencies pertains to.

The Notice of Motion put forward reads as follows:

THAT Council hold the developer of 235 James Street responsible for the deficiencies not yet completed as promised at the time of the deciding Council vote.

I am unable to speak on Council's behalf regarding the consideration of the Notice of Motion.

Staff will not be providing updated safety assessments prior to the September 8th Council meeting as the Notice of Motion has been brought forward but no discussion has occurred. The motion speaks to deficiencies not yet completed as promised at the time of the decided Council vote. Those deficiencies have not been identified.

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Question: While your response state that public feedback was “addressed,” residents remain concerned that:

- the planner’s responses did not resolve the substantive issues
- the amendment created conditions that are now unsafe
- the approval did not reflect the public interest

We request:

- a written summary of how each public concern was addressed, including the specific bylaw or policy used to justify each response.

Answer:

A recording of the Planning Advisory Committee Meeting on February 10, 2025, can be found on the Town’s YouTube page at <https://www.youtube.com/watch?v=kekATt3aylg>

A recording of the Special Council Meeting from February 18, 2025, can be found on the Town’s YouTube page at <https://www.youtube.com/watch?v=UnzsU6iyJv4>

The Planner responded to each issue raised at the meetings. Some items raised were outside the scope of what could be addressed in a Zoning By-law amendment. The Planner identified those in the responses at the meeting.

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Question: As stated in our original letter, we request that Council direct staff to provide point-by-point written answers, each supported by:

- the exact by-law
- the exact Official Plan policy
- the exact Planning Act authority
- or the exact variance/exception granted

This has not yet been provided.

Answer: This document serves as a point-by-point response to the questions posed. Council did not direct Staff to provide the point-by-point responses.

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Question: “The Town’s response referenced MPAC only for mailing notices, not for tax assessment. A five-unit residential building should not be taxed at a level comparable to surrounding single-family homes.

Can staff confirm whether MPAC was formally notified of the zoning amendment and the five-unit configuration, and whether MPAC has completed a post-construction assessment?

If not, when will that notification and assessment occur?”

Answer: Each municipality provides MPAC with building permit information upon which MPAC updates their records and the assessment as appropriate. I can confirm that the building permit information was sent to MPAC and an update provided when Final Occupancy was given. I cannot speak on behalf of MPAC of how a five-unit residential building is assessed. We have not received any supplementary notices from MPAC noting a change in the assessment for 235 James Street West.

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Question: Residents have raised concerns about the broader governance context in which the zoning amendment was approved.

Some residents report that they were advised not to pursue an appeal to the Ontario Land Tribunal, despite the Town's statement that no appeals were received. This raises questions about whether residents were fully informed of their rights under the Planning Act.

Answer: Subsequent to the Special Council Meeting of February 18, 2025, a final Notice of Passing of the Zoning By-law was issued on March 10, 2025, which is attached. There are specific individuals and parties defined by the Planning Act that can appeal a Zoning By-law Amendment to the Ontario Land Tribunal. No appeals were received. The Zoning By-law Amendment for 235 James Street West came into effect following the 20-day appeal period.

Section 34(19) of the Planning Act provides a list of the individuals and bodies that may appeal a Zoning By-law amendment and is listed as follows.

Appeal to Tribunal

(19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal:

1. The applicant.

2. A specified person who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.

2.1 A public body that, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.

2.2 The registered owner of any land to which the by-law would apply, if, before the by-law was passed, the owner made oral submissions at a public meeting or written submissions to the council.

3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4); 2019, c. 9, Sched. 12, s. 6 (4); 2021, c. 4, Sched. 6, s. 80 (1); 2024, c. 16, Sched. 12, s. 5 (7).

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In section 34(19)(2) of the Planning Act as noted above, mentions a specified person. Section 1 of the Planning Acts defines a “specified person” as follows.

“specified person” means,

- a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,*
- b) Ontario Power Generation Inc.,*
- c) Hydro One Inc.,*
- d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,*
- e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,*
- f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,*
- g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply,*
- h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)*
- i) NAV Canada,*
- j) the owner or operator of an airport as defined in subsection 3 (1) of the Aeronautics Act (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,*
- k) a licensee or permittee in respect of a site, as those terms are defined in subsection 1 (1) of the Aggregate Resources Act, if any part of the site is within 300 metres of any part of the area to which the relevant planning matter would apply,*
- l) the holder of an environmental compliance approval to engage in an activity mentioned in subsection 9 (1) of the Environmental Protection Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act,*

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- m) a person who has registered an activity on the Environmental Activity and Sector Registry that would, but for being prescribed for the purposes of subsection 20.21 (1) of the Environmental Protection Act, require an environmental compliance approval in accordance with subsection 9 (1) of that Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the person intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act, or*
- n) the owner of any land described in clause (k), (l) or (m);*

The definition of who can appeal a Zoning By-law amendment has changed over the last few years. It was confirmed that only the individuals or bodies in the prescribed list in the Planning Act can appeal a Zoning By-law amendment.

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Question: Additionally, the structure of municipal committees — where Council members hold a majority of voting positions — may limit the influence of resident representatives and reduce the diversity of perspectives in recommendations brought forward to Council. Residents have also noted consistent voting patterns among certain councillors that appear to favour intensification projects, including support for limiting the authority of the Ontario Land Tribunal. These factors contribute to concerns that public input may not have been given meaningful weight in the decision-making process for 235 James Street West.

Answer: Section 8 (1) of the Planning Act states the following as it pertains to the establishment of the Planning Advisory Committee.

The council of every upper-tier municipality with planning responsibilities and the council of every single-tier municipality that is not in a territorial district, except the council of the Township of Pelee, shall appoint a planning advisory committee in accordance with this section. 2015, c. 26, s. 16; 2022, c. 21, Sched. 9, s. 2 (1).

The Town of Prescott is a single-tier municipality and as such is required to have a Planning Advisory Committee.

Section 8 (4) of the Planning Act speaks to the membership of a Planning Advisory Committee.

The members of a planning advisory committee shall be chosen by the council and shall include at least one resident of the municipality who is neither a member of a municipal council nor an employee of the municipality. 2015, c. 26, s. 16.

The Planning Advisory Committee for the Town of Prescott has three members of Council and two members of the public, which were chosen by Council. This meets the requirements of the Planning Act.

I cannot speak on behalf of members of Council as to how they vote on issues nor what factors they take into consideration in their individual decision-making processes.

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Question: A detailed explanation of how resident concerns were evaluated and incorporated into the decision-making process.

Answer: I cannot speak on behalf of members of Council as to how they vote on issues nor what factors they take into consideration in their individual decision-making processes.

Question: A justification for the parking calculations that reflects practical use, not just numerical compliance.

Answer: This has been addressed in other questions above.

Question: An assessment of neighbourhood impact, including density, traffic, safety, and precedent.

Answer: The Staff report for the Zoning By-law amendment for 235 James Street has been previously shared and speaks to the analysis that was followed when evaluating the Zoning By-law amendment for 235 James Street West.

Question: A plan to improve communication and rebuild trust with residents.

Answer: I am unable to speak on behalf of Council. Staff will follow the direction given by Council.