

Below and attached is the information that outlines the process followed and the legislative authorities granting the actions taken in relation to development at 235 James Street West.

The Planning Act, R.S.O. 1990, c. P.13 governs municipal land use policies. Part III of the Planning Act deals with Official Plans while Part V deals with Land Use Controls and Related Administration. Section 34 specifically pertains to Zoning by-laws which are permitted to be amended.

An application for 235 James Street West was received to amend the Zoning By-law.

The application was presented and discussed at the Planning Advisory Committee Meeting on February 10, 2025. The agenda for that meeting is attached which includes the full report from the Municipal Land Use Planner. The report includes the purpose of the application, a description of the project, site characteristics, a review of the Provincial Planning Statement, Official Plan Considerations, Zoning By-Law considerations, Technical Comments, and the Notification Process. The report also included the Draft Zoning Amendment By-Law, Site Plan Drawing, Floor Plan Drawings, Renderings, and Planning Brief. Agendas and minutes for the Planning Advisory Committee is available on the Town website <https://www.prescott.ca/town-hall/agendas-minutes/>

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>

The Zoning By-Law Amendment that was proposed for 235 James Street West which contained 2 separate dwellings was to create a Site Specific R1 Zone for 235 James Street West. The amendment stipulated a maximum of 5 dwelling units, a minimum of 5 parking spaces, a minimum of 4 bicycle parking spaces, and to provide additional screen from the parking area in the front yard from the abutting properties subject to the provisions of the Fence By-Law.

This meeting included the opportunity for the public to provide feedback on the proposed Zoning By-Law Amendment. Several members of the public provided feedback on the proposed Zoning By-Law amendment for 235 James Street West. Each point raised was addressed by the Municipal Land Use Planner. Further public comments were received in the course of this meeting for consideration by the Planning Advisory Committee.

Members of the Planning Advisory Committee asked questions, sought clarifications, and discussed feedback provided by the public in attendance as they contemplated the application before them.

It was clarified during the Planning Advisory Meeting that while there is a requirement of a minimum 5 parking spaces, the parking area on the west side of the property allows for tandem parking resulting in a total of 9 parking spaces when taking into account a portion of the municipal street allowance which extends into the front yard beyond the sidewalk. Property owners are permitted to park on the municipal street allowance in their laneway but are prohibited from parking on the sidewalk.

The motion to recommend the Zoning By-Law Amendment for 235 James Street West to Council was approved by the Planning Committee on February 10, 2025.

A Special Council meeting was held on February 18, 2025, where the application to amend the zoning by-law for 235 James Street West was presented and discussed for 235 James Street. The agenda for this meeting is attached and includes the full report from the Municipal Land Use Planner that was presented at the Planning Advisory Committee Meeting on February 10, 2025. Agendas and minutes for Council meetings are available on the Town website <https://www.prescott.ca/town-hall/agendas-minutes/>

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>

Council reviewed, discussed, and contemplated the application to amend the Zoning By-Law for 235 James Street West. Council posed questions to the developer to seek further clarifications. The developer clarified that for the parking area on the west side of the property allows for tandem parking resulting in a total of 9 parking spaces when taking into account a portion of the municipal street allowance which extends into the front yard beyond the sidewalk.

Council approved the Zoning By-Law Amendment on February 18, 2025. A copy of the Zoning By-Law Amendment for 235 James Street West is attached.

The Zoning By-Law Amendment for 235 James Street West created a Special Exception Zone entitled "R1-19; 235 James Street West" allows for the following.

- Minimum Yard Requirement
 - o Interior Side Yard
 - One Side - 2.4 m
 - Other Side - 0.6 m
- Maximum Number of Dwelling Units - 5
- Minimum Number of Parking Spaces per unit – 1 space per unit

- Maximum Parking Area in a Front Yard – 72%
- Screening from the parking area in the front yard along the lot line abutting the properties to the east and west, shall be provided and maintained in the form of a privacy fence, subject to the fence by-law requirements. No portion of the privacy fence shall be located within the road allowance
- Minimum Number of Required Bicycle Parking Spaces – 4 spaces

All other applicable provisions of By-Law 09-2009 (the Zoning By-Law) shall continue to apply.

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.

The process to amend the municipal zoning by-law as dictated in the Planning Act was followed as outlined below.

- An application to amend the Zoning By-Law for 235 James Street West was received by the municipality
- The applicant provided information provided by professionals
- Pursuant to the requirements of the Planning Act, notice of the statutory public meeting was provided 20 days in advance of the public meeting to all landowners as per the latest MPAC assessment prior to the date of mailing, within a 120-metre radius of the subject property. Additional notice in the form of a sign was posted on the subject property and notice was also placed on the Town's website.
- The Planning Advisory Committee met on February 10, 2025, to review and discuss the application to amend the Zoning By-Law for 235 James Street West. This meeting included the opportunity for the public to provide feedback on the proposed Zoning By-Law Amendment.
- A Special Council meeting was held on February 18, 2025, where the application to amend the Zoning By-Law for 235 James Street West was presented and discussed.
- Council approved a Zoning By-Law Amendment for 235 James Street West on February 18, 2025

- A final notice of passing final Notice of Passing of the Zoning By-Law was issued on March 10, 2025 which allows for a 20-day appeal period to the Ontario Land Tribunal by specific individuals and bodies as defined by the Planning Act.
- No appeal was received.
- The Zoning By-Law Amendment for 235 James Street West took effect at the end of the appeal period.

The following answers are provided to the questions posed in the email below.

Q: Why bylaws were broken?

A: Council passed an Amendment to the Zoning By-Law for 235 James Street West as allowed for by the Planning Act. As such no by-laws were broken.

Q: Why residents concerns were dismissed?

A: Notifications as required by the Planning Act were made and a public meeting was held where the members of the public provided feedback on the proposed Amendment to the Zoning By-Law for 235 James Street West. The meeting of the Planning Advisory Committee on February 10, 2025 was the public meeting during which several members of the public provided feedback on the proposed Zoning By-Law amendment for 235 James Street West. Each point raised was addressed by the Municipal Land Use Planner. Further public comments were received in the course of this meeting for consideration by the Planning Advisory Committee. Members of the Planning Advisory Committee asked questions, sought clarifications, and discussed feedback provided by the public in attendance as they contemplated the application before them.

At the Special Council meeting on February 18, 2025 the public feedback received at the Planning Advisory Committee of February 10, 2025 was referenced by the Municipal Land Use Planner when presenting the report to Council. Council reviewed, discussed, and contemplated the application to amend the Zoning By-Law for 235 James Street West. Council posed questions to the developer to seek further clarifications taking into account the public feedback provided.

Q: If we are able to be heard at the next council meeting?

A: A notice of motion pertaining to 235 James Street West will be on the next meeting agenda on September 8, 2026 at 6:00 pm for discussion. If you wish to be heard by Council on this issue you can submit a request for delegation. The electronic form can be found at <https://forms.prescott.ca/Council-Forms/Delegation-Request> or by sending me an email as the Interim Clerk.

- Delegations must register with the Clerk by 12:00 p.m. on the Wednesday preceding the Council meeting. He/she shall provide to the Clerk the completed prescribed form in writing by hand-delivering a written request, by facsimile or by electronic mail his/her name, reason for the delegation and, if he/she is representing any organization, the name of the agency or other such body.
- Each delegation is allowed one spokesperson and shall be limited to one appearance at either Council or Committee of the Whole. Each delegation will be allowed a maximum of 10 minutes to address Council. At council's discretion, this time may be reduced or extended. The delegation may speak to a specific item only once unless additional information is being presented. If additional persons request to speak, they do so only with the permission of the presiding officer.
- The inclusion of a delegation on the Council agenda shall be determined on a first-come basis and be limited to two delegations per meeting. The Clerk shall give regard to the length of the agenda when reducing or eliminating the delegations at that meeting.
- Please note that all correspondence submitted will form part of the public record and will be published when this matter is before Council or a Committee of Council.

Q: Why the builder has not been available to respond to questions and concerns and if he will be present at the next meeting?

A: The builder was present at the Special Council Meeting on February 18, 2025, and answered questions from Council. I cannot speak on behalf of the builder on their attendance at the September 8, 2026 meeting.

Specific questions should be directed to Staff to answer.