

DECISION

With respect to the Town of Prescott Official Plan

Subsection 17(34) of the *Planning Act*

I hereby approve the repeal of the Town of Prescott Official Plan adopted by by-law 12-2006, and all subsequent amendments thereto.

Furthermore, I hereby approve, as modified, the Town of Prescott Official Plan, as adopted by the Town of Prescott by By-law No. 37-2022, subject to the following modifications, with additions in **bold underline** and deletions in **~~bold strikethrough~~**:

1. Policy 2.5.2.2.1 is modified so that it reads:

A maximum of two (2) additional residential units shall be permitted on a lot containing a single-detached, semi-detached or townhouse dwelling, for a maximum of three (3) residential units on a lot, in accordance with the following:

- a. ~~One (1)~~ **Two (2)** additional residential units ~~is~~ **are** permitted within the primary dwelling unit (e.g., a basement apartment) **if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units;**
- b. One (1) additional residential unit is permitted within a detached structure (e.g., a detached garage) that is ancillary to the primary dwelling unit **if no more than 1 (one) additional unit is located within the detached house, semi-detached house or rowhouse;**
- c. The primary dwelling unit must be located in a designation that permits the residential use **as a primary use;** and
- d. ~~There must be adequate water and sewer capacity to accommodate the additional residential unit(s). The lot must have access to municipal water and sewer services.~~

2. Policy 2.5.2.7.2 is modified so that it reads:

Require site plan approval for all group home development in the Town, **unless exempted under the Planning Act.**

3. Policy 2.9.2.10 is modified so that it reads:

Require site plan approval for all new waterfront development in the Town, **unless exempted under the Planning Act.**

4. Policy 3.8.2.7 is modified so that it reads:

Require site plan approval for all new development in the Highway 401 Corridor designation, unless exempted under the Planning Act.

5. Policy 4.1.2.11.1 is modified so that it reads:

Ensure that the preparation of an Environmental Impact Study (EIS), where required by the policies of this Plan or where the development approval process identifies the need for one, be completed by a qualified professional at the expense of the applicant. The nature and scale of the proposed development, its physical location relative to the natural heritage features and areas and the contextual environment (i.e., built versus natural) in which it is to occur are important considerations in the context of establishing the appropriate level of study to be undertaken. Accordingly, any required Environmental Impact Study shall generally be scoped, in consultation with relevant agencies the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDNRF) and/or South Nation Conservation Authority (SNC) in accordance with its regulatory roles, to suit the particular circumstances prior to being undertaken.

6. The first sentence of Policy 4.1.2.11.2 is modified so that it reads:

Require a full Environmental Impact Study, in consultation with relevant agencies the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDNRF) and/or South Nation Conservation Authority (SNC) in accordance with its regulatory roles, where dictated by the type and size of the proposed development and the potential significance of the natural heritage features and areas that may be impacted. Such a study shall also be completed by a qualified professional at the expense of the applicant and include:

7. Policy 4.2.2.1.3 is modified so that it reads:

The Town shall maintain a municipal register of properties, districts, and landscapes, and other resources of cultural heritage interest or value, including any properties designated under Parts IV and V of the Ontario Heritage Act. Non-designated properties that Council believes to be of cultural heritage value or interest may also be included on the municipal heritage register, in accordance with relevant provisions of the Ontario Heritage Act.

8. Policy 4.2.2.1.4 is modified so that it reads:

Where development or site alteration is proposed that may impact a significant built heritage resource or significant cultural heritage landscape ~~significant cultural heritage resource~~, or on a property adjacent to or fronting a protected heritage property, the Town shall require technical cultural heritage studies (e.g., conservation plan, heritage impact assessment and/or archaeological assessment) ~~an application to undertake a Heritage Impact Assessment~~ as part of the development review process. The Heritage Impact Assessment Technical cultural heritage studies shall be conducted by a qualified professional with expertise in the conservation of cultural heritage resources to:

- a. Identify the positive and adverse impacts on the cultural heritage resource that may be expected to occur as a result of the proposed development; and
- b. Describe alternative development approaches, mitigation measures, and

conservation methods that may be required **to ensure the resource is appropriately conserved.** ~~prevent, minimize or mitigate the adverse impacts.~~

9. The fourth paragraph of policy 4.2.2.2 is modified so that it reads:

Areas of archaeological potential are determined through the use of provincial screening criteria, or **an Archaeological Management Plan** ~~potential mapping~~. Provincial screening criteria include the consideration of factors such as proximity to known archaeological sites, burial sites or cemeteries, present or past water sources, well-drained sandy soil, elevated topography, distinctive landforms, resource extraction areas and historic transportation routes or other places of past human settlement.

10. Policy 4.2.2.5 is modified so that it reads:

The Town may require a Marine Archaeological Assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act, **if development is proposed within an area of marine archaeological potential** ~~or~~ if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value may be impacted by shoreline and waterfront developments. The assessment must be consistent with the guidelines set out by the MHSTCI, as well as licensing requirements developed under the Ontario Heritage Act.

11. Policy 6.5.2.2 is deleted in its entirety and subsequent sections renumbered accordingly.

6.5.2.2 Density Incentives

~~1. Consider the use of density incentive provisions in the updated Zoning By-law to permit increases in height and density of development beyond those permitted by the Zoning By-law in exchange for facilities, services, or matters of public benefit. The Town may encourage the use of such provisions with regard to the following matters:~~

- ~~a. Provision of a wide range of housing types including special needs, assisted, or other low-income housing;~~
- ~~b. Provision of parkland dedication beyond the requirements of the Plan;~~
- ~~c. Protection of natural features, such as wetlands, beyond the parkland dedication requirements of the Plan;~~
- ~~d. Provision of public areas and walkways and connections to external public walkways/trail systems;~~
- ~~e. Provision of public parking;~~
- ~~f. Provision of community and open space facilities such as small parks, waterfront improvements, day care centres, schools, community centres and recreational facilities, and other municipal facilities;~~
- ~~g. Conservation of cultural heritage resources;~~
- ~~h. Rehabilitation and redevelopment of any potentially contaminated site;~~
- ~~i. Protection or enhancement of significant views; and~~
- ~~j. Provision of affordable housing beyond any Provincial requirement.~~

~~2. Ensure that any density incentive provisions in the updated Zoning By-law establish a nexus; i.e., that the facilities, services, or matters of public benefit provided are commensurate with the increased height and density permitted.~~

~~3. Permit density incentives only in cases where the increased height and density complies with all other applicable Zoning By-law regulations, conforms with the~~

~~intent of the Official Plan, and is compatible with adjacent existing or proposed development.~~

~~4. Ensure that the facilities, services, or matters of public benefit provided in exchange for increased height and density are directly linked or associated with the development proposed and are located onsite.~~

~~5. Prohibit the transfer of bonus height and density from one site to another or from one project to another.~~

~~6. Require an agreement between the Town and the landowner as a condition of the application to be registered on title. Such an agreement would address, among other items, the facilities and services of public benefit to be provided, the timing of their provision, the operation and maintenance of such facilities and services, and the increased height and density permitted in exchange for the public benefit provided.~~

12. Policy 6.5.2.9.1 is modified so that it reads:

Pursuant to Section 41 of the Planning Act, the entire Town of Prescott is designated as a site plan control area and site plan approval shall be required for all new non-residential development and residential development of ~~three (3)~~ eleven (11) or more units in accordance with the Planning Act. Site plan approval shall also be required for residential development of ten (10) units or less if the subject lands are included in a "prescribed area", as defined and in accordance with the Planning Act and its Regulations.

13. Policy 6.5.2.9.2 is modified so that it reads:

Exempt the following types of development from the site plan control requirements, ~~unless approval conditions as part of the creation of a new lot by plan of subdivision or consent to land severance require that they be subject to site plan approval:~~

a. Residential development on a lot, up to ten (10) units, unless the subject lands are included in a "prescribed area", as defined and in accordance with the Planning Act and its Regulations. ~~A single detached dwelling;~~

~~b. A semi-detached dwelling;~~

~~c. A duplex dwelling; and~~

~~d. Additional residential units, accessory buildings, minor renovations, and extensions to the above uses.~~

Dated at Toronto this 8 day of February, 2024



Hannah Evans, Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing