

PLANNING JUSTIFICATION REPORT SCOPED

ZONING BY-LAW AMENDMENT FOR PROPOSED INSTITUTIONAL USE

**0 Victoria Street South and 0 Victoria Street South,
Amherstburg, Ontario**

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Prepared by:



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1.0 INTRODUCTION

I have been retained by Ska:na Family Learning Centre. on behalf of 2713271 Ontario Inc. (herein the "Applicant"), to provide a scoped land use Planning Justification Report (PJR) in support of a proposed development for property located at 0 Victoria Street South and 0 Victoria Street South (herein the "Site") in the Town of Amherstburg, County of Essex, Province of Ontario.

The Applicant is proposing to develop the Site for institutional use (day care/day nursery).

A total of 14 parking spaces are proposed on-site with access from Victoria Street South.

There was a previous zoning amendment (ZBA 06 25) which rezoned the Site.

An application for a site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed development. Pre-consultation was completed.

The purpose of this scoped PJR is to review the relevant land use documents, including the Provincial Planning Statement (PPS) 2024, the County of Essex Official Plan (COP), the Town of Amherstburg Official Plan (OP) and the Town of Amherstburg Zoning By-law (ZBL) as they pertain to the OPA and ZBA applications.

This scoped PJR will show that the proposed development is consistent with the PPS, conforms with the intent and purpose of the COP, OP and ZBL, and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

The Site has been owned by 2713271 Ontario Inc., since 2024. The Site will be sold to Ska:na Family Learning Centre.

The Site is currently made up of 2 parcels of land and is currently vacant. The Applicant intends to merge the 2 parcels of land into 1.

The Site is an interior parcel of land on the east side of Victoria Street South, between Hamilton Drive and Richmond Street (see the area in **red** in the Key Map on Figure 1).

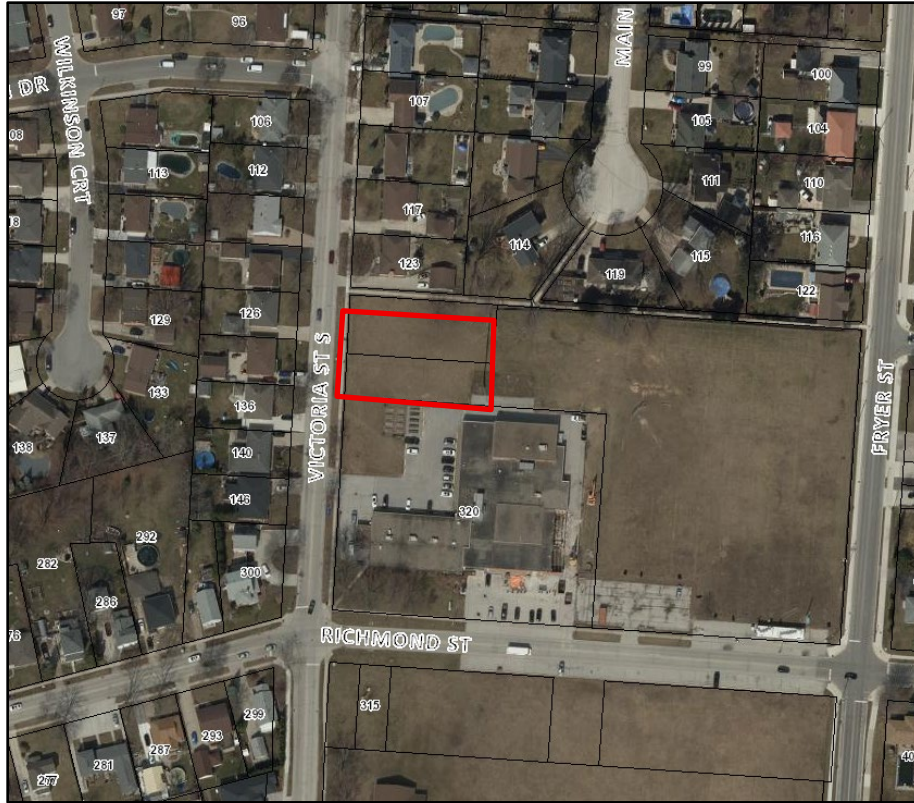


Figure 1 – Key Map (Source: Town GIS)

The Site is legally described and locally known as follows:

Address	ARN	Legal	PIN
0 Victoria Street S	37292100000010800000	PART BLOCK A PLAN 1066 AMHERSTBURG (PLAN AMENDED BY ORDERS R177578, R374289 AND R383388), PART 2 12R29344; TOWN OF AMHERSTBURG	70559-0644 (LT)
0 Victoria Street S	37292100000010700000	PART BLOCK A PLAN 1066 AMHERSTBURG (PLAN AMENDED BY ORDERS R177578, R374289 AND R383388), PART 1 12R29344; TOWN OF AMHERSTBURG	70559-0643 (LT)

The Site consists of a total area of 1,930.52 m².

The Site is a rectangular-shaped lot with a total frontage of 33.49 m and an irregular depth of 57.87 m and 57.44 m.

The Site is flat and is outside the limit of the regulated area of the Essex Region Conservation Authority (ERCA).

The property has access to municipal water, storm and sanitary services.

Overall, the Site is located in an existing built up area. The surrounding land uses directly abutting the Site are: to the north, an alley; to the south, institutional; to the west, residential; and to the east, institutional.

3.0 PROPOSAL

The Applicant is proposing to further develop the Site for institutional use (day care/day nursery).

A concept plan has been prepared (see Figure 2 – Concept Plan).

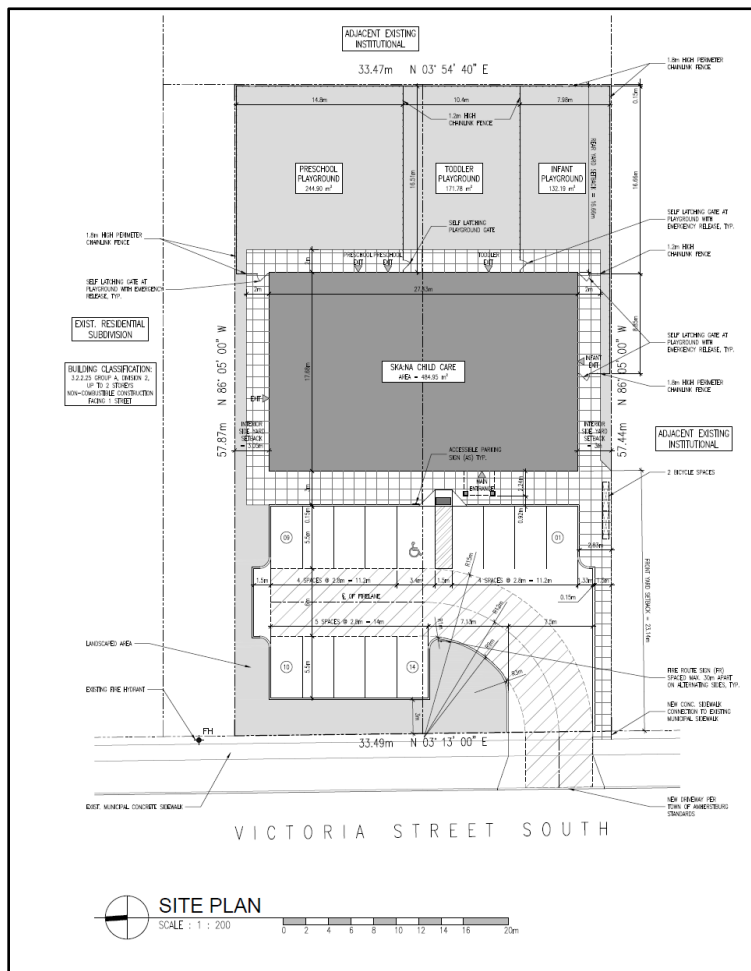


Figure 2 – Concept Plan

The total proposed building area (footprint) will be 484.95 m². The building will be 5.00 m in height.

A total of 14 parking spaces are proposed on-site with access from Victoria Street South. Parking includes 1 barrier-free space.

A playground is proposed at the rear of the Site.

The Site will include a 1.8 m high chain-link fence.

The proposed development will be serviced by full municipal infrastructure, including water, storm and sanitary sewer.

4.0 PROPOSED APPLICATIONS AND STUDIES

Pre-consultation was completed by the Applicant.

An application for a site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed institutional use (day care/day nursery).

The Site is currently zoned "Residential Third Density (R3-4)" on Map 38 of the Town of Amherstburg Zoning By-Law.

There was a previous zoning amendment (ZBA 06 25) which rezoned the Site.

It is proposed to change the current zoning to a site specific "Institutional (I-XX)" Zone.

All I Zone provisions shall comply with the exemption of certain requirements (side yard setback).

Further analysis and additional information are provided in Section 5.1.4 of this scoped PJR.

Prior to any building construction or site alterations, the proposed development will be subject to Site Plan Control (SPC).

No supporting studies are required as part of the ZBA.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Planning Statement

The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The following provides a summary of the key policy considerations of the PPS as they relate to the proposed development.

PPS Policy #	Policy	Response
Chapter 2.1.6 – Building Homes, Sustaining Strong and Competitive Communities	Planning authorities should support the achievement of complete communities by: a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities , longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;	The proposed rezoning directly implements this policy direction. The PPS explicitly identifies child care facilities as a form of public service facility and institutional use that contributes to the creation of complete communities.
2.3.1.1 – Settlement Area	Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	The Site is located in an existing settlement area of the Town of Amherstburg.
2.8.1 - Employment	1. Planning authorities shall promote economic development and	Institutional use is proposed.

PPS Policy #	Policy	Response
	competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;	
Chapter 3.1.1 – Infrastructure and Facilities	Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.	The proposed development has access to infrastructure and nearby public service facilities.
3.3.3 - Transportation	Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.	The proposed development will not have a negative impact on nearby transportation and infrastructure corridors.
3.5.1 – Land Use Compatibility	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	<p>There are no anticipated concerns with land use compatibility as it pertains to the abutting land uses.</p> <p>Fencing is proposed.</p> <p>Buffering can be addressed as part of SPC approval.</p>
3.6.2 – Sewage, Water and Stormwater	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of servicing for settlement areas.

PPS Policy #	Policy	Response
	decentralized servicing systems.	
Chapter 5.1.1 – Protecting Public Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site. There is no risk to the public. The Site is outside the ERCA regulated area.

Therefore, the proposed development is consistent with the PPS.

5.1.2 County Official Plan

The County of Essex Official Plan (COP) was adopted by County Council on November 6, 2024, and has received approval by the Ministry of Municipal Affairs and Housing (MMAH).

The Site is designated "Primary Settlement Area" according to Schedule "A2 – Settlement Structure Plan" attached to the COP.

The following provides a summary of the key policy considerations of the COP as they relate to the proposed development.

COP Policy #	Policy	Response
2.0 – Success County	Principle 1: Economic Resilience Growing Essex County includes planning for economic growth and job creation. The County of Essex has a diverse economy that includes traditional employment such as manufacturing, commercial and institutional growth, and growth in the agricultural economy.	The proposed development will support the County's vision for providing institutional use.
4.A.1.4 – Growth Management	Growth shall be accommodated within Settlement Areas, as shown in Schedule A-2.	The Site is located in an existing settlement area of the Town of Amherstburg.
4.A.2.1 – Primary Settlement Areas	Primary Settlement Areas are the largest communities and are the traditional centres of	The Site is identified as being within a "Primary Settlement

COP Policy #	Policy	Response
	settlement and commerce in the County. It is a priority for the County to focus growth and investment in Primary Settlement Areas. The locations and boundaries of Primary Settlement Areas within the County have been identified on Schedule "A-2". Primary Settlement Areas are Strategic Growth Areas.	Area" in the COP, where there is a focus on growth.
4.A.2.2	Primary Settlement Areas are characterized by the following: e) Institutional uses such as schools, hospital/health care, day care and government services are located in Primary Settlement Areas;	A day care is proposed.
4.A.2.5	All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local municipal Official Plan that are in effect at the time of approval of this Plan.	The Site has access to full municipal services, which is the preferred servicing option.
4.A.2.9	All types of land use are permitted within the "Primary Settlement Areas" designation subject to the specific land use policies of the local municipal Official Plans.	Institutional opportunities are proposed uses for the Site, which is supported by this policy.
9.0 - Infrastructure	The County promotes efficient and environmentally responsible development and encourages new development and redevelopment to proceed on the basis of full municipal sewage services and municipal water services, as per the Provincial Planning Statement.	The Site has access to infrastructure.

COP Policy #	Policy	Response
10.0 – Ener, Air Quality and Climate C	Energy efficiency and energy conservation are important elements of sustainable communities. Reduced energy demand allows for a more sustainable approach to the management of energy use and improved housing affordability.	Energy efficiency and energy conservation will be addressed at the time of SPC approval and the required building permit.
11.0 - Transtation	The County supports the integration of land-use planning and transportation planning, recognizing that communities that move people and goods primarily by truck and automobiles lead to a sprawling and auto-centric urban form, whereas a human-centric and multi-modal approach creates vibrant, compact, and pedestrian-oriented communities.	The Site is located near major transportation networks. The Site is also pedestrian friendly.

Therefore, the proposed development conforms to the purpose and intent of the COP.

5.1.3 Town Official Plan

The Town of Amherstburg Official Plan (OP) was adopted by Council on April 14, 2009.

The Site is currently designated "Low Density Residential" according to Schedule "B2 – Land Use" attached to the OP for the Town of Amherstburg.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
1.7.4 – Growth and Development	The areas selected for new growth have been those areas that are currently or can be serviced with municipal sanitary sewer service and water supplies. For the most part areas selected for new development are extensions	The proposed development will support the need for growth with full municipal services. There will be no urban sprawl as the proposed development is within the existing

OP Policy #	Policy	Response
	of established areas in order to efficiently provide (hard and soft) services to the residents of the community.	settlement area and is an ideal development opportunity.
1.7.8 - Servicing	It is a goal of the Town that the provision and extension of municipal services shall occur in an orderly sequence.	There will be no negative impacts on the municipal system as the proposed development will not add to the capacity in a significant way.
2.2 – Location of Development	In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services that are not economically feasible to provide, improve, or maintain. Instead, development will be permitted only in locations where demands on public services will be minimized, or where it can most effectively utilize existing services, or where new services can be economically provided and maintained either by the Town or by the developer.	<p>Institutional uses on the Site represent an efficient development pattern that optimizes the use of land in an existing built up area while respecting the existing land uses surrounding the Site.</p> <p>The Site is located within an existing built up area of the Town where there are existing municipal services and community amenities.</p>
2.3 – Site Suitability	Prior to the approval of any development or amendment to this Plan or the Zoning By-Law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that: soil and drainage conditions are suitable to permit the proper siting of buildings; the services and utilities, whether they be municipal or private, can adequately accommodate the proposed development; the road system is adequate	<p>The proposed development will not put any additional stress on municipal infrastructure or the current Site.</p> <p>The Site is large enough to accommodate the proposed day care building.</p> <p>The Site is flat, which is conducive to easy vehicular movement.</p>

OP Policy #	Policy	Response
	to accommodate projected increases in traffic; the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction; lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing By-Law; and, adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural environmental features and functions.	There are no environmental concerns. No support studies were required as part of the ZBA.
2.6 – Water and Sewage	Urban development or redevelopment in the Town of Amherstburg shall be directed to established Settlement Areas and developed on the basis of public piped water and sanitary sewer systems.	The Site is located in the settlement area and has access to full municipal services.
2.7 – Stormwater Management	Stormwater management shall be required to ensure that runoff is controlled such that development does not increase peak flows to any greater extent than pre-development runoff in watercourses that impact on downstream flooding, to institute runoff control to prevent accelerated enrichment of watercourses from pollutants, and to enhance water quality and aquatic habitat. Prior to any development being allowed to proceed, and	The proposed development will be subject to SPC approval.

OP Policy #	Policy	Response
	<p>if required by the Town of Amherstburg and/or the Essex Region Conservation Authority, the developer shall undertake an Engineering Study to determine the effect of increased run-off due to development of the site, and to identify stormwater management measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, and to control the quality of the stormwater discharge from the site.</p>	
2.11 - Buffering	<p>The proposed development and redevelopment of all land in the Town must generally be compatible with adjacent land uses.</p> <p>The Town may use Site Plan Control in accordance with Section 7.5 of this Plan to require buffering between uses of land where there may be conflicts such that one use may detract from the enjoyment and functioning of the adjoining use</p>	Buffering will be addressed as part of the SPC approval.
4.1 – Settlement Areas, General	<p>The land use designations and policies are intended to accommodate the anticipated population increases in a variety of locations, densities, and housing types as well as provide for employment opportunities, economic growth, recreational needs and institutional needs.</p>	The Site is located within the settlement area.
4.3 – Residential Land Use Designations	<p>Within areas under the various Residential designations, land uses compatible to dwellings</p>	

OP Policy #	Policy	Response
	and deemed necessary by Council to serve the needs of local residents will be permitted. Elementary educational facilities, religious facilities, parks, recreational facilities, day care , and home occupations and uses pertaining to municipal services and utilities are also permitted within Residential designations subject however, to specified local design criteria. Success may also require selective use specific zoning.	

Therefore, the proposed development conforms to the purpose and intent of the OP.

5.1.4 Town Zoning By-law

The Town of Amherstburg Zoning By-law (ZBL) #1999-52 was passed by Council on May 2023.

The Site is currently zoned "Residential Third Density (R3-4)" on Map 39 attached to the ZBL for the Town of Amherstburg.

There was a previous zoning amendment (ZBA 06 25) which rezoned the Site.

It is proposed to change the current zoning to a site specific "Institutional (I-XX)" Zone in order to permit the proposed development of an institutional use (day care/day nursery).

"DAY CARE" means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the daytime care of children.

A review of the I zone provisions, as set out in Section 24 of the ZBL, is as follows:

Zone Regulations	Required (I Zone)	Proposed (I-XX Zone)	Compliance and/or Relief Requested with Justification
Permitted Uses	(i) cemeteries; (ii) colleges; (iii) day nurseries ; (iv) government buildings; (v)	Day Care/Day Nursery	Shall comply, subject to the ZBA. There is no definition of Day Nurseries, however "day care"

Zone Regulations	Required (I Zone)	Proposed (I-XX Zone)	Compliance and/or Relief Requested with Justification
	hospitals; (vi) marina; (vii) manse; (viii) museums; (ix) nursing homes; (x) parks; (xi) places of worship; (xii) recreational facilities owned and operated by a public authority; (xiii) schools		and "day nursery" are often used interchangeably. The Site is large enough to accommodate the proposed development. The Applicant intends to merge the 2 parcels of land into 1.
Minimum Lot Area	None	1,930.52 m ²	Complies
Minimum Lot Frontage	None	33.49 m	Complies
Minimum Front Yard Depth	15 m	23.14 m	Complies
Minimum Interior Side Yard Width	10 m	North – 3.05 m South – 3.00 m	Relief required. Relief is considered minor. Access and maintenance can still be achieved. The proposed reduction does not negatively impact abutting lands (adjacent to institutional use and an alley). The building is proposed to be only 5.00 m tall, where 10.00 m is allowed.

Zone Regulations	Required (I Zone)	Proposed (I-XX Zone)	Compliance and/or Relief Requested with Justification
Minimum Exterior Side Yard Width	15 m	N/A	N/A
Minimum Rear Yard Depth	10 m	16.66 m	Complies
Maximum Lot Coverage	50 %	25.14 %	Complies
Minimum Landscaped Open Space	30 %	49.15 %	Complies
Maximum Main Building Height	10 m	5.00 m	Complies
Minimum Parking Requirements Section 3 (21)	Day Care - 1 per 40 m ² (430 sq. ft.) Total 484.95/40 = 12.1 (13 rounded up)	14	Complies

Therefore, the proposed development conforms to the purpose and intent of the ZBL, with the proposed amendment.

Further, all I Zone provisions shall comply with the following requested relief:

- *Decrease the minimum interior side yard width from 10.00 m to 3.05 m (north side) and 3.00 m (south side).*

6.0 CONCLUSION

The proposed development on the Site is appropriate, and the ZBA applications should be approved by the Town of Amherstburg.

This scoped PJR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the COP, OP and ZBL, and represents good planning.

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner

