

**To: Mayor and Members of Township of Zorra Council**

**From: Spencer McDonald, Development Planner, Community Planning**

## **Application for Zone Change ZN 5-25-14 – Keith and Dianne McIntosh**

### **REPORT HIGHLIGHTS**

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- The Application for Zone Change proposes to rezone the lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' in order to permit a detached additional residential unit (ARU).
- A special provision is being requested to increase the maximum distance between an ARU and a principal dwelling and to permit an increased maximum gross floor area.
- Planning staff are not supportive of the proposed rezoning, as it does not maintain the intent and purpose of the Official Plan policies and Zoning By-law provisions with respect to additional residential units (ARUs).

### **DISCUSSION**

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#### **Background**

OWNERS: Keith and Dianne McIntosh  
984048 Perth-Oxford Road, Embro, ON, N0J 1J0

APPLICANT Mike Hishon  
59 Rutherford Drive, Stratford, ON, N5A 0A6

LOCATION:

The subject lands are described as Pt. Lot 36, Concession 5 West (West Zorra), in the Township of Zorra. The lands are in the southeast corner of Perth-Oxford Road and 37<sup>th</sup> Line, and are municipally known as 984048 Perth-Oxford Road, Township of Zorra.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "Z-1"	Township of Zorra	Agricultural Reserve
	Land Use Plan	

TOWNSHIP OF ZORRA ZONING BY-LAW 35-99:

Existing Zoning: General Agricultural Zone (A2)

Proposed Zoning:      Special General Agricultural Zone (A2-sp)

PROPOSAL:

The subject Application for Zone Change proposes to rezone the lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' in order to permit a detached additional residential unit (ARU). The proposed ARU would be approximately 162 m<sup>2</sup> (1,750 ft<sup>2</sup>) in size. A special provision is being requested to increase both the maximum permitted gross floor area (to 162 m<sup>2</sup> / 1,750 ft<sup>2</sup>), rather than the current maximum permitted 140 m<sup>2</sup> (1,506 ft<sup>2</sup>), and to increase the maximum permitted distance between an ARU and the principal dwelling from 30 m (98.4 ft) to 250 m (820 ft).

The subject lands are approximately 21.8 ha (54 ac) in size. The lands contain an existing 371 m<sup>2</sup> (4,000 ft<sup>2</sup>) single detached dwelling and a detached accessory structure. Surrounding lands are primarily agricultural in nature (both livestock and cash cropping), with areas of significant woodland and natural features throughout the property. The municipal boundary between the Township of Zorra and Township of Perth South is located immediately north of the subject lands.

Plate 1 – Location Map and Existing Zoning indicates the location of the subject lands and the existing zoning in the immediate vicinity.

Plate 2 – Aerial Map (2020), shows an aerial view of the subject lands.

Plate 3, Applicant's Sketch, identifies the current location of the existing buildings and structures and the proposed location of the detached additional residential unit (ARU).

## **Application Review**

### 2024 Provincial Planning Statement

The 2024 Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act. The following outlines the key PPS policies that have been considered but is not intended to be an exhaustive list.

Section 2.1 of the Provincial Planning Statement (PPS) provides that healthy liveable and safe communities are sustained by accommodating an appropriate range and mix of residential housing (including additional units, affordable housing, and housing for older persons) to meet long-term needs and promoting cost-effective development that minimizes land consumption and servicing costs.

Further, Section 2.2 - Housing states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents;

- Permitting and facilitating all types of residential intensification, including additional residential units and redevelopment, in accordance with policy 2.3.1.3;
- Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Requiring transit-supportive development and prioritization intensification, including potential air rights development, in proximity to transit, including corridors and stations.

The policies of Section 4.3 require municipalities to protect prime agricultural areas for the long-term for agricultural uses. Permitted uses in prime agricultural areas include agriculture, agriculture-related uses, and on-farm diversified uses. New land uses, including the creation of new lots, shall comply with the minimum distance separation formulae.

#### Official Plan

The subject lands are located within the 'Agricultural Reserve' designation according to the Township of Zorra Land Use Plan in the County of Oxford Official Plan. The 'Agricultural Reserve' lands are to be developed for a wide variety of agricultural land uses, including general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms, together with farm buildings and structures necessary to the farming operation, and accessory residential uses required for the farm.

Regarding Additional Residential Units (ARUs), Oxford County Council adopted policies regarding these units on February 8, 2023 via Official Plan Amendment 285 which are applicable to this application.

Specifically, in the Agricultural Reserve designation, ARUs are permitted within a single detached dwelling and/or in a structure ancillary to the principal dwelling, provided that both dwellings are located on a lot zoned for agricultural or rural residential use that permits a dwelling in accordance with the policies of the Official Plan.

A maximum of two (2) ARUs shall be permitted per farm unit, being two (2) in a principal dwelling or one (1) in a principal dwelling and/or one (1) in a structure ancillary to the principal dwelling.

ARUs located outside of a settlement area shall be in accordance with the following:

- The ARU shall be clearly secondary and subordinate to the principal dwelling on the lot and have a cumulative gross floor area of no greater than 50% of the gross floor area of the principal dwelling, to a maximum of 140 m<sup>2</sup> (1,506 ft<sup>2</sup>);
- ARUs shall not generally be permitted where a lot or dwelling already contains other accessory residential dwelling and/or uses, including a group home, boarding, or lodging house or a home occupation that is characterized by higher occupancy such as a bed and breakfast, a farm vacation rental, or other similar uses;
- Individual on-site water supply and sewage services are demonstrated to be adequate to serve the proposed use, in accordance with the applicable policies;
- The existing principal dwelling and the lot are of sufficient size to accommodate the creation of an ARU and to provide adequate off-street parking, landscaping, stormwater management and outdoor amenity areas;
- The principal dwelling must have direct, individual vehicular access to a public street and all ARUs shall use the same driveway as the principal dwelling;
- There is adequate access from the front lot line and parking area to each ARU for both occupant use and emergency response;

- To the extent feasible, existing trees and other desirable vegetation are preserved;
- Land use compatibility concerns (e.g. due to proximity to industrial areas or major facilities) will not be created or intensified;
- The location of ARUs and related services and outdoor amenities shall comply with all other applicable policies of the Official Plan;
- All other municipal requirements, such as servicing, stormwater management, waste management and emergency access, can be adequately addressed.

The following additional policies shall apply to the establishment of an ARU in a detached ancillary structure;

- The lot must be a minimum of 0.6 ha (1.48 ac) in area;
- The siting, design and orientation of the ancillary structure, parking areas and outdoor amenity areas will allow for privacy for the occupants of the ARU, principal dwelling and abutting residential properties; and
- An ARU will satisfy MDS I or will not further reduce an existing insufficient setback.

An additional residential unit shall not be severed from the lot containing the principal dwelling or converted into a separately transferable unit through plan of condominium.

#### Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2)' in the Township Zoning By-law. The 'A2' zone permits a variety of agriculture-related uses, including a farm, a regulated farm, and a single-detached dwelling if accessory to a farm or a regulated farm. The 'A2' zone requires a minimum lot area of 30 ha (74.1 ac) and a minimum lot frontage of 100 m (328.1 ft).

Tables 5.4.2.3 and 5.4.2.4 of the Township Zoning By-law, limit the gross floor area of an ARU to 50% of the gross floor area of the existing dwelling, or 140 m<sup>2</sup> (1,507 ft<sup>2</sup>) of gross floor area (whichever is lesser) for A1, A2, RR and RE zones outside of a settlement. Further, Table 5.4.2.4 permits a maximum distance from the principal dwelling and the ARU of 30 m (98.6 ft).

Township Council approved the Zoning Provisions for ARUs at the May 17, 2023 meeting of Council. Tables 5.4.2.3 and Table 5.4.2.4 of the Zoning By-law also specify the various criteria for ARUs in detached accessory structures and includes provisions for lot area, front and rear yard setbacks and parking.

The intent and purpose of the criteria contained in Table 5.4.2.3 and 5.4.2.4 were established to ensure that any detached ARUs remain clearly secondary to the principal dwelling, and, that sufficient space exists to accommodate not only all dwellings and their associated buildings and structures, but also, the necessary private septic systems and wells. The intent of the provision limiting the distance from the principal dwelling also ensures both dwellings are located within the same general cluster, do not unnecessarily remove agricultural lands from production, and mitigate impacts to surrounding agricultural operations resulting from MDS setbacks from existing or new livestock operations to new ARUs.

#### Agency Comments

The Township Director of Public Services provided comment that the proposed entrance for the new dwelling may require approval from the County as it (Perth-Oxford Road) is a County Road.

The Township Chief Building Official provided comment that the proposed dwelling would appear to be more a 'second permanent dwelling' than an ARU, based on the proposed size. Development charges for the new dwelling would apply if the proposed dwelling is approved.

The Upper Thames River Conservation Authority (UTRCA) provided comment indicating that a 30 m (98 ft) setback would be required from the identified wetland (identified by UTRCA staff on site during a site visit – August 28, 2025). Provided the setback can be achieved, the UTRCA has no objection to the application.

Southwestern Public Health and Oxford County Public Works Department have no comments on the application.

Township Director of Corporate and Protective Services noted that if approved, municipal addressing would be required to the satisfaction of the Township.

No comments were received from the Township of Perth South or the residents who received notice due to the proximity of their lands relative to the subject property.

#### Public Consultation

Notice of complete application and notice of public meeting regarding the application for zoning amendment were circulated to surrounding property owners on December 11, 2025 and February 4, 2026, respectively, in accordance with the requirements of the *Planning Act*. As of the date of this report, no comments have been received as a result of circulation.

### **Planning Analysis**

Table 5.4.2.3 and Table 5.4.2.4 of the Township Zoning By-law, which speak to the requirements for ARUs, limits the gross floor area of an ARU to 50% of the gross floor area of the existing dwelling, or 140 m<sup>2</sup> (1,507 ft<sup>2</sup>) of gross floor area (whichever is lesser) for A1, A2, RR and RE zones outside of a settlement. Further, Table 5.4.2.4 permits a maximum distance from the principal dwelling and the ARU of 30 m (98.6 ft).

The proposed ARU would have an overall size of 162 m<sup>2</sup> (1,750 ft<sup>2</sup>). The existing single detached dwelling on-site has a gross floor area of 371 m<sup>2</sup> (4,000 ft<sup>2</sup>), which in turn would result in the proposed ARU being under the maximum GFA requirement of no larger than 50% of the principal dwelling's gross floor area, but exceeding the maximum of 140 m<sup>2</sup> (1,506 ft<sup>2</sup>) – the provision states 'whichever the lessor'. The proposed GFA of the dwelling, however, is not noted as the primary concern of Staff respecting the appropriateness of the requested zone change, as the distance between dwellings, and potential to create negative impacts on future livestock operations are highlighted as more substantial concerns. The size, however, at 162.5 m<sup>2</sup> (1,750 ft<sup>2</sup>) does, in the opinion of staff, exceed what should reasonably be considered appropriate for a secondary (additional) residential unit.

The applicant is also requesting relief from the provision which specifies the maximum distance from the principal dwelling of 30 m (98.6 ft) to allow for an increased distance of 250 m (820 ft). The proposed ARU is to be located as identified on Plate 3 of Report No. 2026-27. An existing access is proposed to be utilized to serve the ARU from Perth-Oxford Road.

The purpose and intent of the criteria contained in Table 5.4.2.4 is generally to ensure that any detached ARU remains clearly secondary to the principal dwelling, and, that sufficient space

exists to accommodate not only all dwellings and their associated buildings and structures but also the necessary private septic systems and wells. The intent of the provision limiting the distance from the principal dwelling is to ensure both dwellings are located within the same general cluster, does not unnecessarily remove agricultural lands from production, does not result in the unnecessary removal of vegetation, and does not adversely impact surrounding agricultural operations, particularly with respect to siting livestock barns and expansions of existing barns with the required MDS setback.

While Staff recognize the large extent of significant natural features that exist throughout the property (including the Kerr-Lupton Drain), significant woodland and wetland areas, it is understood that the UTRCA has worked with the applicant to ensure the proposed location avoids any areas of concern (i.e. slopes, wetland buffers and areas of floodplain).

Increasing the distance between the ARU and the principal dwelling should generally be reserved for situations where there are no reasonable options to locate the ARU within 30 m (98.6 ft). Examples of such circumstances would be due to a floodplain/hazard lands constraint or MDS issue if the ARU was placed within 30 m (98.6 ft) of the principal dwelling. In the opinion of staff, sufficient opportunity exists to locate the proposed ARU within the required 30 m (98.6 ft) of the principal dwelling, or slightly outside of the 30 m (98.6 ft) radius.

Regarding the comments from the Township Chief Building Official, Staff do recognize that the proposed 'ARU' would appear to take the form of second dwelling rather than a clearly subordinate dwelling. The intention of the 'ARU' policies and zoning provisions is to ensure that smaller, secondary dwellings are being permitted, rather than simply allowing second permanent dwellings on each lot. In this instance, the applicant has been made aware that development charges would apply to the new dwelling, if approved, as it does not meet all of the criteria of the Zoning By-law. In addition to the foregoing, it is noted that an ARU could be accommodated through an addition to the existing dwelling, rather than as a detached structure.

In addition to removing active agricultural land from production, the proposed location also raises concerns due to potential Minimum Distance Separation (MDS) impacts. One of the reasons that ARUs are intended to be located within established building clusters is to keep more sensitive land uses that constrain livestock operations on adjacent properties in one concentrated area to reduce potential impacts on the siting and expansion of livestock barns on adjacent lands. The placement of an ARU in the proposed location has the potential to impact adjacent lands should surrounding property owners wish to establish or expand livestock facilities in the future given that any new facility will now need to take the ARU into consideration when trying to site livestock facilities to meet the required MDS II setbacks. The proposed location has the potential to sterilize portions of the lands to the north in terms of establishing livestock facilities.

In light of the information above, Staff are supportive of an ARU on the subject lands, however, staff are not supportive of the increased gross floor area or the proposed (substantial) increased distance from the principal dwelling as it does not meet the general intent and purpose of the Official Plan and the Zoning By-law. As such, staff are recommending that the application not be supported as currently proposed.

## **RECOMMENDATION**

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**It is recommended that the Council of the Township of Zorra not approve the Zone Change Application submitted by Mike Hishon, whereby lands described as Pt. Lot 36, Conc. 5 West (West Zorra), in the Township of Zorra, are to be rezoned from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to permit a detached additional**

**residential unit (ARU) on the subject lands with a maximum gross floor area of 162 m<sup>2</sup> (1,750 ft<sup>2</sup>) and a maximum distance between an ARU and a principal dwelling of 250 m (820 ft).**

## **SIGNATURES**

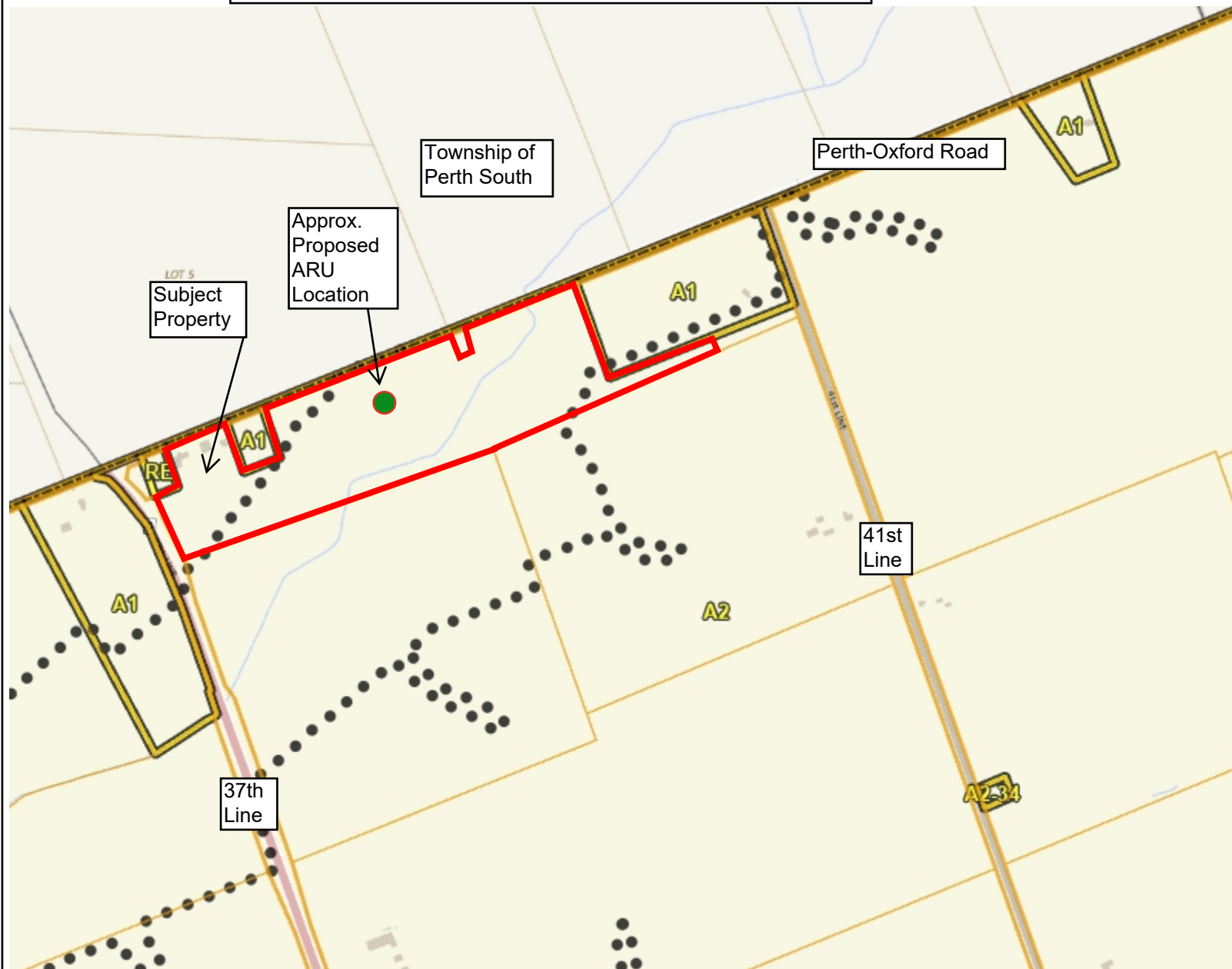
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**Authored by:** *'original signed by'*

Spencer McDonald, MCIP, RPP  
Development Planner

**Approved for submission by:** *'original signed by'*

Eric Gilbert, MCIP, RPP  
Manager of Development Planning



## Legend

- Parcel Lines**
  - Municipal Boundary
  - Property Boundary
  - - - Assessment Boundary
  - Road
  - Unit
- Zoning Floodlines**
- Regulation Limit**
  - ◆ 100 Year Flood Line
  - ▲ 30 Metre Setback
  - Conservation Authority Regulation Limit
  - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

## Notes



0 302 603 Meters

NAD\_1983\_UTM\_Zone\_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

December 8, 2025





## Legend

### Parcel Lines

- Municipal Boundary
- Property Boundary
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- Road
- Unit

### Zoning Floodlines

#### Regulation Limit

- ◆◆ 100 Year Flood Line
- ▲ 30 Metre Setback
- Conservation Authority Regulation Limit
- ◆◆ Regulatory Flood And Fill Lines

- Land Use Zoning (Displays 1:16000 to 1:500)

## Notes



0 151 302 Meters

NAD\_1983\_UTM\_Zone\_17N



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December 8, 2025



Plate 3 - Applicant's Sketch  
File No. ZN5-25-14 - McIntosh  
Pt. Lot 36, Conc. 5 W, 984048 Perth-Oxford Road, Township of Zorra

