

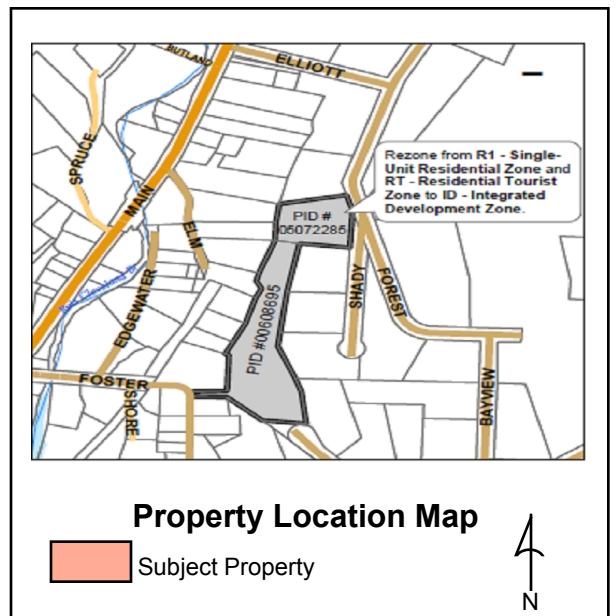
STAFF REPORT

Section 39 Rezoning / Article 39 Rezonage

Subject : Rezoning from RT/R1 to ID
File Number : 14-1730
Meeting Date: Thursday, February 26, 2015
From : Tracey Wade
 Planner

GENERAL INFORMATION

Applicant:
Landowner : Christopher Bowron
Proposal: To rezone properties from RT and R1 to Integrated Development (ID) to permit expansion of a campground.
 This is third application for this site in 4 years.



SITE INFORMATION

Location: Foster Road
PID: 05072285
Lot Size: 1.88 ha (total)
Current Use: Cabins and RVs (campground), and vacant
Zoning: R1 and RT
Future Land Use: Campground (ID zone)
Surrounding Use & Zoning: Residential tourism, single-unit dwellings, commercial
 Zoning is Residential 1, Residential 2, Residential Tourism, Tourism-Commercial, Rural Area
Municipal Servicing: Municipal servicing
Access/Egress: Forest Drive/Shady Lane

Municipal Plan Policies

Alma Rural Plan – By-law 93 contains policy statements that any new development must respect.

Policy 1.1

P.1(3) – It is the policy of the Village to minimize land use conflicts between residential and other developments and to promote uses appropriate to a rural area (*rural in this case referring to the rural nature of the community as a whole, not to the Rural Area zone*)

Policy 1.2

P.2(1) – It is the policy of the Village to control the type and location of development of commercial uses.

Zoning Bylaw and or Subdivision By-law Regulation

PID # 5072285 is currently zoned R1 (Single Unit Residential) and #0608695 is currently zoned RT (Residential Tourism). The RT Zone permits a cottage, or cottage establishment, but not a campground. The R1 zone does not permit campgrounds. The only zone that currently permits campgrounds is the RA (Rural Area) zone (although this zone does not permit cabins or cottages). The Rural Area falls outside the Service Development Boundary.

The proposed Vista Ridge development includes cabins, RV sites, as well as an office/store which is a combination of uses, none of which are permitted together in any one zone.

Under Sections 34 and 39 of the Community Planning Act, the municipality is permitted to amend its Rural Plan By-law. Specifically,

Section 34(4)(b) states: that a rural plan/zoning by-law may, in a zone to be known as an integrated development zone, permit developments consisting of a combination of uses of land, buildings, and structures if:

- i) Such combinations of uses are contained in a specific proposal described in a resolution or agreement adopted or entered into under section 39, and
- ii) The land to be so developed is rezoned for purposes of the development.

Section 39 of the Community Planning Act allows the council, by resolution to:

- i) Set out the proposal
- ii) Impose reasonable terms and conditions concerning:
 - A. Uses of the land, buildings and structures
 - B. Site layout and design, including parking areas, landscaping, and entry and exit ways,
 - C. External design, appearance and spacing of buildings and structures, and
 - D. Other matters that it consider relevant to the situation.

Internal Consultation & External Consultation

In 2013, Alma Fire Chief indicated that fire trucks are comparable to Recreational Vehicles in terms of size and maneuverability so access to the site would be possible with the new access road as well as via the current access.

An Engineer, licensed to practice in New Brunswick designed the new development (off Shady Lane, PID 5072285) to ensure that safety, site drainage, and access meet design standards.

The Village's Engineering Consultant is reviewing the drainage plans and will ensure that the plan submitted meets the Village standards.

As well, the Engineer determined that municipal water and sewer services, which now extends to the entire Vista Ridge site, are capable of supporting 31 individual site hook-ups as per the site plan.

Discussion

Staff is in general support of the proposal and feel the Integrated Development (ID) zone provides Council with an appropriate level of control over the site-specific development. In coming to this decision, various options were considered to accommodate this rezoning, including a re-zoning to RA (Rural Area) zone, or amending the Rural Plan to allow campgrounds in the RT (Residential Tourism) zone. Because the site has municipal services, it can no longer be considered a "rural" area, so the RA zone is not appropriate. Further, allowing campgrounds as a right within the RT zone is not desired by the community.

The Community Planning Act provides a number of ways of addressing unique combination of uses, including the creation of an ID (integrated development) zone where there are multiple uses being undertaken on a site. In the case of Vista Ridge Ltd., there are RV sites, cabins and commercial-retail (an antique and convenience store) on site. These uses combine to form the complete development which is unique and does not fit in with the existing zoning.

Under a Section 39 rezoning, Council may, by resolution following the rezoning, place terms and conditions on a particular proposal development respecting: uses of the land, buildings and structures; site layout and design; external design, appearance and spacing of buildings and structures; and other matters that it considers relevant to the situation.

Given the topography of the site, it was also felt that a site plan outlining all features of the development (including placement of buildings and structures, RV sites, safety features and drainage requirements) was required that can be tied to the development through the land registry process.

To summarize, this is a site-specific zoning amendment with the introduction of an Integrated Development (ID) Zone to speak specifically to the Vista Ridge Development. The terms and conditions outlined in the resolution have been set by Council to address possible conflicts with neighbours and to ensure that the development respects the Village's Rural Plan policies.

Legal Authority

In keeping with subsection 66(1) of the Community Planning Act, the Westmorland Albert Planning Review and Adjustment Committee, on behalf of the Southeast Regional Service Commission, is asked to provide its written views and recommendations to the Council of the Village of Alma on this Rural Plan Amendment request.

Recommendation

Staff respectfully recommends that the Westmorland-Albert Planning Review and Adjustment Committee make the following recommendation to the Council of the Village of Alma:

WHEREAS THE PROPOSAL SUBMITTED BY CHRIS BOWRON OF VISTA RIDGE TO PERMIT EXPANSION OF THE EXISTING CAMPGROUND HAS BEEN CONSIDERED BY PLANNING STAFF;

AND WHEREAS, FROM A PLANNING PERSPECTIVE, THE PROPOSAL, ALONG WITH PROPOSED TERMS AND CONDITIONS, ARE DEEMED TO BE ACCEPTABLE;

THAT THE WESTMORLAND-ALBERT PLANNING REVIEW AND ADJUSTMENT COMMITTEE RECOMMENDS TO THE ALMA VILLAGE COUNCIL THE ADOPTION OF BY-LAW 93-4, INCLUDING THE FOLLOWING TERMS AND CONDITIONS:

1. That for the purposes of this development, the following words are thus defined:

CAMPGROUND means an area of land, managed as a unit accommodating cabins and recreational vehicles, and where the accessory uses may include an administrative office, farmer's market, washrooms, showers, rain shelters, recreational facilities, and utility and grounds-keeping sheds. A mobile home is not a permitted use in a campground;

CABIN refers to a building located on a campground, intended exclusively for temporary overnight accommodation, that may be equipped with culinary or sanitary facilities;

RECREATIONAL VEHICLE (RV) means any vehicle, whether towed or driven, that is used for accommodation purposes and may include a kitchen, bedroom, and bathroom;

RECREATIONAL VEHICLE SITE means an area of land within a campground designated to accommodate one recreational vehicle.

2. That prior to any building and development permits being issued, PID 5072285 and PID and 0608695 must be consolidated.

3. That during development a silt fence must be placed at the western boundary of PID 5072285.

4. That prior to campground operation on PID 5072285:

a) The entire Property shall be connected to both municipal water and sewer services as per the requirements of the Village of Alma Water and Sewerage By-law 88;

b) That the access road from Shady Lane as indicated on Schedule C-2 be completed. This access shall be the primary point of entry and exit to the Property;

c) That site stability and drainage features approved by the Village of Alma's Engineering consultant shall be incorporated into a Site Drainage Plan prepared by a Professional Engineer licensed to practice in New Brunswick, and attached hereto as Schedule C-3.

5. That the Property access off Chignecto Drive shall be limited to RV entry, emergency services and proprietor use and that a "No Exit" sign be placed at this entrance.

6. That development of the Property shall be in substantial conformity with the Site Plan attached hereto as

- < A campground containing a combination of Recreational Vehicle Sites and cabins is permitted to a maximum of 31 units;
 - < A maximum of five accessory buildings or structures are permitted: 1) one building that may be used as an office/store; 2) one building that may be used as a shelter/ washroom facility; and 3) up to three accessory structures used for electrical sheds, each of these electrical sheds being limited in size to 6 m²;
 - < Safety features such as fencing and stop blocks shall be incorporated as per Schedule C-2 notes.
7. For the purpose of clarity, any cabin built or located to replace a Recreational Vehicle site, must be placed in substantial conformity with the Site Plan (Schedule C-2), and shall have:
- < a maximum height of 6 m;
 - < a maximum building footprint of 61.3 m²;
 - < each cabin site must maintain a minimum width of 9m; and
 - < a cabin replacing an RV site is considered a new structure and shall require a Building Permit.
8. That deck platforms on RV sites shall be permitted to a maximum of 8.9 m² in area. Fixed overhangs shall not be permitted.
9. That no fire pits shall be permitted on PID 5072285. A communal fire pit is permitted on PID 0608695 and individual fire pits are permitted to continue on PID 0608695.
10. That any lighting used to illuminate campground entrances and common areas shall be directed downward.
11. That a campground noise policy shall be enforced by campground management. The Property is also subject to By-Law # 63(a) A By-Law Relating to the Prevention of Excessive Noises in the Village of Alma.