

**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**

Wednesday, February 22, 2017 / Le mercredi 22 février, 2017

Staff Report / Rapport du personnel

Subject / Objet: Request to modify Zoning By-law to remove height restrictions in the Industrial Zone

File Number/ Numéro du fichier : 17-050

From / De :

Lori Bickford
Planner / Urbaniste

Reviewed by / Révisé par :

Tracey Wade
Planner / Urbaniste

General Information / Information générale

Applicant / Requéant :

David Ernst

Landowner / Propriétaire :

Proposal /

An application has been received for a text amendment to the Zoning By-law to remove the height requirements from the Industrial Zone. Currently the height of a structure in the industrial zone is set at a maximum of 12.2 m (40'). This amendment is a result of the applicant hoping to construct a cold storage facility between 90' and 130' in height, but is unable to do so due to the height limitations in the Industrial Zone. / *On a reçu une demande de modification textuelle de l'arrêté de zonage afin d'éliminer les exigences en matière de hauteur dans la zone industrielle. À l'heure actuelle, la*

Site Information / Information du site

PID / NID: 70458203

Lot Size / Grandeur du lot: 3.16 ha

Location / Endroit :

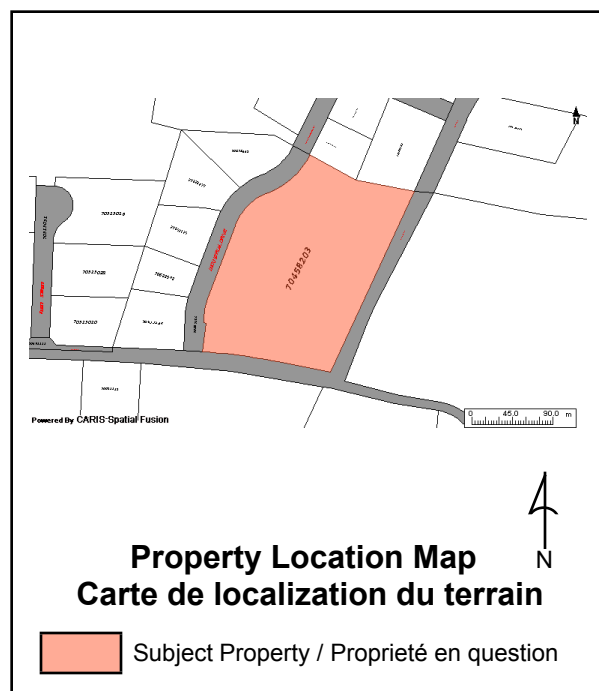
Industrial Drive, Town of Sackville / Ville de Sackville

Current Use / Usage présent :

Industrial

Zoning / Zonage :

Industrial



Future Land Use / Usage futur :

Industrial

Surrounding Use & Zoning / Usage des environs & Zonage :

Industrial uses

Municipal Servicing / Services municipaux:

Full Services are available to this site

Access-Egress / Accès-Sortie :

Crescent street and Sloan Drive.

Policies / Politiques

The following municipal plan policy applies: / *La politique suivante du plan municipal s'applique :*

3.2.6.1 It is a policy that the area as indicated on the “Town of Sackville Future Land Use Map”, (Figure 2) which is part of this Plan is designated “Industrial /Business Park” and is intended to be used for a wide range of business activities including commercial, light and medium manufacturing, high tech industries research and distribution. / *Le secteur indiqué sur la carte d'utilisation future des terres de la Ville de Sackville (figure no 2), qui fait partie de ce plan, doit être désigné en tant que « parc industriel/commercial » et son usage doit être réservé à une vaste gamme d'activités commerciales, dont le commerce, la fabrication légère et moyenne, les industries de technologie de pointe ainsi que la recherche et la distribution.*

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

The Zoning By-law sets the maximum height in the Industrial Zone as 12.2 m (40 ft) / *L'arrêté de zonage fixe la hauteur maximale à 12,2 mètres (40 pieds) dans la zone industrielle.*

Internal Consultation & External Consultation / Consultations internes et externes

Comments were sought from the CAO, Town Engineer, Fire Chief and Manager of Corporate Projects. / *On a communiqué avec le directeur général de la Ville, l'ingénieur municipal, le chef des pompiers et le gestionnaire des projets d'entreprise afin d'obtenir des commentaires.*

Discussion

The Town of Sackville has an established industrial/business park in the southwestern portion of the Town in close proximity to Exit 506 of the TransCanada Highway. This park has both municipal sewer and water

services. There are over a dozen businesses located in the park. In 2009 a second area in Town was zoned off Exit 500 of the TCH as a potential future location for industrial/business park development. However, there are no services in this area and therefore development potential is limited without the addition of infrastructure. Since the development of the Industrial zone, there has been limited changes which have occurred to the Industrial zone requirements (primarily changes were to the listing of permitted uses). Currently the By-law sets the maximum height of a structure in the Industrial Zone at 12.2 metres (40'). This height in the Industrial Zone dates back at least till the late 1980s. / *La Ville de Sackville possède un parc industriel/commercial établi dans la section sud ouest de la Ville, près de la sortie 506 de la route Transcanadienne. Ce parc est muni des services municipaux d'eau et d'égouts. Il y a plus d'une douzaine d'entreprises dans le parc. En 2009, un deuxième secteur de la ville à proximité de la sortie 500 de la route Transcanadienne a été désigné en tant qu'emplacement futur possible pour le développement d'un parc industriel/commercial. Cependant, il n'y a aucun service dans ce secteur et la possibilité de développement est limitée sans l'ajout d'infrastructure. Depuis l'aménagement de la zone industrielle, peu de changements ont été apportés aux exigences de la zone industrielle (il s'agissait principalement de changements liés à la liste des usages permis). À l'heure actuelle, l'arrêté indique que la hauteur maximale d'une structure dans la zone industrielle est de 12,2 mètres (40 pieds). Cette hauteur maximale dans la zone industrielle remonte à la fin des années 1980.*

The applicant is looking to operate a processing and frozen produce storage facility in the industrial park. The current height restrictions limit the development of the storage facility as the design incorporates a racking system and pallet cranes. This is a vertical cold storage system which is projected to be between 90' to 130' in height. Throughout the southeast region the height requirements in Industrial zones vary between municipalities ranging from 40' to 66' in height. Height requirements are variable standards under the Community Planning Act, so there may be some structures which have received approval to be higher than the maximum height set within the respective by-law. Sackville's neighbouring community Amherst, NS has an unlimited height requirement within its Industrial zone. The Amherst industrial park is similarly placed to Sackville in close proximity to the TransCanada Highway. / *Le demandeur cherche à exploiter une installation de traitement et d'entreposage de produits congelés dans le parc industriel. Les limites de hauteur actuelles entravent le développement de l'installation d'entreposage, car la conception comprend un système de rayonnage et des appareils de levage à châssis mobiles. Il s'agit d'un système d'entreposage frigorifique vertical qui sera d'une hauteur de 90 à 130 pieds. Dans la région du Sud Est, les exigences en matière de hauteur des zones industrielles varient de 40 pieds à 66 pieds dans les municipalités. Comme les exigences en matière de hauteur sont des normes variables en vertu de la Loi sur l'urbanisme, il se peut que certaines structures aient été approuvées avec une hauteur plus élevée que la hauteur maximale établie dans l'arrêté respectif. La zone industrielle d'Amherst (N. É.), une collectivité voisine de Sackville, a une exigence illimitée en matière de hauteur. Le parc industriel d'Amherst est disposé de la même façon que celui de Sackville; il est situé à proximité de la route Transcanadienne.*

The Zoning By-law does recognize that height requirements are exempt under certain circumstances, such as church spires, water tanks, elevator enclosures, silos, wind turbines, etc. Exceptions have been made for these as they generally have limited occupation by humans. The unique nature of industrial uses is that these tend to be large warehouse-styled buildings. There are also taller types of equipment which are generally associated with industrial uses such as cranes and heavy equipment, which may need to be enclosed within structures. The design of industrial class structures including the fire suppressant systems will be governed by the relevant sections of the National Building Code. Requirements often include approval of plans by structural engineers for wind and snow loads, sprinkler systems, height limitations,

etc. / *L'arrêté de zonage reconnaît que les exigences en matière de hauteur sont exemptées dans certaines circonstances, comme dans le cas des clochers d'église, des réservoirs d'eau, des enceintes d'ascenseurs, des silos, des éoliennes, etc. Il y a des exceptions pour ces structures, car elles ont habituellement utilisées de façon limitée par les humains. La nature unique des usages industriels veut que ces structures aient tendance à être de grands bâtiments d'entreposage. Il y a également des types d'équipement plus grands généralement associés aux usages industriels comme les grues et l'équipement lourd, et il se peut que cet équipement se trouve à l'intérieur des structures. La conception des structures de catégorie industrielle qui comprennent des systèmes d'agent d'extinction sera régie par les sections pertinentes du Code national du bâtiment. Les exigences comprennent souvent l'approbation des plans par des ingénieurs en structures en ce qui a trait aux charges de vent et de neige, aux systèmes d'extincteurs automatiques à eau, aux limites de hauteur, etc.*

In Sackville's Zoning By-law permitted uses in the Industrial zone include accommodations (i.e. motels and hotels) and commercial uses (restaurants). These particular uses would raise more concern for firefighting due to restrictions on equipment i.e. Sackville Fire Department's truck ladder lengths. Therefore, the height restriction should remain set at 40' for these types of uses which involve higher human occupancy levels. / *Parmi les usages permis de l'arrêté de zonage de Sackville dans la zone industrielle, on retrouve les hébergements (p. ex. les motels et les hôtels) et les usages commerciaux (les restaurants). Ces usages en particulier entraîneraient de plus grandes préoccupations du point de vue de la lutte contre l'incendie en raison des restrictions concernant l'équipement, c.-à-d. la longueur des échelles des camions du service d'incendie de Sackville. Par conséquent, la limite en matière de hauteur devrait demeurer à 40 pieds pour ces types d'usages qui impliquent un plus grand taux d'occupation humaine.*

By relaxing the height requirements for industrial uses it allows for flexibility within the business park to attract a wider variety of businesses. This would allow the Town to stay current with the changing nature of industrial uses such as storage moving from a horizontal to vertical style. / *L'assouplissement des exigences en matière de hauteur pour les usages industriels permet une certaine flexibilité dans le parc commercial, ce qui pourrait attirer une plus grande variété d'entreprises. Cela permettrait à la Ville de s'adapter à la nature changeante des usages industriels, comme le passage de l'entreposage d'un format horizontal à un format vertical.*

Legal Authority / Autorité légale

The Planning Review and Adjustment Committee receive their authority to make their views regarding the Municipal Plan and Zoning By-law through the following sections of the Community Planning Act: / *Le Comité de révision de la planification reçoit l'autorité d'émettre leur point de vue au sujet du plan municipal et de l'arrêté de zonage par l'entremise des sections suivantes de la Loi sur l'urbanisme :*

“66(1) A council shall request in writing, before enacting a by-law hereunder, the written views of the advisory committee or regional service commission on / *Tout conseil doit, avant d'adopter un arrêté en vertu de la présente loi, demander au comité consultatif ou à la commission de services régionaux de donner leur avis écrit sur*

(a) any proposed by-law in respect of which such views have not been given previously ...” / *tout projet d'arrêté sur lequel aucun avis n'a été donné auparavant...*

Recommendation / Recommandation

Staff are recommending that the height requirements be removed from the Industrial zone for buildings that are classified as Industrial occupation and that the height remain at 40' for commercial and buildings used for accommodations. / *Le personnel recommande l'élimination des exigences en matière de hauteur pour les bâtiments de la zone industrielle qui font partie de la catégorie des établissements industriels et il recommande que la hauteur demeure de 40 pieds pour les commerces et les bâtiments utilisés aux fins d'hébergement.*

Note: This report was written in english and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** *ce rapport a été rédigé en anglais et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*

By-law No 244-C

A By-law to Amend By-law No 244 The Town of Sackville

Zoning By-law

The Council of the Town of Sackville under the authority vested in it by Section 34 and in accordance with Section 68 of the Community Planning Act, amends By-law No. 244, the Town of Sackville Zoning By-law and enacts as follows:

1. By-law No 244 is amended by repealing the regulatory table in Section 15.2a) which sets the Building/Structure Height at 12.2 m (40') and REPLACING it with the following table:

Industrial/Business Park (IND) Zone	
Minimum Lot Size	1393.5 sq m (15000 sq ft)
Minimum Lot Frontage	30.5 m (100 ft)
Minimum Front or Flankage Yard	9.2 m (30 ft)
Minimum Side Yards	9.2 m (30 ft)
Minimum Rear Yard	9.2 m (30 ft)
Maximum Lot Coverage	50%
Building/Structure Height	
a) Industrial Occupancy Buildings	Unlimited
b) Commercial and accommodation Buildings	12.2 m (40 ft)

Read a first time this _____ day of _____, 2017.

Read a second time this _____ day of _____, 2017.

Read a third time and passed this _____ day of _____, 2017.

Mayor

Clerk

Lori Bickford

From: Jamie Burke <j.burke@sackville.com>
Sent: February-15-17 3:41 PM
To: Lori Bickford
Cc: Dwayne Acton; Craig Bowser; Phil Handrahan
Subject: RE: Text amendment to remove height requirements in the industrial zone

Lori,

Thanks for providing an opportunity for us to comment on this application.

For clarity, I've divided the response into headings.

CORPORATE PROJECTS

As you know, times have changed for traditional industrial land uses and to remain competitive, we need to be able to accommodate advancements in innovation. Much of the work these days is performed by large pieces of machinery, some of which can be very tall. It's worth noting that the Town of Amherst, our closest industrial park and in some ways a direct competitor, does not currently have a height restriction in their industrial zone (as noted in section 9.2 of their Land Use By-law). Development in our Industrial/Business Park - as defined in our Municipal Plan and Zoning By-law - has been sluggish, so we certainly encourage new businesses that fall in line with trends towards food processing, storage and distribution. The proximity of our park to the TransCanada Highway, CN Rail Line and the Maritimes in general, make this an ideal location for such land uses. Given the location of the park relative to rest of our community, the height of new industrial/business park buildings becomes less of an issue.

Having said this, there are several engineering and fire protection related matters that will need to be addressed as part of the amendment, as well as operational issues that will need to be adhered to at the time a permit is issued – pending the approval of such an amendment by Council.

It's my understanding that comments from the Engineering and Public Works Department were forward earlier, but I'll reiterate them here.

ENGINEERING AND PUBLIC WORKS

- 1) In regards to the structure, our assumption is that the National Building Code will apply to the structure and all snow loads, wind loads, etc. will be applied and meet all requirements of the Code.
- 2) In regards to Town water, the Town of Sackville has a gravity fed water distribution system. Therefore, if water is required in an industrial building at heights in the range of 130 feet, that the Town gravity system may not provide adequate water pressure at these heights and it will be the responsibility of the property owner the install a booster pump if required.
- 3) Due to the possible heights of these buildings and the fact that the Town's water distribution system is gravity fed, the property owner will be required to install a testable backflow preventer on the building to ensure no backflow of water from the building back into the Town's water distribution system.
- 4) The building Owner will be required to provide the Town of Sackville a properly designed storm sewer system and building storm water management system by a professional Engineer licensed to practice in the Province of New Brunswick.

FIRE DEPARTMENT

The Fire Department has noted that removing the height requirement may impact other buildings in the park in regards to a collapse zone. Also, the Department's current Aerial unit has a maximum reach of 75'. However, this said, all new proposed development would require approval from the New Brunswick Department of Justice and Public Safety, which will require an appropriate fire suppression system for the proposed design.

Please let me know if you need any further information, but trust that this information is helpful for your report.

-J.

Jamie Burke, MCIP, RPP
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From: Lori Bickford [mailto:Lori.Bickford@nbse.ca]
Sent: Tuesday, February 7, 2017 4:20 PM
To: Jamie Burke <j.burke@sackville.com>
Subject: FW: Text amendment to remove height requirements in the industrial zone

17-050

Dear Jamie,

Council is currently considering an amendment to the industrial zone to remove the height requirements for industrial buildings. Currently the height requirement is set at 12.2 meters (40'). As you are aware, this application is under consideration as a result of a recent request which proposed a cold storage facility with a height of 90'-130' in height. This proposed amendment however, would remove the height requirements for industrial development on any industrial zoned property. All structures would still be subject to the National Building Code requirements. At this time, I am proposing to leave the height requirement set at 40' for those uses permitted in the industrial zone which are considered commercial or accommodation uses.

I am requesting any written professional views and comments you may have on this proposed text amendment. This application is scheduled to be presented at the February 22nd, 2017 Planning Review and Adjustment Committee meeting and therefore, I am requesting any views and comments for this proposal by **February 14th 2017**. If I do not hear from you by this date, I will assume you have no comments to offer.

Your comments are greatly appreciated, and should you have any further questions, please do not hesitate to contact me at 364-4755 or via email.

Sincerely,
Lori

*Lori Bickford MCIP, RPP
Office Manager/Planner*