



STAFF REPORT	
SUBMITTED BY: Dave Andrews & Chris Frotten	
DATE: January 2, 2020	
SUBJECT: Lobster Holding Facility Setbacks	

## ORIGIN

At the August 22, 2019 PAC Meeting, the Committee discussed setback requirements for lobster holding facilities. Following the discussion, the Committee requested Staff to bring forward a clear definition of lobster holding facilities and review these uses and their setbacks within the Residential and Rural Development zones.

## BACKGROUND

The only reference to uses similar to lobster holding facilities in our planning documents is in Section 13.1 of our Land Use By-Law (LUB). This section states that no development permit shall be issued for any use in the Industrial Marine (IM) Zone except for one or more of the following uses:

- Any fish or fish food processing, aquaculture, freezing, and
- warehousing operation conducted and wholly contained
- within an enclosed building except fish reduction plants and
- fish composing operations
- ☐ Boat construction and repair shops
- ☐ Bulk petroleum storage
- ☐ Business offices accessory to any main use permitted in the
- IM Zone
- Commercial boat and marine supply and sales
- Federal and Provincial government fishery and marine related buildings and structures
- Fisher’s clubs
- Fishery and marine related equipment storage buildings
- Fishery and marine related museums
- Lobster pounds and lobster storage facilities
- Marinas
- Marine railway facilities
- Outdoor aquaculture Outdoor storage
- Parking lots
- Private boathouses, haulouts, storage buildings and wharfs
- Public wharfs
- Recreational boat sales, service and rentals
- Residential, institutional and commercial uses only in the Woods

- Harbour Industrial Marine (IM) Zone subject to the requirements of the Mixed Use (MU) Zone
- Restaurants
- Retail and wholesale sport fishing equipment and supplies
- Service Industries
- Sport fishing outfitters
- Utilities

There are sections within our LUB and Municipal Planning Strategy (MPS) that refer to Lobster Pounds but that is also minimal.

## DISCUSSION

Here are the results of our research of definitions and setbacks of these uses:

The **Municipality of Shelburne** has no land use by law or municipal planning strategy and such no setbacks or clear definitions to go by.

The **Municipality of Clare** has only one zone – the “General Development Zone” and they have no setbacks listed. Their Building Inspector stated that they use special separations of buildings listed in The National Building Code of Canada.

They have no definition of a lobster holding facility. The only definition that could be applied would be “Industrial Use” which means the use of land, buildings, or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods, warehousing or bulk storage of goods, and related accessory uses.

The **Municipality of Digby** has only one zone - the “General Development Zone” and they have no setbacks listed. Their Building Inspector stated that they use special separations of buildings listed in The National Building Code of Canada. They have no definition of a lobster holding facility either.

The **Municipality of Queens** is fully zoned. They permit light industrial only within their Light Industrial Zone as a permitted use. If light industrial goes in any other zone it is via development agreement. Setbacks for light industrial is 25 feet front and rear and 15 feet on side lines. In their LUB, fishing related industry does not fall under light industrial as they have a definition and a zone for anything to do with the fishing industry.

They define “fishing uses” as uses supportive of the inshore and offshore fisheries including processing plants, wharves, docks, general storage and repair facilities but does not include fishmeal processing plants. “. Their Fishing and Marine Zone (M3) - setbacks 40 feet front and rear and 20 feet from side lines.

The **Municipality of Argyle** is a zoned municipality. Their definition of light industrial in their LUB is the following:

**Industry, Light** means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products and includes but not necessarily limited to

building and construction contractors; building supplies and equipment sales; cold storage facilities, bait freezers; commercial greenhouses, heavy equipment storage and maintenance; recycling depots; service industries; transportation and trucking; warehousing; wholesale distribution and sales; lobster pounds; fish farms; marine plant farms; and uses similar to the foregoing but does not include a welding and/or machine shop.

N.B., they use lobster pounds, cold storage facilities and bait freezers to define lobster holding facilities.

They permit light industry in several zones, L1 zone, H1 zone, BP zone, GU zone, GUI zone, V zone, M1 zone. Setbacks are 45 feet from front line 25 feet from rear line and 45 feet from each sideline.

The **Municipality of Yarmouth** has a land use bylaw and is fully zoned. In their LUB they clearly define light industry and fish cooler, freezer, plant, reduction plant and lobster holding facility in the following way:

**27.47 Industry, Light** means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing

**27.34 Fish Cooler, Freezer, Plant, Reduction Plant and Lobster Holding Facility** means:

**27.34.1 Fish Cooler** means a building or part of a building wherein fresh fish or bait is packed and chilled for future sale to the wholesale or retail markets. For the purpose of this By-law, existing fish coolers which have been involved in fish processing or the holding of live lobster at the time of adoption of this By-law shall be deemed to be fish coolers.

**27.34.2 Fish Freezer** means a building or part of a building wherein fresh, chilled or previously frozen fish or bait is packed and stored in a freezer for future sale to the wholesale or retail markets. For the purpose of this By-law, existing fish freezers which have been involved in fish processing or the holding of live lobsters at the time of adoption of this By-law shall be deemed to be fish freezers.

**27.34.3 Fish Plant** means the use of land, buildings or structures where fresh water or saltwater fish either fresh, chilled or frozen; mollusks or crustaceans are processed in any one or more of the following ways; cleaned, cooked, preserved or canned and where the finished product is stored fresh, chilled or frozen for future sale to the wholesale or retail markets.

**27.34.4 Fish Reduction Plant** means a building or part of a building wherein fish offal, whole or parts of fish or any combination thereof is rendered into fish meal, fertilizers a slurry or other by-product but does not include a fish plant.

Therefore, a lobster holding facility is not considered a light industry in Municipality of Yarmouth. It is a stand-alone definition.

The only 2 zones that permit lobster holding facilities are:

The Rural Industrial zone (RI zone) with setbacks of 25 feet from front and rear lines and 20 feet from side property lines and the Marine Industrial Zone (MI Zone) with setbacks of 25 feet from front and rear liens and 20 feet from side lines.

There are also certain standards where outdoor storage can not be with in 25 feet of property line or no parking spot can be closer than 20 feet if abutting property is of a residential or recreational use.

Finally, the **Province**, in Schedule C of their Licensing Policy, has provisions relating to lobster holding, in particular the two following definitions, which may be helpful:

**Tidal Pound** means an enclosed shoreline facility that permits natural holding of live lobsters. Seawater is permitted to enter and leave the structure with the natural rise and fall of the tide. It is recommended that there be a minimum of four feet rise in the tide.

**Dryland Pound** means an enclosed facility constructed onshore of plastic, fibreglass, concrete or other approved material which is capable of holding live lobsters in controlled conditions utilizing pumped seawater.

#### BUDGET IMPLICATIONS

N/A

#### LEGAL IMPLICATIONS

N/A

#### PUBLIC CONSULTATION/COMMUNICATIONS

N/A

#### RECOMMENDATION

Most municipalities do not clearly define lobster holding facilities, but defining the use is suggested. The Municipality of Yarmouth's "Fish Cooler" definition and the Province's Dryland Pound definition could be combined and modified to the following to be incorporated in our LUB:

**Lobster Storage Facility means an enclosed facility or part of a facility constructed onshore which is capable of holding live lobsters for future sale to the wholesale or retail markets in controlled conditions utilizing pumped seawater.**

#### SUGGESTED MOTION

N/A

#### ATTACHMENTS