



**Planning
Development
Project Management**

To: Municipality of Barrington Planning Advisory Committee
From: Chris Millier
Date: February 25, 2020
Re: Proposed Amendments to the Barrington Land Use By-law Relating to Lobster Storage Facilities

1 Introduction

A staff report dated January 2, 2020 was prepared following the August 22, 2019 Planning Advisory Committee discussion relating to setbacks for lobster storage facilities. Following a survey of regulations in adjacent municipalities relating to lobster storage facilities the staff report identified a proposed definition for a “lobster storage facility” and recommended that they be included as permitted uses in the Residential and Rural Zones.

The purpose of this report is to provide the Planning Advisory Committee an overview of the proposed changes relative to the Municipality’s current Municipal Planning Strategy and Land Use By-law and provide draft amendment text to implement amendments.

2 Discussion

The Municipal Planning Strategy makes numerous references acknowledging the history and social and economic significance of the fishing industry, including the lobster industry, to Municipality. Fishery related uses, including “lobster pounds”, are referenced in the Rural Centre – Woods Harbour, Residential Island and the Industrial Marine parts of the Strategy.

In general the existing text and related policies are supportive of existing and new fishery uses and in particular lobster pounds. The intent of the Strategy is support new fishery related uses provided appropriate development controls, including setbacks, are in place to minimize potential land use conflict.

While lobster pounds are identified as permitted uses in a number of zones (Rural Development RD Zone Part 11.1, Industrial Marine IM Zone Part 13.1), the Land Use By-law does not contain a specific definition for the use. The January 2, 2020 staff report also identifies that lobster-related uses and facilities would be consistent with the range of other fishery-related uses which are permitted within the Mixed Use MU Zone.

Council can consider amendments to the Land Use By-law such as the establishment of new definitions and changes to permitted uses within a zone without an amendment to the Municipal Planning Strategy provided that the Land Use By-law amendment is consistent with the intent of relevant policies and the overall intent of the Strategy itself.

A review of the Strategy confirms that recognition and encouragement of fishery-related activities in a variety of zones is envisioned by various policies and that enabling language relating to permitted uses within the Rural Development RD Zone, the Industrial Marine IM Zone and the Mixed Use MU Zone support inclusion of lobster-related uses.

To assist in regulating new development the January 2, 2020 staff report recommends establishing a definition for "Lobster Storage Facility". A number of definitions from adjacent municipalities as well as provincial regulatory definitions have been examined to assist in the establishment of a proposed definition reflective of the industry in the Municipality.

3 Proposed Draft Amendment to the Land Use By-law

The following draft amendments would implement the recommendations of the January 2, 2020 staff report:

The Municipality of the District of Barrington Land Use By-law be amended as follows:

1. Amend Part 9.1, Mixed Use MU Zone, Permitted Developments by inserting the following use:
 - *Lobster Storage Facility*

2. Amend Part 11.1, Rural Development RD Zone, Permitted Developments by deleting the words "Lobster pound" and replacing them with the words "*Lobster Storage Facility*"

3. Amend Part 13.1, Industrial Marine IM Zone, Permitted Developments by deleting the words "Lobster pound and lobster storage facilities" and replacing them with the words "*Lobster Storage Facility*"

4. Amend Part 19, Definitions, by inserting the following new definition:

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

Council approved the following motions at their meeting held January 27, 2020.

Matters will go back to PAC now to commence the process of carrying out proposed amendments.

Setback Requirements for Lobster Storage Facilities

Staff has researched setbacks and definitions used by other municipal units for lobster storage facilities. Other municipal units do not clearly define lobster holding facilities and our setback requirements are similar to what other municipal units have in place.

Being duly moved and seconded that steps be taken to add the definition of a lobster storage facility to the Land Use By-law to read "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".

Motion carried unanimously.

Being duly moved and seconded that steps be taken to add the "Lobster Storage Facility" definition in the Industrial Marine Zone, Rural Development Zone and Mixed Use Zone.

Motion carried unanimously.

During discussion of setbacks it was noted that maximum setbacks for "light industrial uses" is 30 feet from sidelines and 40 feet from front and rear yards.

Being duly moved and seconded that "Lobster Storage Facilities" have the same setbacks as light industrial uses.

Motion carried unanimously.



An ocean of opportunity

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

- | | |
|---|--|
| <p>Harbour Industrial Marine (IM) Zone
subject to the requirements of the
Mixed Use (MU) Zone</p> <ul style="list-style-type: none"> ▪ Restaurants | <ul style="list-style-type: none"> ▪ 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