

Presented To:	Planning Committee
Presented:	Monday, Aug 10, 2020
Report Date	Monday, Jul 20, 2020
Type:	Public Hearings

Request for Decision

Proposed Zoning By-law Amendment for Breweries, Brewpubs, Distilleries and Wineries

Resolution

THAT the City of Greater Sudbury approves the attached by-law which introduces a framework for Brewpubs and similar uses into the Zoning By-law, as outlined in the report entitled, "Proposed Zoning By-law Amendment for Breweries, Brewpubs, Distilleries, and Wineries", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

Establishing a new planning framework for breweries, distilleries, brewpubs and similar uses is consistent with the Business Attraction, Development and Retention strategic goal of the Plan. Specifically, this proposed amendment supports Sections 2.1 "Build Economic Development Initiatives to Support Existing Businesses, Attract New Businesses and Promote Entrepreneurship" and 2.3 "Strengthen Business and Development Processes and Services to Support Business Growth".

Report Summary

This report provides a summary of the proposed amendments to the Zoning By-law that provide a framework to accommodate small-scale brewing facilities, distilling facilities, brewpubs, wineries and similar uses.

Financial Implications

There are no financial implications associated with the report.

Signed By

Report Prepared By

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Manager Review

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Recommended by the Division

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Financial Implications

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Recommended by the Department

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Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
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**Staff Report: Proposed Zoning By-law Amendment for Breweries,
Brewpubs, Distilleries, and Wineries
July 20, 2020
Planning Services Division**

Background

Small-scale breweries, distilleries, and brewpubs represent a growing industry that supports local economic development and local food production. Council, recognizing this opportunity, directed staff to evaluate options for amending the City's Zoning By-law to establish a framework to accommodate small-scale breweries, distilleries and brewpubs, including a review of best practices. On June 8, 2020 staff presented the findings of a study entitled "Policy Options Report for Small Scale Breweries, Distilleries and Brewpubs" to Planning Committee and were further directed to initiate an amendment to the Zoning By-law to incorporate the new framework. In addition to small-scale breweries, distilleries and brewpubs, the study completed by J.L. Richards recommended consideration of wineries, cideries and meaderies. Staff have reviewed potential amendments to the Zoning By-law with a view to incorporating those additional related uses. A draft of the proposed Zoning By-law Amendment is attached to this report as Appendix A.

Overview of Changes

The new brewpubs framework will allow for these types of emerging businesses and related uses in a greater range of zones than was permitted under the previous framework. Though these uses are similar in that they each produce alcoholic beverages there are some distinguishing characteristics as described below.

Small-Scale Breweries

Small-scale breweries consist of a building or structure used for the production of no more than 50,000 hecto litres per year of beer authorized by a licence by the Alcohol and Gaming Commission of Ontario. Accessory uses can include a private hospitality area, an area for retail sales, an area for sale of alcoholic beverages made off site, special events and tours and an office for administrative purposes. Small Scale breweries are proposed to be permitted in the C2, C3, C4, C5, C6 and C7 commercial zones, within the M1-1, M1, M2 and M3 Industrial zones and the 'Rural (RU)' Zone. A small-scale brewery would also be permitted as an on farm diversified use within an 'Agricultural (A)' zoned property. A cidery or meadery would also be permitted as per the definition of small-scale brewery.

Large-Scale Breweries

Large-scale breweries produce larger quantities of beer (greater than 50,000 hectolitres per year) than small-scale breweries, but are proposed to have the same range of permitted accessory uses. Because of the scale of the operation, it is proposed that such a use would be restricted to industrial zoned lands, in particular the M1, M2 and M3 zones.

Brewpubs

A brewpub consists of two uses: a small-scale brewing facility and a restaurant. The restaurant component would involve the preparation and serving of food and other refreshments to the public for consumption within or outside the building, as well as preparation of food in a ready-to-consume state for consumption off the premises. Brewpubs are proposed to be permitted in a range of commercial and industrial zones as follows: C2, C3, C4, C5, C6, C7, M1-1, M1, M2 and M3. Consistent with the current limitation of restaurants within the rural area, brewpubs would not be permitted in the Rural (RU) and Agricultural (A) zones.

Distilling Facility

Distilling Facilities are proposed to be restricted to the M1, M2, M3 and RU zones because the distilling process presents more hazards from a combustability standpoint (regardless of scale), with respect to the Ontario Building and Fire Codes. A distillery would not be permitted in a building with residential occupancy.

Wineries, Cideries and Meaderies

The study prepared by J.L.Richards included a literature review of brewpubs related policies in various municipalities. Many municipalities have provisions for wineries, cideries and meaderies, in addition to those for breweries and distilleries. In assessing policy options, staff reviewed the findings included in the J.L. Richards report as well as a review of policies in other municipalities including the Niagara region as well as the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) Guidelines. The OMAFRA Guideline on Permitted Uses in Ontario's Prime Agricultural Areas provides direction with respect to what uses qualify as agricultural, agriculture-related and on-farm diversified uses. Wineries, cideries and meaderies are permitted as agriculture-related uses and on-farm diversified uses within the 'Agricultural (A)' Zone and are proposed to be permitted within the C2, C3, C4, C5, C6, C7, M1-1, M1, M2, M3 and RU zones as per the table below.

Other Considerations

Within the Rural Policy Area designation there are a variety of lot sizes, ranging from less than an acre to hundreds of acres. To account for the variability in lot sizes and ensure compatibility between land uses, in the rural area a setback of 70 metres from a small-scale brewing facility, distilling facility or winery to any adjacent residential dwelling is proposed. In addition, proponents must also demonstrate that there is appropriate servicing (water and wastewater) available.

Further, parking requirements for the primary use and any accessory uses are set out in the proposed amendment to the zoning by-law. The proposed parking requirements is similar to the parking requirements for a food processing facility (as was previously applied to such facilities) but also account for accessory uses that may form part of the operation.

The following table provides a summary of the zones in which the above described uses are permitted in both urban and rural zones:

Use	Zone where permitted as primary use	Agricultural Use	Ag-Related Use	On-Farm Diversified Use
Small-scale brewing facility (may include cidery or meadery)	C2, C3, C4, C5, C6, C7 M1-1, M1, M2, M3 RU	No	No	A
Large-scale brewing facility	M1, M2, M3	No	No	No
Brewpub	C2, C3, C4, C5, C6, C7 M1-1, M1, M2, M3	No	No	A
Distilling facility	M1, M2, M3 RU	No	No	A
Winery (includes cidery and meadery)	C2, C3, C4, C5, C6, C7, M1-1, M1, M2, M3 RU	No	A	A

Summary and Recommendation

Small-scale breweries, distilleries, brewpubs, wineries, cideries and meaderies represent a growing industry that supports local economic development and local food production. The proposed amendments are consistent with the findings of the report undertaken by J.L. Richards and facilitate the establishment of these businesses while ensuring that they are developed safely and within suitable areas in a coordinated fashion. Further, the proposed amendments are

consistent with Council's strategic objectives of attracting new business and promoting entrepreneurship and strengthening and supporting business growth. It is recommended that the zoning by-law amendment be approved.

References

1. Staff Report, Policy Options for Small Scale Breweries, Distilleries and Brewpubs, June 8, 2020
https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&item_id=10&id=1450
2. Ministry of Agriculture, Food and Rural Affairs, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas
<http://www.omafra.gov.on.ca/english/landuse/permitteduses.htm>

SCHEDULE “A” TO
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APPENDIX A

That Zoning By-law 2010-100Z is hereby amended by:

1. In Part 3: Definitions, adding a new definition for, “Brewing Facility, Small-Scale” and renumbering all of the existing definition numbers following thereafter;

41.	Brewing Facility, Small-Scale	<p>A <i>building or structure</i> thereof that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of no more than 50,000 hectolitres of beer per year authorized by a licence issued by the Alcohol and Gaming Commission of Ontario. A <i>Small-Scale Brewing Facility</i> may be accompanied by:</p> <ul style="list-style-type: none">a) A private hospitality area where products made on the <i>premises</i> are provided to private groups for tasting and consumption;b) An area for the retail sale of products made on the <i>premises</i> for consumption off of the <i>premises</i>;c) An area where beer manufactured on the <i>premises</i> and alcoholic beverages made off of the <i>premises</i>, by or in collaboration with another <i>Brewing Facility, Winery and Distilling Facility</i> are sold to the general public for consumption on the <i>premises</i>;d) Special events and tours; ande) An <i>office</i> to be used for administrative purposes. <p><i>Small-scale brewing facility</i> includes nano-, micro- breweries, and may include cideries and meaderies .</p>
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2. In Part 3, Definitions, adding a new definition for, “Brewing Facility, Large-Scale” and renumbering all of the existing definition numbers to follow thereafter;

42.	Brewing Facility, Large-Scale	<p>A <i>building or structure</i> thereof that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of greater than 50,000 hectolitres of beer per year authorized by a licence issued by the Alcohol and Gaming Commission of Ontario. A <i>Large-Scale Brewing Facility</i> may be accompanied by:</p> <ul style="list-style-type: none">a) A private hospitality area where products made on the <i>premises</i> are provided to private groups for tasting and consumption;b) An area for the retail sale of products made on the <i>premises</i> for consumption off of the <i>premises</i>;c) An area where beer manufactured on the <i>premises</i> and alcoholic beverages made off of the <i>premises</i>, by or in collaboration with another <i>Brewing Facility, Winery and Distilling Facility</i> are sold to the general public for consumption on the <i>premises</i>;d) Special events and tours; ande) An <i>office</i> to be used for administrative purposes.
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		<i>Large-scale brewing facility</i> may include cideries and meaderies.
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3. In Part 3, Definitions, adding a new definition for, “Brewpub” and renumbering all of the existing definition numbers to follow thereafter;

43.	Brewpub	A <i>building</i> or <i>structure</i> thereof that is used for two <i>uses</i> : a <i>Small-Scale Brewing Facility</i> and a <i>Restaurant</i> . The <i>restaurant</i> component will involve the preparation and serving of food and other refreshments to the public for consumption within, or outside of the <i>building</i> , as well as the preparation of food in a ready-to-consume state for consumption off the <i>premises</i> . In addition, 25% (or more) of the beer must be sold on site.
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4. In Part 3, Definitions, adding a new definition for, “Distilling Facility” and renumbering all of the existing definition numbers to follow thereafter;

85.	Distilling Facility	<p>A <i>building</i> or <i>structure</i> thereof that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of alcohol, as authorized by a licence issued by the Alcohol and Gaming Commission of Ontario. A <i>Distilling Facility</i> may be accompanied by:</p> <ul style="list-style-type: none">a) A private hospitality area where products made on the <i>premises</i> are provided to private groups for tasting and consumption as a special event;b) An area for the retail sale of products made on the <i>premises</i> for consumption off of the <i>premises</i>;c) An area where alcohol manufactured on the <i>premises</i> and alcoholic beverages made off the <i>premises</i>, by or in collaboration with another Brewing Facility, Winery and Distilling Facility, are sold to the general public for consumption on the <i>premises</i>;d) Special events and tours; ande) An <i>office</i> to be used for administrative purposes.
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5. In Part 3, Definitions, adding a new definition for, “Winery” and renumbering all of the existing definition numbers to follow thereafter;

373.	Winery	<p>A <i>building</i> or <i>structure</i> thereof that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of wine authorized by a licence issued by the Alcohol and Gaming Commission of Ontario. A <i>winery</i> may be accompanied by:</p> <ul style="list-style-type: none">a) A private hospitality area where products made on the <i>premises</i> are provided to private groups for tasting and consumption;b) An area for the retail sale of products made on the <i>premises</i> for consumption off of the <i>premises</i>;c) An area where wine manufactured on the <i>premises</i> and alcoholic beverages made off of the <i>premises</i>, by or in collaboration with another <i>Brewing Facility</i>, <i>Winery</i> and
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		<p><i>Distilling Facility</i> are sold to the general public for consumption on the <i>premises</i>;</p> <p>d) Special events and tours; and</p> <p>e) An <i>office</i> to be used for administrative purposes.</p> <p><i>Winery</i> may include, <i>cideries</i> and <i>meaderies</i> .</p>
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- 6.** In Part 3, Definitions, by amending the definition for “Food Processing Plant” by deleting “brewery,”.
- 7.** In Part 3, Definitions, by amending the definition for “Agriculture-related uses” by adding the following to the end of the definition “, and may include a *winery, cidery* and *meadery*”.
- 8.** In Part 3, Definitions, by amending the definition for “On-farm diversified uses” by adding the following to the end of the definition “, and may include a *small-scale brewing facility, distilling facility, winery, cidery* and *meadery*”.
- 9.** In Part 4, General Provisions, by amending Section 4.37 Special Setbacks, by adding the following at the end of the section,
- “4.37.4 Small-Scale Brewing Facilities, Distilling Facilities, and Wineries
- Notwithstanding any other yard or setback provision in this By-law to the contrary, within the ‘Rural (RU)’ and ‘Agricultural (A)’ Zones, no *building* or *structure* containing a *small-scale brewing facility, distilling facility, or winery* shall be erected or expanded unless it is located 70 metres from any *dwelling unit* excluding a *dwelling unit* located on the same lot as the facility.
- 10.** In Part 5, Parking and Loading Provisions, by amending Table 5.4: Non-Residential Parking Requirements For All Zones, Except the C6 Zone, by adding the following uses and associated minimum parking space requirements:
- a) After “*Banquet Hall*”, inserting “*Brewing Facility, Large-Scale*” with an associated parking requirement of “1/90 m² *net floor area* plus 1/30 m² *net floor area of accessory office use*”, plus 1/30 m² for any permitted *accessory uses*;
 - b) After “*Brewing Facility, Large-Scale*”, inserting “*Brewing Facility, Small-Scale*” with an associated parking requirement of “1/90 m² *net floor area* plus 1/30m² *net floor area of accessory office*, plus 1/30 m² for any permitted *accessory uses*”;
 - c) After “*Brewing Facility, Small-Scale*”, inserting “*Brewpub*” with an associated parking requirement of “1/90 m² *net floor area* plus 1/30 m² *net floor area of accessory office*, plus any required for the *restaurant* use, plus 1/30 m² for any permitted *accessory uses*”;
 - d) After “*Day Care Centre*”, inserting “*Distilling Facility*” with an associated parking requirement of “1/90 m² *net floor area* plus 1/30 m² *net floor area of accessory office*, plus 1/30 m² for any permitted *accessory uses*; and
 - e) After “*Wayside Pit or Quarry*”, inserting “*Winery*” with and associated parking requirement of “1/90 m² *net floor area* plus 1/30 m² *net floor area of accessory office*, plus 1/30 m² for any permitted *accessory uses*”.
- 11.** In Part 7 - Commercial Zones, by amending Table 7.2, Permitted Non-Residential Uses, by adding “*Small-Scale Brewing Facility*”, “*Brewpubs*” and “*Winery*” as permitted uses in the General Commercial (C2), Limited General Commercial (C3), Office Commercial (C4), Shopping Centre Commercial (C5), Downtown Commercial (C6) and Resort Commercial (C7) Zones.
- 12.** In Part 8 – Industrial Zones, by amending Table 8.1 – Permitted Uses in Industrial Zones, by:
- a) adding “*Small-Scale Brewing Facility*”, “*Brewpub*” and “*winery*” as permitted uses in the Business Industrial (M1-1), Mixed Light Industrial/Service Commercial (M1), Light Industrial (M2) and Heavy Industrial (M3) Zones;

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- b) adding “Large-Scale Brewing Facility” as a permitted use in the Mixed Light Industrial/Service Commercial (M1), Light Industrial (M2) and Heavy Industrial (M3) Zones; and
- c) adding “*Distilling Facility*” as permitted uses in the Mixed Light Industrial/Service Commercial (M1), Light Industrial (M2), an Heavy Industrial (M3) Zones.

13. In Part 9 – Rural Zones, by amending Table 9.2, Permitted Non-Residential Uses, by adding “*Small Scale Brewing Facility*”, “*Distilling Facility*” and “*Winery*” as permitted uses in the Rural (RU) Zone.

The applicant, a person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submission to the council, or the Minister may appeal the passage of this By-law to the Local Planning Appeal Tribunal by filing with the City Clerk, within 20 days of the giving of notice of passage of the By-law by the City Clerk:

- a) A Notice of Appeal;
- b) An explanation of how the by-law is inconsistent with a policy statement issued under subsection 3(1) of the *Planning Act*, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan; and
- c) The fee prescribed under the *Local Planning Appeal Tribunal Act, 2017*.

If these materials and fees have not been filed with the City Clerk within this period, this By-law shall be deemed to have come into force on the day it was passed.

If these materials have been received within that time, this By-law shall not come into force until all appeals have been withdrawn or finally disposed of and except for those parts repealed or amended, and in such case it shall be deemed to have come into force on the day it was passed.

This By-law is in conformity with the City of Greater Sudbury Official Plan as amended.

Read and Passed in Open Council this XX day of XXXX, 2020.