

**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:

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