

Date: February 6, 2020

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Brewery Definitions and Zoning –Zoning By-law Amendment

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Recent meetings with a nanobrewery entrepreneur, and economic development consultant have sparked much discussion about breweries within the Fort Frances community. Currently our zoning by-law does not define different types or scales of breweries, nor the zones in which they may be permitted. The proposed nanobrewery within the downtown business district is not specifically defined at this time, though given the small (nano) scale and “tasting room” atmosphere our planning consultant believes it fits well within our current General Commercial ‘C2’ Zone.

Throughout various discussions it was made aware that there is further interest from another party regarding a proposed microbrewery of larger scale than noted above.

Extensive research has been conducted through audits of multiple zoning by-laws across the province. Supporting information has also been obtained through conversation with a near-by microbrewery.

The intent of this report is to define different scales of brewery operations and to accompany these with general provisions while allocating them into best fit zones.

This matter was considered at the December 2, 2019 session of the Planning and Development Executive Committee and the December 19, 2019 session of the Committee of Adjustment both with a consensus of recommendation to approve the proposed amendments.

The following documents are attached:

- Schedule A: Proposed Zoning By-law Amendments

Respectfully submitted



Cody Vangel, EIT  
Chief Building Official & Municipal Planner

<p><b>Council Approval of This Report Will:</b> Agree to the recommendation of the Planning and Development Executive Committee and the Committee of Adjustment to approve the proposed Zoning By-Law amendments, and further that same by-law be passed at a future meeting of council.</p>
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## **Schedule A**

### **Proposed Zoning By-law Amendments**

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#### **Definitions:**

##### **Microbrewery**

A brewery completely contained within a structure that produces 300,000 litres or more, but less than 1,500,000 litres of beer per year.

##### **Nanobrewery**

A brewery completely contained within a structure that produces less than 300,000 litres of beer per year.

#### **General Provisions:**

##### **3.38 Breweries**

No person shall construct, permit to construct, or operate a brewery of any scale unless it complies with all applicable federal, provincial and municipal law and statutes. Brewery operations may be required to submit a wastewater management plan to the Operations and Facilities Division for approval prior to operation. All brewery operations shall comply with section 3.18 of this by-law regarding obnoxious uses. Brewery operations within the Light Industrial zone may not be municipally restricted on production volume but must comply with all federal and provincial production approvals and licenses.

##### **3.38.1 Microbrewery**

Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryout and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

- a) On-site taproom and restaurant sales shall not be permitted within the Industrial Park.

##### **3.38.2 Nanobrewery**

Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryout and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

## Schedule A

### Proposed Zoning By-law Amendments

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#### 4.9 GENERAL COMMERCIAL (C2) ZONE

No person shall within a General Commercial (C2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.9.1 Permitted Uses

- a) accessory dwelling units on a floor above the first storey or on the first floor behind the commercial use
- b) assembly hall
- c) bank or financial institution
- d) clinic
- e) community health and resource centre
- f) crisis centre
- g) day nursery
- h) funeral home
- i) gas bar
- j) hotel
- k) laundromat
- l) motel
- m) offices
- n) parking lot
- o) personal services establishment
- p) post office
- q) private club
- r) recreation or fitness establishment
- s) restaurant
- t) retail store
- u) tavern
- v) taxi or bus depot
- w) work/service shop
- x) microbrewery
- y) nanobrewery

## Schedule A

### Proposed Zoning By-law Amendments

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#### 4.10 ENTERPRISE (E) ZONE

No person shall within the Enterprise (E) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.10.1 Permitted Uses

- a) bank or financial institution
- b) building supply and lumber outlet
- c) car wash
- d) clinic
- e) commercial greenhouse/nursery including retail
- f) convenience store
- g) equipment sales/rental establishment
- h) gas bar
- i) hotel
- j) laboratory
- k) laundromat
- l) motel
- m) motor vehicle service station
- n) motor vehicle parts and accessory sales
- o) motor vehicle sales or rental
- p) office
- q) personal services establishment
- r) recreation or fitness establishment
- s) recreational vehicle sales and service operation
- t) research and development establishment
- u) restaurant
- v) retail store (minimum floor area of 500 m<sup>2</sup>)
- w) tavern
- x) self-storage facility
- y) work/service shop
- z) veterinary hospital
- aa) uses that legally existed as of the date of passing of this By-law
- bb) microbrewery
- cc) nanobrewery

## **Schedule A**

### **Proposed Zoning By-law Amendments**

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#### **4.12 LIGHT INDUSTRIAL (M1) ZONE**

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### **4.12.1 Permitted Uses**

- a) animal shelter or veterinary hospital
- b) building supply and lumber outlet
- c) bulk fuel depot
- d) contractors yards
- e) heavy or light equipment sales and services
- f) manufacturing or processing within an enclosed building
- g) motor vehicle repair garage
- h) motor vehicle body shop
- i) outside storage
- j) public works yard
- k) recycling depot
- l) retail sales accessory to a permitted use not exceeding 35% of the total floor area
- m) self-storage facility
- n) telecommunications tower
- o) transmission towers and hydro-electric substations
- p) transportation depot and rail line uses
- q) warehouse
- r) wholesale sales
- s) work/service shop
- t) microbrewery

