

Memo



Date: February 19/10

To: City Manager

From: Community Sustainability Division

File No: TA10-0003 **Applicant:** City of Kelowna (L. Turri)

Purpose: AMENDMENTS TO ZONING BYLAW NO. 8000 TO CREATE TWO USE CATEGORIES - "BREWERIES AND DISTILLERIES, MAJOR" & "BREWERIES AND DISTILLERIES, MINOR"

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Text Amendment No. TA10-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Community Sustainability Division dated February 19, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0003 be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

Amendments to Zoning Bylaw No. 8000 are proposed to introduce "Breweries and Distilleries, Major" and "Breweries and Distilleries, Minor" as use categories to various zones.

3.0 ADVISORY PLANNING COMMISSION:

At a meeting held on February 2, 2010, the Advisory Planning Commission passed the following recommendation:

THAT the Advisory Planning Commission support Text Amendment Application No. TA10-0003, to Zoning Bylaw No. 8000, to add "brewing and distilling, minor" and "brewing and distilling, major" as a use category in various zones.

The Commission suggested that the proposed use category would be a good opportunity for potential business operators, and the "brewing and distilling, minor" category would allow tourist-orientated operations as seen in other municipalities.

4.0 BACKGROUND:

The Land Use Management Department has recently fielded several inquiries related to breweries, distilleries, wineries, etc. seeking to locate within urban areas. Currently, Zoning Bylaw No. 8000 does not allow for such uses within commercial zoning classifications. Within industrial zones, manufacturing is captured within "General Industrial Uses"; however, the production of alcoholic beverages is not explicitly defined. As such, staff have proposed a text amendment to Zoning Bylaw No. 8000 which would both allow small-scale alcoholic beverage

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production within Urban Centres, while clearly defining large-scale production for industrial areas.

Two use categories are proposed which would encompass both large and small-scale operations. All alcoholic beverage production and its retail sale would need to be licensed by the Liquor Control and Licensing Branch prior to the operation receiving a business license. In addition, the sale of alcoholic product would be limited to that which is produced on-site.

The “minor” use category would have several limitations to the scale of production, including:

- Maximum manufacturing area of 275m² (~3,000ft²).
- All equipment and machinery must be contained completely indoors.
- Production activities cannot be noxious or offensive to surrounding area (noise, smell, vibration, etc).

Exact wording is contained within Schedule “A”, as attached. The table below summarizes the proposed zones for the “breweries and distilleries” use:

Use Category	Proposed Zoning Classifications
Breweries and Distilleries, Major	I2, I3, I4
Breweries and Distilleries, Minor	C4, C7

5.0 TECHNICAL COMMENTS

The Building & Permitting Branch, Development Engineering Branch, and the RCMP were circulated on the proposed text amendment and advised they have no objections.

The RCMP offered the following comment: We are in support of the “brewery and distillery” use in the urban centres. In looking at local wineries and other communities with similar venues, it appears as though the addition of such establishments would contribute to the overall culture of the Okanagan without drawing on existing police resources.

6.0 CURRENT DEVELOPMENT POLICY

6.1 Official Community Plan

Section 6.33 - Employment Opportunities: Encourage increased employment opportunities within Urban Centres to support Transportation Demand Management (TDM) strategies and to continue to improve the economic health of the labour force residing within and adjacent to Urban Centres.

Section 9.15 - Urban Centre Focus: Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the Urban Centres.

Section 9.19 - Niche Retail: Encourage niche retail establishments to locate in the City Centre and the Town Centres.

7.0 LAND USE MANAGEMENT DEPARTMENT:

The “breweries and distilleries, major” use category provides clarity within Zoning Bylaw No. 8000 for the operation of breweries, distilleries, wineries etc., ensuring large-scale production operations are limited to industrial areas. Existing operations north of Kelowna’s downtown would be accommodated within this use.

The “breweries and distilleries, minor” use category would enable small-scale businesses to locate within both the C4 - Urban Centre Commercial and the C7 - Central Business Commercial zones. Generally speaking, inquiries Land Use Management staff have received in this regard have involved businesses seeking to have a retail storefront within tourist-orientated commercial areas, with small-scale craft production in the rear of the building. After discussion and research from other jurisdictions, this use was deemed to be appropriate from a land use perspective within Urban Centres.

The production, tasting and sale of alcoholic products on-site are not perceived to be detrimental to surrounding commercial uses within mixed-use Urban Centres and would help compliment existing tourist/business potential. The limited scale of the operations proposed within the definitions would ensure compatibility with surrounding urban uses.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

Attachments:

Schedule "A" - Proposed Wording

Schedule "A"
Text Amendment No. TA10-0003 - Proposed Text Amendments

Zoning Bylaw No. 8000		
No.	Section	Proposed Text
		Existing Text
1	§2.3.3 General Definitions	<p>nil</p> <p>BREWRIES AND DISTILLERIES, MAJOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. This production must be licensed by the <i>Liquor Control and Licensing Act</i>. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. This also includes Breweries and Distilleries, Minor.</p>
2	§2.3.3 General Definitions	<p>nil</p> <p>BREWRIES AND DISTILLERIES, MINOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. This production must be licensed by the <i>Liquor Control and Licensing Act</i>. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site.</p> <p>All processes, functions and mechanical equipment associated with the use must be contained indoors, and are limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. The total area for manufacturing shall be limited to a maximum of 275m².</p>
3	§14.4.2 Principal Uses (C4 Zone)	Breweries and Distilleries, Minor
4	§14.7.2 Principal Uses (C7 Zone)	Breweries and Distilleries, Minor
5	§15.2.2 Principal Uses (I2 Zone)	Breweries and Distilleries, Major Breweries and Distilleries, Minor
6	§15.3.2 Principal Uses (I3 Zone)	Breweries and Distilleries, Major Breweries and Distilleries, Minor
7	§15.4.2 Principal Uses (I4 Zone)	Breweries and Distilleries, Major Breweries and Distilleries, Minor

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