DATE:  August 26, 2016
FILE:  3360.20/06-2016
SUBMITTED BY:  Stacey Lightbourne-Planner
SUBJECT:  ZONING AMENDMENT – C1 – Commercial Zone

PURPOSE:
To advance the application for a zoning amendment for the C1 – Commercial Downtown Core Zone to allow a larger micro-brewery.

STAFF RECOMMENDATION:
THAT Council provide First and Second Readings to Bylaw # 2619 and set a Public Hearing for October 11, 2016.

OPTIONS AND ALTERNATIVES:
1. THAT Council provide First and Second Readings to Bylaw # 2619 and set a Public Hearing for October 11, 2016.
2. THAT Council refer the item back to staff so additional information can be provided.
3. THAT Council not provide First and Second Readings to Bylaw # 2619.

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:
Option 1: Providing First and Second Readings to Bylaw #2619 and setting a Public Hearing advances the staff recommendation and allows the City an opportunity to hear from the general public.
Option 2: Referring the item back to staff allows for more time for staff to answer any questions that Council may have.
Option 3: Not advancing the bylaw means the applicant will not be able to proceed with the current proposal.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION: Permitting a larger micro-brewery to locate in the downtown core will result in increased tax revenues from the property.

ANALYSIS:
Proposed Development:
The Rossland Beer Company can no longer meet the demand for their beers in their existing location. The owners would like to continue to operate their craft brewery and tasting facility in Rossland. As such they are proposing to construct or buy a larger facility in the downtown. The proposed new facility would have a similar look and feel to the existing facility although larger with more production capacity. There would also be an increase in the space allocated to the tasting room and sales area.

Occupancy loads have yet to be determined but the applicant is anticipating 50-70 person occupancy. The parking requirements for this would be 1 space per 6 seats or 8 – 12 spaces. The applicant is aware of this requirement and will provide the required number of spaces on site.

In order to accommodate this proposal the applicant would like to increase the minimum floor area of a “Small Scale Food and Beverage Processing Establishment” from 200m2 to 1000m2.
**Current Zoning**
Under the current zoning bylaw this establishment is classified as a small scale food and beverage processing establishment which is limited to a floor area not exceeding 200 square meters in the C1 Downtown Commercial Zone. In addition, a small scale food and beverage processing enterprise in a C-1 Zone shall have an associated retail use occupying a minimum floor area of 30% of the total floor area. The intent of this is to prevent a larger more intensive processing facility that would be more appropriate in a light industrial zone.

**Proposed Zoning Amendments:**
The expansion of craft breweries in the past few years has resulted in changes to liquor licensing and zoning regulations in order to permit this type of facility. The liquor licensing agency adopted a “lounge endorsement” license as an extension to a manufacturing license to enable breweries to sell their product on site. In local government, where zoning regulations would normally permit a brewery to locate in an industrial area only, many communities have made changes to zoning bylaws to permit craft breweries and their associated retail sales in commercial areas where a pub or lounge would normally locate.

A review of other resort communities found that most have created a specific definition for a craft brewery and have permitted them in commercial zones provided that the size is restricted by either the number of litres produced (eg; Nelson- less than 12,500 hectolitres of beer per year) or by the size of the establishment (eg: Fernie, Penticton – No more than 1000 sq m)

Increasing the size of a small scale food and beverage establishment to accommodate this proposal may leave the door open for more intensive processing establishments with negative impacts to locate in the downtown core. Given that a craft brewery is a unique enterprise, more similar to a pub, it is appropriate to remove this use from the small scale food and beverage processing definition, create a separate definition and permit it within the Downtown Commercial Zone. The proposed definition limits the size of the establishment (as this is easier to measure), permits a retail space and limits the amount of delivery traffic that could negatively impact neighbours. This will ensure the proposal will have a strong pedestrian-oriented character and will enhance the attractive, lively main street environment by adding to the mixture of specialty shopping, personal service, restaurant, cultural, and entertainment uses in the downtown core.

**Official Community Plan (OCP):**
The following policies from the Downtown Core Land use designation are relevant and support this proposal.
- To ensure that the Downtown Core is maintained as the dominant commercial node in the community as well as a cultural and social focal point.
- To increase the density and diversity of uses in the downtown.
- Ensure all new development and major renovations and expansions within the Downtown Core are of a high quality and contribute to the heritage and character of Rossland. To this end, Council intends to enforce the Development Permit Area guidelines set out in Section 32 of this Bylaw. These guidelines will be reviewed and updated to ensure ease of understanding and use.
- The area designated Downtown Core on Schedule B is intended to function as the primary shopping, business, tourist, cultural and social node of the community with a distinctive quality and sense of place. As such, a broad range of concentrated pedestrian-scale uses including residential, retail, office, financial, institutional, service, entertainment, food and beverage and visitor accommodation are supported.
- Encourage redevelopment of underutilized lands and the development of vacant lands for mixed commercial-residential uses.
- Encourage outdoor seating for restaurants, cafes and bars provided that surrounding residential neighbourhoods and pedestrian movement are not adversely affected.
**Development Permit Area Guidelines:**
This proposed development will be located in the Downtown Core, Mixed Use and Residential Development Permit Area (OCP-Section 32) which is established to regulate the form and character of commercial or multi-family residential development in the core of Rossland. Any new construction or renovation of an existing building will require that the applicant comply with the Rossland Downtown Design Guidelines. The applicant is aware of this.

**Neighbourhood Impact**
Limiting the size of the establishment to 1000 sq metres (10,800 sq ft), and the number of delivery vehicles to the facility should ensure any potential negative impacts for the neighbourhood are mitigated. Nelson City staff have received no complaints regarding their craft breweries, one of which is in a predominantly residential neighbourhood.

**Attachments:**
1. C1 Zone Map
2. Bylaw #2619

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Prepared by: Stacey Lightbourne
Approved for submission to Council: CAO

Stacey Lightbourne

CAO
This map is a static output from the City of Rossland and is for general reference only. Data layers that appear on the map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, SURVEY OR BUILDING PURPOSES.
THE CORPORATION OF THE CITY OF ROSSLAND
BYLAW No. 2619
A BYLAW TO AMEND THE ZONING BYLAW No. 2518

WHEREAS Part 26 of the Local Government Act R.S.B.C. 1996, c.323 authorizes the Council of the City of Rossland to establish and amend a zoning bylaw;

AND WHEREAS the Council of the City of Rossland deems it necessary and expedient to amend the City of Rossland’s Zoning Amendment Bylaw No. 2518, 2011.

NOW THEREFORE, the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the Zoning Amendment Bylaw, No. 2619, 2016(6)

AMENDMENT

2. (i) Schedule “A” of Bylaw No. 2518 is hereby amended by adding the following definition to Section 3.0, Definitions:

CRAFT BREWERY means a building used for production of alcoholic beverages for retail and wholesale sales, with a maximum gross floor area of 1,000m². The facility may include retail sales, tours and tastings and food consumption. No more than two tractor-trailer type vehicles shall be allowed for pick-up or delivery to the facility within any 24 hour period.

(ii) Schedule “A” of Bylaw No. 2518 is hereby amended by changing Section 3.0, Definitions, “SMALL SCALE FOOD AND BEVERAGE PROCESSING ESTABLISHMENT” to the following:

SMALL SCALE FOOD AND BEVERAGE PROCESSING ESTABLISHMENT includes, but is not limited to, a bakery, a butcher shop, a wine or beer making enterprise but does not include a craft brewery.

(iii) Schedule “A” of Bylaw No. 2518 is hereby amended by changing Section 3.0, Definitions, “COMMERCIAL, DOWNTOWN USE” to the following:

COMMERCIAL, DOWNTOWN USE
Means a use intended to stabilize, maintain, and enhance the unique commercial character of Downtown Rossland as an attractive, lively main street environment. Specifically, the Commercial Downtown provides for land uses downtown that have a strong pedestrian-oriented character, with a mixture and concentration of specialty shopping, personal service, restaurant, cultural, and entertainment uses limited to: Artist Studio and Gallery, Business Support Services, Bus Terminal, Clubs or Lodges, Craft Brewery dance studios, Eating and Drinking Establishments, Financial Institutions, fitness clubs, Health Services, Household Repair Services, Hotels, Hostel, Institution, Liquor Licensed Premises, Offices, Personal Services, Radio and Television Studios, Restaurants, Retail Stores, Retail Store associated with Small Scale Food and Beverage Processing Establishment, Schools, Veterinarian’s Clinics, video rental store, and generally excludes a use providing for the sale or servicing of non-household or non-personal goods or things.

ENACTMENT

6. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

(2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME this 6th day of September, 2016
READ A SECOND TIME this 6th day of September, 2016
PUBLIC HEARING this day of, 2016
READ A THIRD TIME this day of, 2016
FINALLY ADOPTED this day of, 2016

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Mayor                        Corporate Officer