

ORDINANCE 1477

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XV, LAND USAGE, CHAPTER 155, ZONING REGULATIONS, SECTION 155.008, DEFINITIONS, TO INCLUDE DEFINITIONS FOR “MALT BEVERAGE”, “ BREWPUB”, “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER”; SECTION 155.036, CB CENTRAL BUSINESS DISTRICT, (A) PERMITTED USES, TO INCLUDE “BREW PUB” AS A PERMITTED USE, (B) CONDITIONAL USES, TO INCLUDE “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER” AS CONDITIONAL USES; SECTION 155.037, GB GENERAL BUSINESS DISTRICT, (A) PERMITTED USES, TO INCLUDE “BREW PUB” AS A PERMITTED USE, (B) CONDITIONAL USES, TO INCLUDE “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER” AS CONDITIONAL USES; SECTION 155.039, GI GENERAL INDUSTRIAL DISTRICT, (B) CONDITIONAL USES, TO INCLUDE “BREW PUB”, “FARM WINERY”, “MICROBREWERY”, AND “WINE MANUFACTURER” AS CONDITIONAL USES; AND TO CREATE SECTION 155.084, BREWPUB, FARM WINERY, MICROBREWERY, AND WINE MANUFACTURER.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Malt Beverage”, “Brewpub”, “Microbrewery”, “Wine Manufacturer”, and “Farm Winery” as definitions. All other portions of section 155.008 will remain as they are. Following is the amendment:

MALT BEVERAGE. A beverage as defined by SDCL 35-1-1.

BREW PUB. A restaurant or drinking establishment that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, yeast, and other ingredients into a malt beverage by mashing, cooking, and fermenting.

FARM WINERY. A manufacturer of wine as defined by SDCL 35-12-13.

MICROBREWERY. A manufacturer of malt beverages as defined by SDCL 35-15-1.

WINE MANUFACTURER. A manufacturer of wine as defined by SDCL 35-16-1.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Brewpub” as a permitted use, and “Farm Winery”, “Microbrewery” and “Wine Manufacturer” as conditional uses. All other portions of sections 155.036 (A) and (B) will remain as they are. Following is the amendment:

§155.036 CB CENTRAL BUSINESS DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Brewpub	§§ 155.070, 155.072, 155.074, 155.077, 155.084, and SDCL 35-15.

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Farm Winery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-12.
Microbrewery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.
Wine Manufacturer	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-16.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Brewpub” as a permitted use, and “Farm Winery”, “Microbrewery” and “Wine Manufacturer” as conditional uses. All other portions of sections 155.037 (A) and (B) will remain as they are. Following is the amendment:

§155.037 GB GENERAL BUSINESS DISTRICT

(A) PERMITTED USES.

Permitted Use	Applicable Standards
Brewpub	§§ 155.070, 155.072, 155.074, 155.077, 155.084, and SDCL 35-15.

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Farm Winery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-12.
Microbrewery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.
Wine Manufacturer	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-16.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be amended by including “Brewpub”, “Farm Winery”, “Microbrewery” and “Wine Manufacturer” as conditional uses. All other portions of sections 155.039 (B) will remain as they are. Following is the amendment:

§155.039 GI GENERAL INDUSTRIAL DISTRICT

(B) CONDITIONAL USES.

Conditional Use	Applicable Standards
Brewpub	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.
Farm Winery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-12.
Microbrewery	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-15.

Wine Manufacturer	§§ 155.070, 155.072, 155.074, 155.077, 155.084, 155.095(A), and SDCL 35-16.
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BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the following section of Chapter 155 be created. All other sections of Chapter 155 will remain as they are, unless amended by this ordinance amendment. Following is the new section to Chapter 155:

§155.084 BREWPUB, FARM WINERY, MICROBREWERY, AND WINE MANUFACTURER

(A) BREWPUB AND MICROBREWERY

(1) Brewpub

- (a) The area used for brewing, including bottling and kegging (but not including storage facilities, or other spaces that may be used by the restaurant or drinking establishment), shall not exceed 33-percent of the total area of a combined restaurant and drinking establishment and 50-percent of the total floor area of a drinking establishment without restaurant services.
- (b) A malt beverage manufacturer's license must be obtained per State law.
- (c) A malt beverage license must be obtained per City ordinance.
- (d) The amount, method, and frequency of spent grain being disposed shall be provided.
- (e) The brewery shall not produce more than 15,000-barrels of malt beverages per year. A barrel contains 31-gallons.

(2) Microbrewery

- (a) A malt beverage manufacturer's license must be obtained per State law.
- (b) A malt beverage license must be obtained per City ordinance.
- (c) A microbrewery may also operate other uses allowed in the district. Depending on the use, and the district, the additional uses may require a conditional use permit.
- (d) If operating a combined restaurant and drinking establishment in combination with the Microbrewery, the area used for brewing, including bottling and kegging (but not including storage facilities, or other spaces that may be used by the restaurant or drinking establishment) shall not exceed 33-percent of the total area.
- (e) If operating a drinking establishment in combination with the Microbrewery, the areas used for brewing, including bottling and kegging (but not including storage facilities, or other spaces that may be used by the restaurant or drinking establishment) shall not exceed 50-percent of the total area.
- (f) All grain shipments and spent grain shall be contained within a completely enclosed building.
- (g) The amount, method, and frequency of spent grain being disposed shall be provided.
- (h) The brewery shall not produce more than 30,000-barrels of malt beverages per year. A barrel contains 31-gallons.

(B) FARM WINERY AND WINE MANUFACTURER

(1) Farm Winery

- (a) A farm winery license must be obtained per State law.
- (b) A malt beverage license must be obtained per City ordinance.
- (c) A farm winery may also operate other uses allowed in the district. Depending on the use, and the district, the additional uses may require a conditional use permit.
- (d) The amount, method, and frequency of pomace or marc being disposed shall be provided.
- (e) The quantity of wine produced cannot exceed 150,000-gallons per year.

(2) Wine Manufacturer

- (a) A wine manufacturer license must be obtained per State law.
- (b) A malt beverage license must be obtained per City ordinance.
- (c) A wine manufacturer may also operate other uses allowed in the district. Depending on the use, and the district, the additional uses may require a conditional use permit.

- (d) The amount, method and frequency of pomace or marc being disposed shall be provided.
- (e) The quantity of wine produced cannot exceed 150,000-gallons per year.

Dated at Vermillion, South Dakota this 3rd day of January, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY 
Jonathan D. Cole, Mayor

ATTEST:

BY 
Katie E. Redden, Finance Officer

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