

Winery Ordinance Chronology

In 1972 Peninsula Township established its first winery ordinance which included Food Processing.

Agricultural operators who sought to plant vineyards had extensive input to this original section.

In 1976, Chateau Grand Traverse was the first farm to make wine from their grapes. This was accomplished under a Special Use Permit which was approved by the Zoning Board of Appeals (ZBA) and which allowed limited retail sales of non-wine items.

Initially the township's Zoning Board of Appeals was to be able to grant SUPs, this was subsequently changed.

In 1989 Winery/Chateau ordinance (Section 8.7.3(10) of the PT ordinances) was created and it is the foundation for the ordinance that exists today. Chateau Chantal received the first Special Use Permit (SUP) to operate as a Winery Chateau in 1990.

The founder of Château Chantal, who was on the planning commission that developed the ordinance, along with other Winery supporters had extensive input. Their lawyer drafted language that was used in developing the Winery Chateau use.

On April 14, 1992, the Township Board granted Bowers Harbor Vineyard a Special Use Permit (32) that included a Food Processing plant for making wine and a Roadside Stand for tasting and retail sales. This use was later removed from the ordinance.

This was proposed by the owner of Bowers Harbor Vineyard.

In 1997, an effort was made to amend the Winery/Chateau Ordinance to allow more food and guest services. This request was denied as a result of public input and board concern.

This was proposed by the owner of Château Chantal,

In 1998 the remote tasting room option was added to the ordinance.

This was proposed by the owner of Peninsula Cellars.

In 1999, the Town Board passed the 5 Acre Small Winery Ordinance, Amendment NO. 128. The Amendment had 3 subsections:

128a – redefined terms used to describe wineries and its products. Fortified wines, wine brandy and mixed wine drinks were permitted.

128b – expanded the definition of winery to include a tasting room as an *agricultural* activity.

128c - allowed a variety of retail sales in addition to wine products, it failed to limit the size of buildings. Only 5 acres were required to be in grapes and only 15 acres were required to obtain a Special Use Permit (SUP).

The Ordinance was repealed by referendum in August 2000.

This failed effort was led by representatives of the winery industry, known as The Agricultural Preservation League (APL), the predecessor trade group of WOMP (Wineries Of Old Mission).

In the fall of 2001, a collaboration was initiated between winery representatives and citizens who had been in opposition to the initial 5 Acre Small Winery Ordinance, Amendment NO. 128. They came to agreement on a replacement small winery amendment in June of 2002 and the Township Board then passed Amendment 139 on July 9, 2002. This was called the Farm Processing facility and is a Use By Right (UBR).

The Agricultural Preservation League was represented in that collaboration by League members who insured that Amendment 139 was approved by winery representatives

On December 10, 2002 Amendment 146 was passed, allowing a residence in a food processing plant operation.

In 2004 winery operators requested expanded uses for guest activities which was tied to the number of acres in production and the tonnage produced. On August 10, 2004, the township approved Amendment 141 for these guest activities.

This was proposed by the owner of Chateau Chantal.

On August 9, 2011, Amendment 181 allowed sale of wine by the glass. This was passed in response to state legislation allowing such an activity.

On July 23, 2019, SUP 132 rescinded SUP 32 and added a Winery Chateau section to the ordinance causing Bowers Harbor Vineyard to be brought under the Winery Chateau Ordinance (Section 8.7.3(10)), shifting this winery from a non-complying roadside stand/food processing winery. This required granting of an acreage variance by the ZBA.

This was a result of the need to clarify uses at Bowers Harbor Vineyard, in particular regarding food service and event hosting.

In January 8, 2019 the use by right, Farm Processing Facility was amended to allow a larger production area. This was via Amendment 197

This was initiated in response to Black Star Farms' need for a larger production area.

In 2020, WOMP requested changes to extend uses in the current Ordinance and negotiations were underway with the Township when Covid 19 struck and the talks ceased. In the fall of 2020, without notice, WOMP filed the current lawsuit against the Township. PTP became fully aware of these negotiations only after the litigation was filed in late October, 2020.

Winery uses within the current Peninsula Township Ordinance

There are 4 sections of the ordinance that allow for wine making. 1 is a Use By Right (UBR) and 3 are by Special Use Permits (SUP)

UBR: These permits are granted without an extensive approval process with the Planning Commission and Board. So long as the applicant meets the requirement of the ordinance the use is granted.

Farm Processing – Limited retail allowances
Ordinance

Currently Section 6.7.2(19) of the PT Zoning

Black Star Farms
Two Lads

SUP: These uses go through extensive review at the planning commission and Board level. The individual plans must be approved in detail before being allowed to proceed.

Wine Chateau

Currently Section 8.7.3(10) of the PT Zoning Ordinance

Bowers Harbor
Brys Estate
Chateau Grand Traverse
Chateau Chantel
Bonobo
Tabone
Mari
Hawthorn

Remote Tasting Room

Currently Section 8.7.3(12) of the PT Zoning Ordinance

Peninsula Cellars

Food Processing – No retail allowances

Currently Section 8.5 of the PT Zoning Ordinance