

Regulating Wineries
Planning & Permitting

Maryland Wineries Association Kevin Atticks, DCD

About MWA

- Maryland Wineries Association represents <u>all wineries</u> in Maryland (63+), and over 15 prospective wineries.
- Our primary goals to create a sustainable business and sales environment to support the expansion of MD winegrowing.
- MWA considers as core to its mission:
 - Tourism
 - Agriculture
 - Land Preservation



Current Issues

- What's a winery? Definitions, uses, standards vary by county;
- Water usage / septics;
- Winery waste (greywater and pomace) as soil conditioners & incorporated in NMPs;
- Events at wineries: nature and frequency;
- Impact fees.



A winery is a winery...

State definition
Planning & Zoning
Permitting
Health



State Definition

 "Winery" is defined in state code in Article 2B.

A "winery" means a facility to: Grow fruit for wine or pomace brandy production;

As regulated by Article 2B section 2-205 of the Annotated Code of Maryland:

- a. Ferment and bottle wine;
- b. Distill and bottle pomace brandy;
- c. Store wine and pomace brandy;
- d. Sell wine and pomace brandy produced by the occupant for consumption on or off premises;
- e. Provide samples of wine and pomace brandy;
- f. Serve and sell food;
- g. Hold promotional or other organized event.



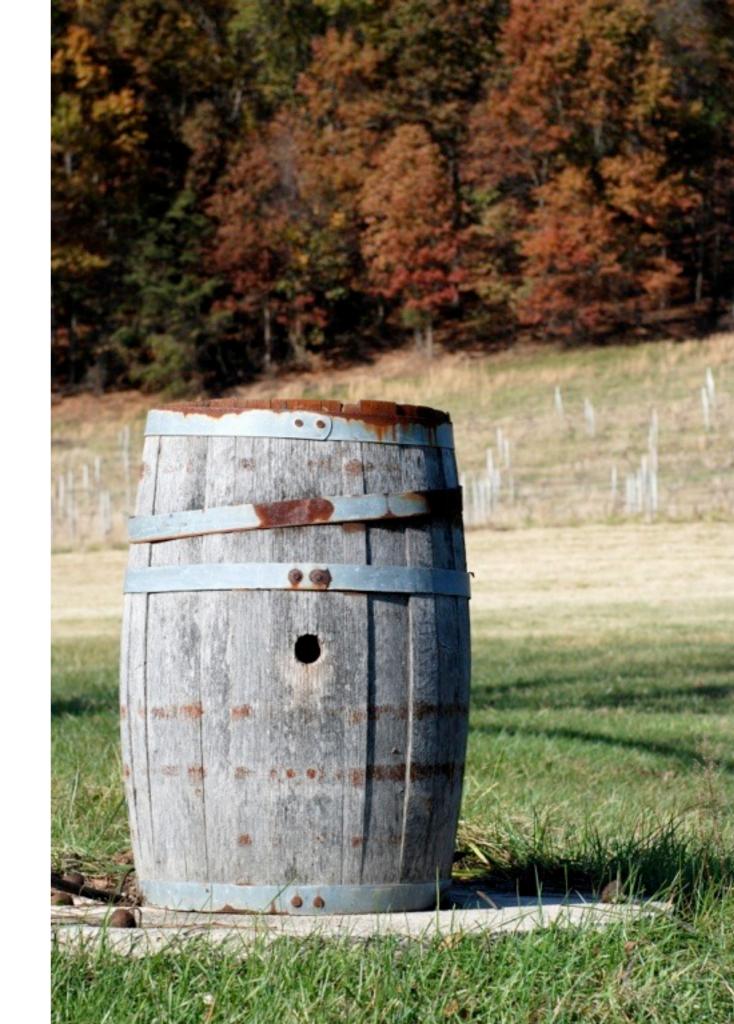
Planning & Zoning

- Wineries grow, process, store, sell and promote wine, serve food and host events...
- So, its uses are agriculture, manufacturing, warehousing, retail, restaurant and conference center?
- Or "church, community center or country inn" or is its use simply "winery"?
- Where are wineries appropriate?
 Approved or conditional?



Permitting

- Because wineries span (or combine) uses, they're held to different standards in different counties.
- Septics, bathrooms, plumbing, fire suppression.
- ADA Compliance areas open to public and "reasonable effort to accommodate."
- Impact fees.



Health

 Wineries, specifically wine production, tastings and sales, are regulated under the TTB—not FDA—under an MOU between the agencies.

FDA = DHMH = Co. Health Dept. TTB = Comptroller

- WINE: Production, tastings, sales all regulated by Comptroller.
- FOOD: Wineries preparing/ serving/selling food must comply with local health regs & permits.



Prospective Legislation

- Adjusting law re: off-site events (farmers' markets, special events)
- Definitions and exemptions for wineries or agritourism businesses
- Vineyard/winery tax credit





Regulating Wineries
Planning & Permitting

Maryland Wineries Association Kevin Atticks, DCD