



Regulating Wineries

Planning & Permitting

Maryland Wineries Association
Kevin Atticks, DCD

About MWA

- Maryland Wineries Association represents all wineries 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
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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





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