

ARTICLE III: OVERLAY AND FLOATING ZONING DISTRICTS

Section 190-21 WORKING WATERFRONT OVERLAY DISTRICTS (WWOD)

21.1. PURPOSE AND INTENT

The Working Waterfront Overlay District is established for the following purposes:

- A.** To increase opportunities to sustain and grow the local economy through the preservation, revitalization, and accessibility of the working waterfront for water-dependent businesses and the goods and services that support them.
- B.** To support a greater variety of water-dependent businesses on Talbot County's working waterfronts while minimizing adverse impacts to habitat and water quality.
- C.** To support water-enhanced businesses in appropriate locations that contribute to the overall economic activity and increase the public's enjoyment of Talbot County's working waterfronts.
- D.** To preserve and improve existing working waterfront assets for complementary and appropriately-scaled water-dependent businesses and commercial access while being sensitive to the concerns of adjoining neighbors.
- E.** To avoid the displacement of water-dependent uses that are critical to the County's marine-based economy.
- F.** To preserve the character-defining features of Talbot County's historic villages.
- G.** To encourage increased public access, both physical and visual, to the waterfront.
- H.** To implement Village Master Plans for Talbot County's villages, including the *Bellevue Village Master Plan* (September 2017) and the *Tilghman Village Master Plan* (September 2017).

21.2. DISTRICTS

There are two Working Waterfront Overlay Districts, distinguished by the types of uses predominantly allowed in those districts, as follows:

A. WWOD-1

WWOD-1 accommodates water-dependent uses, as specified in Subsection 21.6, Table III-12, Land Uses in the Working Waterfront Overlay Districts. Certain water-related and water-enhanced uses may be established in WWOD-1, subject to the conditions specified in Section 21.6. C.

B. WWOD-2

WWOD-2 accommodates water-related and water-enhanced uses, as specified in Subsection 21.6, Table III-12, Land Uses in the Working Waterfront Overlay Districts.

21.3. APPLICABILITY

- A.** A WWOD may be applied to properties located in the VM, VH, LC, GC or LI zoning districts.
- B.** A WWOD:
 - 1.** modifies permitted uses of the underlying zone by permitting additional water-dependent, water-related or water-enhances uses not allowed in the base zoning district as specified in Section 190-25, Table IV-1, Table of Land Uses, and
 - 2.** modifies permitted uses of the underlying zone by prohibiting uses allowed in the base zoning district as specified in Section 190-25, Table IV-1, Table of Land Uses, and
 - 3.** establishes other standards, including bulk requirements and design standards, that supplement or supersede the requirements of the underlying zone and that are appropriate to the character of working waterfront uses.
- C.** Critical Area lot coverage requirements as specified in Section 190-15.6.C. shall apply to a WWOD.
- D.** This section, whether more or less restrictive, takes precedence over any conflicting provision in another applicable section of this Chapter.
- E.** Areas designated in WWOD-1 shall be designated as a waterfront revitalization areas pursuant to Md. Natural Resources Code § 8–1808.3.

21.4. REVIEW AND APPROVAL PROCESS¹

- A.** Applications for the establishment of WWODs shall be submitted and heard following the procedures for amendments to the official zoning maps as outlined in Section 190-55.²
- B.** In addition to the factors to be considered in Section 55.2, the County Council shall consider whether to grant approval for the establishment of WWODs within villages based on the following findings with respect to the community in which the map amendment is requested:
 - 1.** Traditional or historic patterns of development will be better protected through application of a Working Waterfront Overlay than by the underlying VM or VH zoning district.
 - 2.** Application of a Working Waterfront Overlay will promote a sustainable community by allowing suitable reinvestment, reuse and infill development.
- C.** For each proposed zoning map amendment to apply a Working Waterfront Overlay:
 - 1.** The Department of Planning and Zoning, in its report on the zoning map amendment, shall provide aerial photographs or other documentation showing existing lot lines, streets, structures, land uses and natural features for the area of the proposed Working Waterfront Overlay.
 - 2.** The Planning Commission shall identify in its recommendation to the County Council:

¹ This section is generally based on Nextstep190's Village Overlay District (Talbot County Code, Chapter 190, § 20.2), which keeps the processes consistent.

² Because this section is designed to calibrate standards to working waterfront uses, it does not include a provision requiring adjacency to existing WWODs.

- a. Existing or proposed working waterfront uses that will contribute to and reinforce the County's maritime economies, and
 - b. If within a village, consistency with an adopted Village Master Plan; and
 - c. If no Village Master Plan has been adopted for the village, key features that are important to the traditional or historic character of the village area.
- D.** The County Council, in adopting legislation applying a Working Waterfront Overlay to an area or specific property may include in its decision specific standards, supported by the documentation, that specify appropriate dimensions, design guidelines or other criteria for development within the particular Working Waterfront Overlay, if different from the standards specified in this section.
 - E.** The documentation and standards included in the County Council's decision shall be published by the Department of Planning and Zoning as the Working Waterfront Overlay Design Guidance for the area or specific property.
 - F.** The Shoreline Development Buffer shall not be reduced unless the area within the Working Waterfront Overlay also includes a Modified Buffer Area Overlay.

21.5. DEVELOPMENT STANDARDS AND DECISION³

- A.** Proposals for subdivision or development shall be guided by and comply with the Working Waterfront Overlay Design Guidance, if applicable, for the particular Working Waterfront Overlay.
- B.** All requirements applicable to the underlying zoning district shall apply except as specifically replaced by the Working Waterfront Overlay Design Guidance.
- C.** Decisions on development applications within a Working Waterfront Overlay shall be made in accordance with the provisions of Article VII, Administration.

21.6. LAND USES

A. GENERAL

- 1. Table III-12, Land Uses in the Working Waterfront Overlay Districts, establishes permitted uses, special exception uses, and accessory uses in the Working Waterfront Overlay Districts set forth in this section.
- 2. All uses not listed in the table are prohibited except as provided below in Subsection B.
- 3. If a use is not listed in Table III-12 or defined in Article IX, the use may be interpreted by the Planning Director as provided in § 25.1.C.
- 4. Specific standards and requirements for many of the listed land uses are given in §§ 190-26 through 190-34.

B. RESIDENTIAL USES

- 1. A primary residential dwelling is considered legally permitted and not nonconforming if the dwelling existed prior to the rezoning to a WWOD.
- 2. The use of a primary residential dwelling in existence prior to the rezoning to a WWOD may be converted to a non-residential use, subject to the applicable provisions of this

³ This section is generally based on Nextstep190's Village Overlay District (Talbot County Code, Chapter 190, § 20.3), which keeps the standards consistent.

Section. However, the structure may not subsequently be returned to residential use except in compliance with this section.

3. Establishment of new residential uses is not permitted, except for accessory dwellings subject to this section.

C. WATER-RELATED AND WATER-ENHANCED USES IN WWOD-1

1. Any water-related or water-enhanced use allowed by Special Exception in WWOD-1 is subject to the conditions specified below, in addition to other applicable conditions referenced in Table III-12, Land Uses in the Working Waterfront Overlay Districts. The water-related or water-enhanced use shall:
 - a. occupy less than 50% of a structure’s gross floor area, with the remainder of the structure occupied by a water-dependent use;
 - b. not impede or prevent the future establishment of water-dependent uses in the WWOD-1; and
 - c. be compatible with water-dependent uses and the working waterfront character of the district.

D. TABLE OF LAND USES

Key:

P: Permitted principal use

A: Permitted accessory use

S: Special Exception

Blank: Not Permitted

TABLE III-12. LAND USES IN THE WORKING WATERFRONT OVERLAY DISTRICTS

USE TYPE	SECTION CROSS-REFERENCE	DISTRICT	
		WWOD-1	WWOD-2
See the subsection of Chapter 190 listed below for specific requirements.			
Water-Dependent Uses			
Aquaculture, water-based (retail)	26.16	P	P
Aquaculture, water-based (wholesale)	26.17	P	P
Charter/tour boat facility		P	P
Facility for marine pollution control, oil spill cleanup, or servicing of marine sanitation devices		P	S
Fireboat, marine patrol, and similar emergency response or public safety service		P	P
Fisheries Activities		P	P
Marina, in-water boat storage, and other boat mooring or docking facility	31.1	P	S
Marine contracting	30.2	P	S
Marine fabrication		P	P
Marine salvaging service		P	S
Marine transport (cargo)		S	
Port		S	
Shore erosion protection works	31.3	P	P
Tugboat, pilot boat, vessel towing, and similar services		P	
Water-based educational, scientific, and/or research facility		P	P
Water-oriented recreation (public) (including boat ramps and fishing piers)	31.4	P	P

TABLE III-12. LAND USES IN THE WORKING WATERFRONT OVERLAY DISTRICTS

USE TYPE	SECTION CROSS-REFERENCE	DISTRICT	
		WWOD-1	WWOD-2
See the subsection of Chapter 190 listed below for specific requirements.			
Water-based transportation facility		P	
Water-Related Uses			
Aquaculture, land-based (retail)	26.16	P	P
Aquaculture, land-based (wholesale)	26.17	P	P
Boat building and/or repair and/or maintenance, minor ⁽¹⁾		P	
Boat rental and/or sales, minor ⁽¹⁾	29.21	P	
Maritime Museum		P	S
Marine product sales (wholesale or retail)		S	P
On-land boat storage (dry stack or surface parking lot)		P	S
Seafood market (retail or wholesale)		S	P
Seafood production, processing, and/or distribution facility		P	P
Water-oriented educational, scientific, and/or research facility		P	P
Water-Enhanced Uses			
Alcohol production facility		S	P
Art gallery and/or studio		S	P
Event venue		S	S
Community facility	28.7	S	P
Food delivery and catering service		S	P
Hotel / motel	29.6	S	S
Inn	29.7	S	P
Restaurant, without drive-through		S	P
Retail, general	29.14	S	P
Accessory Uses			
Accessory uses, general	33.1	A	A
Bed & breakfast establishment	33.3		A
Cottage industry	33.5	A	A
Dwelling, accessory	33.6	A	A
Dwelling, accessory to commercial use	33.8	A	A
Event venue, accessory	33.11	S	A
Home occupation	33.12	A	A
Ice-making service		A	A
In-water fuel sales for boats		A	
Office, general		A	A
Piers and related uses:			
Private pier	31.2	A	A
Boat lift	31.2	A	A
Boat slip		A	A
Raised walkway	31.2	A	A
Residential structures and uses, accessory	33.16	A	A
Roadside vendor (seafood)	29.5	A	A
Septic system	33.19	A	A
Storage, accessory to commercial and industrial uses	33.23	A	A

TABLE III-12. LAND USES IN THE WORKING WATERFRONT OVERLAY DISTRICTS

USE TYPE	SECTION CROSS-REFERENCE	DISTRICT	
		WWOD-1	WWOD-2
See the subsection of Chapter 190 listed below for specific requirements.			
Storage building prior to construction of a primary structure	33.24	A	A
Storage of inoperable or unregistered motor vehicles accessory to residential use	33.22	A	A
Temporary Uses			
Temporary uses	34.1 and 34.2	P	P

Notes to Table III-12:

- (1) “Minor” refers to vessels that can be lawfully and physically transported in their entirety over a major collector road.

E. PROHIBITED USES

The uses listed below are expressly prohibited in the WWOD even if the use is otherwise permitted in the base zoning district.

1. Agricultural production, agriculture,
2. Greenhouse and plant nursery (retail and wholesale), and
3. Poultry and hog houses, livestock feeding lots and agricultural lagoons;
4. Agricultural processing,
5. Agricultural research facilities,
6. Direct farm marketing, harvesting and education,
7. Farm-based recreation,
8. Farm alcohol production facility,
9. Farm machinery and supplies sales,
10. Farm market,
11. Grain processing, drying and storage (wholesale commercial),
12. Livestock auction house, and
13. Stables, riding, trails and horse boarding (commercial);
14. Timber harvesting;
15. Cemeteries and mausoleums/columbarium, non-church-related, for humans and animals and family cemeteries;
16. Hospital;
17. Nursing homes, skilled nursing facilities, hospice care and assisted living facilities;
18. Animal hospital, veterinary clinic and associated boarding or grooming of animals;
19. Kennel, commercial;

20. Banks and Financial Institutions, including drive-thru windows;
21. Medical clinics, outpatient facilities, urgent care centers, medical laboratories;
22. Golf courses and country clubs (public or private);
23. Off-road outdoor recreation (public or private);
24. Recreation facilities, indoor (commercial or noncommercial);
25. Recreation activities, general outdoor: includes miniature golf, driving ranges, commercial ball fields and similar uses;
26. Auction house;
27. Building supply and lumber yards with outside storage;
28. Funeral home and crematorium;
29. Warehouse, self-storage;
30. Automobile service, repair, washing, and fuel sales;
31. Vehicle sales, automobile, truck and recreational;
32. Building, trade and construction contracting;
33. Property maintenance and landscape contracting;
34. Compounding industries (permanent);
35. Food and beverage packing and processing;
36. Manufacturing operations;
37. Monuments and memorial stones, productions and sales;
38. Sawmills;
39. Mineral extraction;
40. Laboratories for scientific research and experimentation;
41. Flammable liquid storage, wholesale distribution, and resale;
42. Trucking terminals, warehouses, and storage yards;
43. Junkyard;
44. Organic Waste Recovery Facility;
45. Recycling collection center;
46. Recycling, product;
47. Recycling processing center;
48. Scrap metal processing;
49. Solid waste disposal facilities;
50. Solid waste transfer stations;
51. Pump stations for gas and oil pipelines;
52. Solar energy system, large-scale;
53. Utility services, nonessential;
54. Wastewater treatment plant;
55. Water treatment and storage facilities;

- 56.** Landing strips, private;
- 57.** Agricultural uses and structures, accessory;
- 58.** Dwelling, accessory to agricultural use;
- 59.** Dwelling, seasonal agricultural employee;
- 60.** Event Venue, Accessory to Agriculture;
- 61.** Kennel, accessory residential;
- 62.** Recreational vehicle parking;
- 63.** Retail, accessory to industrial; and
- 64.** Stables, accessory to residential uses.

[NOTE: 190-21.7 (DEVELOPMENT STANDARDS) BEGINS ON THE NEXT PAGE]

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21.7. DEVELOPMENT STANDARDS

A. BULK REQUIREMENTS

1. Unless specified with a specific land use in Article IV of this chapter, bulk requirements for lots located in a WWOD shall be as specified in the underlying zoning district.
2. Any lots that do not meet the required minimum lot size or lot width are considered legally permitted and not nonconforming. Those lots are not subject to Section 190-49.
3. The front setback for all structures located in a WWOD is reduced to the smaller of the front setbacks of the two closest primary buildings on the same side of the street, or a different setback proposed by the applicant and approved by the Planning Director, that more closely reinforces the established pattern of front setbacks along the street. In no case shall the front setback be less than 10 feet.

B. USE STANDARDS

To reduce the potential for negative impacts resulting from noise, light, and odor, structures that include non-residential uses when located adjacent to residentially zoned lots and lots containing residential uses shall be permitted provided such structures do not exceed:

1. 10,000 square feet of gross floor area, with up to 2,000 square feet of outdoor storage area, in WWOD-1; and
2. 5,000 square feet of gross floor area, with no outdoor storage or display area, in WWOD-2.
3. Larger structures that include non-residential uses when located adjacent to residentially zoned lots and lots containing residential uses shall be permitted by special exception.

C. DESIGN STANDARDS

1. WWOD-1

- a. Development in the VM and VH zoning districts are not subject to §190-10.4. Design Standards (Village Districts).
- b. Buildings and structures shall be oriented wherever possible so that they have views of the Chesapeake Bay or its tributaries.

2. WWOD-2

- a. Development in the VM and VH zoning districts are subject to §190-10.4. Design Standards (Village Districts).
- b. Buildings and structures should be oriented wherever possible such that they have views of the Chesapeake Bay or its tributaries.

D. LANDSCAPING

1. To promote the establishment and expansion of desirable water-dependent uses in WWOD-1 while protecting adjacent residential properties and uses from visual and noise impacts, landscaping is not required outside of the Shoreline Development Buffer, except for required perimeter landscape yards between zoning districts or land uses.
2. Development located in WWOD-2 is subject to all applicable provisions of Section 190-40 Landscaping, except as modified in subsection E below.
3. Development located in WWOD-1 must provide a perimeter landscape yard along the common lot line with an adjacent lot as specified in Table III-14.

4. The following features may encroach up to 2 feet into the required landscape yard: steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys, and handicap ramps.
5. A maximum 12-foot wide access point that achieves parcel interconnectivity may fully encroach into the landscape yards.

TABLE III-14. TYPE OF REQUIRED LANDSCAPE YARD¹ BETWEEN ZONING DISTRICTS OR LAND USES				
ZONING OF PROPOSED DEVELOPMENT	ZONING OF ADJACENT LAND			
	Conservation and Residential Districts	VH or VM		WWOD-1, WWOD-2, LC, GC, LI
		residential or undeveloped	nonresidential principal use	
WWOD-1 ²	C	A	--	--

¹See §190-40, Table V-4 for requirements for each type of landscape yard.
²If the use requiring a site plan is on a property also having a primary dwelling, the perimeter landscaping is required only along property lines as needed to buffer adjacent properties from all uses and improvements related to the use requiring the site plan.

E. PARKING

1. PURPOSE

Purpose: This subsection reduces the number of required parking spaces to:

- a. minimize the amount of land in close proximity to water bodies covered by impervious surfaces,
- b. recognize that many water-dependent uses are not employee- or customer-intensive,
- c. minimize regulatory burdens on water-dependent marine industries, and
- d. accommodate uses on the small lots and sites that characterize much of the County’s working waterfronts.

2. WWOD-1

In WWOD-1, water-dependent uses are not required to provide the parking spaces otherwise required by §190-41.3. (Minimum Parking Requirements for Specific Uses).

3. WWOD-2

In WWOD-2:

- a. The parking spaces otherwise required by §190-41.3. (Minimum Parking Requirements for Specific Uses) are reduced by 50% for water-dependent and water-related uses.
- b. Parking areas for lots that are not adjacent to the waterfront shall be located to the rear of commercial buildings, except as provided in subsection c below.
- c. Parking spaces are allowed to the front or side of commercial buildings (“side-loaded”) if:
 - i. Side-loaded parking is consistent with the predominant pattern of development on the same block face, or
 - ii. Existing topographical or environmental conditions prohibit the location of parking to the rear of the buildings, the lot was created before the effective date of this Section, and the lot size is less than 30,000 square feet.

- d. If located to the side of commercial buildings, parking areas shall be screened from view of all abutting streets by a Type A perimeter landscape yard. The parking area shall comply with all applicable provisions of §190-40.5.D. (Perimeter Landscape Yards Adjacent to Streets).
4. The parking requirements section of a site plan shall include the statement: "Should approved parking become inadequate, additional parking may be required by the Planning Director at a later date."

21.8. WATERFRONT REVITALIZATION IN WWOD-1 AND WWOD-2

Purpose: The areas designated in WWOD-1 shall be designated as waterfront revitalization areas due to their history or characteristics including: diversity of land uses, historic intensity of development, sites previously altered by development, and bulkhead shores that preclude the habitat and stormwater filtering benefits of the Shoreline Development Buffer.

Waterfront revitalization areas are intended to foster economic revitalization of Talbot County's maritime industries.

- A. Non water-dependent uses to water-dependent structures or activities are allowed within the Shoreline Development Buffer for the reconstruction, conversion, structural alteration, relocation or enlargement of an existing primary structure provided they shall occupy less than 50% of the structure.

21.9. ADAPTIVE REUSE IN WWOD-1

Purpose: This section provides flexibility in adapting existing structures to new uses over time, in recognition that working waterfronts and land uses do not remain static. This section encourages the repurposing of existing buildings to provide a more efficient use of infrastructure and minimize excessive development costs. The incentives in this section encourage the rehabilitation and adaptive reuse of existing structures and discourage tear down and new construction.

A. DEFINITION

For purposes of this section, "adaptive reuse" means the rehabilitation, expansion or relocation of an existing building in a manner that complies with current, applicable building code standards.

B. APPLICABILITY

This section applies to existing structures located in the WWOD-1.

C. INCENTIVES

In order to qualify for the regulatory incentives specified in Table III-15, an adaptive reuse must either:

1. Retain the existing bulk, height, and lot configurations of the existing structure and lot; or
2. If the building is expanded or relocated on the lot:
 - a. Meet the rear and side setback requirements of the underlying zoning district; and
 - b. The building footprint and height may expand by up to 20%, or by up to 50% if authorized through the Special Exception process.

TABLE III-15. INCENTIVES FOR ADAPTIVE REUSE

INCENTIVE	3. EXISTING BUILDING REHAB	4. EXISTING BUILDING EXPANSION
a. Parking and Loading	(see §21.9.C.1. above) In WWOD-1, existing parking and loading spaces shall be maintained. No additional spaces are required.	(see §21.9.C.2. above) For existing building space, 3.a. applies. Parking space requirements are reduced by 50% for any expansion, if the total number of parking spaces existing prior to the expansion is not reduced.
b. Shoreline Development Buffer	No additional plantings are required. Existing vegetation is maintained.	Existing vegetation is maintained. Establish or supplement, as applicable, a vegetated buffer area equal in size to the square footage increase in impervious surfaces.
c. Stormwater management	If impervious surfaces on the site do not increase, no additional stormwater improvements are required.	Same as 3.c. The stormwater management requirements of Chapter 164 apply to any expansion of impervious surfaces.

21.10. NONCONFORMING LOTS, STRUCTURES, AND USES IN A WWOD

- A.** Purpose: This section recognizes that nonconforming lots, structures, and uses in a WWOD contribute to the unique historic character of the working waterfront and surrounding maritime areas and villages.
- B.** Preexisting Lots Permitted. Any lots that do not meet the required minimum lot size or lot width are considered permitted and not nonconforming. Those lots are not subject to the limitations of Section 190-49.
- C.** Inability to Establish Nonconformity. In instances where the legality of a nonconforming structure or use cannot be established due to the age of the structure, inadequate records, or other factors, the structure or use is considered legally nonconforming. That structure or use is subject to all provisions of Article VI, except Section 190-47.2. Certification of Nonconforming Status, if the structure or use existed prior to the initial adoption of the WWOD.