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Working Waterfront Zoning Discovery Report

Talbot County, Maryland

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WWOD Zoning Discovery Report

Talbot County

Introduction..... 1
Inconsistencies with Current Talbot County Code Chapter 190..... 2
Inconsistencies with NextStep190 (7-10-18 Draft)..... 3
District Structure 5
Land Uses and Activities 7
Performance & Development Standards..... 9
Approval Procedures 16
Definitions..... 16
Conclusion 17

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Introduction

Talbot County has initiated this project to implement two master plans providing for overlay districts (or other zoning techniques) that protect existing working waterfronts in Tilghman Island and Bellevue (*Bellevue Village Master Plan* (September 2017)[“BVMP”]; *Tilghman Village Master Plan* (September 2017)[“TVMP”]). The new districts developed as part of this project could also be applied to other similar locations within the County.

This report summarizes the findings of the zoning discovery process, which began with a review of relevant documents, plans, and codes, including:

- *Bellevue Village Master Plan*;
- *Tilghman Village Master Plan*;
- Current *Chapter 190* zoning regulations and zoning maps;
- *NextStep190* (07.10.18 Draft) and proposed zoning maps; and
- General research related to working waterfronts.

The process continued with development of a *Best Practices Report*, which reviewed waterfront- and maritime-related zoning regulations in six Eastern Seaboard and Maryland coastal communities with working waterfronts of varying scales and intensities.

This report analyzes inconsistencies between the current and proposed zoning codes and the Tilghman and Bellevue Village Master Plans, and reviews alternative strategies for implementing the plans.

Inconsistencies with Current Talbot County Code Chapter 190

Bellevue and most of Tilghman Island currently are zoned Village Center (VC) District. The district's purpose statement recognizes lots in the district are relatively smaller and densities are higher than in surrounding rural areas (§ 190-14.A.(5)). However, the minimum lot size and density requirements for the VC District (amended in 2012 by [Bill No. 1214](#)¹) are, respectively, one acre and one dwelling unit per two acres. These provisions, along with the minimum 100-foot lot width, are inconsistent with historic subdivision and development patterns in both Bellevue and Tilghman.

Front setbacks (25 or 50 feet, depending on lot size) are also inconsistent with historic development patterns in these communities. Historic buildings, such as the Tilghman Island Country Store (built in 1895), are pulled up closer to the street and contribute to the unique community character. While § 190-114 allows for front setback averaging for new principal residential structures located on infill lots, the same provision does not apply for non-residential uses.

A number of maritime-related land uses important to working waterfronts are either prohibited (e.g., fish and game hatcheries, marine and boat equipment sales and assembly, ports and related industry) in the Village Center Districts or require special exception approval by the Board of Appeals (e.g., fisheries activities facilities, marine contracting, marine equipment service and repairs). Further, the use matrix ([Table III-1, General Table of Land Uses](#)) is silent to certain other uses commonly found in working waterfronts, such as ship and boat building (NAICS 3366).

As noted in the TVMP (p. 31), a goal of the Working Waterfront Overlay District is to encourage desirable maritime commercial and maritime support commercial uses and simplify the development approval process for those desired uses. The current use regulations are inconsistent with the needs to provide for a comprehensive listing of maritime uses and to make the approval process more efficient and predictable.

Finally, supplemental regulations for uses such as aquaculture and cottage industries are prohibitive, particularly with regard to minimum lot sizes.

¹ These provisions originally were intended to automatically sunset two years after their adoption. A 2014 amendment ([Bill No. 1257](#)) extended the districts until the County adopts "comprehensive rezoning and land use regulations regarding density in the VC, VC1, and VC2 zoning districts pursuant to the County's comprehensive plan."

Inconsistencies with NextStep190 (7-10-18 Draft)

NextStep190, the draft revisions to Talbot County Code Chapter 190, designate Bellevue within the Village Hamlet (VH) and the affected portions of Tilghman within the Village Mixed (VM) districts. These districts modify Village District requirements concerning lot size and dimension, density, and land use.

As with the current Village Districts, the purpose statement for the Village Mixed (VM) and Village Hamlet (VH) Districts recognize that lots in these districts are relatively smaller and there are higher densities than in surrounding rural areas. However, minimum lot sizes and dimensions in the Village Districts are inconsistent with historic subdivision patterns in Bellevue and Tilghman. On Tilghman Island, for example, lot sizes in the older neighborhoods tend to be smaller than in newer subdivisions, though throughout the island most lots are less than one acre in size and many are less than the minimum 100-foot lot width (which is not proposed to change from current regulations). The historic 1901 Plat of Bellevue referenced in the BVMP and preferred by the community reflects approximately 5,000 square foot lots (50' wide by 100' deep).

While the draft revisions increase density in the Village Districts to 1 dwelling unit per acre, this appears to still be substantially lower than the existing density in Bellevue and Tilghman – at least in the older neighborhoods subdivided prior to density limitations. Development of smaller lots needs to be consistent with regulatory requirements related to Limited Development Areas (LDA) in the Critical Area. However, the TVMP favors re-designation of Tilghman from an LDA to an Intensely Developed Area (IDA), primarily to remove the maximum lot coverage limitation. The plan notes that this limitation hinders the ability of existing water-dependent businesses to expand and for new businesses to locate on the island.

The Shoreline Development Buffer (minimum 100-foot width in LDAs and IDAs) also conflicts with the objectives of the TVMP and BVMP, and severely constrains development and redevelopment along the waterfront. Many existing structures along Knapps Narrow (Tilghman Island) and other waterfront locations are located less than 100 feet from the waterfront, with a number of structures located between 0 and 30 feet from the water. Though NextStep190 allows structures and other impervious surfaces necessary to the operation of water dependent facilities to be located within the buffer, there is no guidance for determining what is considered necessary. For example, is the off-street parking required for a WDU excluded from the buffer requirement? Also, even a change from one land use to another requires full establishment of the buffer, which, in some cases, is not possible without complete redevelopment of the site.

While NextStep190 reduces front setbacks to 25' regardless of lot size, this is still inconsistent in many cases with historic development patterns in Bellevue and Tilghman. The provision for front setback reduction remains in the code for new infill residential structures. However, the

Talbot County | WWOD Zoning Discovery Report

Inconsistencies with NextStep190 (7-10-18 Draft)

same provision does not apply to non-residential uses. A new provision in NextStep190 requires front setbacks to be at least 15 feet, even after application of a reduction.

The proposed Village District regulations related to lot size, dimensions, and building setbacks and the Critical Area buffer requirements create nonconforming lots and structures in Tilghman and Bellevue, which limits the ability of property owners to establish, expand, and change uses (see NextStep190, Article VI). Nonconformities are considered undesirable because they conflict with current plans, policies, and zoning regulations. In this case, however, existing land uses and structures are desirable and the proposed new regulations conflict with recommendations in the adopted master plans for Tilghman and Bellevue. Creating new nonconformities will further limit the ability of these communities to preserve community character and respond to economic shifts.

NextStep190 includes a more comprehensive listing of marine-related land uses than the current Chapter 190. However, it is unclear where or if certain uses are allowed. For example, “Services, Commercial” includes “Restoration of boats, vehicles, and furniture” and “Vehicle and Equipment Sales and Service” includes “Boat and marine equipment sales and assembly,” but boat and ship repair (a traditional working waterfront land use) is not listed in the Table of Land Uses (Section 190-25). The table is also silent as to boat refueling uses as either a principal or accessory use.

In addition, many desirable land uses, such as fish and game hatcheries, aquaculture, and fisheries activities facilities, continue to require special exception approval in the Village Districts. The TVMP expresses a goal to make the review process for traditional maritime uses more efficient and predictable.

The code establishes supplemental regulations for a variety of land uses, including some marine-related uses. The supplemental regulations for aquaculture, especially the minimum 10-acre lot size for retail aquaculture, are prohibitive. The TVMP recognizes that the minimum 5-acre lot size for cottage industries is prohibitive as well, noting cottage industries and home-based businesses have long been a part of the Tilghman Island culture.

Section 190-40 establishes minimum landscaping requirements for subdivisions and land uses requiring a major, minor, or administrative site plan. At least 25% of a site must be comprised of landscaped area. This area includes perimeter landscape yards, parking area landscaping, and landscaping around trash receptacles and outdoor storage, loading, and processing areas. In the Village Districts, the required minimum average width of perimeter landscape yards ranges from 8 to 25 feet.

Off-street parking requirements are set forth in Section 190-41. Requirements are based on land use and calculated, in most instances, using gross floor area and/or the number of employees. Recognizing the standards could result in inadequate or excessive parking facilities in some instances, Section 190-41.2. establishes a process by which property owners can

Talbot County | WWOD Zoning Discovery Report

District Structure

propose alternative parking calculations. The alternative calculation is subject to approval by the Planning Commission (for major site plans) or the Planning Director. While this is an effective method to address unique circumstances, it also contributes to uncertainty in the planning process.

Landscaping and parking areas take up large amounts of land, making it more difficult to develop smaller, infill lots. Parking areas create impervious surfaces, which is inconsistent with coastal protection policies, low-impact development techniques, and sustainability objectives.

As a way to encourage the establishment of desirable water-dependent and water-related uses, a WWOD could provide relief from landscaping and parking requirements. For landscaping, relief could be provided through a reduction in the average or minimum widths of perimeter landscape yards, a reduction in the number and type of required plantings, and reduction or elimination of the requirements related to parking areas. For parking, relief could be provided through the selective elimination of minimum parking ratios, a percentage reduction in the number of spaces required, or by specifying a maximum number of parking spaces.

District Structure

Land use and development along working waterfronts and in maritime villages can be regulated through base zoning districts or overlay zoning districts. All of the peer communities reviewed in the Best Practices Report currently use base districts to protect their working waterfronts (*Best Practices Report*, p. 18). This section will review the advantages and disadvantages of different district structures, including the use of a base district(s), overlay district(s), or a combination of these two approaches.

The TVMP expressly calls for the creation of a Working Waterfront Overlay District, while the BVMP calls for creation of a Village Overlay District. NextStep190 has incorporated provisions for Village Overlay (VO) Districts (Section 190-20), which are not provided in the current code. Section 190-20.2.F. specifically prohibits VO Districts from impacting the permitted uses of the underlying zoning district. This specific prohibition does not apply in other current and proposed overlay districts, though the overlay districts primarily address development standards rather than land uses.

The restriction of non-WDUs is vital to the long-term sustainability of working waterfronts. Non-WDUs can displace WDUs, drive up land costs, and change the character of a district to one that is incompatible with the intensive, marine-based uses. The underlying Village Districts apply in communities throughout Talbot County, not all of which have working waterfronts, so a universal modification of permitted and special exception uses in the underlying districts may not be appropriate or desirable. As such, if the VO District is used to implement the TVMP and BVMP recommendations, the provision related to modification of allowable land uses will need to be eliminated or modified. If a new Working Waterfront Overlay District (WWOD) is created to implement the TVMP and BVMP recommendations, it should allow for modification of the

Talbot County | WWOD Zoning Discovery Report

District Structure

land uses in the underlying districts. This may require an amendment to § 190-20.2.F to exclude the WWOD from use modification.

An overlay district could provide for location-specific regulations related to any number of zoning regulations, including density, lot size and dimensions, parking, landscaping, bulk and massing of buildings, architectural design, and subdivision. These location-specific regulations could be tied to general geographic areas (such as properties with frontage on the water) in all WWODs, or to specific communities within WWODs, like Tilghman Island and Bellevue.

If community character is to be preserved, zoning regulations must effectively respond to various community contexts. Overlay districts are commonly used to “fine-tune” regulations to respond to the needs of different character areas. They offer an effective way to implement a community-specific plan while maintaining common base district regulations.

Unless modified by an overlay district, the regulations of a property’s underlying zoning district apply. The underlying Village Districts:

- Regulate land use;
- Regulate development standards including lot size, setbacks, coverage, density, and building height;
- Limit the size of commercial uses to less than 5,000 square feet, providing for larger buildings with special exception approval; and
- Provide general site design and architectural standards^[1] for commercial and non-residential uses, generally deferring to the adopted Village Master Plan (if one exists).

To respond to different community contexts, Talbot County’s WWOD will modify the underlying district regulations – including land uses. If the modifications are extensive, consideration should instead be given to establishing new base districts rather than an overlay district. As noted above, all six peer communities currently use base districts – indicating this may be a more effective technique to protect working waterfronts.

NextStep190 establishes four groups of zoning districts:

1. Conservation Districts;
2. Residential Districts;
3. Village Districts; and
4. Commercial and Industrial Districts.

Each group includes two to five base zoning districts. The three Village Districts, applicable in established communities throughout Talbot County, are Village Mixed (VM), Village Hamlet (VH), and Village Residential (VR). The proposed zoning maps reflect VH zoning for Bellevue and VM zoning for Tilghman.

Talbot County | WWOD Zoning Discovery Report

Land Uses and Activities

Maritime villages have a different mix of land uses, often more industrial in nature, than other rural villages. While the two types of villages may share similarities in terms of scale and architectural character, the mix of land uses may warrant different development standards for items such as landscaping/buffering, parking, and outdoor storage. To address this, a fifth group, “Maritime Districts,” could be added to establish zoning districts related to working waterfronts and the maritime villages that support them.

This zoning technique would provide for consistent regulations (County-wide) for maritime villages, while distinguishing them from other rural villages and limiting the number of overlay districts. (The Critical Area Overlay already applies to most of Tilghman and Bellevue.)

The Maritime Districts could include a:

- Working Waterfront District to accommodate water-dependent uses and water-related and/or water-enhanced uses in certain cases;
- Mixed-use district (similar to NextStep190’s Village Mixed District) to accommodate water-related and water-enhanced uses, including “main street” uses such as specialty retail, restaurants, inns, and infill residential; and
- Residential district (similar to NextStep190’s Village Residential District) to accommodate residential uses with limited, if any, commercial uses allowed.

A disadvantage of this approach is that the districts would less effectively respond to the character of each community. For example, the minimum front setback in one village’s Working Waterfront District may not be appropriate in another village’s WW district.

Another approach to consider is a combination of new maritime base zoning districts (applicable county-wide) and individual overlay districts for each community. The framework for a Maritime Overlay District could be developed using NextStep190’s Village Overlay District as a model. The base districts would provide generally consistent use and development regulations for the county’s maritime villages, with the ability to adjust certain standards to preserve the character unique to each village. This would, however, add the most complexity of any of the approaches, with more new zoning and overlay districts than the other options.

Land Uses and Activities

The zoning codes in the communities surveyed in the *Best Practices Report* include comprehensive lists of maritime-related uses. While some of these land uses (such as intensive freight operations that require a deepwater port) are not present or anticipated to be developed in the near term in Talbot County, they can inform the development of permitted and special exception use lists.

Talbot County | WWOD Zoning Discovery Report

Land Uses and Activities

In a working waterfront context, classifying uses based on their level of water-dependency and limiting the use of waterfront property to water-dependent uses (WDUs) is essential to preservation of working waterfronts. As noted in the *Best Practices Report*, studies in peer communities confirm that non-water-related uses can displace uses critical to the long-term viability of working waterfronts (p. 18).

The North American Industry Classification System (NAICS) is a standard system used to classify businesses throughout the country at a federal, state, and local level. Local government business license regulations often base fees upon a business's NAICS classification. The NAICS includes an extensive listing of marine-related uses. However, since the purpose of NAICS is to categorize industries rather than to address land use impacts, this classification system is overspecialized for use in zoning ordinances. Nonetheless, the NAICS can inform development of Talbot County's use lists.

The American Planning Association's Land-Based Classifications Standards (LBCS) merges different forms of land use classification into a single model that can be used for a variety of applications. The LBCS consists of five classification systems: activity, function, structure, site, and ownership. In the context of a zoning ordinance, communities typically use only one or two of these classification systems, rather than all five. The LBCS includes extensive land use descriptions, and should be used in the preparation of Talbot County's use list to ensure it is comprehensive.

While the Table of Land Uses in NextStep190 includes a more comprehensive list of marine-related land uses than in the current Chapter 190, many common working waterfront land uses continue to require special exception approval to establish in the Village Districts. The TVMP suggests reconsideration of the special exception requirement for desirable maritime commercial and maritime support commercial uses to make the review process more efficient and predictable.

For example, "fisheries activities facilities" require special exception approval in the VH and VM districts. This use is broadly defined², encompassing many of the historic working waterfront uses found in Tilghman and Bellevue. Because this use includes different land uses with varying impacts, it would be advantageous to instead list the individual uses in the land use table so that performance standards can be applied where needed. These uses are critical to sustaining the culture of these historic fishing communities, and barriers to their continuance and establishment should be reduced or eliminated where appropriate.

To a great extent, the recommendations expressed in the TVMP and BVMP should be implemented through location-specific zoning regulations that perpetuate existing and historic

² NextStep190 (Section 190-78) defines *fisheries activities facilities* as "[c]ommercial water-dependent fisheries, including structures for packing, processing, canning or freezing of fin fish, crustaceans, mollusks, amphibians and reptiles, and also including related activities such as wholesale and retail sales, product storage, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations."

Talbot County | WWOD Zoning Discovery Report

Performance & Development Standards

land uses, structures, and activities. In other instances, the County should consider incentives to encourage the type and character of development and redevelopment desired in Bellevue and Tilghman.

In both communities, residents expressed concern with demolition of existing structures, consolidation of small lots into larger ones that can accommodate larger houses, and architectural inconsistency between newer and older structures. Talbot County should consider incentivizing infill development and the rehabilitation (rather than demolition) of existing structures in designated areas. Incentives could include expedited permit review or lower development fees within a designated infill development area.

Lack of or diminishing availability of public access to the waterfront, another local concern, could be addressed by incentivizing the provision of public access in conjunction with development or redevelopment of waterfront property.

Housing affordability increasingly is becoming a concern. The County could consider allowing various housing types, such as small multiplexes, rowhouses, or cottage developments, in its maritime villages. Design and performance standards would ensure these housing types fit within the community context. For example, small multiplex buildings (comprised of 2, 3, or 4 dwelling units) can be constructed to look like single-family homes.

Accessory dwelling units (ADUs) offer another way to diversify the villages' housing stock. ADUs can provide affordable long-term, seasonal, and perhaps short-term rental options. They also provide a secondary source of income for homeowners. Talbot County should continue to support and, where possible, incentivize, the construction of ADUs to meet the needs of Tilghman and Bellevue residents and business owners.

Performance & Development Standards

The primary inconsistencies between NextStep190 and the Tilghman and Bellevue Village Master Plans relate to development standards, such as lot size and dimensions, setbacks, and landscaping. To a large degree, these standards are inconsistent with historic subdivision and development patterns in Bellevue and Tilghman.

Tilghman residents expressed concern with the impact of commercial uses on adjacent or nearby residential uses. Some of the peer communities have transitional standards to protect residential uses from potential negative impacts of maritime and maritime support uses (*Best Practices Report*, p. 19). Transitional standards could include increased setbacks or landscaping where commercial uses abut residential uses. The effect of any transitional standards on lot development potential should be considered so that establishment of desirable marine and marine-related uses is not unreasonably constrained. It is important, however, to balance this with protection of existing residential uses.

Talbot County | WWOD Zoning Discovery Report

Performance & Development Standards

Table 1 provides a general overview of the lot size and bulk requirements illustrated in Figures 1 through 6. Table 2 provides a more detailed comparison of the development standards illustrated in the Figures. The comparison utilizes the regulations associated with NextStep190's Village Mixed District (VM) and alternative regulations informed by the *Best Practices Report* and the Tilghman and Bellevue Village Master Plans.

Table 1. Lot size and bulk requirements in the VM District and an alternative scenario.

	NextStep190 Village Mixed District (with public sewer)	Alternative #1
Minimum Lot Size	30,000 sq ft	10,000 sq ft
Minimum Lot Width	100'	50'
Minimum Front Setback	25'*	15'**
Minimum Side Setback	10' (from other Village Districts); 25' (from all other districts)	10' (from Working Waterfront and other districts allowing commercial uses); 25' (from all other districts)
Minimum Rear Setback	25'	15' (from Working Waterfront and other districts allowing commercial uses); 25' (from all other districts)
Minimum Setback from Waterway / Hardened Shore / Pier Line	n/a	15'
Maximum Lot Coverage	15%	n/a

*For primary residential structures located on infill lots, the front setback may be reduced for consistency with existing structures in the vicinity. See §§190-12.2 (NextStep190). Note NextStep190 adds a provision stating that in no case shall the front setback be less than 15'.

**Expand allowance for front setback reductions to non-residential structures.

Talbot County | WWOD Zoning Discovery Report

Performance & Development Standards

For the purpose of comparison of alternative development scenarios, assumptions are made concerning land use on the subject property and existing land uses on adjacent property. All assumptions are identified in Table 2, below.

Table 2. Development standards and assumptions for each illustrated land use.

	Water-Dependent Use (Fisheries Activities Facilities)		Water-Related Use (Boat Restoration)		Water-Enhanced Use (Restaurant)	
	NextStep190	Alternative #1	NextStep190	Alternative #1	NextStep190	Alternative #1
Zoning of Subject Property						
Zoning District	VM		VM		VM	
Lot Size & Dimensions						
Minimum Lot Size	30,000 sq ft	10,000 sq ft	30,000 sq ft	10,000 sq ft	30,000 sq ft	10,000 sq ft
Minimum Lot Width	100'	50'	100'	50'	100'	50'
Adjacent Zoning Districts & Land Uses						
Front	street		street		street	
Side #1	VM (non-residential principal use)		VM (non-residential principal use)		VM (non-residential principal use)	
Side #2	VM (non-residential principal use)		VM (residential principal use)		VM (undeveloped)	
Rear	waterfront		VR (residential principal use)		VR (residential principal use)	
Minimum Setbacks						
Front	25'	15'	25'	15'	25'	15'
Side #1	10'		10'		10'	
Side #2	10'		10'	20'	10'	
Rear	25'		25'		25'	
Buffers						
Shoreline Development Buffer	100'	100'	n/a		n/a	
Lot Coverage						
Maximum Lot Coverage	15%	n/a	15%	n/a	15%	n/a
Landscaping						
Site	25%	10%	25%	15%	25%	
Perimeter (Front)	Type A		Type A		Type A	
Perimeter (Side #1)	n/a		n/a		n/a	
Perimeter (Side #2)	n/a		Type C		Type C	
Perimeter (Rear)	n/a		Type C		Type C	
Parking Area (12+ spaces)	10 sq ft landscaped area per 100 sq ft parking area		10 sq ft landscaped area per 100 sq ft parking area		10 sq ft landscaped area per 100 sq ft parking area	
Parking						
Stall Dimensions	9' x 19'		9' x 19'		9' x 19'	
Drive Aisle Width	24'		24'		24'	
Fisheries Activities Facilities (w/o retail sales)	1 space per 400 sq ft GFA	1 space per 800 sq ft GFA	-		-	
Boat Restoration (w/o outdoor display)	-		1 space per 500 sq ft GFA	1 space per 1,000 sq ft GFA	-	
Restaurant	-		-		1 space per 100 sq ft GFA	

Talbot County | WWOD Zoning Discovery Report
Performance & Development Standards

Figures 1 through 6 provide illustrative comparisons of how a Water Dependent Use (WDU), Water Related Use (WRU), and Water Enhanced Use (WEU) could be developed on a site applying the development standards under the NextStep190 Village Mixed District (VM) (Figures 1, 3, 5) and under an alternative scenario informed by the Best Practices Report and the Tilghman and Bellevue Village Master Plans (Figures 2, 4, 6). The illustrative site layout examples generally represent the maximum development potential under each scenario.

Water Dependent Use

Figure 1: WDU NextStep190 (Fisheries Activities Facilities)

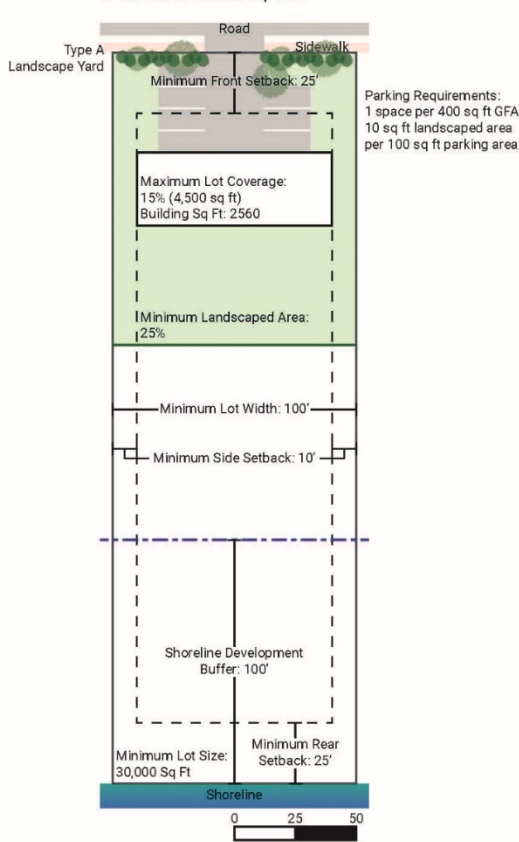
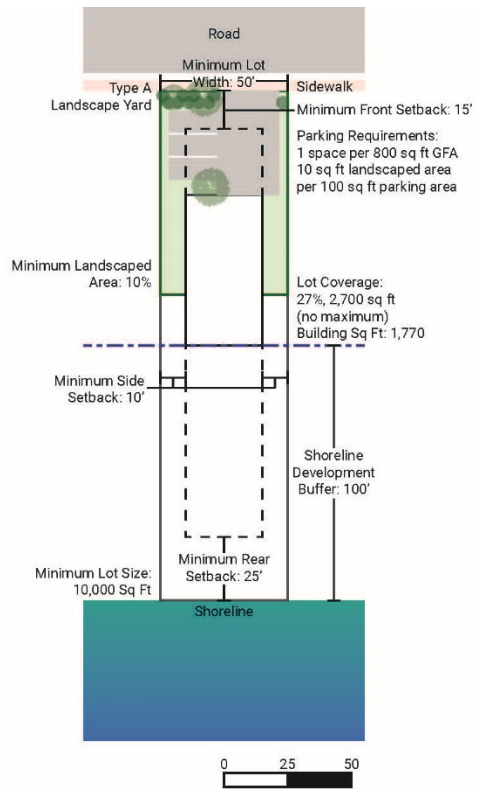


Figure 1: WDU Alternative Scenario (Fisheries Activities Facilities)



Figures 1 and 2 provide illustrative example site plans comparing standards for a Water Dependent Use (Fisheries Activities Facilities) under NextStep190 (Figure 1) and the WDU Alternative Scenario (Figure 2). The primary difference between the two site layouts is the reduction of minimum lot size from 30,000 square feet under the NextStep190 requirements to 10,000 square feet under the alternative scenario. The smaller lot size requires further reductions in minimum parking ratios and eliminates the maximum lot coverage requirement to accommodate and encourage development and expansion of Water Dependent Uses. Required setbacks are generally the same, including the 100' Shoreline Development Buffer, to allow for

Talbot County | WWOD Zoning Discovery Report
Performance & Development Standards

landscape screening and shoreline protection. The front setback has been reduced from 25 feet in the NextStep190 Scenario to 15 feet in the WDU Alternative Scenario to be able to maintain the shoreline buffer and still provide enough development potential to support and encourage Water Dependent Uses.

It should be noted that development, including buildings and parking for WDUs, is required to be located outside the Shoreline Development Buffer while WDU development *activity* (i.e., docks and piers) can be located inside the buffer. However, if the placement of a building is dependent on the water by reason of the intrinsic nature of its operation (i.e., a building that houses spat tanks), it can be located inside the buffer. Such decisions are made on a case by case basis. The sample site plans in Figures 1 and 2 assume development (building and parking) are required to be outside the buffer.

Water Related Use

Figure 3: WRU NextStep190 (Boat Building and/or Repair)

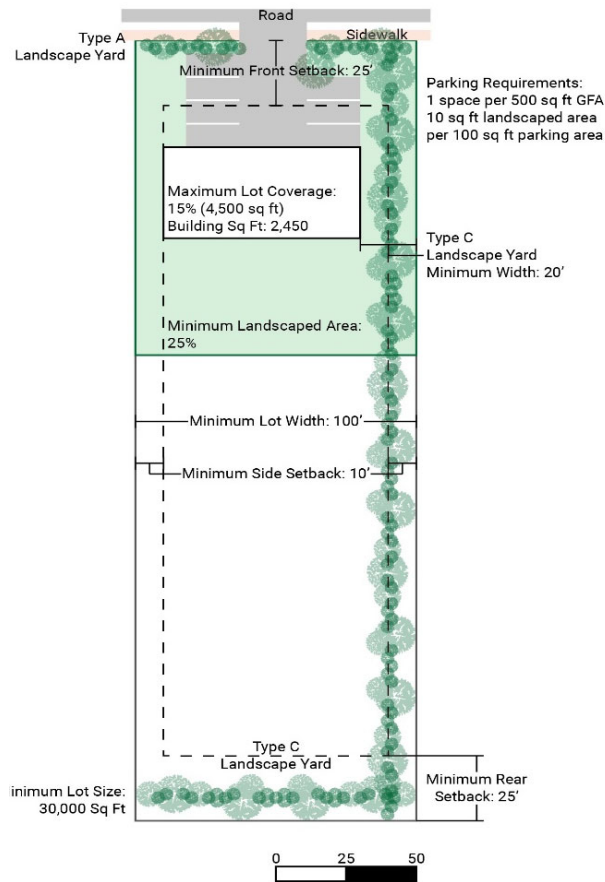
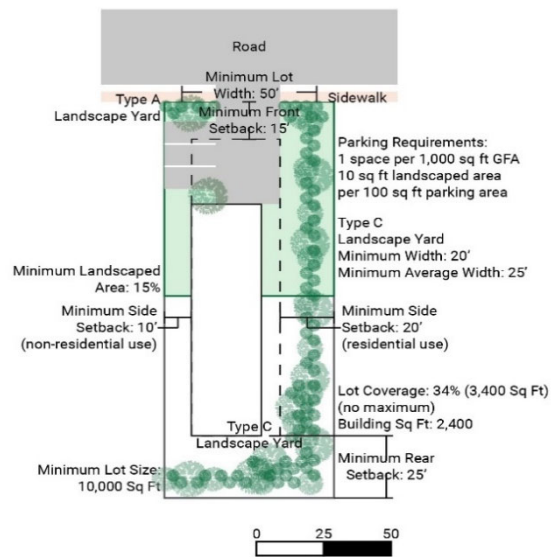


Figure 3: WRU Alternative Scenario (Boat Building and/or Repair)



Talbot County | WWOZ Zoning Discovery Report

Performance & Development Standards

Figures 3 and 4 provide illustrative example site plans comparing standards for a Water Related Use (Boat Building and/or Repair) under NextStep190 (Figure 3) and the WRU Alternative Scenario (Figure 4). Similar to the Water Dependent Use example, there is a significant reduction in minimum lot size from 30,000 square feet under the NextStep190 requirements to 10,000 square feet under the WRU Alternative Scenario. The proposed parking ratio is reduced by half, from 1 space per 500 square feet of floor area to 1 space per 1,000 square feet of floor area to accommodate development on a smaller lot. The reduction in parking for this type of use is appropriate because boat building and boat repair facilities often need a lot of building square footage but have relatively few employees and customers. The maximum impervious lot coverage is eliminated, and the front setback is also reduced from 25 feet to 15 feet to accommodate and encourage development and expansion of Water Related Uses.

The WRU Alternative Scenario site plan example shown in Figure 4 assumes that the property is located adjacent to a residential use, and therefore requires a Type C landscape buffer of minimum 20 feet. It should be noted that, although the minimum lot width in the WRU Alternative Scenario is 50 feet, the combination of required parking, driveway aisle, and the 20-foot landscape buffer requires more width than the 50-foot minimum; at least 63 feet is needed.

Water Enhanced Uses

Figure 5: WEU NextStep190 (Restaurant)

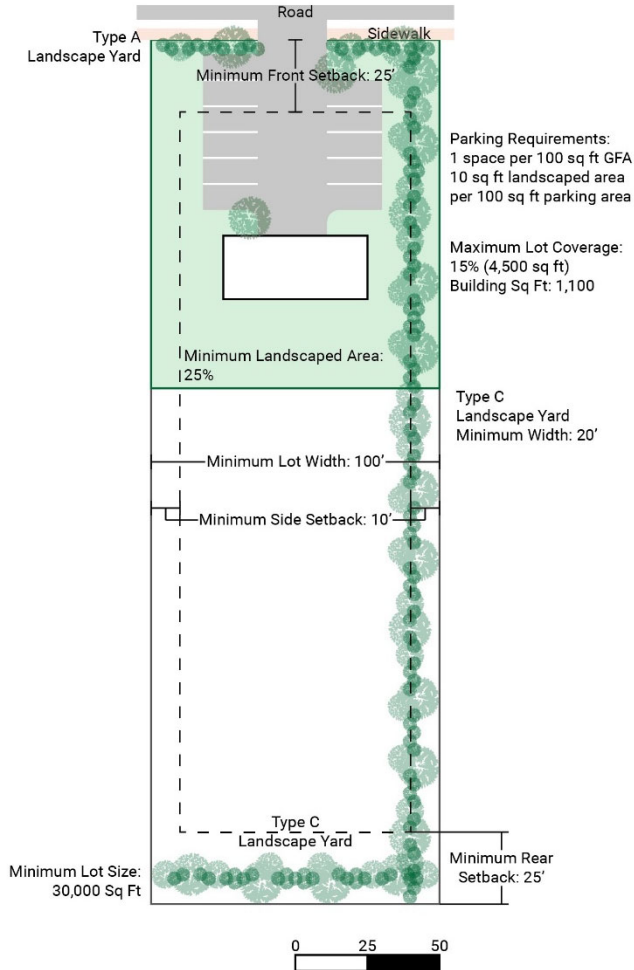
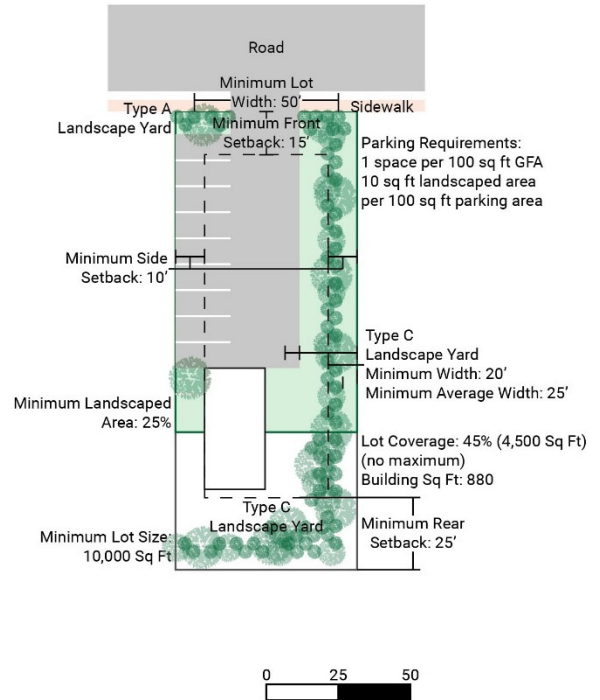


Figure 6: WEU Alternative Scenario (Restaurant-No Max. Lot Coverage)



Figures 5 and 6 provide illustrative example site plans comparing standards for a Water Enhanced Use (Restaurant) under NextStep190 (Figure 5) and the WRU Alternative Scenario (Figure 6). Like the Water Dependent Use and Water Related Use examples, there is a significant reduction in minimum lot size from 30,000 square feet to 10,000; a reduction in the front setback from 25 feet to 15 feet; and elimination of the maximum impervious lot coverage. Parking requirements are unchanged because restaurants typically generate significant parking demand, especially in lower density areas like Tilghman and Bellevue. In the WEU Alternative Scenario, the site layout assumes that the property is adjacent to a residential use and a Type C landscape buffer is applied. Like the WRU alternative example, the minimum lot width is 50 feet, however the required parking and buffer can only be accommodated within at least 63 feet.

Talbot County | WWOD Zoning Discovery Report

Approval Procedures

The 100-foot Shoreline Development Buffer easily can be accommodated on large lots, but significantly constrains development on small lots. As reflected in Figure 1, NextStep190's 15% lot coverage limitation is the single most restrictive development standard, limiting building footprint to less than 2,600 square feet on a 30,000 square foot lot. For a use requiring more parking than shown in Figure 1, building size is even further reduced.

Approval Procedures

The *Best Practices Report* indicates that most maritime districts in the peer communities do not require a site plan review process unique to marine-related land uses (p. 19). Talbot County's current and proposed zoning codes include provisions for major, minor, and administrative site plans. The site plan review process and associated regulations remain largely unchanged in NextStep190.

NextStep190 does not provide for administrative review of site plans for development located within the Shoreline Development Buffer. These site plans are considered minor or major, requiring a lengthier review and approval process. The Shoreline Development Buffer extends 100 or 200 feet landward of the mean high water line, affecting all properties where working waterfront uses could occur.

Tilghman residents and business owners expressed concern with the uncertainty associated with the current review process and the length of time required to gain approval for desirable maritime uses and structures in their community. These concerns can be addressed by changing some special exception uses to permitted uses in the WWOD, as well as through changes to the site plan review process. In lieu of the special exception use approval process, strong performance standards would be used to ensure permitted uses are appropriate on a particular site.

Both the current and proposed Chapter 190 exempt certain agricultural uses and structures from site plan review, ostensibly to encourage these types of desirable land uses and streamline the associated review and approval process. The same consideration could be given to water-dependent uses in the WWOD, provided the uses, structures, and activities are consistent with the associated Village Master Plans or Comprehensive Plan. The County could require an administrative (rather than minor or major) review process for water-dependent uses, ensuring compliance with the Shoreline Development Buffer while reducing the time and cost associated with establishment of these uses.

Definitions

Clear definitions are critical in any zoning ordinance. Land uses or groups of land uses generally should be defined to reduce ambiguity and clearly convey the jurisdiction's intent. While the current and proposed Chapter 190 includes and defines some marine-related uses, other uses

Talbot County | WWOD Zoning Discovery Report

Conclusion

and definitions will need to be added. Where possible, Talbot County should use industry-standard definitions and common reference sources. The NAICS can be useful in developing definitions and use lists. So, too, can local, state, and regional organizations and resources such as the Maryland Department of Natural Resources Working Waterfronts Program.

Water-Dependent Use Definitions: A Tool to Protect and Preserve Recreational and Commercial Working Waterfronts, a white paper prepared by the Conservation Clinic, University of Florida Levin College of Law, provides an informative discussion of customizing definitions based on local concerns (pp. 20-26).

Conclusion

This Zoning Discovery Report analyzes inconsistencies between the current and proposed zoning codes and the Tilghman Village and Bellevue Village Master Plans, and considers alternative implementation strategies derived from the *Best Practices Report* and general working waterfront research.

This report discusses several policy issues that should be considered in the implementation of the Tilghman and Bellevue plans, the most fundamental of which is district structure. Although all of the peer communities reviewed in the *Best Practices Report* use base districts, that does not mean an overlay district would be ineffective in encouraging WDU and preserving community character. In fact, overlay districts are often very effective in calibrating general development standards for specific geographic and character areas. Further, an overlay district is the most streamlined approach for Talbot County at this point in time, allowing the new regulations to seamlessly fold into NextStep190 with minimal changes to other code sections already drafted.

This report presents illustrations of hypothetical site development under NextStep190 and an alternative scenario with considerably different development standards. The alternative scenario uses a smaller minimum lot size and width, more accurately reflecting the size and dimension of existing lots in Tilghman and Bellevue. The illustrations demonstrate that, under NextStep190 development standards, it is difficult to accommodate meaningful development on these existing small lots.

As illustrated in Figure 6, development of certain uses can be difficult even with the reduced development standards presented in the alternative scenario. However, lots meeting NextStep190's minimum lot size and development standards are inefficiently used, with regulations leaving over half the lot undevelopable. As a result, the most appropriate development standards for Tilghman and Bellevue may lie somewhere in between NextStep190 and the alternative scenario.

In order to achieve successful, sustainable working waterfronts, Talbot County must encourage desirable maritime land uses by balancing the needs of its maritime business owners with

Talbot County | WWOD Zoning Discovery Report

Conclusion

protection of existing residential uses and community character. This can be accomplished through careful consideration of development standards, formulation of comprehensive lists of allowable land uses and definitions, and development of streamlined review and approval procedures.