

4. LAND USE

Introduction

Land use refers to the uses or activities that occur on a parcel of land. For planning purposes, these uses are commonly classified as residential, commercial, industrial, recreational, or another use. Land use is not permanent and can change over time. It is important to note that land use is different from zoning. Zoning is the tool a local government uses to implement the Comprehensive Plan by regulating what can be built on a parcel of land and how it may be developed or redeveloped.

Land uses may be nonconforming, meaning that they do not conform with zoning, most often because they existed before the land was zoned for another use. These nonconforming uses are often referred to as “grandfathered” and are generally permitted to remain in use. Like land use, zoning can change over time. For example, parcels that are zoned to allow only commercial uses may be changed in the future to allow for a mix of uses, including residential, commercial, and other types.

Land in Worcester County is dominated by agricultural uses. The County retains a rural and coastal character that it has successfully maintained so that development is concentrated primarily in municipalities and designated growth areas.

This chapter provides information on land use categories and their distribution as per existing land use within the county, followed by details of zoning and future land use.

Goals and Objectives

Through this plan, Worcester County seeks to:

- maintain and improve the County’s rural and coastal character,
- protect its natural resources and ecological functions,
- accommodate a planned amount of growth served by adequate public facilities,
- improve the compatibility of new development with the County’s existing built environment,
- continue to support the County’s thriving economy,
- provide for residents’ safety and health,
- Coordinate land use-based infrastructure decisions with Delaware and Sussex County to the extent possible.

Recommended Actions

Continue to limit rural development to uses compatible with the County’s agriculture and forestry industries.

- Continue to support agriculture and forestry uses throughout the county’s less developed regions
- Limit rural development to uses compatible with agriculture and forestry

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Plan for new development by encouraging infill within existing population centers and planned growth centers while maintaining the character of the community.

- Maintain the character of the County's existing population centers
- Locate new development in or near existing population centers and within planned growth centers
- Plan for infill within existing population centers without overwhelming their existing character

Foster a cooperative relationship between the municipalities and the county to plan for future growth via annexations that logically expand existing neighborhoods and communities.

- Work with municipalities to develop annexation policies that encourage infill within their boundaries and expand existing neighborhoods and communities

Provide appropriate residential, commercial, institutional and industrial uses that balance the available land supply while minimizing the consumption of vacant land to preserve the County's rural and coastal character.

- Provide for appropriate residential, commercial, institutional, and industrial uses
- Regulate development to minimize the consumption of land, and preserving the County's rural and coastal character
- Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors

Locate major commercial and all industrial development in areas having adequate arterial road access, while discouraging highway strip development to maintain roadway capacity, safety, and character.

- Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads
- Discourage highway strip development to maintain roadway capacity, safety, and character

New developments should visually improve its surroundings with appropriate landscaping and design elements that reflect the county's established architectural traditions.

- Design new development's architecture and landscaping to visually improve its surroundings

Explore policies and actions that encourage redevelopment of existing residential and commercial properties.

Existing Land Use

Land use policies affect all aspects of community development. Maryland's state land use policies promote smart and sustainable growth that fosters vibrant, livable communities, preserves and protects the environment, and efficiently uses resources. The Maryland General Assembly has passed numerous acts of legislation to protect the environment and natural resources and to promote sustainable growth across the state. The Plan Introduction includes information outlining legislation affecting Maryland's land use planning and resource preservation.

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Land Use Categories

The Plan classifies the county into nine land use categories:

1. **Municipality:** Although outside the County's land use jurisdiction, the County's four incorporated towns (Berlin, Ocean City, Pocomoke, and Snow Hill) play a vital role in the county's land use strategy. The towns with their existing public services are expected to take up much of the county's projected growth. This will occur through infill and through annexations. To minimize unnecessary land consumption, most of the towns' growth should occur through infill. Appropriate public service expansions should be planned. Agreement on growth projections and locations should be coordinated between the county and the municipalities.
2. **Existing Developed Centers (EDC):** This category identifies existing residential and other concentrations of development in unincorporated areas and seeks for their current development character to be maintained. Appropriate zoning providing densities and uses consistent with this character should be instituted. Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDC. Further, the EDCs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDCs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDC's existing character. Examples include Ocean Pines, West Ocean City, South Point, Libertytown, Bridgetown, and Germantown. Other small crossroad clusters are included in this category as appropriate.
3. **Village:** This category is a special case of an EDC. It designates traditional villages that serve as rural centers. Their character should be retained, so they are planned for infill and only limited expansion. Villages are not growth areas. Such areas are not planned for sanitary services or average densities of greater than one unit per acre. Any additional growth should be of very limited scope. Villages include Whaleyville, Public Landing, Girdletree, and Stockton.
4. **Growth Area:** This category designates areas outside incorporated areas that are suitable and desirable for future planned growth. These areas include new and existing locations, which meet the following criteria:
 - a. Contains limited wetlands, hydric soils, floodplains and contiguous forest
 - b. Comprised of generally larger parcels (100 or more acres)
 - c. Located outside of aquifer recharge, source water protection, and other critical areas
 - d. Situated to be cost-effectively served with adequate public sanitary and other services
 - e. Located near employment, retailing and other services
 - f. Served by adequate existing roadways (Level of Service C or better) or can be readily served

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Growth areas identify generalized locations for planned new development. These areas will accommodate most new growth. Densities of up to ten dwelling units per acre should be provided for to reduce consumption of “greenfields” (currently undeveloped sites). Such density will require public water and sewer service. These areas would be “receiving areas” for the transfer of development rights program. Location, layout, and densities should facilitate mass transit service. Adequate transportation and other public facilities must be in place at the time of development.

A growth area overlay or floating zone requiring best development practices should be developed. These “best” practices will:

1. Identify and protect key environmental features (wetlands, source water and aquifer recharge protection areas, woodlands, habitat, etc.)
2. Reduce “greenfield” consumption and impervious surfaces
3. Promote street, trail, and sidewalk connectivity to reduce vehicle miles traveled and improve community “walkability”
4. Provide “greenways” within and around developments for environmental and recreational purposes
5. Cluster development to maximize open space
6. Promote mixed-use community centers with declining density toward the perimeter, thus creating a “center”, an “edge” and a variety of housing types in between
7. Prescribe architectural compatibility standards

These practices will create communities rather than standard tract housing subdivisions. This mixed-use, pedestrian-scale, sustainable environment with a defined design vocabulary will engender a “sense of place.” This effort should take its design guidance in terms of scale, layout, mixed uses, architectural style, and landscape design from existing county towns and villages. To accomplish this, urban design guidelines should be adopted.

Within growth areas, individual communities or “growth nodes” will be identified. These nodes are sub-areas that:

1. Contain land without serious development constraints. Wetlands, large continuous forests, sensitive species habitat, and the resource conservation areas within the state critical areas are considered serious development constraints. Secondary development constraints include headwater areas, and productive farmlands.
2. Have sufficient undeveloped land with enough large land parcels (100 or more acres). This provides sufficient raw material for community-scale land assembly
3. Locate constrained lands (wetlands, forests, waterways, and highways) along the node’s edge and integrate this land into the “greenway” system
4. Place nodal centers at intersections of minor roadways for improved accessibility
5. Can locate nodes where they can be readily served by sewer, mass transit, and appropriate scale roadways

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Growth area development will provide for a variety of densities with the average density greater than three and one-half dwelling units per acre and a maximum core density of up to ten dwelling units per acre. Densities decrease out from the higher density core to a lower density “edge.”

5. Commercial Center: This category includes sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers.

Commercial areas are located on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The first step is to balance supply with demand. With oversupply, many communities have experienced a succession of commercial developments overtaking their predecessors, resulting in underused and poorly maintained “commercial cinders.” Such “cinders” become a blighting influence. They can be avoided through good planning and development standards that provide for adaptable reuse.

Strip commercial centers are discouraged. These centers are characterized by:

- A linear series of stores strung together by a one-story, curtain walled building of little or incompatible character
- Expanse of unscreened parking between the building and the roadway
- Minimal landscaping
- Incongruous and incompatible architecture and signage

Strip centers combined with “franchise” architecture can negate local sense of place, be visually destructive, and adversely affect property values.

Commercial areas provide important services, but they should be developed to enhance community character. This approach has a track record of success for the property owner and for the community.

Commercial centers are planned to occur at three scales, which will be reflected in their zoning and site plan requirements: neighborhood, community and regional/highway.

- Neighborhood commercial provides convenient food, gas and other day-to-day products. Neighborhood commercial should take a central place within growth node developments. They may contain mixed uses and they should be provided with sidewalks, landscaping, and other amenities. Local institutional uses such as schools, libraries, post offices and community buildings are also desired uses. It is especially important that neighborhood commercial uses blend visually into the surrounding community.

Incorporating ancillary residential uses above the street level is encouraged. Such areas may also be appropriate additions to existing underserved population centers. These centers serve populations of 1,000 or more within a five-to-ten-minute travel time.

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- Community commercial centers provide for larger scale commercial uses with higher volume parking demand. Groceries, pharmacies, and support services are located at these centers. Careful attention to signage, landscaping, perimeter buffers, site layout and architectural design is necessary for these uses to be compatible with the community's and the county's character. Again, design standards are important for these high-visibility uses. Community commercial centers serve populations of 3,000 or more within about a ten-to-twenty-minute travel time.
 - Regional/highway commercial centers are designed for the most intense commercial uses, including "big-box" retailers. Such uses will be restricted to sites with access to Routes 50, 113 and 13. Specific zones prescribing appropriate setbacks, landscaping, lighting, signage, screening and other site and architectural standards should guide the location and development of these centers. Use of service roads and/or inter-parcel connectors will help to mitigate transportation impacts. Regional centers serve populations of 25,000 or more within a 30-minute travel time.
6. Agriculture: The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.

This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. Dust, odor, chemical applications, noise, and extended hours of operation create conflicts with incompatible uses.

Residential and other conflicting land uses although permitted are discouraged. Only minor subdivisions of five lots or less are permitted. This restriction has been the strongest component of the county's agricultural preservation strategy, and it should be maintained as is. Also as a general policy, the practice of not rezoning agricultural land for other uses should continue.

The strong "right-to-farm" law should remain in force. Compatible uses providing additional farm income, e.g. tourism and development of "value added" products/processing facilities should be explored. The implementation of a transfer of development rights (TDR) program could help maintain farming and direct growth away from productive farming areas.

Standards for rural cluster housing should be adopted to discourage minor subdivisions from locating along roadways. Such development leads to "suburbanization" of rural roadways. Incentives to provide shared drives, landscape buffers and larger setbacks should be implemented.

Agricultural land preservation should be pursued to maintain a critical mass of farms.

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7. Industry: Traditionally a limited land consumer in Worcester County, light industry is a desirable addition to the county's land use mix. Heavy industry with its environmental and transportation impacts may be compatible in selected locations. Pocomoke City has and will continue to be the focus for the county's most intense industrial uses. To balance the employment base, a light industry location should be developed in the northern county.

Industrial uses need good road access, large sites, sufficient electricity and public water and sewer services. Rail, port facilities, and natural gas are also desired. Selective economic development efforts focused on high-wage, low-impact industries and their supporting infrastructure will benefit the county. Industrial uses should be in the County's designated industrial zones/parks and within appropriate areas in the municipalities.

8. Green Infrastructure: This category addresses state and locally designated natural and open spaces. These areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape. Greenways improve water quality, provide flood control and maintain the county's rural and coastal character.

This category includes conservation zones, which are highly restricted due to their special sensitivity. Conservation areas are defined by their soils (muck), state owned natural areas, existing conservation zoning, tidal wetlands, selected riparian corridors. Greenway and conservation areas have distinct physical characteristics, which make them special habitat areas or place extreme limitations on development.

Such areas are "place dependent", that is, they only occur at specific locations. Their identification and preservation must be proactively addressed. After-the-fact mitigation and restoration is expensive and often of limited effect.

Open space uses include:

- Environmental process, e.g., hydrology, aquifer recharge areas, larger contiguous forests
- Hazard areas (floodplains)
- Environmental resources (wetlands, threatened and endangered species habitat)
- Cultural resources
- Outdoor recreation sites
- Areas defining edge between urban and rural uses

The green infrastructure system is designed to maintain existing resource areas and where absent, create sufficient natural "corridors" linking larger green "hubs." Parks, other public and dedicated private open spaces should be included. This network provides essential wildlife food, shelter, and cover. It also provides a rural tone to developed areas and works with conservation site planning to minimize development's cumulative impact. Green infrastructure is addressed in more detail in the natural resources chapter.

The initial green infrastructure contained in this plan will be reviewed and refined further in the future.

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9. Institutional: Institutional land uses are major public properties and facilities. county parks emphasizing active recreation are identified in this category; county passive recreation facilities are identified as green infrastructure.

Existing Land Use

The County calculated an inventory of available land in the comprehensive planning process. **Table 4-1** summarizes Worcester County’s Existing Land Use by category and number of parcels, and compares it to Future Land Use, as a comparison. **Map 4-1** shows the County’s Existing Land Use.

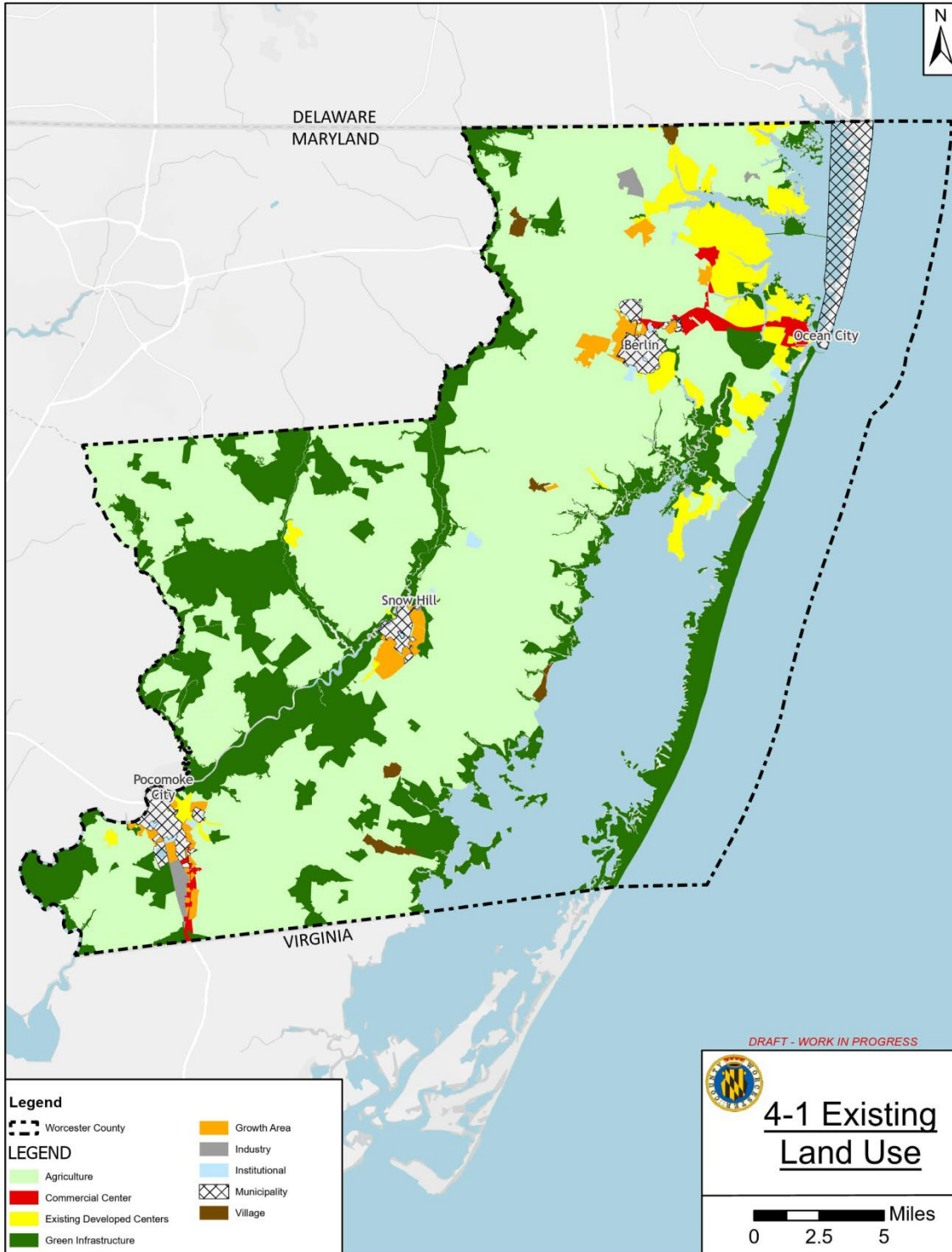
Table 4-1. Land Use Summary

Existing Land Use Summary		Future Land Use	
Land Use Category	Total Acres	Total Acres	% Change
Agriculture	196,271		
Commercial Center	2,312		
Existing Developed Centers	14,327		
Green Infrastructure	75,087		
Growth Area	4,327		
Industry	1,142		
Institutional	794		
Municipality	10,982		
Village	1,520		
Total	306,672		

Source: Worcester County, Wallace Montgomery

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Figure 4-1: Existing Land Use



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Zoning

Zoning is one of the primary tools to implement Worcester County Comprehensive Plan. Zoning is represented on maps and detailed in the County's Coning Ordinance. The maps show several districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right or under certain conditions. It also regulates building height, lot sizes, setbacks, yards and green space, the number and size of signs, and space for off-street parking.

For additional information on zoning and zoning districts, please refer to the Code of Public Local Laws of Worcester County, Maryland, Subtitle ZS1 Zoning and Subdivision Control and the official Zoning Map designating zoning districts.

Table 4-2. Zoning

Zoning District	Acres	
	No.	%
A-1 Agricultural District	170,093	57.9%
A-2 Agricultural District	7,457	2.5%
E-1 Estate District	4,683	1.6%
V-1 Village District	1,080	0.4%
R-1 Rural Residential District	4,872	1.7%
R-2 Suburban Residential District	4,629	1.6%
R-3 Multi-Family Residential District	1,539	0.5%
R-4 General Residential District	1,214	0.4%
C-1 Neighborhood Commercial District	128	0.0%
C-2 General Commercial District	2,082	0.7%
C-3 Highway Commercial District	350	0.1%
I-1 Light Commercial District	1,164	0.4%
I-2 Heavy Industrial District	326	0.1%
CM Commercial Marine District	12	0.0%
RP Resource Protection District	86,756	29.5%
CA	419	0.1%
Municipalities	7,179	2.4%
Total	293,983	

Source: Worcester County, Wallace Montgomery

Zoning Categories

Each zoning designation is described below and is detailed in the Code of Public Local Laws of Worcester County, Maryland, Subtitle ZS

A-1 Agricultural District

This district is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. Furthermore, it

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is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare. This district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or non-agricultural commercialization.

A-2 Agriculture District

This district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

V1 Village District

This district is intended to protect and preserve the unique mixed-use character and historical charm of the existing crossroads villages of the County. New development within this district should be of an appropriate scale and use to be compatible with the existing pattern of development. In addition, new development is intended to be channeled into effective service areas to permit the efficient provision of public services.

R-1 Rural Residential District

This district is intended to protect and preserve the low-density rural residential areas of the County which are not generally planned for substantial population growth and for which limited public services are available or planned. Low-density residential development is permitted in this district while relatively low intensity uses necessary to serve the needs of the local population may also be compatible. Cluster development and residential planned communities are encouraged in this district to preserve and maintain the open space and natural environment currently present in these areas.

R-2 Suburban Residential District

This district is primarily intended to protect and preserve existing residential subdivisions throughout the County and to provide for compatible infill development in those areas. Furthermore, as contemplated by the Comprehensive Plan, this district can serve as an intermediate band of traditional neighborhood development as it transitions from a higher-density core to a much lower-density edge.

The Comprehensive Plan recommends that designated growth areas be developed as traditional neighborhoods. Projects of greater than twenty dwelling units which are proposed after the effective date of this Title are required to be developed as residential planned communities to encourage traditional neighborhood development and utilization of conservation design principles. Therefore, new development in this district may be at densities higher than that cited below as the maximum density,

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provided adequate sewer service is available, while infill development in existing developed areas shall be at densities consistent with those allowed by the primary district regulations.

R-3 Multi-family Residential District

This district is intended to protect and preserve existing residential subdivisions throughout the County and to provide for compatible infill development in those areas. Furthermore, as contemplated by the Comprehensive Plan, this district can serve as the core of a traditional neighborhood development, where the highest densities are desired.

The Comprehensive Plan recommends that designated growth areas be developed as traditional neighborhoods. Projects of more than twenty dwelling units which are proposed after the effective date of this Title are required to be developed as residential planned communities to encourage traditional neighborhood development and utilization of conservation design principles. Therefore, new development in this district may be at densities higher than that cited below as the maximum density, provided adequate sewer service is available, while infill development in existing developed areas shall be at densities consistent with those allowed by the primary district regulations.

R-4 General Residential District

This district is intended to protect the existing residential subdivisions throughout the County that are currently developed in accordance with its provisions while also providing for compatible infill development. Additionally, this district is meant to accommodate the most diverse housing types and range of affordability. Projects of greater than twenty dwelling units which are proposed after the effective date of this Title are required to be developed as residential planned communities to encourage traditional neighborhood development and utilization of conservation design principles. While this district can serve as the core of a traditional neighborhood development, it is not limited to usage only in areas designated for growth by the Comprehensive Plan.

C-1 Neighborhood Commercial District

This district is intended to provide convenient commercial areas strategically based to serve the day-to-day shopping and service needs of the local neighborhood. Designed to serve populations of one thousand or more within an approximate five- to ten-minute travel time, this district shall be limited to small-scale commercial operations of far less intensity than those provided for in the C-2 General Commercial District and C-3 Highway Commercial District. The scale and design of these neighborhood commercial uses should complement the scale and design of the existing neighborhood in which they are located and blend visually into the surrounding community.

C-2 General Commercial District

This district is intended to provide for more intense commercial development serving populations of 3,000 or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. Consequently, design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative.



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Commercial structures and uses must be compatible with the community and the County's character. Strip commercial forms of development are strongly discouraged.

C-3 Highway Commercial District

This district is intended to provide for the largest and most intense commercial development and thus function as regional centers serving populations of twenty-five thousand or more within an approximate thirty-minute travel time. Such uses shall be limited to sites with appropriate access to arterial highways. Because of the extreme visibility of the sites, appropriate setbacks, landscaping, lighting, signage, screening and other site and architectural standards shall guide the location and development of these centers. Use of service roads and interparcel connectors are necessary to mitigate transportation impacts.

I-1 Light Industrial District

This district is intended to provide for certain types of business and industry, characterized by light manufacturing, fabricating, warehousing and wholesale distribution, which are relatively free from offense and which, with proper landscaping and buffering, will not detract from the residential or commercial desirability of adjacent properties. It is intended that such districts be located with access to major thoroughfares or other major modes of transportation, depending upon the specific demands of the industry being served. Industrial parks are encouraged in this district to provide for industrial uses with common access and infrastructure, as well as the provision of open space and adequate buffering to adjacent noncompatible uses.

I-2 Heavy Industrial District

This district is intended to provide for a variety of heavy-industrial-type uses which may not be compatible with residential or commercial development due to some potential nuisance or hazard. It is intended that such districts be located with access to major thoroughfares or other major modes of transportation, depending upon the specific demands of the industry being served. Industrial parks are encouraged in this district to provide industrial uses with common access and infrastructure, as well as the provision of open space and adequate screening between adjacent incompatible uses.

CM Commercial Marine District

This district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be in proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effects of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

RP Resource Protection District

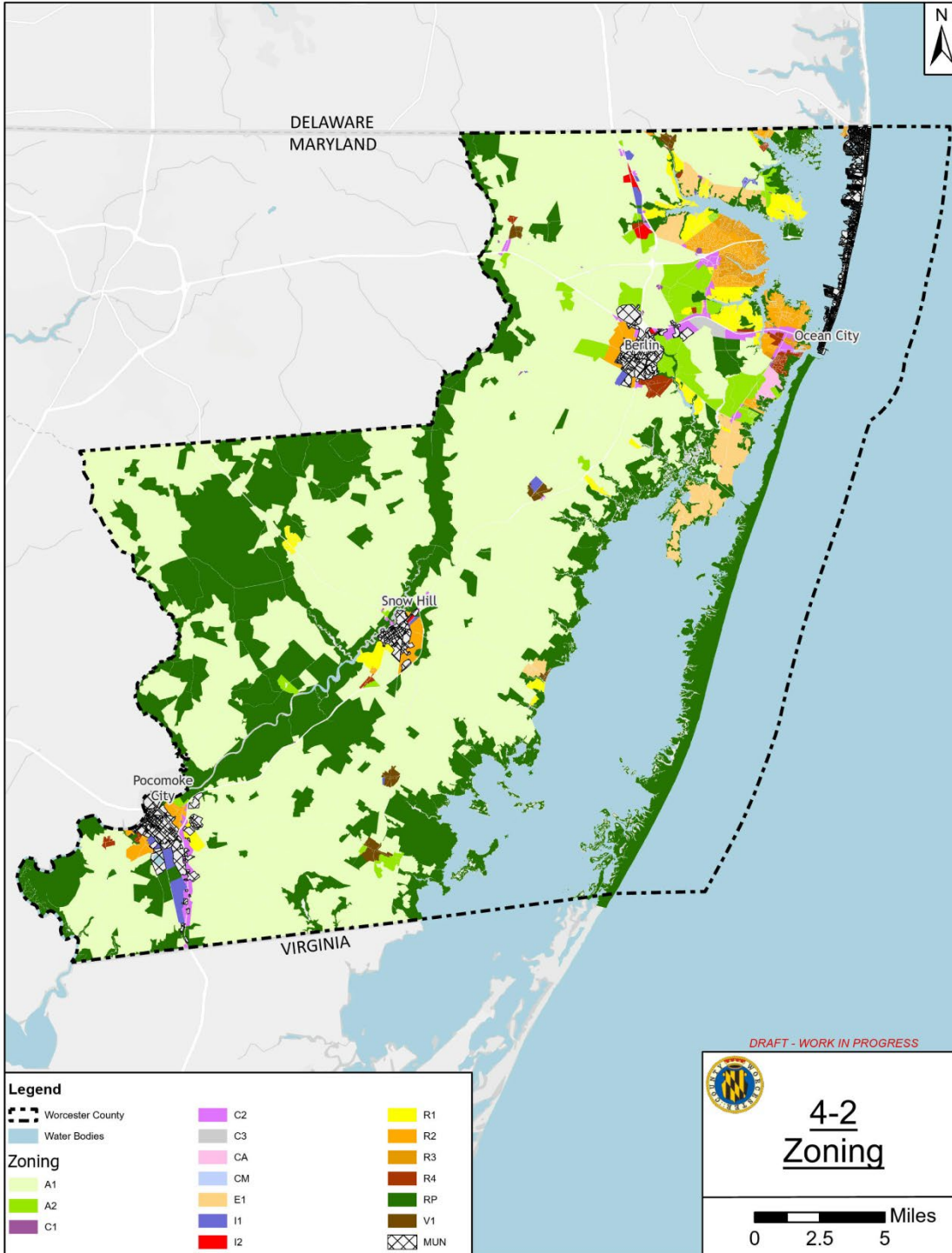
This district is intended to preserve the environmentally significant areas of the County and to protect its natural resources in all areas. The district includes those areas of the County which pose constraints

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for development or where development could have a substantially adverse environmental effect. This district serves to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas which generally include tidal and nontidal wetlands, state-owned natural areas, selected riparian corridors, conservation areas, and muck and alluvial soils. Development potential within this district is severely limited; however, some minor development may be carried out, provided it is done in a manner sufficiently sensitive to the existing natural environment and visual character of the site.

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Figure 4-2: Zoning



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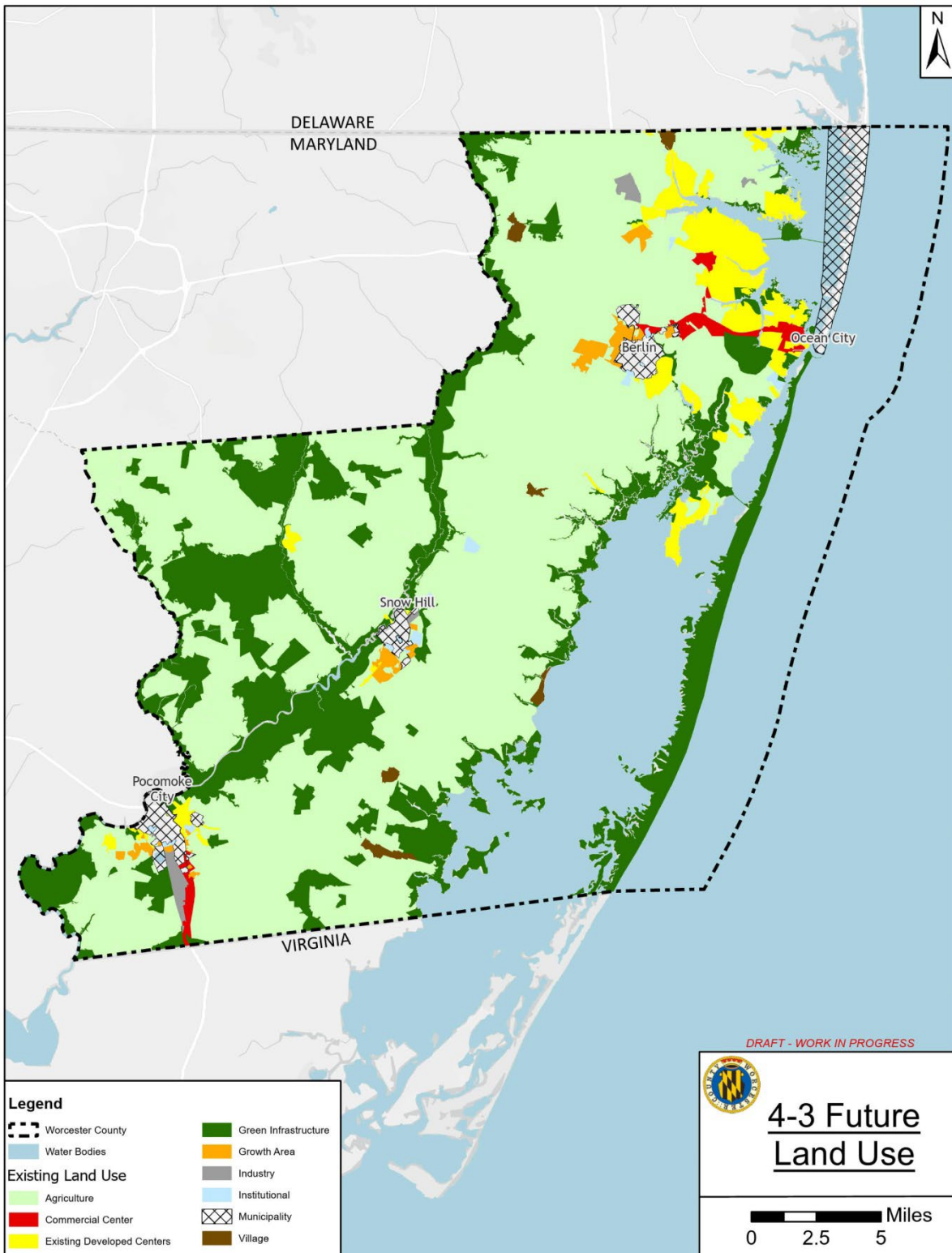
Future Land Use

Worcester County has developed a vision for future land use. Future land use information will serve as a roadmap to guide the development of the County. **Table 4-1** summarizes Worcester County's proposed Future Land Use by category. **Map 4-3** shows the County's **Future Land Use** and **Map 4-x** shows the areas of land use that changed from the existing.

The Future Land Use Map recognizes recent and proposed residential development in the County since the 2006 Comprehensive Plan and a limited buildout of additional parcels zoned for residential development. It is in keeping with the infrastructure constraints identified in the Water Resources Element and the goals and objectives of this Plan.

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Figure 4-3: Future Land Use 1



Source: Worcester County