

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2025 Legislative Session

Legislative Day No. 10

Legislative Bill 2025- 07

Introduced: May 20, 2025

Introduced by: The Council President at the request of the Planning Commission

AN ACT TO AMEND CHAPTER 62 OF THE WICOMICO COUNTY CODE, TITLED "PLANNING AND ZONING COMMISSION," SECTION 62-1 TITLED "REPEALER," SECTION 62-2 TITLED "CREATION," SECTION 62-4 TITLED "MEMBERS APPOINTED; CHAIRMAN," SECTION 62-6 TITLED "LEGAL COUNSEL," AND SECTION 62-7 TITLED "ESTABLISHMENT OF DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT," TO DISSOLVE THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION AND CREATE A WICOMICO COUNTY PLANNING AND ZONING COMMISSION.

WHEREAS, the Wicomico County Planning and Zoning Commission was created by Bill No. 1989-2 on February 13, 1989; and

WHEREAS, the current structure of the Wicomico County Planning and Zoning Commission serves both the City of Salisbury and Wicomico County; and

WHEREAS, the citizens of Wicomico County and the City of Salisbury would be best served through each political subdivision having its own Planning and Zoning Commission; and

WHEREAS, the Wicomico County Planning and Zoning Commission, has reviewed the request and recommends the incorporation of certain amendments into Chapter 62 of the Wicomico County Code.

Section 1. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 62 of The Wicomico County Code, Titled "Planning And Zoning Commission," Section 62-1 Titled "Repealer," Section 62-2 Titled "Creation," Section 62-3 Titled "Authority," Section 62-4 Titled "Members Appointed; Chairman," Section 62-6 Titled "Legal Counsel," And Section 62-7 Titled "Establishment Of Department Of Planning, Zoning And Community Development," is hereby amended, to read as follows:

Chapter 62

Planning and Zoning Commission

§ 62-1. Repealer.

The Wicomico County Planning and Zoning Commission created by ~~Ordinance No. 6~~ **BILL NO. 1989-2** on ~~October 25, 1949,~~ **FEBRUARY 13, 1989**, be and the same is hereby dissolved.

§62-2. Creation.

There is hereby created, effective on ~~March 1, 1954,~~ **SEPTEMBER 1, 2025**, a Wicomico County Planning and Zoning Commission.

§62-3. Authority.

A. Authority. Said Commission is hereby authorized to proceed to organize and function as a Planning and Zoning Commission within the contemplation of the aforesaid law.

B. THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION SHALL HOLD AT LEAST ONE REGULAR MEETING EACH MONTH, UNLESS THERE IS NO BUSINESS PENDING BEFORE THE PLANNING COMMISSION. A SPECIAL MEETING MAY BE CALLED, AS NECESSARY, AT THE ELECTION OF THE CHAIR. THE WICOMICO COUNTY COUNCIL, BY RESOLUTION, SHALL SET THE DATE AND TIME OF THE REGULAR MONTHLY MEETING OF THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION. THE DATE AND TIME OF ANY SPECIAL MEETING SHALL BE SET AT THE DISCRETION OF THE CHAIR.

C. IN THE PERFORMANCE OF THE PLANNING COMMISSION'S FUNCTIONS, A PLANNING COMMISSION MEMBERS MAY ENTER ON ANY LAND AND MAKE EXAMINATIONS AND SURVEYS.

D. THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION SHALL ADOPT RULES FOR THE CONDUCT OF ITS BUSINESS.

§62-4. Members appointed; Chairman.

A. The Wicomico County Planning and Zoning Commission shall consist of seven members, one of whom shall be designated as Chair. ~~man. All members shall serve terms of five years or until their successors are appointed, and all members shall be eligible for reappointment. All members shall be appointed by the Wicomico County Executive and confirmed by the County Council and may be appointed for staggered terms so that all appointments shall not terminate at the same time.~~

B. THE COUNTY EXECUTIVE SHALL APPOINT EACH MEMBER AND THE CHAIR OF THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION. THE COUNTY COUNCIL SHALL CONFIRM THE APPOINTMENTS BY A MAJORITY VOTE.

C. TERMS.

(1) SUBJECT TO SUBSECTION (C)(3) BELOW, THE TERM FOR EACH MEMBER OF THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION SHALL BE FIVE YEARS.

(2) MEMBERS TERMS SHALL BE STAGGERED SUCH THAT THE TERMS OF THREE MEMBERS END IN THREE YEARS, AND THE TERMS OF FOUR MEMBERS END IN FIVE YEARS.

(3) FOR THE INITIAL TERM FOLLOWING THE ESTABLISHMENT OF THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION, AT THE TIME OF THE APPOINTMENT, THE COUNTY EXECUTIVE SHALL DELINEATE THREE MEMBERS WHO SHALL SERVE A THREE-YEAR TERM, FOLLOWING CONFIRMATION BY A MAJORITY VOTE OF THE COUNTY COUNCIL.

(4) MEMBERS SHALL NOT SERVE FOR NO MORE THAN TWO CONSECUTIVE TERMS. THE COUNTY COUNCIL MAY WAIVE THIS LIMITATION, BY A MAJORITY VOTE, UPON REQUEST OF THE COUNTY EXECUTIVE.

(5) IF A VACANCY OCCURS DURING THE TERM OF AN APPOINTED MEMBER, THE VACANCY SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS IS REQUIRED FOR APPOINTMENT UNDER SUBSECTION (B) OF THIS SECTION.

D. ELIGIBILITY.

(1) EACH MEMBER MUST BE 21 YEARS OF AGE, OR OLDER.

(2) EACH MEMBER'S PRINCIPAL RESIDENCE MUST BE IN WICOMICO COUNTY DURING THE TERM OF THE APPOINTMENT.

(3) WITHIN 6 MONTHS AFTER APPOINTMENT TO THE PLANNING COMMISSION, A MEMBER SHALL COMPLETE THE EDUCATION COURSE ADOPTED BY THE STATE IN ACCORDANCE WITH § 1-206 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND. THE FAILURE OF A MEMBER TO COMPLETE AN EDUCATION COURSE UNDER THIS SUBSECTION MAY NOT INVALIDATE A DECISION OF THE PLANNING COMMISSION OR BE CONSTRUED TO CREATE A PRIVATE CAUSE OF ACTION BY ANY PERSON, BUT IS GROUNDS FOR REMOVAL OF THE MEMBER AT THE DISCRETION OF THE COUNTY EXECUTIVE.

E. REMOVAL; RESIGNATION.

(1) ANY MEMBER OF THE COMMISSION MAY BE REMOVED FROM THE COMMISSION BY THE COUNTY EXECUTIVE, WITH THE MAJORITY APPROVAL OF THE COUNTY COUNCIL, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION 2.

(2) THE COUNTY EXECUTIVE SHALL REMOVE A MEMBER OF THE COMMISSION FOR:

(a) FAILING TO ATTEND AT LEAST 50% OF THE MEETINGS OF THE COMMISSION DURING ANY CONSECUTIVE 12-MONTH PERIOD;

(b) CONVICTION OF A CRIME IN ACCORDANCE WITH § 8-502 OF THE STATE GOVERNMENT ARTICLE; OR

(c) FAILURE TO MAINTAIN A PRINCIPAL RESIDENCE IN THE COUNTY DURING THE TERM OF THE APPOINTMENT.

(3) MEMBERS MAY RESIGN FROM THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION AT ANY TIME BY NOTIFYING THE COUNTY EXECUTIVE AND THE CHAIR OF THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION IN WRITING.

§62-6. Legal counsel.

The County Attorney for Wicomico County or ~~his duly designated Assistance~~ **THE COUNTY ATTORNEY'S DESIGNEE** shall serve as legal counsel to the Planning and Zoning Commission.

§62-7. Establishment of Department of Planning, Zoning and Community Development.

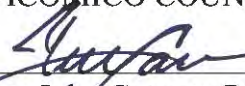
- A. There is hereby created a Department of Planning, Zoning and Community Development for Wicomico County.
- B. The Department of Planning, Zoning and Community Development shall be headed by a Director who shall be appointed by the County Executive and confirmed by the County Council.
- C. The Department shall have such staff as may be authorized by the **COUNTY EXECUTIVE AND** County Council **THROUGH THE BUDGET**.
- D. The Department shall serve as planning and zoning advisors to the Planning and Zoning Commission. ~~and any other group or body designated by directive of the County Executive or by legislative act of the County Council.~~
- E. The Department shall conduct such activities as may be requested by the Planning and Zoning Commission, the County Executive, or as authorized in any local law or regulation.
- F. ~~The Department may perform such duties as are required under the provisions of Article 66B of the Annotated Code of Maryland on behalf of any municipality participating in a countywide planning program.~~

SECTION 2: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2025-07 and shall take effect sixty (60) days after its

enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 17th day of June, 2025.

WICOMICO COUNTY, MARYLAND

 (SEAL)
By: John Cannon, President

 (SEAL)
By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

 (SEAL)
By: Laura Hurley, Secretary

Explanation:

~~Strike Out~~ indicates matters deleted from existing law.

CAPITALS BOLD INDICATE MATTERS ADDED TO EXISTING LAW.

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

CAPITAL UNDERLINING indicates Amendments to Bill

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2025 Legislative Session

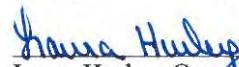
Legislative Day No. 10

LEGISLATIVE BILL NO. 2025-07

INTRODUCED BY: The Council President at the request of the Planning Commission

LEGISLATIVE BILL NO. 2025-07: AN ACT TO AMEND CHAPTER 62 OF THE WICOMICO COUNTY CODE, TITLED "PLANNING AND ZONING COMMISSION," SECTION 62-1 TITLED "REPEALER," SECTION 62-2 TITLED "CREATION," SECTION 62-4 TITLED "MEMBERS APPOINTED; CHAIRMAN," SECTION 62-6 TITLED "LEGAL COUNSEL," AND SECTION 62-7 TITLED "ESTABLISHMENT OF DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT," TO DISSOLVE THE WICOMICO COUNTY PLANNING AND ZONING COMMISSION AND CREATE A WICOMICO COUNTY PLANNING AND ZONING COMMISSION.

Introduced and read first time on May 20, 2025. Ordered posted and public hearing scheduled for June 17, 2025 at 10:00 a.m.



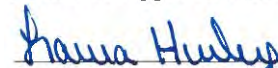
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on June 17, 2025.



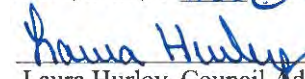
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 17th day of June, 2025.



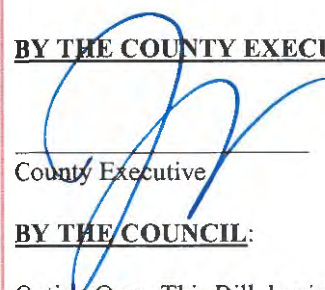
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 18th day of June, 2025, at 11:50 a.m./p.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE COUNTY EXECUTIVE:



County Executive

APPROVED

Date: 6/18/2025
(21 days §411)

VETOED

Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on June 18, 2025 and effective on: August 16, 2025.
(60 days §311)

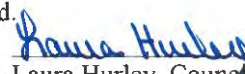
§16-2

Planning and Zoning Commission - September 1, 2025
effective

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2025-07 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator