

**COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND**

2013 Legislative Session

Legislative Day No. 23

**Resolution No. 141-2013**

**A RESOLUTION APPROVING A ZONING CLASSIFICATION OF R-8A RESIDENTIAL UPON ANNEXATION BY THE CITY OF SALISBURY, OF PROPERTY LOCATED ON THE SOUTHERLY SIDE OF MERRITT MILL ROAD, TAX MAP 39, PARCELS 33 AND 542.**

Introduced by: The President of the Council at the request of the County Executive

WHEREAS, The City Administrator referred the Smith-Merritt Mill Road Annexation located on the easterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the southerly side of Merritt Mill Road and consists of 11.21 acres of land. The property is currently zoned LB-1 Light Business and Institutional and R-8 Residential; and

WHEREAS, the Wicomico County Planning and Zoning Commission, on September 19, 2013, reviewed the proposed annexation and recommended R-8A Residential zoning for the 11.21 acres of property upon annexation to the City of Salisbury; and

WHEREAS, the Local Government Article of the Annotated Code of Maryland, Section 4-416 (b) provides that no municipality annexing land may for a period of five years following an annexation, permit development of the annexed land for land uses substantially different than the use authorized, or at a substantially higher, not to exceed 50%, density than could be granted for the proposed development, in accordance with the zoning classification of the County applicable at the time of the annexation without the express approval of the County Council; and

WHEREAS, The Department of Planning Zoning and Community Development and the Wicomico County Planning and Zoning Commission recommend a finding that the proposed zoning classification is substantially consistent in density, with density permitted by the existing R-8 zoning district but differs from the uses permitted in the LB-1 zoning district, and that upon annexation to the City of Salisbury the property be zoned R-8A.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland that:

1. The proposed zoning classification is substantially different from the County's zoning classification as the uses differ from those permitted by the LB-1 zoning district.
2. The requested zoning classification of R-8A Residential may be applied to the property described above, upon annexation by the City of Salisbury without regard to the provisions of Section 4-204 of the Land Use Article as permitted by the Local Government Article, Section 4-416 (c) of the Annotated Code of Maryland.

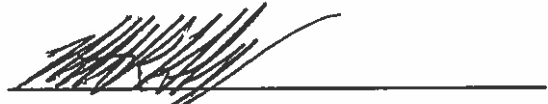
Done at Salisbury, Maryland, this 19<sup>th</sup> day of November, 2013.

COUNTY COUNCIL OF  
WICOMICO COUNTY, MARYLAND

ATTEST:



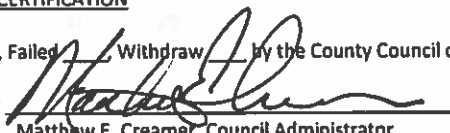
Matthew E. Creamer  
Council Administrator



Matt Holloway  
Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdraw  by the County Council on N

Certified by   
Matthew E. Creamer, Council Administrator

10 December

9, 2013