

# THE MARYLAND ZONING CHECKUP

## A PERFORMANCE GUIDE FOR SMALL AND RURAL JURISDICTIONS

Prepared by:

The Maryland Department of Planning

2023

*“Keep your code running in peak performance”*

# CHAPTER TWO: PRESERVING THE OFFICIAL ZONING CODE

**Preserving the official zoning code means it must:**

- ✓ Meet the specific requirements outlined in your adopted zoning code
- ✓ Be regularly and been meticulously updated
- ✓ Be made accessible to all decision makers, stakeholders, and the general public

## I. Getting Started:

### Locating the Official Zoning Ordinance/Code

- Does your workgroup have a copy of the jurisdiction's official zoning ordinance (also referred to as the zoning code)?
- Can your workgroup locate amendments to the resolution?
  - If YES, to both questions, where are they located?
  - If NO to either question, contact your clerk, town attorney, or Regional Planner for assistance

**Important:** Be sure to note and share their location with board members/commissioners, stakeholders and the general public!

## Locating the Official Zoning Code (cont'd)

- ❑ Are the official zoning code and any amendments available online?
  - If YES, on which websites are they located and what are the links (URLs)?
- ❑ If not currently available online, can they be added to the municipal and/or county websites?
  - If YES, where will they be located and what will be the links (URLs)?

**Important:** Be sure to note and share their online location with board/commission members, stakeholders and the general public!



## II. Reviewing the Zoning Ordinance/Code:

- ❑ Does the zoning ordinance/code have an official section in the larger jurisdictional code?
  - If YES, what is the ordinance/code section number?

Example:

### ARTICLE I. - LEGISLATIVE/GENERAL PROVISIONS

#### Sec. 25-1. - Zoning ordinance adopted.

There is hereby adopted by the mayor and city council, for the purpose of establishing rules and regulations relating to all matters concerning planning and/or zoning, that certain ordinance recommended by the municipal planning and zoning commission, and all amendments thereto, of which not less than three (3) copies are filed in the office of the city clerk, including all official zoning maps and appendices thereto, a copy of each of which is attached hereto, and unless specifically deleted from this chapter, such ordinance is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling in connection with all matters regarding planning or zoning, and the administration thereof within the City of Cumberland.

(Code 1966, § 33-1; Ord. No. 3607, §§ 1, 2, 3-18-08; Ord. No. 3648, §§ 1, 2, 8-4-09; Ord. No. 3775, § 3, 4-7-15)

#### Sec. 25-2. - Title.

These regulations shall be known and may be cited as the City of Cumberland Zoning Ordinance. The ordinance includes both the text of the regulations and the official zoning map, which is located in the office of the city clerk, City Hall, Cumberland, Maryland, and copies of which are on file at the department of community development and the circuit court of Allegany County.

❑ Does the zoning ordinance/code have any official ordinance/code requirements?

Example:

§ 175-2. Zoning Map.

A. The incorporated areas of the town are hereby divided into zones, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.<sup>1</sup>

B. The Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town Clerk and bearing the seal of the town under the following words: "This is to certify that this is the Official Zoning Map of the Town of Charlestown."

C. If, in accordance with the provisions of this chapter and the Land Use Article of Maryland, as amended, changes are made in in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the Town Commissioners, the following changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Town Commissioners and attested by the Town Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

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D. No change of any nature shall be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the town. A copy of the map shall be located in the offices of the Planning Commission.

E. In the event that the Official Zoning Map becomes damaged, destroyed lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

F. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Commissioners. The new Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town Clerk and bearing the seal of the town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Charlestown."

G. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Commissioners. The new Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town Clerk and bearing the seal of the town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Charlestown."

➤ If NO, consider establishing local requirements for the jurisdiction's official zoning ordinance/code.


### III. Changes to the Official Zoning Ordinance Index:



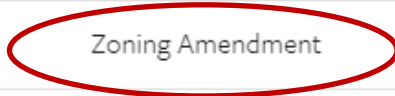



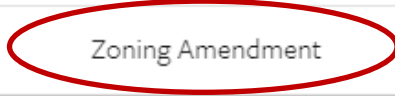
- ❑ Check your resolution history. Have there any zoning amendments since the effective date of the zoning ordinance/code?

Example:

**New Laws** ▶ ?

Adopted legislation that has not yet been incorporated into the Code can be found below. Once a new law has been codified, it will no longer appear in this section.



Title	Adopted	Subject	Affects
 Ord. No. 2020-01 (2020-06-17) 	2020-06-17	 Zoning Amendment	
Ord. No. 2020-03 (2020-12-07) 	2020-12-07	Land Use Amendment	Ch 105
 Ord. No. 2021-01 (2021-02-01) 	2021-02-01	 Zoning Amendment	

- If YES, note the zoning amendments and make sure they are listed in the official zoning ordinance index (as previously described for zoning maps in Topic One) and incorporated into the body of text where the change has occurred.

- ❑ Does the zoning ordinance/code require that planning board members/commissioners receive copies of the most recent official zoning ordinance/code as amended?
  - If YES, be sure to provide each member/commissioner with an indexed copy per zoning ordinance/code requirements.

**Important:** Be sure the most recent official zoning ordinance/code copy as amended is available to the public, including copies posted online, as per requirements.



# Does the Zoning Ordinance/Code have a section pertaining to the Zoning Board of Appeals?

Example:

← Queen Annes County, MD / Part III: Local Regulations / Zoning and Subdivision Regulations / Administration, Enforcement and Special Procedures →

## Article XXII General and Administrative Provisions

- § 18:1-109 Planning Commission. >
- § 18:1-110 Department of Planning and Zoning. >
- § 18:1-111 Planning Director. >
- § 18:1-112 Deputy Planning Director. >
- § 18:1-113 Zoning Administrator. >
- § 18:1-114 Board of Appeals. >
- § 18:1-115 Powers of Board. >
- § 18:1-116 Meetings of Board. >
- § 18:1-117 Hearings before Board. >
- § 18:1-118 Effect of final decision of Board. >
- § 18:1-119 Appeals. >

- If YES:
  - How are their decisions shared with the public and the planning board/commission?
  - Who is responsible for recording the decisions of the board/commission?
  - Have the board members/commissioners received copies of any Board of Appeals decisions?
- If no, consider incorporating standards in your zoning ordinance/code to address Board of Appeals decisions and findings.

**Important:** Be sure to note the notification and reporting requirements.

# CHAPTER TWO: PRESERVING THE OFFICIAL ZONING CODE

## “Final CheckUp”

To complete this exercise, your Official Zoning Code should:

- |   |   |   |     |
|---|---|---|-----|
| 1. Contain an Index of all changes.   | Y | N |     |
| 2. Include a Reflect the requirements as specified in the local zoning code or ordinance. |   |   |     |
| a. Effective Date   | Y | N |     |
| b. Other  | Y | N | N/A |

# CHAPTER TWO: PRESERVING THE OFFICIAL ZONING CODE

## “Final CheckUp” (cont’d)

3. Include an Index Resolution # and effective date for:

a. Text Amendments

Y

N

N/A

# CHAPTER TWO: PRESERVING THE OFFICIAL ZONING CODE

## “Final CheckUp” (cont’d)

- |   |   |   |     |
|---|---|---|-----|
| 4. Be displayed in conspicuous public space | Y | N |     |
| a. Copied to board members/commissioners    | Y | N | N/A |
| b. Be consistent with website version       | Y | N | N/A |



# CHAPTER TWO: PRESERVING THE OFFICIAL ZONING CODE

## “Final CheckUp” (cont’d)

5. Indicate how the Board of Appeals decisions are recorded and shared with the public and planning commission.

Y      N

# You May Now Proceed to Chapter Three of the Maryland Zoning CheckUp!

Please contact your Regional Planner should you have questions  
or require assistance.