THE MARYLAND ZONING CHECKUP A PERFORMANCE GUIDE FOR SMALL AND RURAL JURISDICTIONS

Presented by:

David Dahlstrom, AICP Joseph Rogers Kenneth [Ken] Confalone

October 25, 2023

"Keep your code running in peak performance"



INTRODUCTION OF PANELISTS

Kenneth [Ken] Confalone

Joseph Rogers

David Dahlstrom, AICP



6.874 Ca.A.

BROSEYE NEW OF.

SESSION OUTLINE

- 1. Why a Zoning CheckUp?
- 2. Planning Commission Perspective
- 3. Purpose of the Zoning CheckUp
- 4. History of the Zoning CheckUp
- 5. Sample of the Zoning CheckUp
- 6. Next Steps
- 7. Final Questions



PLANNING COMMISSIONER PERSPECTIVE

Ken Confalone Planning Commission, Chair Town of Charlestown (Cecil County, MD)



ter på franssa til Fridalit is sikaat, derissis, b

THE MARYLAND ZONING CHECKUP

Purpose

Prepared by Regional Planners in the Local Assistance and Training (LAT) division of the Maryland Department of Planning (MDP), the Maryland Zoning CheckUp (or CheckUp) is a performance guide designed to assist planning boards and commissions in rural and other small jurisdictions across the state.

Zoning boards/commissions in these jurisdictions may face staffing or other capacity issues affecting their ability to maintain and standardize complex zoning ordinances/codes and documents.

To address these issues, MDP created the Maryland Zoning Checkup to provide guidance to reviewers via a series of prompts, questions, answers, and recommendations by which the process may be streamlined and simplified.



HISTORY OF THE ZONING CHECKUP

In a rural town, far, far away....



*image for educational purpose only

ACCREASE VALUE OF

THE MARYLAND ZONING CHECKUP

Goal

To ensure official (adopted) local zoning ordinances/codes and maps are complete and consistent with their jurisdictions' comprehensive plans and implementation strategies.



The Maryland Zoning CheckUp:

- Is a self-evaluation tool for voluntary use in reviewing adopted zoning ordinances/ codes, maps and subdivision regulations.
- Addresses a variety of zoning topics to improve the performance of existing zoning mechanisms.
- Accounts for periodic plan amendments, updates, local annexations, changes in best practices, and changes in applicable federal or state law.
- ✓ Encourages annual re-evaluation to ensure adopted zoning ordinances, codes, and maps are meticulously maintained and up-to-date.
- May be used as part of board/commission-run workshops or by professional consultants hired to conduct reviews.
 - Can be tailored to the specific needs of a jurisdiction.

Structure:

The Maryland Zoning CheckUp functions as a workbook that, through a series of questions, guides users through the review process. It is divided into four primary chapters dealing with the most essential matters a jurisdiction should revisit each year, and additional chapters for a deeper dive into a variety zoning topics as time affords.

The CheckUp is adaptable and, as such, is a useful tool for any jurisdiction having planning authority and subsequent ordinances, codes and maps.



Materials:

- ✓ Maryland Zoning CheckUp PowerPoint presentation
- Maryland Zoning CheckUp Workbook & Guidance document
- Maryland Zoning CheckUp website: <u>https://planning.maryland.gov/Pages/OurEngagement/CheckUp.aspx</u>



How to Use:

Jurisdictions may choose to review the topic areas at their own pace and based on local interest.

However, MDP recommends annually reviewing the **Essential Zoning Topics** found in Chapters One through Four, and reviewing them first, prior to moving on to additional topic areas.



Essential Zoning Topics to be reviewed annually:

1 22	Chapter / Topic	Zoning Code	Comp Plan*	Frequency
	1. Preserving the Official Zoning Map	\checkmark	- the second	Annually*
1	2. Preserving the Official Zoning Code	\checkmark	\checkmark	Annually*
	3. Zoning Map Changes	\checkmark		Annually*
A.	4. Ordinance Integration	\checkmark		Annually*

*Important: Be sure to review for consistency with the jurisdiction's Comprehensive Plan.



Deep-dive zoning topics to be reviewed periodically, on an as needed/as appropriate basis:

100	Chapter / Topic	Zoning Code	Comp Plan	Frequency
	5.	Coue	Fidit	As Needed*
· The second	6.		-	As Needed*
	7.			As Needed*
- HE	8.			As Needed*
	9.			As Needed*
	10.			As Needed*
	11.			As Needed*
Maryland		-		

DEPARTMENT OF PLANNING

SAMPLE ZONING CHECKUP

Table of Contents

The Zoning CheckUp

Purpose.			
How To	Use The Zoning CheckUp2		
opic Area	pic Areas		
Topic I:	Preserving The Official Zoning Map5		
Topic II:	Zoning Code Amendment		

TOPIC II:	Zoning Code Amendment	Э
Topic III:	Zoning Map Changes	.6
Topic IV	Ordinance Integration	7

Appendix

List of T

Appendix I:	The Zoning CheckUp (PDF)
Appendix II:	List of Planning Acronyms8
Appendix III:	Annual Reporting and TemplatesTBD
Appendix III:	Comprehensive Plan Update GuidanceTBD
Appendix IV:	Sewer Capacity/Public Facilities and GrowthTBD
Appendix V:	Municipal Growth AreasTBD
Appendicx VI:	Sustainable CommunitiesTBD

IV. Additional Topic Areas (Under Development)

Topic V: Topic VI:	Block Size Missing Middle Housing
Topic VII:	Accessory Unit Housing
Topic VIII:	Lot Size
Topic IX:	Uses
Topic X:	Parking Standards
Topic XI:	Right of Way (ROW)/Street Design
Topic XII:	Sidewalk Standards
Topic XIII:	Road Master Plan
Topic XIV:	Duties of the Planning Commission
Topic XV:	Local Topic Requests

1

TE TA			Planning.Masyla
XIX	TABLE OF TOP	IC ARE	AS
Section	Topic	Section	Topic
I	Preserving The Official Zoning Map	VIII	Lot Size
Ш	Preserving The Official Zoning Code	IX	Uses
ш	Zoning Map Changes	Х	Parking Standards
IV	Ordinance Integration	XI	ROW/Street Design
V	Block Size	XII	Sidewalk Standards
VI	Missing Middle Housing	XIII	Road Master Plan
VII	Accessory Unit Housing	XIV	Duties of the Planning Bo



and descent to Print the spin of the local distance by

BROSEVE NEW OF

Maryland

SAMPLE ZONING CHECKUP

I. Preserving the Official Zoning Map



DEPARTMENT OF PLANNIN

Preserving of the Official Zoning Map means that the Official Zoning Map:

Meets the specific requirements outlined in your adopted zoning code or zoning ordinance; has been meticulously updated; and all decision makers and members of the public have access to this document, ; and all zoning map updates are shared with other applicable county and state, agencies.

To begin our *Zoning CheckUp* with an assignment to locate and evaluate your jurisdiction's 'Official Zoning Map'.

To compete this exercise, the workgroup will need a copy of the Zoning Code or Zoning Ordinance, and the original hard copy of the 'Official Zoning Map'. You will also need access to the municipal and/or county website; county Water and Sewerage Master Plan Service Area Maps; and Planning's (Finder) website

Note: While some of the questions may seem to repeat, there are subtle and distinct differences, that will aide in a more complete assessment and evaluation.

- (1) A. Do you have a copy of your Zoning Code or Ordinance? Y N
 - B. Can you locate the map identified as the 'Official Zoning Map'? Y N
 - 1. If no, to either of these questions, contact LAT for assistance.
- (2) A. Is the Official Zoning Map displayed in a publicly accessible location, easily visible to the public? Y N
 - 1. If no, can an accessible public location be identified? Y N
 - B. Where is the Official Zoning Map located?
- (3) A. Does the Zoning Ordinance have an Official Zoning Map section? Y

See Example "A" - Locally Established Official Zoning Map Requirements

- If yes, then list the Ordinance Section Number.
- 2. If yes, then list the requirements for the Official Zoning Map:

1

3. If no, consider adding requirements for the Official Zoning Map.

See Example "B" - Requirements for Official Zoning Map

I. PRESERVING THE OFFICIAL ZONING MAP Preserving the Official Zoning Map means that your Official Zoning Map: Meets the specific requirements outlined in your adopted zoning code; has been meticulously updated; and all decision makers and members of the public have access to the document. Let's begin our Zoning CheckUp with an assignment to locate and evaluate your jurisdiction's 'Official Zoning Map'.



CUMBERLAND

THE CITY OF BALTIMORE.

Maryland

Maryland

BROSEYE NEW OF

Ν

Prior to Starting:

1. Form a Workgroup

- A small workgroup or subcommittee, consisting of the local planning and zoning officials and/or planning board members/commissioners, is the most efficient way to facilitate review.
- The workgroup compiles and evaluates all necessary local planning and zoning documents against the checklist questions found in each chapter.
- The findings of the workgroup may be shared at a work session with the entire planning board/commission and/or local elected body.





2. Gather Essential Documents

The following official documents -- adopted, signed, hardcopy versions including all relevant amendments -- are essential to complete the reviews covered in each chapter:

- Zoning Map
- Zoning Ordinance/Code
- □ All effective municipal annexations
- Comprehensive Plan
- County Master Water and Sewerage Plan

Additionally, copies of the Subdivision or Land Development Regulations are optional but highly recommended.



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

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



QUESTION

Have you ever experienced updating a zoning code?









CHAPTER ONE: PRESERVING THE OFFICIAL ZONING MAP

To be effective, the Official Zoning Map must:

- Meet the specific requirements outlined in a jurisdiction's adopted zoning ordinance (also referred to as the zoning code)
- ✓ Be regularly and meticulously updated
- ✓ Be accessible to all decision makers, stakeholders, and the general public



I. Getting Started:

Locating the Official Ordinance and Zoning Map

Does your workgroup have a copy of the jurisdiction's zoning ordinance/code?

□ Can you locate the map identified as the official zoning map?

- > If YES, where are they located?
- If NO, to either question, contact your county planning office, town clerk, or ask the Maryland Department of Planning (MDP) <u>Regional Planner assigned</u> to your jurisdiction for assistance.



□ Is the official zoning map displayed and accessible to the public?

If YES, where is it located?

□ If not currently displayed, can an accessible location be identified?

If YES, where will it be located/displayed?

Important: Be sure to note and share its location with board members/commissioners, stakeholders and the general public.



- Are the zoning ordinance/code and official zoning map 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 website?
 - > If YES, where will it be located and what will be the links (URLs)?

Important: Be sure to note and share their online location(s) with board/commission members, stakeholders and the general public.



II. Reviewing the Zoning Ordinance/Code:

Does the zoning ordinance/code have an official zoning map section?

- If YES, note the ordinance/code section Number. Example:
 - ← Town of Centreville, MD / The Code
 - Chapter 170 Zoning
 -] Article I General Provisions

§ 170-1 Official Zoning Map.

- § 170-2 Replacement of Official Zoning Map.
- § 170-3 Official Critical Area Overlay District Map and provisions.
- § 170-4 Floating zones.
- § 170-5 Rules for interpretation of zone boundaries.

□ § 170-6 Application of zone regulations.

- If NO, consider establishing a section of the zoning ordinance dedicated to the official zoning map



Does the jurisdiction's zoning ordinance/code have official zoning map requirements?

§ 175-2. Zoning Map

to certify that this is

the Town of Charle

If, in accordance w

amended, changes Zoning Map, such

amendment has bee Official Zoning Ma

following changes change)," which en

Clerk. The amendi become effective u

amendment to this become effective u

No change of any r except in conformi

whatever kind by a punishable as prov

Regardless of the

The most cases 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.¹

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 i

If YES, note what these requirements are Example:

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.

time to time be made or published, the Official Zoning Map which shall <u>be located in</u> 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 <u>be located in</u> the offices of the Planning Commission.

- 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.
- 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 map in the specific ordinance section dedicated to the zoning map

- If the ordinance/code has an official zoning map section, does the zoning map conform to ALL zoning ordinance requirements listed?
 - If NO, what requirements are missing?
- Does the zoning ordinance require the Official Zoning Map to be physically displayed in a certain location, such as the Town Hall?

Example Map Below





Example 2: Does the Official Zoning Map contain a signature block?

Maryland



If No, consider adding a signature block to the map legend, adding a signature requirement to your zoning code requirements, and ensure that the official zoning map, online copy, and copies for planning board/commission members is all signed.

Planning, Maryland, gov



Maryland

If No, consider adding an effective date to the map legend, and/or amending the zoning code/ordinance to require it be displayed on the official zoning map.

III. Changes to the Official Zoning Map:

- Check your resolution history. Have any of the following changes been made after the effective date listed on the official zoning map?
 - Annexations (municipalities only)
 - Comprehensive re-zonings (all jurisdictions)
 - Corrections to errors (all jurisdictions)
 - If YES, can copies of all adopted annexation resolutions, comprehensive zoning resolutions, or records of mapping errors be located?
 - Where can they be located?

III. Changes to the Official Zoning Map (cont'd):

Important: If relevant copies cannot be located, be sure to note all missing resolutions and contact the jurisdiction's attorney, and if needed, your Regional Planner.

The official zoning map, including the map index, will need to be updated to reflect the changes identified in these resolutions.



A. Annexations -- Municipalities:

If there have been any annexations, do the annexation parcels:

- Appear within the municipal boundary on the official zoning map?
 - If NO, the Official Zoning Map must be amended to reflect the new annexation boundary.



New annexation boundary (2021).



If there have been any annexations, does each annexation parcel:

- Reflect the municipal zoning classification(s) listed in the applicable annexation resolution?
 - If NO, the Official Zoning Map must be amended to reflect the new municipal zoning classification(s).



The new annexation area (2021) and new zoning are not reflected on the online zoning map (2023). This map must be amended.

If there have been any annexations:

- □ Is the annexation resolution indexed on the official zoning map?
 - If NO, consider annotating the resolution in the index.

Example:

OFFICIAL ZONING MAP OF CHESAPEAKE CITY, MARYLAND

This is to certify that this is the Official Zoning Map referred to in Article 4, Section 4.1 of the Comprehensive Zoning Ordinance of the Town of Chesapeake City, Maryland. Effective 5/14/2012 by Ordinance 4.9.2012 Amendments:

Annexation Resolution 02.09.2015, Effective May 7, 2015 (County BL to TND, Tax Map 43, Parcel 240)

Richard Taylor, III, Mayor

elopment

The annexation resolution is indexed on the Official Zoning Map legend.



If the official zoning map has been updated to reflect any annexations, does it:

- □ Match the municipal boundary presented on <u>MDP's FINDER Online</u> website?
 - If NO, contact your Regional Planner to report any mapping discrepancies.



If the official zoning map has been updated to reflect annexations, does it:

- Match the municipal boundary presented on related county maps such as zoning, water and sewer service areas, etc.?
 - > If NO, then contact the county and report any mapping discrepancies.



The annexed

area appears

on the county

GIS map and

matches the

annexation

boundary.

town's

If the official zoning map has been updated to reflect annexations, do the annexed parcel(s):

- □ Reflect the appropriate **Priority Funding Area** (PFA) category?
 - If NO, contact your Regional Planner to determine how or if a PFA change is necessary.




?

B. Re-zonings -- All Jurisdictions:

If there have been any rezoning resolutions, does the new zoning category for the rezoned parcel(s) appear on the official zoning map?

Example 1:

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.



- B. Re-zonings -- All Jurisdictions (Cont'd):
 - If NO, then the official zoning map must be amended to reflect the new zoning category(s).





B. Re-zonings -- All Jurisdictions:

If there have been any rezoning resolutions, are the new zoning ordinances/ resolutions listed in the official zoning map index?

If NO, then the official zoning map should be amended to reflect the new zoning resolutions on the official zoning map index.

Example:

Official Zoning Map Town of Port Deposit

This is to certify that this is the Official Zoning map referred to in Article II, Section 13 of the Zoning Ordinance of the Town of Port Deposit, Maryland and supersedes and replaces the Official Zoning Map adodpted September 4, 2018.

2020-02 Ordinance #	February 18, 2020 Date Adopted		
Mayor	Date		
Deputy Mayor	Date		
Council	Date		
Council	Date		
Council	Date		

October 28, 2003. Resolution 2003-20 - New Zoning Code & Map. January 4, 2005. Resolution 2004-69 - Create IDOD April 5, 2005. Resolution 2005-09 - Change Parcels for CBD. August 30, 2005. Resolution 2005-11 - Change Parcels 484 & 845 to BX. February 8, 2006. Resolution 2006-11 - Change Parcels 350-388 from R1 to RM. February 2, 2010. Resolution 2010-1 - Change Parcels 326-48 & 99 to CBD. February 2, 2010. Resolution 2010-1 - Change Parcels 326 to CBD. February 2, 2010. Resolution 0510-1 - Change Parcel 328 to CBD. September 4, 2018. Resolution 06-2018 - Change Mill Street parcels to TR and extend Historic Overlay Boundary line to boundary line on south end forwn. The index lists the date, resolution number and summary of the zoning map changes.

Amended:

October 28, 2003, Resolution 2003-20 - New Zoning Code & Map. January 4, 2005, Resolution 2004-05 - Create IDOD. April 5, 2005, Resolution 2005-09 - Change Parcel 6 to CBD. August 30, 2005, Resolution 2005-11 - Change Parcels 648 & 645 to BX. February 8, 2008, Resolution 2008-01 - Change Parcels 350-398 from R1 to RM. February 2, 2010, Resolution 2010-1 - Change Parcels 29-48 & 99 to CBD. February 2, 2010, Resolution 2010-2 - Change Parcel 328 to CBD. September 4, 2018, Resolution 06-2018 - Change Mill Street parcels to TR and extend Historic Overlay Boundary line to boundary line on south end of town.



- D. Communicating Changes to Interested Parties All Jurisdictions:
- Does the zoning ordinance/code require that planning board members/commissioners receive copies of all adopted text and map amendments?
 - If YES, be sure to provide each member/commissioner with a copy of the most recent Official Zoning Map and map index.
 - If NO, consider adopting a procedure or amending the zoning ordinance/code to provide each member/commissioner with a copy of the most recent text and map amendments.



D. Communicating Changes to Interested Parties – All Jurisdictions (cont'd):

Reminder: To be complete and up-to-date, the map and index should include ALL:

- ✓ Adopted resolution numbers and date
- ✓ Zoning changes, text and map
- ✓ Annexation boundaries
- Corrections to errors (found during this CheckUp)
- ✓ Required signatures and effective dates



- D. Communicating Changes to Interested Parties All Jurisdictions:
 - Has your jurisdiction submitted the copies of the official zoning map and map index to your Regional Planner?
 - If NO, you are advised to submit a copy of both to your Regional Planner and to provide GIS layers, if available.

Note: Your Regional Planner will ensure the copy is also submitted to the Maryland State Data Center (MSDC).



- D. Communicating Changes to Interested Parties Municipalities:
- Has your municipality submitted copies of the official zoning map and map index to your county planning department?
 - If NO, you are advised to submit a copy of both to your county planning department and to provide GIS layers, if available.



"Final CheckUp"

To complete this exercise, your official zoning map should:

- 1. Reflect the requirements as specified in the local zoning code or ordinance.
 - a. Signaturesb. Effective Date
 - c. Other



N/A

Ν

Ν

Ν

Y

Y

"Final CheckUp" (cont'd)

- 2. Be displayed in conspicuous public space.
 - a. Copied to planning board members/commissionersb. Be consistent with website map versionc. Official zoning map and website map match
- Y N N/A Y N N/A Y N N/A

N



"Final CheckUp" (cont'd)

- 3. Include an Index Resolution # for:
 - a. Annexations
 - b. Rezonings
 - c. Text Changes

N N/A N N/A N N/A

Y

Y

Y



"Final CheckUp" (cont'd)

- 4. Submitted to MDP, including GIS layers?
- 5. Submitted to county planning, including GIS layers? Y N N/A



N/A

N

Thank you for participating in the Maryland Zoning CheckUp!

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



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

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

INCORE



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.

as 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.1

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

С. the Town of Charl If, in accordance v amended, changes Zoning Map, such amendment has be Official Zoning Ma following changes change)," which en Clerk. The amendi become effective **i** amendment to this become effective u

No change of any i except in conformi

whatever kind by a punishable as prov

to certify that this

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.

Regardless of the time to time 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.

- 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.
- 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.



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.

\rightarrow > If YES:

0

>

> >

- 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.



"Final CheckUp"

To complete this exercise, your Official Zoning Code should:

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

Y

N



Y

Ν

N/A

"Final CheckUp" (cont'd)

- 3. Include an Index Resolution # and effective date for:
 - a. Text Amendments



Thank Youl - Contact I AT with any questions

Y

Y

Y

N

Ν

N

N/A

N/A

"Final CheckUp" (cont'd)

- 4. Be displayed in conspicuous public space
 - a. Copied to board members/commissionersb. Be consistent with website version



N

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.



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

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



CHAPTER THREE:

PRESERVING OFFICIAL ZONING MAP CHANGES

Preserving the Official Zoning Map changes means it must:

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



I. Getting Started:

Locating the Official Zoning Map

Does your workgroup have a copy of the jurisdiction's Zoning Code or Ordinance?

□ Can your workgroup locate the map identified as the Official Zoning Map?

If YES, where are they located?

> If NO, to either question, contact your Regional Planner for assistance.

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



II. Reviewing the Zoning Ordinance/Code:

- Does the zoning ordinance/code have an Official Zoning Map Section?
 - If YES, be sure to note the ordinance 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 jurisdiction's zoning ordinance/code have any Official Zoning Map changes requirements?

§ 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.¹

B. The Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town <u>Clerk and hearing the seal of the town under the following words:</u> "T

the Town of Charlesto If, in accordance with amended, changes are Zoning Map, such cha amendment has been a Official Zoning Map a following changes wer change)," which entry Clerk. The amending become effective until amendment to this cha become effective until

to certify that this is th

D. No change of any natu except in conformity v whatever kind by any punishable as provided

E. Regardless of the exist time to time be made o of the Town Clerk sha areas, buildings and other

offices of the Planning Commission.

- F. 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.
- 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."

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.

If, in accordance with the provisions of this chapter and the Land Use Article of Maryland, as

If YES, be sure to note what these requirements are. Example 2:

If NO, consider establishing local requirements for the jurisdiction's Official Zoning Ordinance/Code.

- Does the jurisdiction's Zoning Official Zoning Map conform to ALL zoning ordinance/code Official Zoning Map changes requirements?
 - If NO, list the Official Zoning Map change requirements that are not being met.

Important: The Official Zoning Map will need to be updated to conform to each of the local requirements. Consult the jurisdiction's attorney, and/or contact your Regional Planner for assistance.



- Check your resolution history. Have any of the following changes been made after the effective date?
 - Annexations (municipalities only)
 - Re-zonings (all jurisdictions)
 - Corrections to errors (all jurisdictions)
 - If YES, can copies of all adopted annexation resolutions, comprehensive zoning resolutions, or records of map errors be located?

Important: If relevant copies cannot be located, be sure to note all missing resolutions and contact the jurisdiction's attorney and your Regional Planner.

The Official Zoning Map, including the map index, will need to be updated to reflect the changes identified in these resolutions.



- □ Are all adopted resolutions listed in the Official Zoning Map index?
 - If NO, then list the resolutions that are missing:



- Does the Zoning Ordinance/Code require that planning board members/commissioners to receive copies of the most recent Official Zoning map changes?
 - 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 Map changes are available to the public, including copies posted online, as per requirements.



CHAPTER THREE: PRESERVING OFFICIAL ZONING MAP CHANGES

"Final CheckUp"

To complete this exercise, your Official Zoning Code should:

- 1. Reflect the requirements as specified in the local zoning code or ordinance.
 - a. SignaturesYNb. Effective DateYNc. OtherYN



CHAPTER THREE: PRESERVING OFFICIAL ZONING MAP CHANGES

"Final CheckUp" (cont'd)

2. Include an Index Resolution # for:

a. Annexations	Y	N	N/A
b. Comprehensive Rezonings	Y	N	N/A
c. Map Error Corrections (Changes or Mistakes)	Y	Ν	N/A


Ν

CHAPTER THREE: PRESERVING OFFICIAL ZONING MAP CHANGES

"Final CheckUp" (cont'd)

3. Displayed in conspicuous public space.

a. Changes meet code requirements	Y	Ν	N/A
b. Changes are indexed	Y	N	N/A
c. Official Zoning Map and Website Map match	Y	Ν	N/A
d. Planning Commission or Board has copies	Y	Ν	N/A



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

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



CHAPTER FOUR: ORDINANCE INTEGRATION

Ordinance Integration means:

- The original adopted zoning ordinance includes an index (history) of all subsequent amendments to the ordinance.
- The zoning ordinance is annotated in each location where the change to zoning ordinance occurred and references the amendment # and effective date.
- ✓ Archaic references have been updated.
- ✓ The numbering system is in order.
- The annotated zoning ordinance is provided to the planning commissioners/board, public and website.

CHAPTER FOUR: ORDINANCE INTEGRATION

(1) Zoning Ordinance/Code Index

Does the zoning ordinance/code have an index (amendment history)?

Example: This ordinance has had fourteen (14) amendments ZONING ORDINANCE

HISTORY

Ordinance	Number	Effective Date
Ordinance	97-02	August 4, 1997
Ordinance	98-01	May 27, 1998
Ordinance	98-03	May 27, 1998
Ordinance	98-05	December 20, 1998
Ordinance	02-03	October 28, 2002
Ordinance	04-01	May 24, 2004
Ordinance	06-04	January 22, 2007
Ordinance	06-05	January 22, 2007
Ordinance	09-01	February 22, 2009
Ordinance	2013-03	November 25, 2013
Ordinance	2015-02	April 27, 2015
Ordinance	2016-01	January 24, 2017
Ordinance	2017-04	December 25, 2017
Ordinance	2019-03	May 26, 2019

Planning.Maryland.gov

CHAPTER FOUR: ORDINANCE INTEGRATION

(1) Zoning Ordinance/Code Index (Continued)

Does the zoning ordinance/code have an index (amendment history)? Example: This code has had twenty-six (26) amendments

[HISTORY: Adopted by the Town Commissioners of the Town of Charlestown 9-9-1980, effective 9-29-1980, by Ord. No. 80-1. Replaces Chapter 200. Amendments noted where applicable.]

Amendment	Adopted	Effective	Section	Amendment Type
84-2	11-20-1984	12-10-1984	(Historic District)	(Multi-Family Grandfathering)
86-1	10-14-1986	12-3-1986	(Article 4, Sub A. 7(d))	(Satellite Dishes)
87-1	10-13-1987	12-2-1987	(Article 3, Section 2)	(Non-Conforming Lots)
88-1	2-9-1988	2-29-1988	(Article 7)	(Lot, Yard Coverage, Height)
1988	11-05-1987	10-24-1988	(Critical Area Program)	(Critical Area Program)
89-1	5-9-1989	5-29-1989	(Article 7)	(Lot, Yard Coverage, Height)
89-2	7-3-1989	7-23-1989	(Article 1, 4, 14)	(Residential Districts, Lot Coverage)
90-1	1-3-1991	1-23-1991	(1,10,12,13,20, 33,35,38)	(Historic District, Fees, et al)
90-3	NA	NA	(200: 2-11,18-19)	(Critical Area)
91-1	1991	1991	(200: 2, 2-11)	(Critical Area)
91-2	2-26-1991	2-26-1991	(200: 2-1)	(Critical Area Impervious Surface)
91-7	10-22-1991	11-11-1991	(Floodplain)	(Repealed 91-7A)
<u>91-7A</u>	12-30-1991	12-30-1991	(Floodplain)	(Replaced 2015-01).
92-1	4-14-1992	5-4-1992	(Floodplain)	(Manufactured Homes)
93-6	12-14-1993	1-3-1994	(Forest Conservation)	(Forest Conservation)
95-1	6-27-1995	6-27-1995	(200: 1,15,29,30,37)	(Yards,Signs,Pools,Fences,Appeals)
95-3	12-21-1995	1-10-1996	(Table Lot Coverage)	(Lot Coverage)
99-2	2-9-1999	3-1-1999	(200: 33)	(Appeals)
2001-05	11-27-2001	12-17-2001	(175: 1)	(Recreational Vehicles)
2003-02	8-12-2003	9-1-2003	(175:23)	(Critical Area Special Buffer Area)
2005-01	12-27-2005	1-16-2006	(175:23)	(Critical Area Map Corrections)
2006-02	6-13-2006	7-3-2006	(175:23)	(Critical Area Program)
2009-01	2-10-2009	3-2-2009	(175:16)	(Poultry and Livestock)
2011-05	11-8-2011	11-28-2011	(175: Multiple)	(Definitions, Standards, Lot Coverage)
2015-01	4-14-2015	5-4-2015	(Floodplain)	(Floodplain Ordinance)
2023-01	3-14-2023	4-3-2023	(175: Multiple)	(Update)



(2) Zoning Ordinance/Code Annotations

Does the zoning ordinance/code include annotations?

Example: Each amendment should be noted in the section each time the section is changed. In this example, the section has been amended twice.

(3) In order to more fully preserve, protect and perpetuate the flavor and quality of Charlestown's Historic District, all residential construction and development within its established boundaries shall be limited to single-family detached structures conforming with applicable zoning regulations. [Added 10-13-1987 by Ord. No.87-1; amended 1-3-1991 by Ord. No. 90-1]



(3) Archaic References

Does the zoning ordinance/code have any archaic references?

Example: In Maryland, Article 66B was renamed the Land Use Article in 2012.

§ 170-3. Purpose and Authority.

The zoning regulations and districts as herein established have been made in accordance with the Chestertown Comprehensive Plan, as amended from time to time, to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of Chestertown, Maryland, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic, walking, biking and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of the population, for protection against destruction of or encroachment upon historic areas, to promote sustainability principles, and to promote good civic design and arrangement, including the preservation and enhancement of the attractiveness and character of the Town. These regulations are also intended to provide for adequate public utilities and public services and facilities by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use. These provisions have been made with a reasonable consideration of, among other things, the existing use of property, the character of the Town and districts established herein and their peculiar suitability for particular uses and trends of growth or change and with a view toward conserving the value of land and buildings and encouraging sustainable and the most appropriate use of land throughout the incorporated territory of Chestertown, Maryland. This Ordinance is enacted under the authority granted by the General Assembly of Maryland, as provided in Article 66B, Annotated Code of Maryland, as amended.





(4) Numbering systems

Marylan

Does the zoning ordinance/code use a consistent numbering system?

Example: This code uses two different numbering systems.

Section 12-518. Permissible Uses Tables

- More specific use controls. Whenever a development could fall within more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls.
- 2. Table of Permissible Uses (see following pages)

USES DESCRIPTION	R-0	R_1	R_2	R_3	LC	CC	CID	L
RESIDENTIAL		K-1	R-2	K-5	L		CID	
.100 Single-Family Residences								┢
.110 Single-family detached	Р	Р	Р	Р	SE	SE		SI
.111 Site-built and modular residential structures	Р	Р	Р	Р	SE	SE		SI
.112 Manufactured or Mobile Home Park								F
.200 Two-Family Residence								\vdash
.210 Primary residence with accessory apartment	PC	РС	PC	PC	SE	SE		S
.220 Secondary residential structure auxiliary to existing residence	PC	PC	PC	PC				Γ
1.230 Duplex	Р			Р	SE	SE		S
.240 Two-family apartment				Р	SE	SE		S
.300 Multi-Family Residences								Γ
.310 Multi-family - townhouses	SC			SC	PC	PC		P
.320 Multi-family - apartments	SC			SC	PC	PC		P
330 Commercial apartments	PC				PC	PC		P

- Internet

(5) Referenced Documents

Does the zoning ordinance/code reference up-to-date documents?

The zoning code should be checked for any references to other documents, such as, other plans, design guidelines, maps, to ensure that the referenced documents are current.



CHAPTER FOUR: ORDINANCE INTEGRATION

N

N

N

Ν

Ν

N

Ν

NA

Y

Y

Y

Y

Y

Y

"Final CheckUp"

To complete this exercise, your Official Zoning Ordinance/Code should:

- 1. Identify an adoption date
- 2. Identify an amendment index (history)
- 3. Remove archaic references
- 4. Be checked for consistent numbering
- 5. The Planning Commission has annotated copies
- 6. The public has an annotated copy
- 7. The website has an annotated copy



NEXT STEPS



and increased in Friddants in this of, Springlin, Fr.

6.874 04.45

Chi St

FINAL QUESTIONS





GBR4

THE ES

BROSEYE VIEW OF

THANK YOU!

Contact us at david.dahlstrom@maryland.gov



and how more to Wildow in which is desired, by

6.874 Ca.45

ALL E