

# THE MARYLAND ZONING CHECKUP

## A PERFORMANCE GUIDE FOR SMALL AND RURAL JURISDICTIONS

Prepared by:

The Maryland Department of Planning

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*“Keep your code running in peak performance”*

# 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?

➤ If YES, be sure to note what these requirements are.

Example 2:

### § 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.
- D. No change of any nature shall be made except in conformity with the provisions of this chapter, and any violation shall be punishable as provided in this chapter.
- E. 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.
- 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."

➤ 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.

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### “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. Signatures	Y	N	
b. Effective Date	Y	N	
c. Other	Y	N	N/A



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### “Final CheckUp” (cont’d)

2. Include an Index Resolution # for:

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

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### “Final CheckUp” (cont’d)

3. Displayed in conspicuous public space.	Y	N	
a. Changes meet code requirements	Y	N	N/A
b. Changes are indexed	Y	N	N/A
c. Official Zoning Map and Website Map match	Y	N	N/A
d. Planning Commission or Board has copies	Y	N	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.