

The Maryland Zoning CheckUp

A Performance Guide for Small and Rural Jurisdictions

“Keep Your Code Running in Peak Performance”

Prepared by Maryland Department of Planning Local Assistance and Training

June 2023

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I. The Maryland Zoning *CheckUp*

A. Purpose of the Maryland Zoning (*CheckUp*)

The *CheckUp* has been prepared by regional planners in the Local Assistance and Training (LAT) division of the Maryland Department of Planning (MDP) as a zoning code/ordinance assessment guide to assist planning boards and commission in small and rural jurisdictions. MDP understands that many smaller jurisdictions may struggle with the staffing capacity needed to effectively maintain and standardize planning documents and ordinances.

The *CheckUp* is intended as a voluntary tool to help local officials and/or staff evaluate the jurisdiction's official zoning documents and other ordinances for completeness and consistency with each other, the comprehensive plan, and comprehensive plan implementation strategies. The *CheckUp* provides step-by-step guidance to reviewers via a series of prompts, questions, answers, and recommendations by which the process may be streamlined and simplified to keep your zoning regulations performing as intended.

The Maryland Zoning *CheckUp*:

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

The recommendations included in the *CheckUp* are best planning practices and help ensure internal consistency of local planning documents. However, consistency with a comprehensive plan is defined in the Annotated Code of Maryland, which states the following:

To be consistent with a comprehensive plan, a planning action must *“further, and not be contrary to ... plan policies; timing of the or implementation of the plan; development; timing of rezoning; development patterns; land uses; and densities or intensities.”*
(Maryland Land Use Article § 1-303. Consistency - General requirement).

Municipal annexations must also be consistent with the municipal growth element and needed public services and infrastructure. This includes amending the local zoning, subdivision codes, and water and sewer plans as needed to implement the changes recommended in the

comprehensive plan or sufficiently incorporate an annexed area. (Maryland Land Use Article § 3-112 (a)(1)(i), and (7), Municipal Growth Element).

Note: The CheckUp does not substitute for a legal review. Jurisdictions are encouraged to consult with an attorney about any changes you have identified.

B. Goal of the Maryland Zoning *CheckUp*

To ensure official (adopted) local zoning ordinances, codes, and maps are complete and consistent with each other and with a jurisdiction's comprehensive plans and implementation strategies.

C. Structure of the Maryland Zoning *CheckUp*

Zoning is the responsibility of each jurisdiction granted planning and zoning authority. MDP does not regulate nor have a formal commenting role in the local zoning process. However, MDP provides zoning technical assistance to local planning staff and planning boards/commissions. MDP prepared the *CheckUp* in response to some of the experiences that regional planning staff have encountered while offering our planning technical assistance to small and rural jurisdictions around the state. The *CheckUp* functions as a workbook and guidance document through a series of questions and guides users through the review process. It is divided into four chapters dealing with the most essential matters a jurisdiction should revisit each year. The *CheckUp* is adaptable and, as such, is a useful tool for any jurisdiction with planning authority.

Through this *CheckUp*, MDP will share our observations and suggestions on a variety of planning and zoning topics. *See Table 1 - Zoning CheckUp Outline.* Additional topics are under development and will be made available as they are completed, including missing middle housing, accessory dwelling units, parking standards, and uses.

Planning boards/commissions are encouraged to evaluate each of the topic areas as a planning board/commission work session item to improve the performance of their zoning tools. A high-level performance generally means that your zoning code is meticulously maintained, contains all updates and amendments, and addresses zoning standards that are applicable to your community. Planning boards/commissions are encouraged to review the *CheckUp* topics on an annual basis. As a companion to the *CheckUp* workbook and guidance document, PowerPoint slide shows, organized by chapter, are also available. The slides can be used as a visual aid by projecting each question on a large screen or monitor, whereby each member of the work session or the audience can follow along without the need for a hardcopy.

Additionally, the *Appendix* includes aides and guides on a variety of planning topics that may be of interest to planning boards/commissions, and which may assist with preparing comprehensive plan updates, associated zoning code considerations, and other uniquely required planning considerations for Maryland jurisdictions. If you have any questions or you

don't see a topic of interest, please contact Planning's Local Assistance and Training Division (LAT) to request assistance, and check the latest Local Planning Staff Assignments on the Planning website at: <https://planning.maryland.gov/Pages/OurWork/local-planning-staff.aspx>

D. Maryland Zoning *CheckUp* Outline

Table 1 – The Zoning *CheckUp* Outline, below, provides an overview of the essential *CheckUp* topic areas. MDP recommends the Essential Topic Areas 1-4 be evaluated every year to ensure that your zoning code is meticulously maintained and up to date. In column 2, any changes in the topic area should also be evaluated for consistency with any changes in the zoning code or ordinance. In column 3, the topic area may also require an evaluation for comprehensive plan consistency. Additional topic areas will be added periodically, as they are completed. Contact david.dahlstrom@maryland.gov if there is a particular topic area of interest that MDP may assist with or add to the *CheckUp*.

Table 1 - Zoning *CheckUp* Outline

Essential Topic Areas	Zoning Code	Comp Plan	Frequency
1. Preserving the Official Zoning Map	✓		Annually
2. Preserving the Official Zoning Code	✓		Annually
3. Zoning Map Changes	✓	✓	Annually
4. Ordinance Integration	✓		Annually
Optional Topic Areas			
TBD	TBD	TBD	TBD

Note: Column 1; Essential Topic Areas 1-4 should be evaluated annually. The local zoning code or ordinance should be evaluated annually for consistency with any text changes, map amendments, or annexations that have occurred. For zoning map changes, Topic 3, any zoning changes should also be evaluated for consistency with the comprehensive plan, particularly the Municipal Growth Element (MGE).

II. How to Use the Maryland Zoning *CheckUp*

A. Getting Started

Jurisdictions may choose to review the topic areas at their own pace and in order of concern or interest. MDP also recommends that jurisdictions review the workbook and PowerPoint slides before establishing a workgroup or adding the *CheckUp* to a work session agenda. MDP strongly recommends that jurisdictions complete the *CheckUp* in order, starting with the introduction and continuing through Topic 4. However, some may choose to start on a topic which they are most interested in or concerned about. To ensure the *CheckUp* can be used in this manner, some essential questions repeat themselves across topic areas so they can work independently as needed.

B. Consider a Workgroup

Prior to starting, MDP recommends the establishment of a small workgroup to guide the *CheckUp* process. The workgroup can consist of local planning staff or officials, members of the planning board/commission, town manager/administrator, town clerk, consultant, or other appropriate parties that can help collect required documents, or assist with facilitating the review, evaluation, and updates. Upon completion, the findings of the workgroup can be shared at a work session with the planning board/commission and/or local elected body.

C. Checklist Workbook and PowerPoint

The *CheckUp* process includes this workbook and guidance document and a companion PowerPoint slide show. This workbook and guidance document provides an annotated checklist of review questions, tips, examples, and recommendations.

For each Topic Area, copies of the PowerPoint Slides and a Word version of checklist questions, without annotations, are provided at the end of each section below. These attachments may be printed out and distributed to the workgroup members, as the workgroup addresses each topic area.

The companion PowerPoint slides follow this workbook and guidance document and serve as a tool to streamline review of the checklist questions in a group setting, without the annotated details. The PowerPoint slides may be a useful visual for the public planning board/commission workshop meetings, and/or local elected body.

The PowerPoint slide presentation and *CheckUp* checklist questions and updates may be downloaded from MDP's [CheckUp website](#).

D. Required Documents

The following documents are required to complete the review of all *CheckUp* topics:

- The official zoning map (ideally the actual hard copy map);
- Copies of the adopted zoning code/ordinance, as amended;
- Copies of all adopted and signed zoning code amendments since the last update;
- Copies of all adopted zoning map amendments since the date the official zoning map adoption;
- Copies of all adopted, signed, and effective municipal annexation amendments;
- Copies of the adopted comprehensive plan, as amended;
- Copies of the county master water and sewerage plan; and
- Copies of any subdivision or land development regulations (optional).

The *CheckUp* would be limited without a complete inventory of the documents listed above. The identification and collection of these documents is often difficult for jurisdictions, as these plans and documents may have been last updated more than 10 to 20 years ago, and local record keeping may not be as complete as desired. If this is the case for your jurisdiction, the *CheckUp* was designed with you in mind. In some instances, it may require the workgroup to look through old hard copy files that may be in storage or archives. It will also signal that your jurisdiction should consider adjustments to its file management process and record-keeping procedures. Your workgroup must be able to verify the official actions that have occurred with these planning documents over the years. Without verification, the workgroup will need to document those instances and recommend actions to re-adopt those unverified changes.

If your jurisdiction can easily assemble all the documents listed above, you are starting your *CheckUp* in good shape. The *CheckUp* will help to ensure that your planning documents are in good order or inform you if some level of attention is required.

It is paramount that each member of the workgroup is conducting this *CheckUp* by working from the latest approved version of a code, ordinance, plan, or map. Often, over time, planning staff and planning board/commission members end up with different versions of the code, ordinance, plan, or map. In some instances, the versions posted on a jurisdiction's website are not up to date. These are the versions that the public or developers rely on. These documents must be up to date and accurate to effectively communicate with residents and stakeholders. The *CheckUp* will help to ensure that these essential documents are maintained and correctly communicated to stakeholders.

MDP does not maintain a local database of draft or adopted official zoning maps, local zoning code/ordinance text or map updates of amendments, nor local subdivision or land development regulations. MDP may be able to help jurisdictions with suggestions for locating these documents, but they are officially stored and maintained locally.

MDP maintains a database of draft and adopted comprehensive plans and plan amendments, subject to local participation, meaning MDP only maintains what local jurisdictions submit. Jurisdictions do not always transmit to MDP a copy of the comprehensive plan or plan amendments after they have been adopted. MDP also maintains a database of municipal annexation amendments, subject to local participation. MDP and the Maryland Department of Environment (MDE) jointly maintain copies of county master water and sewer plan updates and amendments.

E. Topic Areas

Essential Topics 1-4, *Table 1 – Zoning CheckUp Outline*, are encouraged to be reviewed on an annual basis to ensure the official zoning map, code, or ordinance are current. All zoning text changes, if any, are incorporated into the official zoning code or ordinance and the updated changes are accurately reflected on the official zoning map. Furthermore, the official zoning code or ordinance needs to be distributed to all planning board/commission members to ensure all reviews are considered with adopted changes to the official zoning code or ordinance amendments. The official zoning map and zoning code or ordinance, available to the public, or on the jurisdictions' website, must also be updated. The documents should also be shared with the county and potentially with MDP. While MDP does not review local zoning regulations, it is helpful for MDP to have copies of the adopted code for reference. In some instances, local jurisdictions will contact MDP staff for 'lost' copies of their zoning code or map.

F. Recommended Review Frequency

Annexations, zoning map changes, comprehensive re-zonings, zoning text changes, changes in staff, changes in planning commissioners, office moves, and changes in websites are some of the reasons zoning and planning documents may unexpectedly become misplaced, outdated, and therefore, inaccurate and no longer legally valid. MDP recommends jurisdictions conduct the *CheckUp* annually or until that time another regular maintenance program is established. MDP also recommends this evaluation be incorporated into the required [Local Jurisdictional Annual Report](#) process. If not already addressed, jurisdictions should consider identifying these recommended tasks as two duties of the planning board of commission in your local zoning code or ordinance. For other topic areas, the frequency of review will be identified in *Table 1 – Zoning CheckUp Outline*.

G. Questions and Technical Assistance

If you have any questions or you don't see a topic of interest, please contact LAT to request assistance and check the latest Local Planning Staff Assignments on the Planning website at: <https://planning.maryland.gov/Pages/OurWork/local-planning-staff.aspx>

H. The CheckUp Website

Updates to this guide and any added topic areas will be posted on MDP's [CheckUp website](#) as they are completed.

III. Essential Topic Areas

TOPIC 1: Preserving the Official Zoning Map Checklist Questions

Preserving of the official zoning map indicates that it 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. All zoning map updates should be shared with other applicable county and state agencies.

Let us begin our *CheckUp* with an assignment to locate and evaluate your jurisdiction’s official zoning map.

To complete this exercise, you will need a copy of your zoning code or ordinance and to locate your 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 MDP’s ([Finder Online](#)) website.

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

I. Getting Started

Locating the Official Ordinance and Zoning Map

1. **Do you have a hard copy version of your zoning code or ordinance?** Y N
2. **Can you locate the map identified as the official zoning map?** Y N
 - a) If YES, where are they located?
 - b) If NO, to either question, contact your county planning office, town clerk, or ask the MDP [Regional Planner assigned](#) to your jurisdiction for assistance.
3. **Is the official zoning map displayed and accessible to the public?**
 - a) If YES, where is it located?
4. **If not currently displayed, can an accessible location be identified?**
 - a) If YES, where will it be located/displayed?
5. **Are the zoning ordinance/code and official zoning map available online?**
 - a) If YES, on which websites are they located and what are the links (URLs)
6. **If not currently available online, can they be added to the municipal and/or county website?**
 - a) If YES, where will it be located and what will be the links (URLs)?

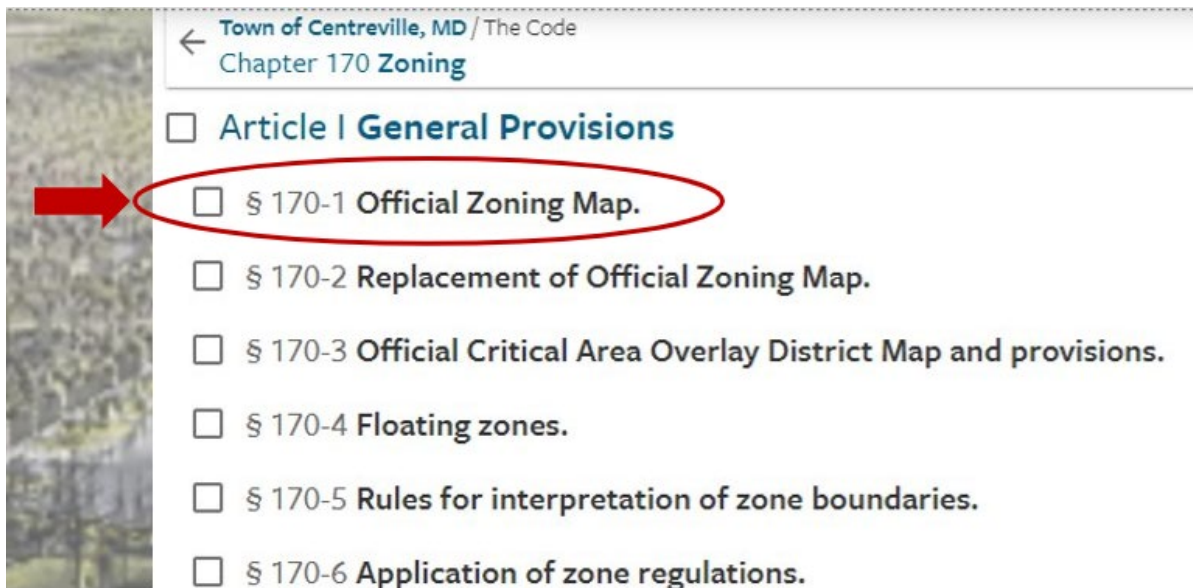
II. Reviewing the Zoning Ordinance/Code

1. Does the Zoning Ordinance have an official zoning map section? Y N

- a) If YES, then list the ordinance section number. _____.
(Example: Section 170-1)
- b) If NO, consider establishing a section of the zoning ordinance dedicated to the official zoning map.

See Example “A-1” - Locally Established Official Zoning Map Requirements below or Slide 6 in the PowerPoint presentation.

Example A-1: Locally Established Zoning Map Requirements



Example – The Official Zoning Map requirements in this code can be found in Section 170-1.

2. Does the jurisdiction’s zoning ordinance/code have official zoning map requirements?

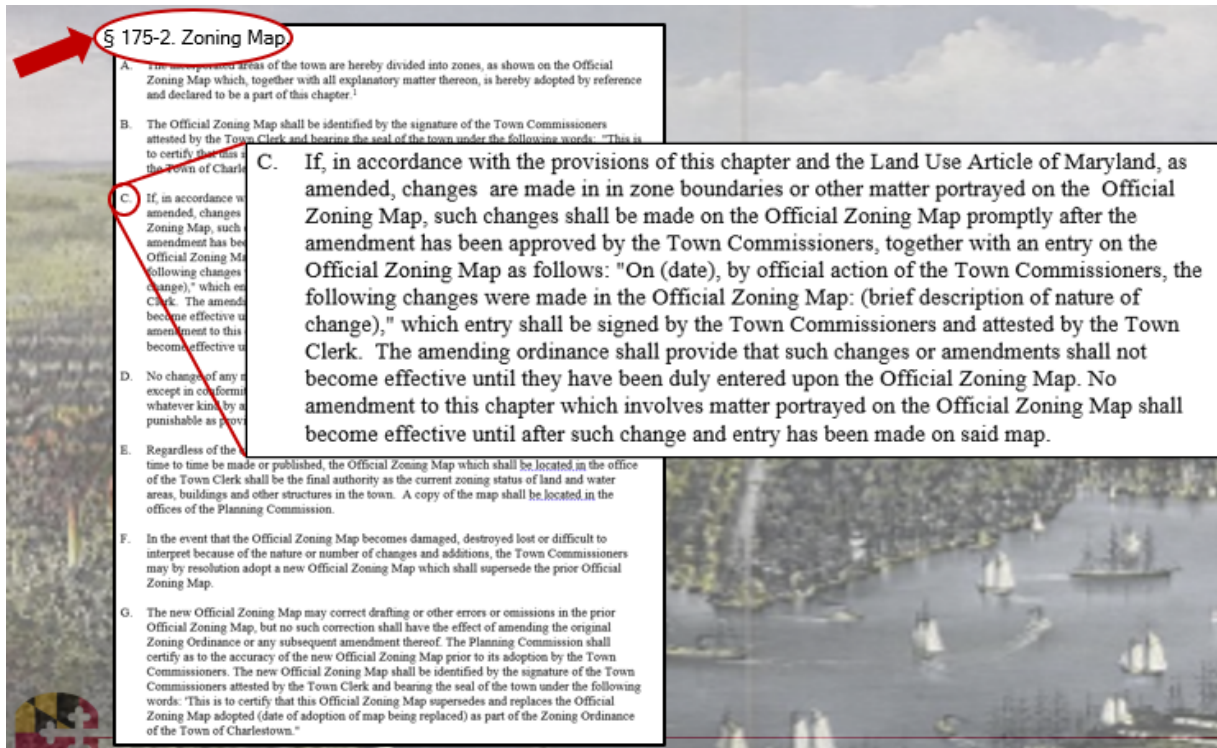
If YES, list the requirements for the official zoning map that are included in the official zoning map section of the zoning code or ordinance.

- _____
- _____
- _____
- _____

- a) If NO, consider establishing local requirements for the jurisdiction’s official zoning map in the specific ordinance section dedicated to the zoning map. Consult your attorney on where these local requirements should be added, and which requirements it should consider for adding to the zoning ordinance.

See Example "B-1" - Requirements for Official Zoning Map below or Slide 7 in the PowerPoint.

Example B-1: Requirements for Official Zoning Map

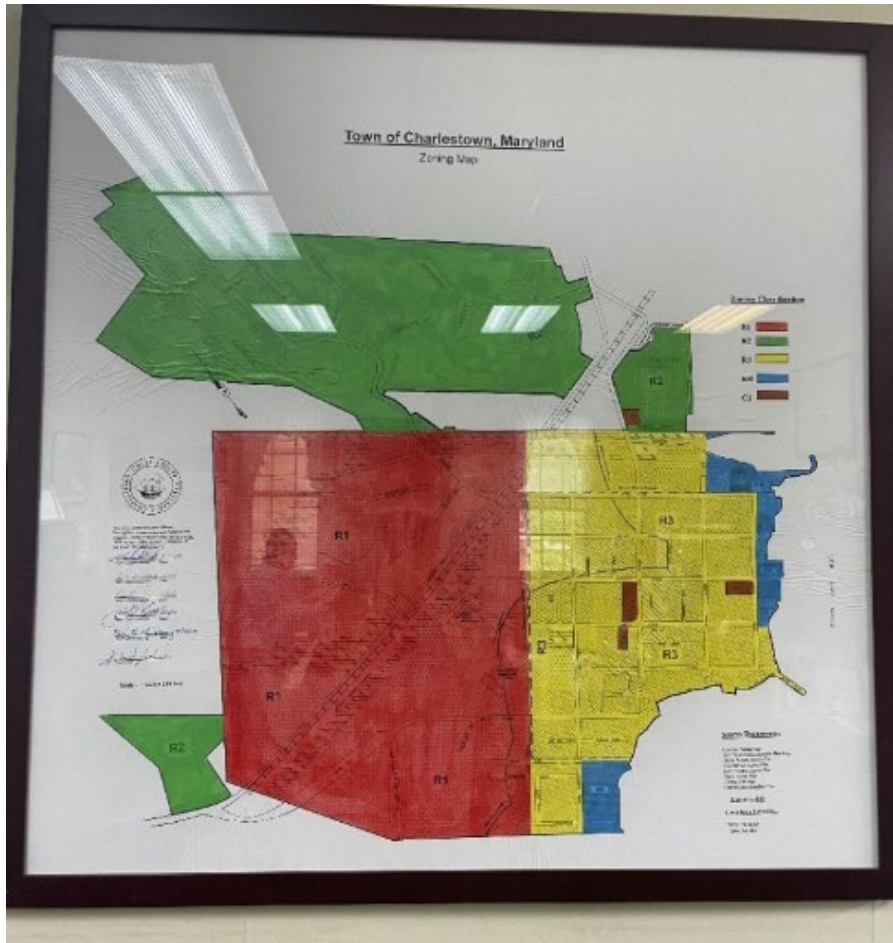


Example – This zoning code section lists the specific requirements of the Official Zoning Map,

3. If the ordinance/code has an official zoning map section, does the zoning map conform to ALL zoning code or ordinance requirements listed above in question 2(a)? Y N
4. Does the zoning code or ordinance require the official zoning map to be displayed in a certain location, such as the Town Hall? Y N
 - a) Where is that location? _____
(Examples – Undefined or the Recorder's Office)
5. If the zoning ordinance requires a specific zoning map location, is the zoning map located in that location? Y N
6. If the official zoning map does not meet all the requirements, which are not being met? See Example "C-1" – Location of Official Zoning Map.
 - a) _____
 - b) _____
 - c) _____

Note: The official zoning map may need to be updated to conform to each of the local requirements that are not being met. Consult your attorney and/or contact MDP for assistance.

Example C-1: Location of Official Zoning Map

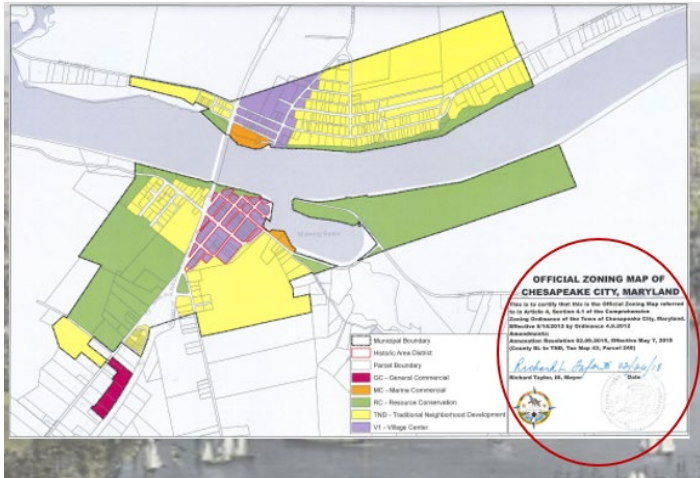


Example - The Official Zoning Map displayed on the wall in Town Hall

7. Does the Official Zoning Map contain a signature block? Y N

See Examples "D-1" and "E-1" - Signed Official Zoning Map below or Slide 8 in the PowerPoint.

Example D-1: Signed Official Zoning Map

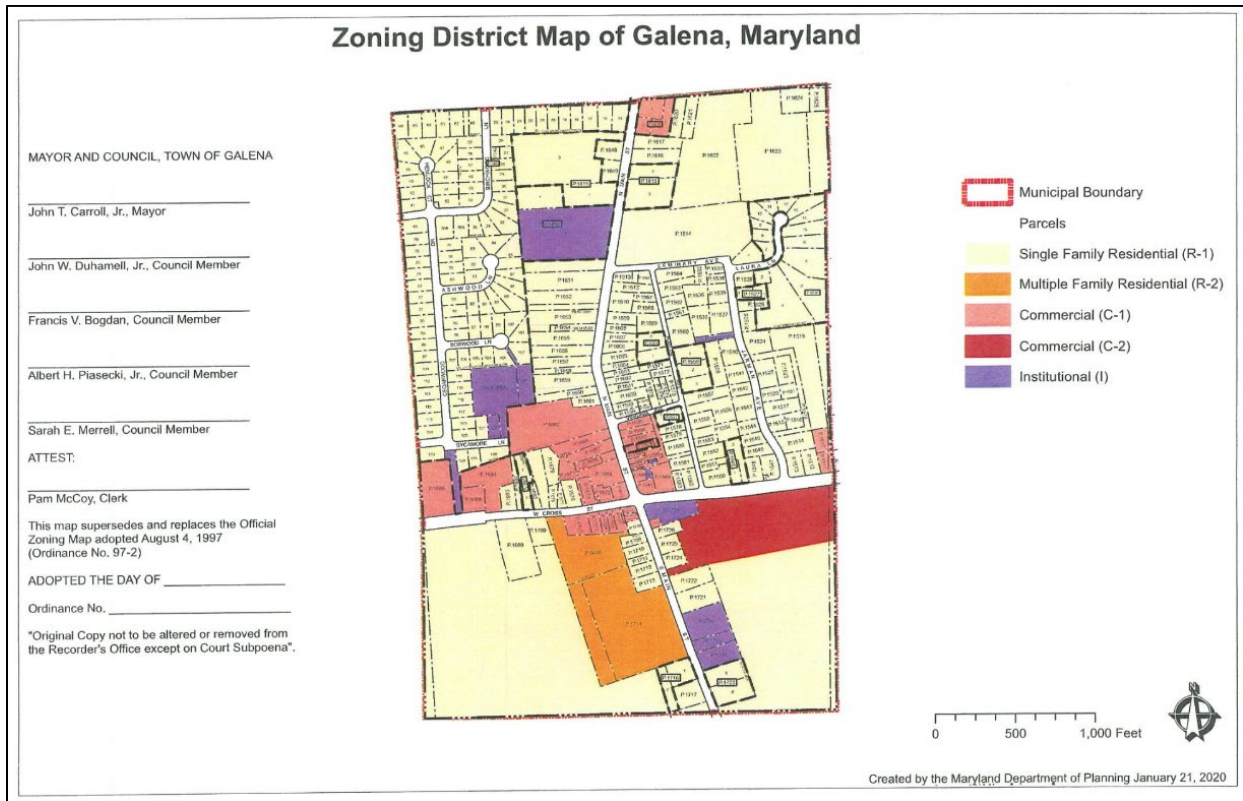


Example – this online version of Official Zoning Map is signed.

- a) 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 are all signed.
- Does the signature block require the signatures of certain parties? **Y** **N**
 - If YES, is the signature block signed by all required parties? **Y** **N**

Note: The effective date of your official zoning map may be dependent on the date of any required signatures. A required signature is the signatures specifically identified in the official zoning code. Often, this could include the mayor, town council, and/or clerk. The official zoning map may also require an official stamp or seal to be affixed or embossed. Check your local zoning ordinance for any specific official zoning map requirements. The official zoning map should not contain the word “Draft”.

Example E-1: Unsigned Official Zoning Map

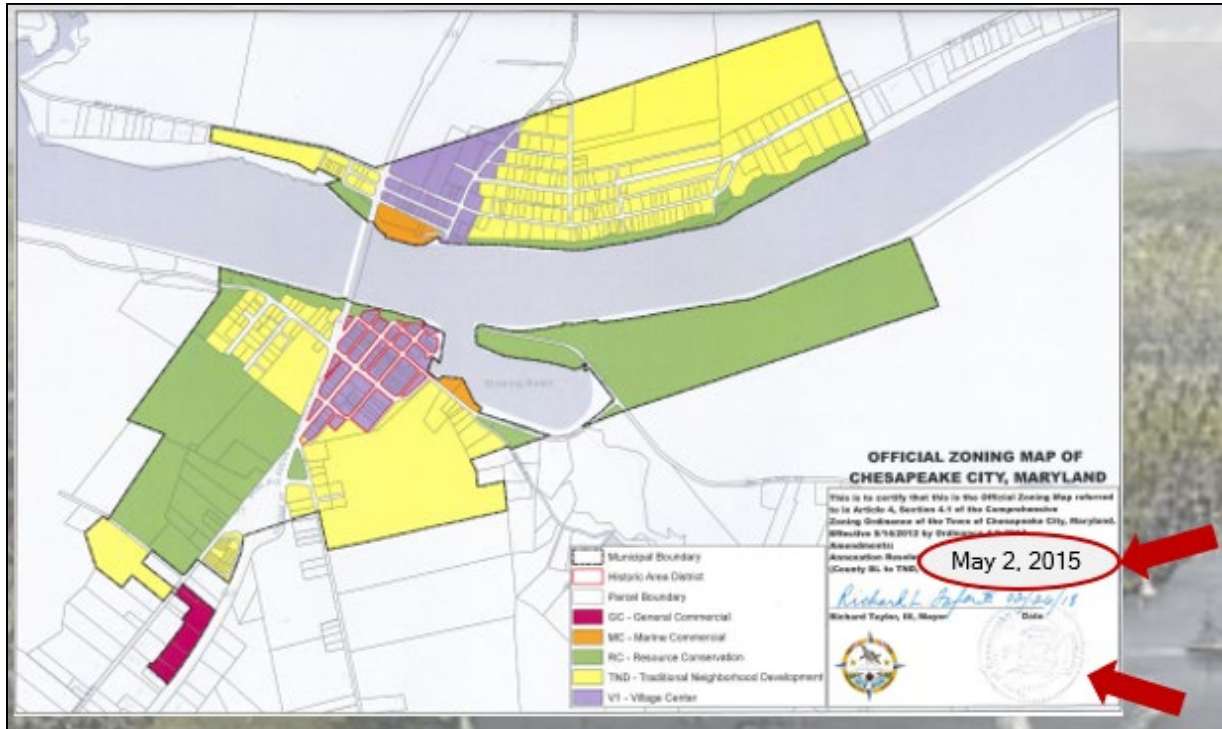


Example - This online version of a zoning map is unsigned. **Note the additional requirement that the original copy is not to be altered or removed from the Recorder's Office except on court subpoena.*

8. Does the official zoning map list an effective date? Y N

See Example "F-1" - Official Zoning Map Effective Date of Slide 10 in the PowerPoint.

Example F-1: Official Zoning Map Effective Date



Example -This official zoning map lists an effective date. Note: In addition to an effective date, your official zoning map may be required to have an official seal as well.

- a) If YES, what is the date? (mm,day,year) _____
- b) If NO, consider adding an effective date to the official zoning map legend and/or amending the zoning code or ordinance to require an effective date to be displayed on the official zoning map. The effective date is important to identify if the version of the official zoning map is the latest version and to identify when new zoning classifications or zoning code or ordinance regulations became effective.

III. Changes to the Official Zoning Map

1. Have there been any of the following changes since the effective date?

- a) Annexations Y N
- b) Comprehensive re-zonings Y N
- c) Mapping errors (changes or mistakes) Y N
- d) If YES, locate a copy of all adopted annexation resolutions, rezoning resolutions, or map error resolutions.

Note: Depending on the jurisdictions’ file management and record-keeping process, this process may require some investigation to find all resolutions or ordinance that have been adopted since the last update. It can be a tedious task. The resolutions or ordinances must be effective, meaning they are signed copies. In some cases, the Official Zoning Map Index, or Zoning Ordinance Index (or within the text of the ordinance) may reveal the ordinance numbers and dates of change. Of course, institutional knowledge of staff, planning commissioners, or elected officials may be useful.

2. Once all adopted resolutions have been located, then list each resolution #:

- a) _____
- b) _____
- c) _____
- d) _____

3. Are all adopted resolutions listed above indexed on the official zoning map?

Y N

See Examples “G-1” - Official Zoning Map Index and “H-1” – Official Zoning Map Index below or Slide 19 in the PowerPoint.

Example G-1: Official Zoning Map Index

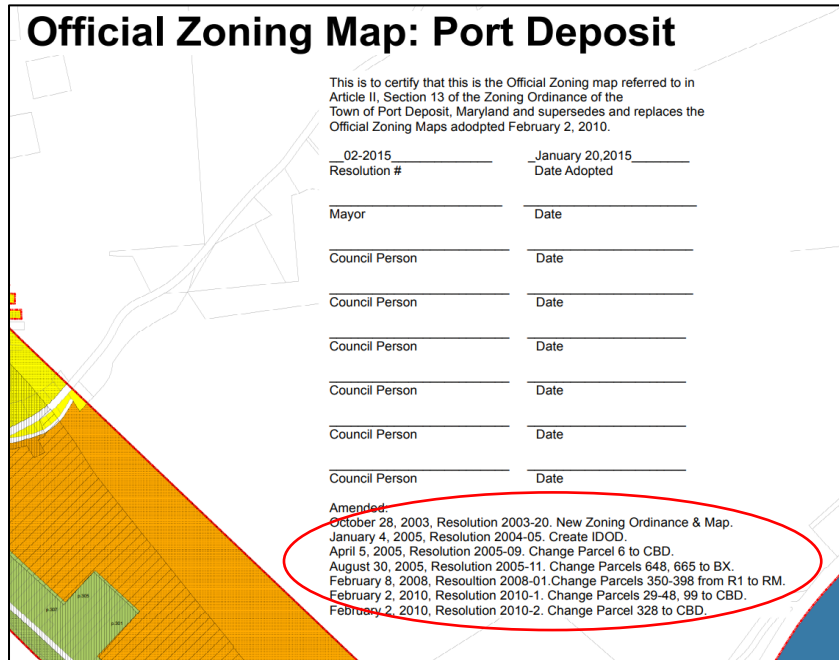
New Laws ▶ ?

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	

Note: The workgroup will need to identify all zoning map amendments that have occurred since the last zoning code/ordinance update or amendment. This may be a tedious process if records are not readily available. Once all zoning map amendments have been collected, the workgroup should evaluate whether each of the zoning amendments have been noted on the official zoning map.

Example H-1: Official Zoning Map Index



Amended:
 October 28, 2003, Resolution 2003-20. New Zoning Ordinance & 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, 665 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.

Example - This zoning map example contains an index of all amendments to the zoning map since the zoning maps last update. The index describes the effective date, resolution number, and summary of the change.

a) If NO, then list the Resolutions that are missing:

- _____
- _____
- _____
- _____

b) If NO, the official zoning map needs to be updated to reflect the changes in the resolutions listed above (*Contact your attorney or MDP for assistance*).

Annexations

1. **For municipalities, if there have been any annexation(s), does each annexation parcel(s):**
 - a) Appear within the municipal boundary on the official zoning map? Y N
 - If NO, then the official zoning map must be amended to reflect the new annexation boundary.
 - b) Reflect the municipal zoning classification listed in each applicable annexation resolution? Y N
 - If NO, then the official zoning map must be amended to reflect the new municipal zoning classification.
2. **Is each annexation resolution indexed on the official zoning map?** Y N
 - If NO, then consider annotating the resolution in the index. *See Example "H" - Official Zoning Map Index*
3. **Does the official zoning map match the municipal boundary presented on MDP's [Finder Online](#) website?** Y N
 - a) If NO, then contact your Regional Planner and report any mapping discrepancies.
4. **Does the official zoning map match the municipal boundary presented on the various county maps, such as, zoning, water and sewer service areas, etc?**
 - a) If NO, then contact the county and report any mapping discrepancies.

Note: All annexations are required to be filed with the Department of Legislative Services and US Census. Consider adding these post annexation requirements to your local annexation procedures. Contact your MDP Regional Planner for questions or assistance.
 - b) If there has been any parcel(s) affected by annexation, does the annexed parcel(s) reflect the appropriate locally certified and state designated Priority Funding Area (PFA) category? Y N
 - If NO, contact your Regional Planner to determine how or if a PFA change is necessary.

Note: PFA categories include County PFA, Municipal PFA, or PFA Comment Area. Contact LAT if there are any inconsistencies in PFA designation or boundary.

Rezoning

1. **If there have been any rezonings, does the new zoning category for the rezoned parcel(s) appear on the official zoning map?** Y N
 - a) If NO, then the official zoning map must be amended to reflect the new zoning category and the rezoned area.
2. **If there have been any rezonings, are the new zoning ordinances/resolutions listed in the official zoning map index?** Y N
 - a) If NO, then the official zoning map should be amended to reflect the new zoning resolutions on the official zoning map index.

Communicating Changes to Interested Parties

1. **Does the zoning ordinance/code require that planning board members/commissioners receive copies of all adopted text and map amendments?** Y N
 - a) If YES, provide each member/commissioner with a copy of the most recent official zoning map and map index.
 - b) 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.
2. **If required, do each of your Planning Commissioners have an exact copy of the most recent official zoning map, with signatures and an index of any adopted resolutions?** Y N
 - a) If NO, provide signed and indexed copies per zoning ordinance requirements.
3. **Is there a copy of the official zoning map available on your jurisdiction's website?** Y N
 - a) If yes, does the online official zoning map version:
 - Include required signatures Y N
 - Contain an index of adopted resolutions Y N
 - Otherwise, identical to the paper Official Zoning Map Y N
 - b) If NO to any of these questions, consider if an official version can be uploaded for public access.

Note: If an online version is not available, consider contacting your county or your Regional Planner for assistance.

4. **Have you submitted an exact copy of the official zoning map to MDP?** Y N

a) If NO, then consider submitting an exact copy of the official zoning map to MDP. Provide GIS layers, if available.

Note: While not required, it is helpful for MDP to have an up-to-date copy of a jurisdictions' zoning map. This helps ensure reviews for state funding, PFA certification, Enterprise Zones, or other program areas are accurate.

5. **If a municipality, have you submitted an exact copy of your Official Zoning Map to your county planning department** Y N

a) If NO, submit an exact copy of the official zoning map, and GIS layers, if available, to your county planning department.

Final CheckUp: Topic 1 - Preserving the Official Zoning Map

To complete this exercise, your Official Zoning Map 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 local requirements	Y	N	NA

2. **Include an index and resolution # of:**

a) Annexations	Y	N	NA
b) Rezoning	Y	N	NA
c) Text changes affecting official map	Y	N	NA

3. **Be displayed in conspicuous public space:** Y N

4. **Copied to Planning Commissioners (others)** Y N NA

5. **Be consistent with website version** Y N NA

6. **Official zoning map and website map match** Y N NA

7. **Be submitted to LAT, including GIS layers:** Y N NA

END

TOPIC 2: Preserving the Official Zoning Ordinance/Code Checklist Questions

Preserving of the official zoning code means it:

Meets the specific requirements outlined in your adopted zoning ordinance/code, has been meticulously updated, and all decision makers and members of the public have access to this document.

Getting Started

To complete this exercise, your workgroup will need a copy of your jurisdiction's zoning ordinance/code. You will need access to the municipal and/or county website, if applicable. Many of the checklist questions below and in the presentation slides mirror those of Topic 1 very closely. However, Topic 2 questions specifically relate to the zoning ordinance/code rather than the official zoning map, which is addressed in Topic 1.

Locating the Official Zoning Ordinance/Code

1. **Does your workgroup have a copy of the jurisdiction's official zoning ordinance (also referred to as the zoning code)?** Y N

2. **Can your workgroup locate amendments to the zoning ordinance/code?** Y N

If YES, to both questions, where are the official zoning ordinance and amendments located? (*Examples: Front desk or clerk's office, and online*)

- Ordinance _____
- Amendments _____

a) If NO to either question, contact your clerk, town attorney, or MDP Regional Planner for assistance.

Important: When the workgroup has confirmed the location of the official zoning ordinance, be sure to note where the public can view the ordinance. There should be a hard copy of the zoning ordinance, as amended, available in a conspicuous public place, and on the jurisdiction's website, if applicable. Copies of the zoning ordinance, as amended, should also be provided to each planning commission/board member, clerk, planning staff, and elected body. It is not uncommon for planning commission/board members to not have a complete copy of the official zoning code. This is one of the main reasons to complete this topic area of the CheckUp on an annual basis.

3. **Are the official zoning code and any amendments available online?** Y N

a) If YES, on which websites are they located and what are the links (URLs)?

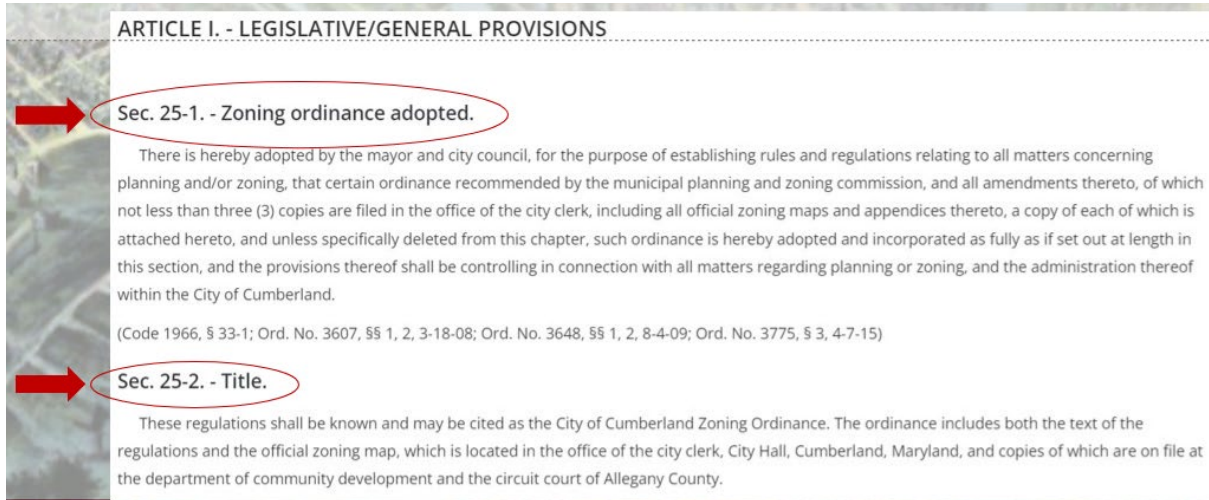
4. **If not currently available online, can they be added to the municipal and/or county websites?** Y N

a) If YES, where will they be located and what will be the links (URLs)?

Reviewing the Zoning Ordinance/Code

1. Does the zoning ordinance/code have an official section in the larger jurisdictional code? (See Example "A-2" - Locally Established Official Zoning Code Requirements). Y N

Example A-2: Locally Established Zoning Code Requirements

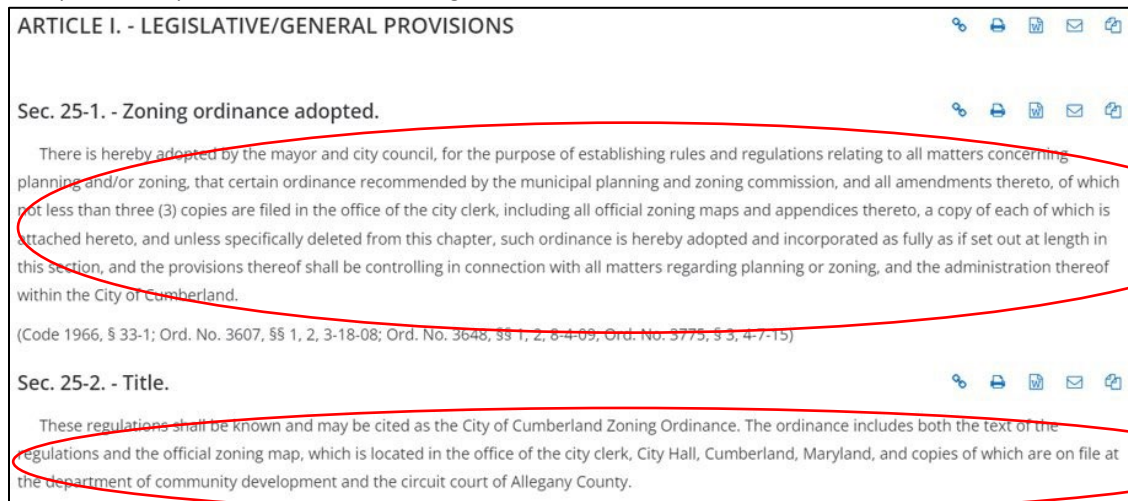


a) If YES, then list the code section number _____.

(Examples - Chapter 108 or Section 25-1)

2. Does the zoning ordinance/code have any official ordinance/code requirements? *See Example "B-2" - Requirements for Official Zoning Code* Y N

Example B-2: Requirements for Official Zoning Code



a) If YES, then list the requirements for the official zoning code.

- _____
- _____
- _____
- _____

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

Changes to the Official Zoning Ordinance Index

1. **Have there been any zoning map or text amendments since the effective date of the zoning ordinance/code?** Y N

a) If YES, can you locate and identify those amendments? Y N

b) Does your zoning ordinance index text amendments? Y N

c) Have the changes been incorporated and indexed into the zoning ordinance? Y N

d) If they have not been incorporated, note the zoning amendments, and make sure they are listed in the official zoning ordinance index (as previously described for zoning maps in Topic 1).

Important: In some instances, the original zoning ordinance is not locally modified to incorporate the new text changes (amendments) into the zoning ordinance. Therefore, the amendments are found in a separate ordinance, leaving the original ordinance text in place. If each planning commissioner does not have an adopted and official copy of the amendments, it is likely the public does not have access to the amendments either. For example, if there was an adopted text amendment that changed the setback requirements in the R-2 zone from 30 feet to 10 feet, the original zoning ordinance would still reference the old standard (30 feet) unless the ordinance is changed or indexed to inform the reader the standard has been changed or modified.

It is common for planning commissioners to receive unsigned and unofficial copies of a zoning ordinance amendment after the planning commission action. In some cases, the planning commission is not provided a copy of the signed zoning ordinance amendment after it has been approved by the elected body. It is the responsibility of each planning commission to maintain and document their personal copy of the zoning ordinance. In some instances, planning commissioners may be absent when new ordinances are distributed. If that happens, the new changes may never be incorporated into their personal copies of the zoning code. With every amendment, there is an opportunity for this to occur.

Another common occurrence is when new planning commissioners join the board/commission and they receive an incomplete copy of the zoning code because the official zoning code has not been revised to include amendments. This could result in planning commissioners evaluating projects using different criteria because they have a different version of the zoning code.

It is also common that the online version of the zoning ordinance is not updated, leaving the public or potential developers with versions of the zoning code that are outdated. Avoiding these situations is one of the main purposes to conduct this CheckUp topic on an annual basis. The online version should not contain the word "Draft".

See Examples "C-2", "D-2", and "E-2" - Zoning Amendments and Index.

Note: The index may also be known as the zoning code and amendment 'history'.

2. Once all adopted resolutions/ordinances have been located, list adopted resolution/ordinance #, date, and a brief summary of map and text amendments:

- _____
- _____
- _____
- _____

Example C-2: Zoning Amendments and Index

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	

Example D-2: Zoning Amendments and Index

ZONING ORDINANCE

HISTORY

<u>Ordinance Number</u>	<u>Effective Date</u>
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

Important: Local jurisdictions are highly recommended to index their zoning codes to reflect changes to the Official Zoning Code. It is also recommended that the jurisdiction establish a sound file management system for all original documentation.

Example E-2: Zoning Amendments and Index

[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.]

<u>Amendment</u>	<u>Adopted</u>	<u>Effective</u>	<u>Section</u>	<u>Amendment Type</u>
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)
91-7A	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)

*Note – See example of the individual text amendment in the body of the zoning ordinance/code for Ordinance 2023-01, circled in red above, in Example G-2: Zoning Ordinance/Code Text Index.

3. Are the individual amendments cited in *the body* of the zoning ordinance/code in addition to a separate index? Y N

See Example “F-2” – Zoning Ordinance/Code Text Citation

§ 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.²
- 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 referred to in § 175-2 of the Zoning Ordinance of the Town of Charlestown," together with the date of the adoption of this chapter.
- 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. [Amended 3-14-2023 by Ord. No. 2023-01]~~

4. If NO to Question 3 above, consider modifying your zoning ordinance/code regulations to require the notation of areas of the ordinance/code which have been modified.

Important: As zone regulations are applied to development upon the effective date, it is important to note when the new regulations are effective. This notation also helps staff and property owners to know whether a property after the zoning regulations have changed would be considered a legal nonconformity. The notations included within the body of the zoning ordinance can also provide a way to determine the list of zoning amendments that have occurred over time, if an index is not identified at the beginning of the zoning ordinance/code, as depicted in Examples "E-2" and "F"-2.

5. Do each of your planning commissioners/board members have an exact copy of the most recent official zoning code as amended? Y N

- a) If NO, provide an indexed copy per zoning code requirements to each planning commissioner/board member, clerk, planning staff, elected body, and for public access. Update the online version.

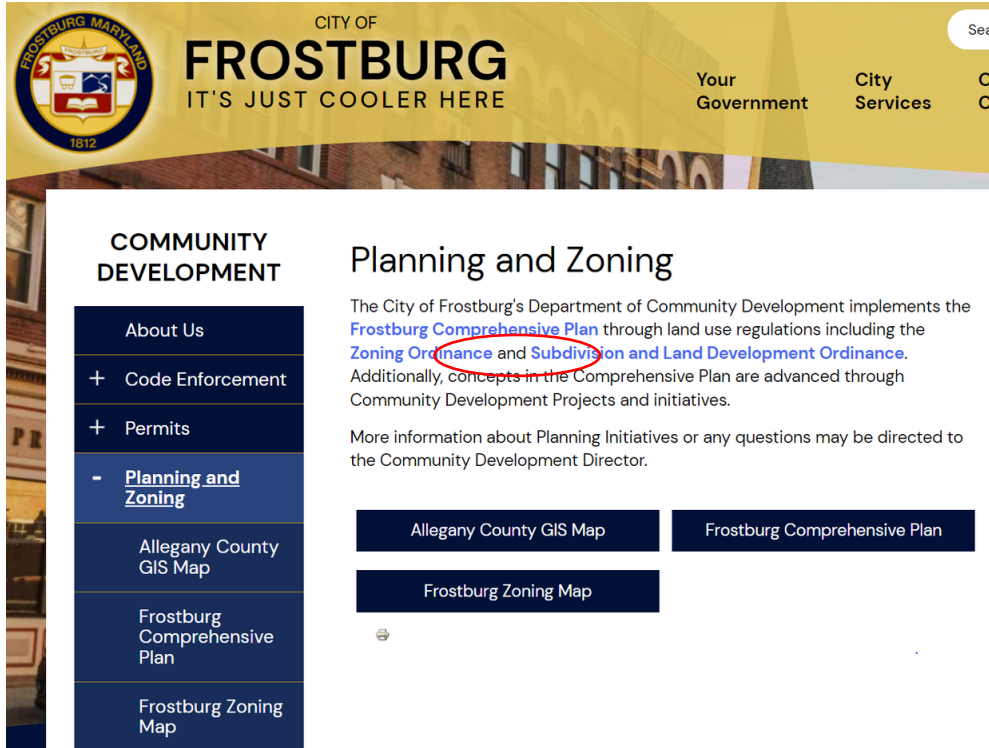
Note – This task can be tedious for the workgroup, but it is essential to ensure all parties are using the same ordinance/code and that the ordinance/code reflects all

adopted amendments. Once the index has been confirmed, annual checks will help to ensure that your ordinance/code is up to date.

6. Does your jurisdiction post a copy of the zoning code online? Y N

See Example “G-2” – Online Zoning Ordinance.

Example G-2: Online Zoning Ordinance



- a) If YES, does the online version contain all amendments listed above? Y N
- b) If NO, then consider posting an online version for public use and ensure the copy online is an up-to-date version.

7. Does zoning code have a section pertaining to the Board of Appeals (BOA)? Y N

- a) If NO, consider incorporating standards in your zoning ordinance/code to address board of appeals decisions and findings.
- b) If YES, how are their decisions shared with the public and the planning commission/board?
- c) If YES, who is the responsible party for recording the decisions of the BOA and providing copies of the decision to the planning commission/board?
- d) If YES, do the planning commissioners all have copies of the BOA decisions?

Y N

See Example "IH-2 Board of Appeals

Example H-2: Board of Appeals

- § 18:1-122 **Decisions with respect to variance.**
- A.** Extent of approval. The Board may not authorize a *variance* that modifies any requirement of this Chapter **18:1** to a degree greater than that minimally required to ameliorate the circumstances referred to in § **18:1-121** of this Chapter **18:1**. In any decision authorizing a *variance*, the Board shall specifically state the reasons for its finding that the *variance* does not exceed that minimum.
- B.** *Density*. Except where extraordinary circumstances of extreme hardship are found to be present and specified in its decision, the Board may not authorize any *variance* that would:
- (1) Increase the number of *dwelling units* otherwise allowed by this Chapter **18:1** by more than one;
 - (2) Increase the otherwise permitted FAR by more than 10%; or
 - (3) Allow the use of a *lot* that is more than 10% smaller than otherwise allowed.
- C.** Conditions.
- (1) When authorizing a *variance*, the Board may attach such conditions regarding the location, character, and other features of the proposed *structure* or *use* as it may deem necessary in the public interest and in order to further the purposes of this Chapter **18:1**.
 - (2) The conditions may include the requirement of *covenants* and/or guarantees as may be deemed necessary to insure that the requirements of the authorization will be fulfilled.
- D.** Natural resources. If the natural resource requirements set forth in Chapter **18:1**, Part **4**, Article **IX**, are adversely affected, the Board shall give special consideration to the imposition of conditions that involve mitigation of damage to those resources.

8. Does your code have BOA notification and reporting requirements? Y N

a) If YES, list the notification and reporting requirements.

- _____
- _____
- _____
- _____

b) If NO, consider incorporating standards for the planning commission/board to be notified of BOA actions.

Final CheckUp: Topic 2 - Preserving the Official Zoning Ordinance/Code

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

1. **Contain an Index of all changes.**
2. **Reflect the requirements as specified in the local zoning ordinance/code.**
 - a) Effective Date Y N
 - b) Other local requirements Y N NA
3. **Include an Index Resolution # and effective date for:**
 - a) Map Amendments Y N NA
 - b) Text Amendments Y N NA
4. **Displayed in conspicuous public space.** Y N
 - a) Copied to Planning Commissioners Y N NA
 - b) Be consistent with online version Y N NA
5. **Indicate how the Board of Appeals decisions are recorded and shared with the public and planning commission.** Y N

END

TOPIC 3: Preserving Official Zoning Map Changes

Preserving Official Zoning Map Changes 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 or a copy with all amendments and map changes.

1. Have there been any of the following zoning map changes since the effective date?

- | | | |
|--|---|---|
| a) Annexations | Y | N |
| b) Re-zonings | Y | N |
| c) Map Error Corrections (Changes or mistakes) | Y | N |

2. If YES, can the workgroup locate a copy of all adopted annexation resolutions, re-zonings, or map error resolutions?



- a) If NO to question 2, contact the clerk, planning staff, town attorney, or others to help locate the resolutions.

3. Once all adopted resolutions have been located, list each resolution # and effective dates:

- _____
- _____
- _____

4. Does the zoning ordinance/code have an official zoning map changes section? See Example "A-3" - Locally Established Official Zoning Map Changes Y N

- a) If YES, list the ordinance section number
- _____



Municipal Code

[Ch 170 Art 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](#)

170-1 Official Zoning Map

A. The incorporated areas of the Town are hereby divided into zones, as shown on the Official Zoning Map.

B. The Official Zoning Map shall be identified by the signature of the Town Council member who introduced the Ordinance referred to in § 170-1 of the Zoning Ordinance of the Town of Centreville, Maryland.

C. If, in accordance with the provisions of this chapter and Article 66B, § 1.00 et seq., any changes or amendments were made on the Official Zoning Map promptly after the amendment has been approved, (change or changes) were made in the Official Zoning Map: (brief description of the changes or amendments shall not become effective until after such changes and amendments have been approved.)

D. No changes of any nature shall be made in the Official Zoning Map except in violation of this chapter and punishable as provided under § 170-68 of this chapter.

E. Regardless of the existence of purported copies of the Official Zoning Map, which are not the current zoning status of land and water areas, buildings, and other structures in the Town of Centreville, Maryland, the Official Zoning Map shall be the controlling authority.

¹ *Editor's Note: The Official Zoning Map is included as an attachment to this chapter.*

HISTORY
Amended by Ord. [10-2022](#) on 11/17/2022

170-2 Replacement Of Official Zoning Map

A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or otherwise unusable, the Town Council shall cause a new Official Zoning Map to be prepared, which shall supersede the prior Zoning Map.

B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map or amendment thereof. The Planning and Zoning Commission shall certify as to the accuracy of the new Official Zoning Map to the Town Council, and the new Official Zoning Map shall be adopted by the Town Council, attested by the Town Clerk, and bearing the seal of the Town.










5. If YES, list the requirements for the official zoning map changes:

- _____
- _____
- _____
- _____

(Examples include effective date, signatures, town seal, map location, index of amendments, and disclaimers. See Example “B-3” - Requirements for Official Zoning Map Changes

Example B-3: Requirements for Official Zoning Map Changes

§ 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.²
-  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 referred to in § 175-2 of the Zoning Ordinance of the Town of Charlestown," together with the date of the adoption of this chapter.
-  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. [Amended 3-14-2023 by Ord. No. 2023-01]
-  D. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under § 175-51 of this chapter.
-  E. Regardless of the existence of purported copies of the Official Zoning Map which may from 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."

6. Does the official zoning map conform to all the zoning ordinance map change requirements listed above? Y N

a) If NO, list the requirements for the official zoning map change requirements that are not being met and consider amending the zoning code to establish requirements.

- _____
- _____
- _____

Note: The official zoning map may need to be updated to conform to each of the local requirements. Consult your attorney, and/or contact MDP for assistance.

7. Are all adopted resolutions indexed on the official zoning map? Y N

a) If NO, then list the resolutions that are missing:

- _____
- _____
- _____

Final CheckUp: Topic 3 – Preserving Official Zoning Map Changes

To complete this exercise, your Official Zoning Map Changes 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 | NA |

2. Include an Index Resolution # for:

- | | | | |
|--------------------------|---|---|----|
| a) Annexations | Y | N | NA |
| b) Rezoning | Y | N | NA |
| c) Map Error Corrections | Y | N | NA |

3. Displayed in conspicuous public space.

- | | | | |
|--|---|---|----|
| a) Changes meet code requirements | Y | N | NA |
| b) Changes are indexed | Y | N | NA |
| c) Official Zoning Map and Website Map match | Y | N | NA |
| d) Planning Commission or Board has copies | Y | N | NA |

TOPIC 4: Ordinance Integration

Ordinance Integration means that the official zoning ordinance/code has been amended to incorporate all text amendments into one complete document. The amendments have also been indexed and noted in each section of the zoning ordinance that has been amended. The ordinance must also ensure any amendments do not inadvertently use another numbering system and that references to any external documents, plans, or maps are current.

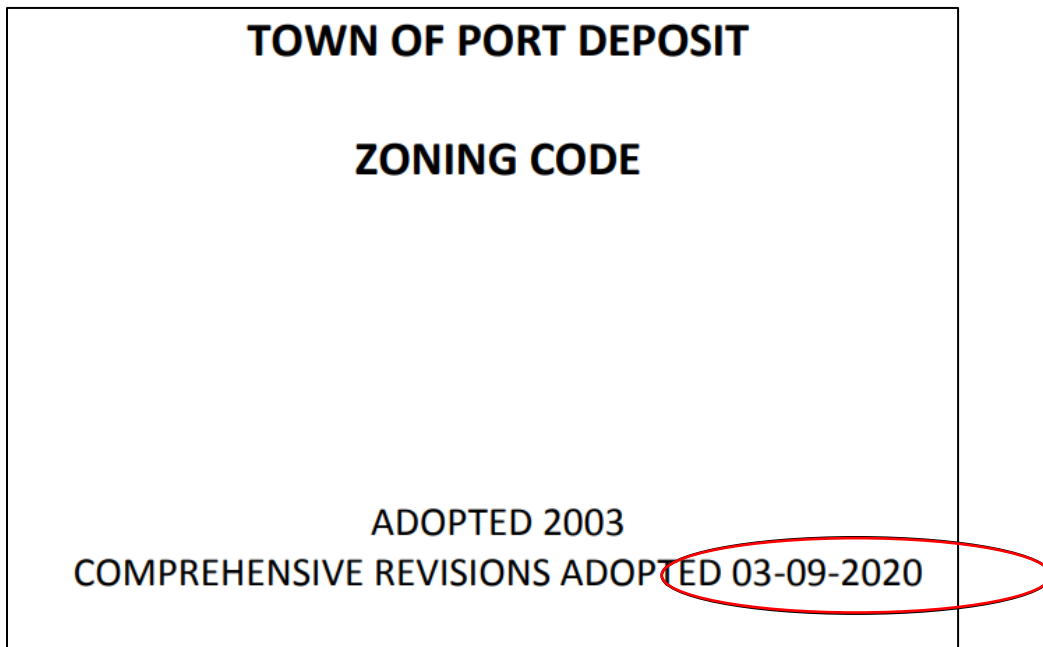
I. Zoning Ordinance Index

1. **Does the zoning ordinance/code have an index (amendment history)?** Y N
 - a) If YES, check the body of the ordinance to ensure all amended sections have been noted in the index.
 - b) If NO, create an index and include annotations, ordinance #s, and effective dates in all areas of the zoning code which have been amended.

Important: To quickly determine which version of the code is being consulted, the adoption date and preferably the ordinance # adopting the code should be easily visible to the user.

See Examples “A-4” – Zoning Code Adoption Date, and “B” – Zoning Ordinance Annotations

Example A-4: Zoning Code Adoption Date



Note: In Example A-4 above, the adoption year is listed as 2003, with amendments (revisions) made on March 9, 2020. Each planning commissioner, town clerk, planning staff member, should have an integrated copy of the

zoning ordinance which is identical. This version should also be available publicly. If any versions are different, then this is the purpose of the annual CheckUp.

II. Zoning Ordinance Annotations

1. Does the zoning ordinance integrate all amendments? Y N

- a) If NO, review each amendment ordinance and include an annotation in each section of the ordinance which has been amended. The annotation should include the ordinance # and effective date. Also, consider adding this requirement to your zoning amendment procedures, if not already provided.

Important: When a zoning ordinance is amended, each amendment should be indexed at the beginning of the code, either on the cover page or a separate page. Each change in the text should also be annotated to depict when the change to that specific section was adopted, including the ordinance # and effective date.

The zoning code should be checked to ensure all zoning amendments have been integrated. This can be a tedious task for the workgroup, but it is essential to ensure the official zoning code has incorporated all changes. The annotations in the zoning code text will also help to ensure that planning officials and members of the public understand when zoning regulation changes are effective, or otherwise ‘grandfathered’ from a new regulation.

See Exhibits “B-4” and “C-4” – Zoning Ordinance Annotations

Exhibit B-4: Zoning Ordinance Annotations

ARTICLE IV Supplementary Zone Regulations	§175-53. Penalties and Remedies for Violations
§175-25. Off-street loading.	§175-54. Permit Revocation
§175-26. Off-street parking.	§175-55. Computation of Time
§175-27. Utilities.	§175-56. Judicial Review
§175-28. Visibility at intersections.	§175-57. Reserved
	§175-58. Reserved
[HISTORY: Adopted by the Town Commissioners of the Town of Charlestown 9-9-1980 by Ord. No. 80-1. Amendments noted where applicable.]	

Exhibit C-4: Zoning Ordinance Annotations

(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]

III. Archaic References

1. Does the zoning ordinance/code have any archaic references? See Example "D-4" – Archaic References Y N

a) If YES, update accordingly.

Note: In Maryland, many zoning codes were originally adopted under the regulatory authority of Article 66B of the Annotated Code of Maryland. In 2012, the Maryland General Assembly repealed Article 66B and replaced it with the Land Use Article. References to archaic laws, or any other topics found in the zoning ordinance should be updated. In some cases, the zoning ordinance lists a title of the planning authority who is responsible for certain zoning related tasks. With reorganizations and changes in staffing, these types of references may be archaic too. In other instances, reference to design guidelines or other regulatory documents or plans have changed. It is recommended the zoning code be scanned for such archaic references and changed to ensure users are directed to the most appropriate information.

Example D-4: Archaic References

§ 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.

Note: This reference to Article 66B, Annotated Code of Maryland, is out of date. In this instance, the code should be amended to delete "Article 66B" and replace it with "the Land Use Article".

IV. Numbering Systems

1. Does the zoning ordinance/code use a consistent numbering system? Y N

a) If NO, update the numbering system.

Note: It is not uncommon for jurisdictions to use code language adopted by other jurisdictions as the basis for addressing a topic area in the zoning code. Often jurisdictions will utilize use tables from their county or adopt a new use regulation used by another municipality. However, in some instances the two jurisdictions will have established different numbering systems in their code document. Simply cutting and pasting code language, including the numbering system, can create confusion. Ensure that your code is numbered consistently.

See Exhibits “E-4” and “F-4” – Numbering Systems

Exhibit E-4: 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.
- Table of Permissible Uses (see following pages)

Legend: P = Permitted, PC = Permitted with Conditions, SE = Special Exception, SC = Special Exception with Conditions								
USES DESCRIPTION	R-O	R-1	R-2	R-3	LC	CC	CID	LI
RESIDENTIAL								
1.100 Single-Family Residences								
1.110 Single-family detached	P	P	P	P	SE	SE		SE
1.111 Site-built and modular residential structures	P	P	P	P	SE	SE		SE
1.112 Manufactured or Mobile Home Park								
1.200 Two-Family Residence								
1.210 Primary residence with accessory apartment	PC	PC	PC	PC	SE	SE		SE
1.220 Secondary residential structure auxiliary to existing residence	PC	PC	PC	PC				
1.230 Duplex	P			P	SE	SE		SE
1.240 Two-family apartment				P	SE	SE		SE
1.300 Multi-Family Residences								
1.310 Multi-family - townhouses	SC			SC	PC	PC		PC
1.320 Multi-family - apartments	SC			SC	PC	PC		PC
1.330 Commercial apartments	PC				PC	PC		PC

Note: In the example above, one part of the municipal zoning code, Section 12-518, references the Table of Permissible Use. However, the Table of Permissible Uses utilizes a completely different numbering system for each of the uses, which was copied from the county. The numbering system in the Table of Permissible Uses references back to sections of the county code, rather than the municipal code.

V. Referenced Documents

Note: In some instances, there are references in a municipal zoning code that will reference other documents. If your code has a reference to a county map, for example, be sure to check that the document still exists, or if it has been updated to a newer version.

1. **Does your zoning ordinance/code reference any external documents?** Y N

- a) If YES, make sure that the reference document is still accurate. For example:
Have there been amendments and updates? Does the document still exist?
Does the document still use the same name?

Final CheckUp: Topic 4 – Ordinance Integration

To complete this exercise, your Official Zoning Ordinance should:

- | | | | |
|--|---|---|----|
| 1. Identify an adoption date. | Y | N | |
| 2. Identify an amendment index (history) | Y | N | |
| 3. Remove archaic references | Y | N | |
| 4. Be checked for proper numbering | Y | N | |
| 5. Planning Commission has copies | Y | N | |
| 6. Public has copy | Y | N | |
| 7. Website has copy | Y | N | NA |

END

Appendix

List of Planning Acronyms

ADA.....	Americans with Disabilities Act (1990)
ADT.....	Average Daily Trips made by vehicles/persons
ADU	Accessory Dwelling Unit
AIA.....	American Institute of Architects
AICP	American Institute of Certified Planners
ALUC.....	Airport Land Use Commission
APA.....	American Planning Association
AQMD.....	Air Quality Management District.
ARC	Appalachian Regional Commission
ASCE	American Society of Civil Engineers
AV	Autonomous Vehicle
B&B.....	Bed and Breakfast
BID	Business Improvement District
BLM	Bureau of Land Management
BMP	Best Management Practices
BMR.....	Below-Market Rate dwelling unit/interest rate
BRF	Bay Restoration Fund
CAA.....	Clean Air Act
CAD.....	Computer Aided Design
CAFO.....	Concentrated Animal Feeding Operation
CBD	Central Business District
CC&Rs.....	Covenants, Conditions, and Restrictions
CDBG	Community Development Block Grant
CE.....	Code Enforcement
CEF.....	County Enterprise Fund
CIP	Capital Improvements Program
CSA	Community Service District
CUP.....	Conditional Use Permit
CWA.....	Federal Clean Water Act
DGS.....	Department of General Services
DHCD	Department of Housing and Community Development
DOE.....	Department of Energy (U.S.)
DOT.....	Department of Transportation
DU.....	Dwelling Unit
EDA.....	Economic Development Administration
EDC	Economic Development Commission
EIR	Environmental Impact Report
EIS.....	Environmental Impact Statement (Federal)
EPA	Federal Environmental Protection Agency
ESA.....	Federal Endangered Species Act
FAA	Federal Aviation Administration
FAR	Floor Area Ratio

FBFW Flood Boundary Floodway Map
 FEMA Federal Emergency Management Agency
 FHA Federal Housing Administration
 FHLMC..... Federal Housing Loan Mortgage Company/“Freddie Mac”
 FHWA Federal Highway Administration
 FIA Fiscal Impact Analysis
 FIR..... Fiscal Impact Report
 FIRE..... Finance, Insurance and Real Estate
 FIRM Flood Insurance Rate Map
 FMV Fair Market Value
 FNMA Federal National Mortgage Association/“Fannie Mae”
 FPPC..... Fair Political Practices Commission (California)
 FTA..... Federal Transit Administration
 FWS U.S. Fish and Wildlife Service
 GIS Geographic Information Systems
 GMI..... Gross Monthly Income
 GNMA..... Government National Mortgage Association/“Ginnie Mae”
 GPS Global Positioning System
 HAP Housing Assistance Plan
 HIA..... Health Impact Assessment
 HOA Home Owners’ Association
 HOV High-Occupancy Vehicle
 HTF Housing Trust Fund
 HUD U.S. Department of Housing and Urban Development
 ID Infill Development
 LEED..... Leadership in Energy and Environmental Design
 LHA Local Housing Authority
 LOS Level of Service
 LTMI..... Low to Moderate Income
 LU Land Use
 LULU Locally Unwanted Land Use
 MDDOCMD..... Department of Commerce
 MDE..... Maryland Department of the Environment
 MDOT MD Department of Transportation
 MEA..... Master Environmental Assessment
 MEIR Master Environmental Impact Report
 MF Multifamily
 MGD Millions of Gallons per Day
 MH..... Manufactured Housing
 MHT..... Maryland Historical Trust
 MML Maryland Municipal League
 MOU Memorandum of Understanding
 MPD..... Master Planned Community
 MPO..... Metropolitan Planning Organization
 MSA Metropolitan Statistical Area
 MSCP Multi-Species Conservation Plan
 MXD..... Mixed Use Development

NAHB National Association of Home Builders
 NIMBY..... Not in my Backyard
 NOC Notice of Completion (CEQA)
 NOD Notice of Determination (CEQA)
 NOP Notice of Preparation (CEQA)
 P&Z..... Planning and Zoning
 PC Planning Commission
 PCD Planned Commercial Development
 PDR..... Purchase of Development Rights
 PHA..... Public Housing Agency
 PHT Peak Hour Traffic (or Peak Hour Trips)
 PID Planned Industrial Development
 POS Project Open Space
 PUD..... Planned Unit Development
 QOL..... Quality of Life
 RFP..... Request for Proposal
 RFQ..... Requests for Qualifications
 RHNA Regional Housing Needs Assessment/Allocation
 RLUIPA..... Religious Land Use and Institutionalized Persons Act
 ROW Right-of-Way
 RPA Regional Planning Agency
 RTPA Regional Transportation Planning Agency
 SFD Single-Family Dwelling
 SLAPP..... Strategic Lawsuits Against Public Participation
 SRO Single-Room Occupancy
 STIP..... State Transportation Improvement Plan
 STR..... Short Term Rental
 TDM..... Transportation Demand Management
 TDR Transfer of Development Rights
 TEA-21 Federal Transportation Equity Act for the 21st Century
 TMDL Total Maximum Daily Load
 TOD..... Transit-Oriented Development
 TOT Transient Occupancy Tax
 TSM Transportation Systems Management
 UBC..... Uniform Building Code
 UGB Urban Growth Boundary
 UHC Uniform Housing Code
 USDA U.S. Department of Agriculture
 USDI..... U.S. Department of the Interior
 USFS..... U.S. Forest Service
 USFWS U.S. Fish and Wildlife Service
 USGS..... U.S. Geological Survey
 VLF..... Vehicle License Fee
 VMT Vehicle Miles Traveled
 WQMP Water Quality Management Plan
 ZLL Zero Lot Line
 ZO Zoning Ordinance