



City of Frostburg

MEMORANDUM

Todd J. Logsdon
Mayor

To: Frostburg Planning Commission
From: Bethany Fife, Director of Community Development ⁴³⁴
Subject: Permanent Makeup Services and Zoning
Date: July 10, 2024

Commissioners

Donald L. Carter, Jr.
Commissioner of
Finance

Kevin G. Grove
Commissioner of
Public Safety

Nina Forsythe
Commissioner of
Water, Parks and
Recreation

Adam Ritchey
Commissioner of
Public Works

Elizabeth Stahlman
City Administrator

Purpose:

The purpose of this memo is to initiate a discussion regarding the zoning classification of permanent makeup services within Frostburg City limits. Specifically, staff seeks guidance on whether these services should be viewed as an accessory use to a beauty salon or categorized as a body art studio as the principal use.

Background:

Recent conversations with current and prospective Frostburg business owners have spurred questions about how to appropriately classify permanent makeup services within our zoning regulations. These services involve the application of shallow “tattoos” or pigments to enhance facial features such as eyebrows, eyeliner, and lips. Clarifying their classification will ensure consistency and compliance within our zoning framework.

Considerations:

1. Zoning Ordinance definition of “Body Art Studio”: A commercial use involving the marking of skin of persons with a design by process of pricking and/or ingrainin an indelible pigment or by raising scars, or similar method.
2. The State of Maryland regulates facilities offering permanent makeup services in the same manner that the State regulates general body art studios. This is likely due to the higher level of hygiene required in applying the permanent makeup.
3. Although very similar to traditional tattooing techniques (which use a three-prong needle), permanent makeup is often applied with a single-prong needle. Ink utilized in the application of permanent makeup contains a higher water content than traditional tattoo ink, causing it to fade faster. Permanent makeup has a much shorter life-span than traditional body art and typically fades after three years.

Analysis:

1. Accessory Use to Beauty Salons:
 - a. Permanent makeup services are often provided within established beauty salons by licensed cosmetologists or estheticians.
 - b. They are typically viewed as complementary services that enhance the overall offerings of a salon, alongside hairstyling, manicures, and skin treatments.
 - c. Treating them as an accessory use to beauty salons align with their integration into existing commercial areas where beauty services are already permitted.
2. Body Art Studio as Principal Use
 - a. Alternatively, permanent makeup involves tattooing techniques, albeit on a smaller scale compared to traditional body art.
 - b. Body art studios are generally zoned separately due to their association with tattooing and piercing, which may involve additional regulatory considerations related to health, safety, and social perception.

Request for Recommendations:

Given the complexities involved, staff request the Planning Commissioners' recommendations on how to classify permanent makeup services within Frostburg's existing zoning regulations. Specifically, we seek your guidance on whether these services should be categorized as an accessory use to beauty salons or considered under body art studios as the principal use.

Your input and recommendations on this matter are crucial as we strive to ensure our zoning regulations reflect the evolving landscape of cosmetic services while maintaining public health and safety standards. Please prepare to discuss this topic further at the July 2024 Planning Commission meeting.