

ORDINANCE 2023-##

AN ORDINANCE TO AMEND THE CITY’S ZONING ORDINANCE (APPENDIX A OF THE FROSTBURG CODE) TO ADD BODY ART STUDIOS TO THE USES PERMITTED IN THE PRIMARY DISTRICT REGULATIONS, SUBJECT TO SPECIFIED CONDITIONS.

WHEREAS, the City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a charter (“Charter”) adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23-A of the Annotated Code of Maryland, as amended;

WHEREAS, Article V, Sections 501 and 502 of the Charter empowers the City to regulate matters of zoning within the City;

WHEREAS, the City of Frostburg Zoning Ordinance (the “Zoning Ordinance”) is set forth in Appendix A of the Frostburg Code;

WHEREAS, the Planning Commission is proposing that the Zoning Ordinance be amended to allow body art studios in the same zoning districts as beauty salons, barbers, etc.;

WHEREAS, the Frostburg Planning Commission reviewed the proposed text changes during its August ____, 2024 public meeting and voted to recommend to the Mayor and Council that it adopt them; and

WHEREAS, by this Ordinance, the Mayor and Council are accepting those recommendations, subject to amendments, and are amending the Zoning Ordinance as set forth below.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FROSTBURG, that the portion of the Use Regulations Table set forth at the beginning to Part 3 of the Zoning Ordinance applicable to service uses is amended as follows.

PART 3. PRIMARY DISTRICT REGULATIONS

Use Description	Zoning Districts										
	R1*	R2*	R2-A*	R3	R4*	RO	C1	C2	C3	C4	T-LI
Service											
Animal Groomers				SE			P	P	P		

Automobile Parking Lots and Decks							SE	P	SE		
Automobile Service Stations and Repair Garages								P		P	
Banks/Financial Institutions (with drive-through service)								SE	SE	P	
Banks/Financial Institutions (without drive-through service)				SE	SE		P	P	P	P	
Beauty shop, barber shop, nail salon, tanning, spas				SE	SE		P	P	P	P	
Body Art Studios				SE	SE		P	P	P	P	
Cleaners, Laundromats, etc.				SE	SE		P	P	P		
Contractor Offices									P		P
Fitness Centers							SE	P	SE		
Kennels								p ¹			SE
Medical Laboratories								P	SE		P
Medical or Dental Services					SE	P	P	P	P		
Motels and Hotels								P	P	P	
Personal service				SE	SE		P		P		
Professional Offices					SE	P	P	P	P		
Sales, Service, Commercial Washing of Motor Vehicles								P	SE		
Truck Stops and Rest Areas										P	
Veterinary Services								P			

[NOTE: The amendments are set forth in bold highlighted text.]

SECTION 2: AND BE IT FURTHER ORDAINED, that Section 3.4.C(14)(b) of the Zoning Ordinance is amended by adding body art studios as a special exception use in the “R3” General Residential District as follows:

- C. *Special Exceptions.* Only the following principal uses and structures are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

- (14) Any of the following uses, provided that the total floor area of all structures or portions thereof devoted or intended for such uses shall not to exceed three thousand (3,000) square feet (in addition to any basement areas used solely for storage). Any new such

use shall be limited to a detached building at the corner of two (2) or more public streets. Any such use shall not be open to the public between the hours of 10:00 p.m. and 7:00 a.m.

- (a) Retail stores such as hardware, grocery, drug, variety, baked goods, antique, craft and gift, but not including sale of alcoholic beverages.
- (b) Personal service businesses such as shoe repair, beauty parlors, barbers, **body art studios**, and self-service laundries and dry cleaning stores which are pick up stations only.
- (c) Restaurants, not including drive-through service.
- (d) Banks and other financial institutions, not including drive-through service.

[NOTE – Amendments to the Zoning Ordinance are set forth in bold underlined print in this section and the remaining sections of this Ordinance.]

SECTION 3: AND BE IT FURTHER ORDAINED, that Section 3.5.C(15)(b) of the Zoning Ordinance is amended by adding body art studios as a special exception use in the “R4” Gateway Residential District as follows:

- C. *Special Exceptions.* Only the following principal uses and structures are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

(15) Any of the following uses, provided that the total floor area of all structures or portions thereof devoted or intended for such uses shall not exceed three thousand (3,000) square feet of a structure. Any such use shall not be open to the public between the hours of 10:00 p.m. and 7:00 a.m.

- (a) Retail stores such as hardware, grocery, drug, variety, baked goods, antique, craft and gift, but not including the sale of alcoholic beverages.
- (b) Personal service businesses such as shoe repair, beauty parlors, barbers, **body art studios**, and self-service laundries and dry cleaning stores which are pick up stations only.
- (c) Restaurants, not including drive-through service.
- (d) Banks and other financial institutions, not including drive-through service.

SECTION 4: AND BE IT FURTHER ORDAINED, that Section 3.7.B of the Zoning Ordinance is amended by adding body art studios as a permitted use in the "C1" University Corridor/Mixed-Use District as follows:

- B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C1" district:

....

(21) Body art studios.

SECTION 5: AND BE IT FURTHER ORDAINED, that Section 3.8.B and 3.8.C. of the Zoning Ordinance are amended by adding body art studios as a permitted use in the "C2" Highway Commercial District as follows:

- B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C2" district:

....

(36) Body art studios.

- C. *Special Exceptions.* The following uses are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

~~**(7) Body art studios.**~~

SECTION 6: AND BE IT FURTHER ORDAINED, that Sections 3.9.B and 3.9.C. of the Zoning Ordinance are amended by adding body art studios as a permitted use in the "C3" Town Center District as follows:

- B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C3" district:

....

(32) Body art studios.

- C. *Special Exceptions.* The following uses are permitted as special exceptions after approval by the Board of Zoning Appeals:

....

~~**(9) Body art studios.**~~

SECTION 7: AND BE IT FURTHER ORDAINED, that Section 3.10.B of the Zoning Ordinance is amended by adding body art studios as a permitted use in the "C4" Gateway Commercial District as follows:

- B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C4" district:

....

(11) Body art studios.

SECTION 8: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect twenty (20) days from the date of its passage.

MAYOR AND CITY COUNCIL OF FROSTBURG

By: _____
Todd Logsdon, Mayor

Elizabeth Stahlman, City Administrator

Introduced: _____, 2024
1st Hearing: _____, 2024
Adopted: _____, 2024
Effective: _____, 2024