



# AGENDA

## Frostburg Planning Commission Meeting

7:00 PM - Wednesday, January 12, 2022

Frostburg Municipal Center Meeting Room - 37 Broadway

Page

### 1. CALL TO ORDER

### 2. ROLL CALL

Commissioners Krogh, Duncan, Carter, Rase, Snyder, Ritchey, Chair Best

### 3. CHAIR'S PROCEDURAL STATEMENT; COMMENTS; ANNOUNCEMENTS

### 4. REVIEW AND APPROVAL OF THE MINUTES

3 - 8

#### 4.1. [October 2021 FPC Minutes](#)

### 5. CITIZEN COMMENTS

From Floor; intended for topics unrelated to the current agenda items

### 6. PROJECT PRESENTATIONS

9 - 14

#### 6.1. **Text Amendment to the Zoning Ordinance - Section 4.1, Historic Preservation Overlay District**

Public Comment

Motion

[FINAL REDLINE - Sec. 4.1 HP Historic Preservation Overlay District.v2-  
MSC - redline](#)

15 - 17

#### 6.2. **Text Amendment: Short-Term Vacation Rentals**

[FINAL Sec.8-4 B&Bs and Short Term Vacation Rental Text Amendment  
- REDLINE VERSION](#)

**7. DISCUSSION ITEMS**

By Chair and Members of the Commission

**8. ADMINISTRATIVE BUSINESS AND COMMUNICATIONS RECEIVED**

**9. STAFF REPORTS**

**10. ADJOURNMENT**



## MINUTES

### Frostburg Planning Commission Meeting

Wednesday, October 13, 2021 - 7:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

The Frostburg Planning Commission Meeting of the City of Frostburg was called to order on Wednesday, October 13, 2021, at 7:00 PM, at the Frostburg Municipal Center, 37 Broadway, with the following members present:

**PRESENT:** Adam Ritchey, Commissioner of Public Works  
Conrad Best, Mr.  
Jeff Snyder, Mr.  
Karen Krogh, Mrs.  
Kristan Carter, Mrs.  
Ray Rase, Mr.  
Jayci Shaw Duncan, Mrs.

**EXCUSED:**

**1. CALL TO ORDER**

1.1. Chair Best called the meeting to order at 6:59 PM.

**2. ROLL CALL**

Commissioners Krogh, Duncan, Carter, Rase, Snyder, Ritchey, Chair Best

2.1. Commissioners Krogh, Snyder, Ritchey, and Chair Best were present.  
Commissioners Duncan, Carter, and Rase were absent. With four out of seven members present, a quorum was achieved.

**3. Chair's Procedural Statement; Comments; Announcements**

3.1. The Chair asks that anyone presenting business before the Commission, or any individuals who would like to comment on business before the Commission or other concerns, please come forward at the appropriate time and state your name and address for the record. Each meeting is recorded and live streamed, so please speak clearly.

**4. REVIEW AND APPROVAL OF THE MINUTES**

4.1. Commissioner Krogh moved to approve the minutes from the August 2021 meeting as presented. Commissioner Snyder seconded the motion, a vote was taken, and the motion passed unanimously.

**5. Citizen Comments**

From Floor; intended for topics unrelated to the current agenda items

**6. PROJECT PRESENTATIONS**

**6.1. Preliminary and Final Site Plan Review - Dunkin Donuts - Frostburg Plaza**

The applicants arrived approximately 10 minutes after the meeting was called to order; therefore, the Commissioners opted to hear Agenda Item 6.2 first, then returned to Item 6.1 once the first presentation was complete.

Rick Curry of Frederick-based B & R Design Group presented a proposal for the redevelopment of the former location of Pizza Hut in the Frostburg Plaza, located at 10701 New Georges Creek Road SW, where Mr. Curry's client wishes to open a Dunkin' Donuts restaurant.

Mr. Curry described the site-work as "minimal," and projects include the removal of Pizza Hut's signature red "pavilion-style" roof and replace it with a more standard roofing design. A walk-in freezer at the rear of the structure and a detached storage shed are also slated for demolition. Improvements include the addition of a standard drive-thru and mobile ordering lane, pavement updates and removal, enhanced landscaping, and dumpster screening. As the disturbance area is less than 5,000 square feet, the Allegany Soil Conservation District has advised that a sediment erosion control plan would not be necessary. Mr. Curry also noted that a photovoltaic and landscaping plan had been included in the site plan submission.

Commissioner Krogh noted that an alternate shrub be considered in lieu of the "Korean spice bush" indicated in the landscaping plan, as the plaza experiences higher wind speeds and forces due to the elevated nature of the plaza. Mr. Curry agreed to consider swapping the Korean spice bushes for a more wind-hardy variety of shrub.

With no further discussion and no public comment submitted, Commissioner Krogh made a motion to approve the preliminary and final site plans. Commissioner Ritchey seconded the motion, a vote was taken, and the motion passed unanimously.

Moved by Mrs. Karen Krogh, seconded by Commissioner of Public Works Adam Ritchey

*Public Comment*  
*Motion*

Carried

**6.2. Recommendation to the Board of Zoning Appeals - Airbnb - 134 Maple Street**

Mrs. Debra Vance, owner of 134 Maple Street, came before the Commission to request a favorable recommendation to the Board of Zoning Appeals for a Special Exception for an Airbnb use at the aforementioned property. Mrs. Vance noted that she had already been operating an Airbnb at that location, as she was not aware that zoning restrictions were in place. She also noted that the property is currently registered in the City's Rental Housing Program and a local owner's agent has been contracted to clean and care for the property. Community Development Director, LJ Bennett, reiterated that the property is located in the "R3" zoning district, which is the highest-density zoning district within City limits. Director Bennett also stated that Mrs. Vance's property has been consistently registered in the Rental Housing Program and has experienced very few code issues during the time that the Vances have owned the property.

With no further discussion, Commissioner Snyder moved to approve the request for a favorable recommendation from the Planning Commission for a Special Exception to the Board of Zoning Appeals for Airbnb use at that location. Commissioner Ritchey seconded the motion, a vote was taken, and the motion passed unanimously.

Moved by Mr. Jeff Snyder, seconded by Commissioner of Public Works Adam Ritchey

*Public Comment  
Motion*

Carried

**7. Discussion Items**

By Chair and Members of the Commission

**8. Administrative Business and Communications Received**

MDP's Planning Practice Monthly September Edition:

<https://content.govdelivery.com/accounts/MDMDP/bulletins/2f07db4?reqfrom=share>

MDP's Planning Practice Monthly October Edition:

<https://content.govdelivery.com/accounts/MDMDP/bulletins/2f58403>

- 8.1. Community Development Director, LJ Bennett, advised Commissioners that these newsletters are available online for Commissioners to peruse at their leisure.

**9. Staff Reports**

- 9.1. **SFD Permit Issuance Update**
- 8 SFD permits issued so far in 2021
  - 5 of those since August 30

Compare to past years:

- CY 2020: 3 SFDs
- CY 2019: 6 SFDs
- CY 2012-2018: 5 new construction permits collectively (4 SFD, 1 Multi-Family)

Community Development Planner, Bethany Fife, updated Commissioners on the number of building permits for single-family dwelling units that have been issued this year in comparison with past years.

- 9.2. **Zoning Ordinance Section 4.1 "HP" Historic Preservation Overlay District Text Amendment**

Director Bennett and Ms. Fife gave a joint presentation of proposed text amendments to the Zoning Ordinance Section 4.1, which deals with the Historic Preservation Overlay District. Updates to the text include the addition of definitions for commonly-used terms, removal of confusing and conflicting language, and clarifying inconsistencies in terminology used throughout Section 4.1. Commissioners were amenable to the updates, and the text amendment proposal will be taken before the Mayor and Council at their monthly work session, scheduled for Thursday, October 14.

9.3. **Airbnb Discussion**

Director Bennett explained the rationale behind proposed text amendments that serve to establish guidelines for Airbnb and other short-term vacation rentals within the City of Frostburg. Currently, Airbnb's must follow the established guidelines detailed in Section 8.4 of the Zoning ordinance pertaining to Bed and Breakfasts; however, these guidelines are tailored more to the traditional business model of a bed and breakfast, in which the owner or innkeeper lives on site and meal service is included as part of the overnight stay. Because of nationwide tourism and hospitality industry trends, especially since the onset of the pandemic, staff feels it timely and appropriate to begin discussing these text amendments.

Planner Bethany Fife then described the finer points of the proposed text amendments, which include revising the existing definition for "bed and breakfast" and establishing a definition for "short-term vacation rental". Section 8.4 is then separated into three additional subsections, one for general provisions, one specific to the "traditional" bed and breakfast business model, and finally, a section particular to short-term vacation rentals.

Based on feedback from Allegany County government partners, additional updates will include a reference to the County Code pertaining to the collection and remittance of Lodging Tax and ensuring consistency with the City's existing definitions for "hotels". Chair Best recommended that the key beneath the table in 8.4.B.a state "Principally permitted use" in lieu of the current "permitted by right" phrasing.

Mrs. Vance, who had requested a special exception for Airbnb use in the R3 zoning district earlier in the meeting, came forth to provide valuable insight into her experience as an Airbnb host, and a discussion was had among the Commissioners on the maximum length of stay permitted at a short-term vacation rental. Staff agreed to conduct further research into other municipalities' adopted codes pertaining to short-term vacation rentals and find the average length of stay permissible.

Commissioners also noted that Airbnb hosts should be required to agree to a self-inspection of their short-term vacation rental units in addition to the proposed annual inspections.

These conversations are ongoing, and staff hopes to present these proposed text amendments before the Mayor & Council at their next monthly work session, scheduled for Thursday, October 14. If the Mayor and Council are amenable to the text amendment, appropriate updates will be made, and the final version will come back to the Planning Commission at a later date for a recorded vote before adoption by Mayor and Council.

**10. ADJOURNMENT**

10.1. The meeting was adjourned at 7:54 PM.

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L.J. Bennett, Community  
Development Director



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## Sec. 4.1. "HP" Historic Preservation Overlay District.

### A. Historic District Definitions.

Administrative Approval: An approval granted by Community Development Staff for minor alterations, as defined by the Administrative Approval Guidelines developed by the Historic District Commission, to noncontributing resources, in accordance with Zoning Ordinance Section 4.1.J.4. [M1]

Alley: A public way that primarily provides a means of access or travel between abutting properties and which has a maximum right-of-way of less than twenty (20) feet.

*Alteration:* Any exterior change that would affect the historic, archeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public ~~way~~ street, including, but not limited to, construction, reconstruction, moving or demolition.

Certificate of Appropriateness: A certificate issued by Community Development Staff on behalf of the Historic District Commission showing approval of plans for construction, alteration, demolition, or relocation of structures that would affect a designated historic structure, landmark, or district.

*Commission:* For the purposes of Section 4.1, shall mean the Historic District Commission of the City of Frostburg, Allegany County, Maryland.

Contributing Resource: Structures or physical features within a site or district which help to define the historic significance or architectural character of that site or district and may be associated with events that have made a significant contribution to the broad patterns of local, State, or national history, or may be associated with the lives of persons significant in the City's past.

*Demolition:* Any willful neglect in maintenance and repair of a structure that does not result from financial inability to maintain and repair the structure and that threatens to result in any substantial deterioration of the exterior features of the structure.

*Demolition by Neglect:* Improper maintenance or lack of maintenance of any property in a historic district, or any historic landmark or landmark site, which results in substantial deterioration of such a property and threatens its continued stability and preservation.

*Historic District:* A designated area with a significant concentration, linkage or continuity of sites, structures or objects united historically or aesthetically by plan or physical development.

Noncontributing Resource: Structures or physical features that may exist within a historic site or district, but are not of historic significance per se; however, the relationship of these structures with the surrounding contributing structures may be important in the preservation of the site or district.

Replacement In Kind: A process of rehabilitation utilized in which deteriorated materials or features are repaired in a manner that matches [M2] the original in design, materials, color, texture, and other visible qualities or any combination of the foregoing, [M3] through a process based on physical evidence of essential form and detailing of historic materials, or features in-situ (in context), or through photographic documentation [M4].

*Routine Maintenance:* Work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historic, archeological or architectural significance of the historical site or structure.

*Site:* The location of an event of historic significance or a structure, whether ruined or standing, which possesses historic or architectural significance.

Street, Public: A street that is, or will be at the conclusion of construction, a City of Frostburg right-of-way, in which the street is, or will be, maintained by the City, dedicated for the public use and accepted by the City for that purpose. a City of Frostburg right-of-way, in which the street is, or will be, maintained by the City.

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*Structure:* A combination of materials to form a construction that is stable, including, but not limited to, buildings, communications towers, water tanks, paving, sheds, shelters, fences and display signs visible or intended to be visible from a street. The term shall be construed as if followed by the words "or part thereof".

- B. *Purpose.* It is the intent hereof to provide as authorized by Title 8 of the Maryland Land Use Article of the Annotated Code of Maryland, for the preservation of structures in the City of Frostburg which have historic value and/or significance together with their appurtenances and environmental settings in order to:
- (1) Safeguard the heritage of the City by preserving the sites, structures or district(s) therein which reflect elements of its cultural, social, economic, political, or architectural history
  - (2) Stabilize and improve property values of such sites, structures and district(s);
  - (3) Foster civic beauty;
  - (4) Strengthen the local economy; and
  - (5) Promote the preservation and appreciation of the sites, structures and district(s) for the education and welfare of the residents of the City.
- C. *Power to Establish Districts.* For the purposes of this section, the Mayor and Council may designate boundaries for sites, structures or districts which are deemed to be of historic, archeological or architectural significance, following the procedures which are set forth in Section 1.9 of this Ordinance for the reclassification of zoning. Such districts may include structures, lots, and tracts of land, as well as portions thereof.
- D. *Provisions are in Addition to Other District Provisions.* The provisions of this Part relative to the HP district are in addition to the district regulations set forth in the other portions of this Ordinance. In all cases of conflicting requirements, the provision which represents the greater restriction upon the property or higher standard shall govern.
- E. *Membership of Historic District Commission.* The Historic District Commission shall have either five (5) or seven (7) members, appointed by the Mayor and Council.
- (1) *Qualifications.* Each member appointed after the adoption of this Ordinance shall possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines.
    - (a) The requirement for Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one (1) of the above-listed fields, or active membership in a preservation-related organization, or past or present membership on a Historic District Commission or Planning Commission or City Council or Board of Zoning Appeals, or active participation in activities or proceedings of a Historic District Commission, or active membership in downtown or neighborhood-based community activities and programs.
    - (b) The requirement for membership under the categories of specific knowledge or professional or academic training may be satisfied by post-secondary education, employment and/or practical experience in one (1) or more of the above-listed fields.
  - (2) *Residency.* A majority of the members of the Commission shall be residents of the City of Frostburg. The City may grant preference in membership to residents of the City.
  - (3) *Compensation.* The members shall serve without compensation.
  - (4) *Terms.* The Commission members shall be appointed for staggered terms of three (3) years each, with existing terms of office being continued. Members of the Historic District Commission shall be eligible for reappointment. Any vacancy on the Historic District Commission shall be filled by the Mayor and

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Council for the unexpired term of the particular position. The Mayor and Council may consult private societies, agencies, or organizations to request the names of possible members to serve on the Historic District Commission.

- (5) *Finances.* The Historic District Commission shall have the right to accept and use grants and gifts from whatever source for the exercise of its functions. The Mayor and Council will have final approval of the Historic District Commission's budget.

F. *Powers and Duties.* The Historic District Commission shall have the following powers and duties:

- (1) To direct studies, reports, and surveys to identify historical, archeological, or architecturally significant sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the City of Frostburg;
- (2) Consistent with the City's Charter, ordinances, resolutions, local public law, policies and procedures regarding the acceptance and use of gifts by public officials, to accept and use gifts for the exercise of its functions;
- (3) To prescribe appropriate rules and regulations for transaction of its business;
- (4) To recommend for adoption by the Mayor and Council rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, moving, and demolition of designated landmarks, sites, structures, and districts which are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68). Guidelines may include design characteristics intended to meet the needs of particular types of sites, structures, and districts, and may identify categories of changes that, because they are minimal in nature do not affect historic, archeological, or architectural significance, do not require review by the Commission. These guidelines shall be used in the Commission's review of applications.
- (5) Consistent with the City's Charter, ordinances, resolutions, local public law, policies and procedures governing the acquisition of easements, to accept or otherwise acquire historic preservation easements on designated landmarks, structures, or sites and, when deemed appropriate by the Commission, sites or structures located in, or adjacent to, a designated district; and to undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this article.

G. *Report by Maryland Historical Trust.* The Maryland Historical Trust may be designated by the Historic District Commission to make an analysis of and recommendation concerning the preservation of structures of historic and architectural value/significance within the area served by the Historic District Commission. Such report may include proposed boundaries of districts as well as identify and designate particular structures recommended to be preserved and protected.

H. *Architectural Easements.* The Historic District Commission may acquire easements in connection with individual sites or structures located in or adjacent to any historic district. Such easement may grant to the Historic District Commission, the residents of the historic district, and the general public, the perpetual right to ensure that any site or structure and surrounding property upon which it is applied is protected, in perpetuity, from changes which would affect its historic, archeological or architectural significance.

I. *Application for Permission to Alter a Site or Structure.* Before the construction, alteration, reconstruction, or demolition of any site or structure or portion thereof as defined in Section 4.1A, including additions to or moving of an existing structure, is begun within the Historic Preservation Overlay District, if any changes are involved which would affect the exterior appearance of said site or structure that are visible or intended to be visible from a public street, the person proposing to make the construction or change shall file with the Historic District Commission an application for permission to build, alter, reconstruct, move, demolish, or construct the addition.

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- (1) Every such application shall be submitted in accordance with the Rules of Procedure of the Historic District Commission. This application shall be accepted or rejected by the Historic District Commission as provided herein.

J. *Factors for Consideration in Reviewing Plans for Construction or Alteration.*

- (1) In reviewing the plan for any such construction or change, the Historic District Commission shall give consideration to:
  - (a) The historic or architectural significance of the building and its relationship to the historic and architectural significance of the surrounding area
  - (b) The relationship of the exterior architectural features of a building to the remainder of the structure and to the surrounding area;
  - (c) The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used; and
  - (d) The appearance or view of proposed changes from the street.
  - (e) Any other factors including aesthetic factors which the Historic District Commission deems to be pertinent.
- (2) The Historic District Commission shall also consider the following design guidelines and criteria, as applicable:
  - (a) The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68), as amended, which are hereby incorporated by reference, and accompanying explanatory guidelines and reports, as officially issued by the National Park Service;
  - (b) The proportional relationship between the width and the height of the front of the building;
  - (c) The proportional relationship between the width and the height of windows and location of windows;
  - (d) The maintenance of a rhythm and ratio of solid wall areas and windows and doors;
  - (e) The maintenance of any rhythm of building masses to spaces between them, if such a rhythm exists along a street;
  - (f) The maintenance of a rhythm of entrances and building projections and roof lines;
  - (g) The use of exterior materials that are closely similar in appearance to original materials of significant buildings in the District;
  - (h) The discouragement of the use of colors that are clearly and seriously incompatible;
  - (i) The maintenance and continuance of architectural details, such as cornices, arches, chimneys, porch railings, and other porch details;
  - (j) The use of compatible roof shapes and lines;
  - (k) The continuance of building setbacks from the street that are similar to historic buildings along that block;
  - (l) The continuance of any predominately vertical or horizontal orientation of windows, doors and building shape;
  - (m) The use of units of construction and architectural details that provide a scale related to the size of people; and
  - (n) The avoidance of building walls that have few or no windows or doors along sidewalks.

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- (3) The Commission may establish additional written guidelines and criteria to provide guidance in its decisions.
  - (4) In specific cases, such as where the proposed work involves substantially identical replacement "in kind," or as delegated by the Commission, the staff of the Department, in consultation with the Community Development Director, may determine that an application meets all requirements of these regulations, in which case a historic district ~~C~~ertificate of ~~approval~~ appropriateness may be issued at the administrative level and Commission review and approval shall not be required.
- K. *Limitations on Regulations.*
- (1) The Commission shall not regulate features that are not visible or intended to be visible from a public street or sidewalk, and shall not regulate interior arrangements, but may offer preservation advice in such matters.
  - (2) Features that are only visible from an alley shall not be regulated by this Section 4.1.
  - (3) The Commission may not stipulate colors, but colors shall be chosen from a manufacturer's collection of historic colors, or be a palette approved by the Commission. Use of bright, metallic, or other non-historic colors is generally not acceptable. The Commission shall not disapprove an application except in consideration of some or all of the factors specified in this Section 4.1.
- L. *Strictness and Leniency in Judgment of Plans.* Limiting Architectural Style to one (1) Period: The Historic District Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic or architectural significance. The Historic District Commission shall be lenient in its judgment of plans for sites or structures of little historic or architectural significance, or for plans involving new construction, unless such plans would seriously impair the historic or architectural significance of surrounding sites or structures. The Historic District Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one (1) period.
- M. *Application for Changes to Structures of Unusual Importance.*
- (1) If an application under Section 4.1I affects a site or the exterior of a building that the Historic District Commission considers to be of unusual importance to the County or the City or unusual importance to the entire State or nation, the Historic District Commission shall:
    - (a) Attempt with the owner of the building to formulate an economically feasible plan for the preservation of the site or building.
    - (b) Reject the application unless the Commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic or architectural significance of the site or building.
      - (i) In such case, if the application is rejected, the Commission shall file a copy of its rejection with the Community Development Director.
  - (2) For a site or building that the Commission determines to be of unusual importance, if the Historic District Commission concludes that no economically feasible plan can be formulated, the Commission shall have 90 days from the time it so concludes to negotiate further with the owner, and other parties, in an effort to find a means of preserving the site or building.
- N. *Approval under Certain Circumstances.* In the case of a site or building considered to be valuable for its historic or architectural significance, the Historic District Commission may approve the proposed construction, reconstruction, alterations, moving, or demolition despite the provisions of Section 4.1M if:
- (1) The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;

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- (2) Retention of the site or structure would cause undue financial hardship to the owner, and the level of rehabilitation required is so extensive and costly that it could be construed as a "taking." Financial hardship is not related to the income or wealth of the applicant, nor is it applicable when a property owner has willfully neglected his or her property; or
- (3) The retention of the site or structure would not be to the best interest of a majority of persons in the City as determined through an advertised public hearing. .
- O. *Commission Meetings.* The Commission shall adopt such rules and regulations as may be necessary for the proper transaction of its business. Any interested person or a person's representative is entitled to appear and be heard at any public hearing conducted by the Commission.
- P. *Certificate of ~~Approval Appropriateness~~.* Modification or Rejection of Application and Plans. The Historic District Commission shall file with the Community Development Director a certificate of its approval, modification or rejection of applications and plans submitted to it for review. Work shall not be commenced on any such change project until such a ~~C~~ertificate of ~~approval Appropriateness~~ has been filed, and no building permit for such change or construction shall be issued unless and until such a ~~C~~ertificate of ~~approval Appropriateness~~ has been received.
- (1) The failure of the Historic District Commission to act upon a completed application within forty-five (45) days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed change unless an extension of this forty-five (45)-day period is agreed upon mutually by the applicant and the Historic District Commission.
- (2) The Commission may request that the Community Development Director institute any of the remedies and penalties provided by law for any violation of this Section 4.1.
- Q. *Limit on Approval Period.*
- (1) Certificate of ~~Approval Appropriateness~~ shall only be valid for a period of twenty-four (24) months.
- (a) Extension. A Certificate of ~~Approval Appropriateness~~ may be extended for no more than one (1) additional six (6)-month period for a good cause as determined by the Development Staff.
- (2) If a permit is required, the permit shall be obtained prior to the expiration of the Certificate of ~~Approval Appropriateness~~.
- R. *Routine Maintenance Not Affected. Completion of Work Under Prior Permit.*
- Nothing in this Section 4.1 shall be taken or construed to prevent "routine maintenance" (as defined below), customary farming operations or landscaping which will have no material effect on the historic or architectural significance of a designated site, structure or district. Nothing in this Section 4.1 affects the right to complete any work covered by a permit issued prior to the date upon which such historic district(s) or designation(s) was established.
- S. *Appeals.* An applicant may appeal a decision from the Historic District Commission to the Board of Zoning Appeals on the sole grounds of alleged "hardship." Any other appeal of a decision from the Historic District Commission or any decision regarding "hardship" by the Board of Zoning Appeals may be appealed to the courts in the same manner as any other appeal of a decision by the Board of Zoning Appeals.
- T. *Violations.*
- (1) Any willful violation of the provisions of this article, by willfully performing or allowing any work to be performed without first obtaining a Certificate of Appropriateness, or for failing to comply with a Final Notice issued pursuant to this article, or disregarding a decision of the Commission will be in violation of this Ordinance. Violations are subject to the penalties defined in Section 1.21.

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## Sec. 8.4. Bed and breakfasts and Short Term Vacation Rentals.

### A. ~~See definition, Section 2.1.~~

- a. ~~Bed and Breakfast: A private owner-occupied, single-family detached residential dwelling containing as the primary use, an aggregate of lodging rooms offered for rent with breakfast service to transient guests within a setting reflecting a residential rather than commercial character.~~
- b. ~~Short Term Vacation Rental: A furnished dwelling unit in which the entire unit or separate portions thereof is available for rent for periods of less than forty-five (45) consecutive days to transient guests. A short term vacation rental shall conform to all applicable requirements set forth in the short term vacation rental regulations proposed in Section 8.4 of the Zoning Ordinance.~~

### B. General Provisions

- a. Bed and Breakfasts are permitted by type and by district, as specified in the table below

Zoning District	R1	R2	R2-A	R3	R4	RO	C1	C2	C3	C4	T-LI
Bed and Breakfast		¥	¥	¥	¥	◆	◆	◆	◆		
Short-Term Vacation Rental		¥	o	o	¥	o	o	o	o		

#### Key:

- ◆ Principal permitted use, Commercial Use & Occupancy permit required
- o Short-Term Vacation Rental License is required
- ¥ Special Exception by Board of Zoning Appeals required, and Zoning Occupancy Permit required

- b. Property owners who rent their property, or part of their property, for bed and breakfast or short-term vacation rental lodging are responsible for collecting and remitting Lodging Tax to the Allegany County Finance Office, in accordance with the Annotated Code of Maryland, Division IV. Local Finance, Title 20. Taxes and Development Impact Fees, Subtitle 4. Hotel Rental Taxes, Part I. County Hotel Rental Taxes.
- c. No bed and breakfast or short-term vacation rental shall contain more than five (5) sleeping rooms.
- d. Only designated rooms shall be used for sleeping.
- e. No more than four (4) adult persons shall simultaneously occupy any one (1) guestroom ~~in a bed and breakfast.~~

### C. Traditional bed and breakfasts shall meet the following standards:

- a. ~~No bed and breakfast shall contain more than six (6) sleeping rooms.~~

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- ~~b. Only designated rooms shall be used for sleeping.~~
  - c. A minimum of one (1) full lavatory, toilet and shower or tub or combination thereof shall be available for every two (2) guestrooms as well as one (1) for the owner occupant.
  - d. No guestroom shall contain more than two (2) beds.
  - e. No cooking facilities shall be permitted in any guestroom.
  - f. Upon conversion of an existing dwelling to a bed and breakfast, no additional entrance shall be permitted in the front facade.
  - g. No guest shall be permitted to stay in a bed and breakfast for more than ~~ten (10)~~ fourteen (14) consecutive nights.
  - ~~h. No more than four (4) adult persons shall simultaneously occupy any one (1) guestroom in a bed and breakfast.~~
  - i. An owner or full-time manager must live in the bed and breakfast.
  - j. There shall be no more than two (2) nonresident employees in or about the bed and breakfast.
  - k. Signs shall comply with the regulations applicable to home occupation signs. See Section 7.5E.
  - l. Meal service shall be limited to overnight guests.
  - ~~m. A sidewalk shall be placed connecting the parking area to the main building.~~
  - n. The bed and breakfast shall not be used as a gathering place, meeting hall or dining facility.
- D. Short-Term Vacation Rentals
- a. Short-Term Vacation Rental License Required
    - i. Short-Term Vacation Rentals must be licensed as such. These licenses are issued by the Community Development Director and/or their designees pursuant to the requirements set forth in this chapter and any applicable requirements set forth in the Rental Housing Ordinance. As part of this license, a Short-Term Vacation Rental host must:
      - 1. Provide documentation and a signed declaration of compliance attesting to compliance with subsections (2) through (8);
      - 2. Comply with all applicable City, State, and federal laws;
      - 3. Ensure that all dwelling units have approved working smoke alarms and carbon monoxide alarms in every bedroom and/or on every level of the dwelling unit as required by the Rental Housing Ordinance;
      - 4. Post the following information in a conspicuous place within each dwelling unit or part thereof used as a Short-Term Vacation Rental:
        - a. Emergency contact information;
        - b. Contact information for the Short-Term Vacation Rental host and/or designated Owner's Agent;
        - c. Street address;
        - d. Floor plan indicating fire exits and escape routes;
        - e. The owner rules and regulations;
        - f. Community Development Department contact information; and



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- g. City of Frostburg rules regarding parking, noise, and trash;
  - 5. Maintain and keep readily available for inspection, a guest registry that includes, at a minimum:
    - a. The name of each renter/guest;
    - b. Check in/out dates; and
    - c. Rent paid.
  - 6. Post valid license number on all listings advertising the Short-Term Vacation Rental;
  - 7. Remit all local taxes and required fees; and
  - 8. Submit proof of notification to all neighboring property owners sharing a property line of the intent to apply for a short term vacation rental license.
  - ii. Upon receipt of a properly completed application and the associated license fee, the Community Development Director and/or their designee(s) shall issue a rental housing or short-term vacation rental license and shall cause an inspection to be made of the premises described in the application. The license shall be posted in a conspicuous place on the premises or maintained in the custody of the property owner and/or Owner's Agent
  - b. Short-term vacation rentals must comply with all provisions detailed in the City's Rental Housing Ordinance, as well as all applicable property maintenance, electrical, plumbing, and building codes.
  - c. Properties hosting a short-term vacation rental must have no outstanding taxes or liens, and the property must remain free from code violations.
  - d. Short-term vacation rentals shall be inspected annually.
  - e. No guest shall be permitted to stay in a Short-Term Vacation Rental for more than forty-five (45) consecutive nights.
  - f. Hourly rentals or rentals for less than one overnight stay are prohibited.
  - g. Once a Short-Term Vacation Rental license has been obtained, property owners are required to post their license number on AirBnb or other short-term rental websites along with their listing to rent their home or a room in their home
  - h. The Owner's Agent must reside within 25 miles of the unit and be accessible for the entirety of any contract where the property owner is not present
  - i. The Owner's Agent is responsible for responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Vacation Rental and taking remedial action to resolve any such complaints
  - j. No outdoor advertising signs related to the Short-Term Vacation Rental shall be allowed on the property.