



MINUTES

Mayor and Council Meeting

Thursday, February 17, 2022 - 7:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

The Mayor and Council Meeting of the City of Frostburg was called to order on Thursday, February 17, 2022, at 7:00 PM, at the Frostburg Municipal Center, 37 Broadway, with the following members present:

PRESENT: Adam Ritchey, Commissioner of Public Works
Donny Carter, Commissioner of Finance
Kevin Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks, and Recreation
W. Robert Flanigan, Mayor

EXCUSED:

Page

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 FROSTBURG BLESSING

4 ROLL CALL

5 APPROVAL OF THE AGENDA

6 APPROVAL OF THE MINUTES

a) Minutes from the January Council Meeting.

5 - 8

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

Motion and Second to Approve the Minutes for the January Council Meeting.

Carried

[Mayor and Council Meeting Minutes 1-18-22](#)

7 SPECIAL PRESENTATIONS AND REQUESTS

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Monthly Reports of the City Departments

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Water, Parks, and Recreation Nina Forsythe

*Motion and Second to Approve Monthly Reports of the City Departments; Vote
of the Mayor and City Council.*

Carried

9 PUBLIC HEARINGS

- a) Combined Sewer Overflow Monthly Public Hearing. Hayden Lindsey, Director
of Public Works
- b) **ORDINANCE 2022-01** Town and Gown Committee: removing sunset
provisions, administrative changes. Elizabeth Stahlman, City Administrator.
- c) **ORDINANCE 2022-02** To amend the Zoning Ordinance to update regulations
for Bed and Breakfasts and include provisions for short-term vacation rentals.
L.J. Bennett, Director of Community Development
- d) **ORDINANCE 2022-03** To amend the Zoning Ordinance to update regulations
for the Historic Preservation Overlay District. L.J. Bennett, Director of
Community Development

10 OLD BUSINESS

- a) **ORDINANCE 2022-01** Town and Gown Committee: removing sunset
provisions, administrative changes. Elizabeth Stahlman, City Administrator.

9 - 11

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Ordinance 2022-01 on second reading; Vote of
the Mayor and City Council.*

Carried

[Ord. 2022-01 Town and Gown Committee](#)

- b) **ORDINANCE 2022-02** To amend the Zoning Ordinance to update regulations for Bed and Breakfasts and include provisions for short-term vacation rentals. L.J. Bennett, Director of Community Development 12 - 28

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Ordinance 2022-02 on second reading; Vote of the Mayor and City Council.

Carried

[Ord. 2022-02 Short Term Vacation Rentals B&Bs Zoning Amendments](#)

- c) **ORDINANCE 2022-03** To amend the Zoning Ordinance to update regulations for the Historic Preservation Overlay District. L.J. Bennett, Director of Community Development 29 - 41

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Ordinance 2022-03 on second reading; Vote of the Mayor and City Council.

Carried

[Ord. 2022-03 Historic Preservation Overlay District Zoning Amendment](#)

11 NEW BUSINESS

- a) **RESOLUTION 2022-03** Approve Lighting Agreement with Potomac Edison for a term of 10 years, at no additional cost to City. Hayden Lindsey, Director of Public Works 42

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2022-03; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-03 Potomac Edison Lighting Agreement](#)

- b) **RESOLUTION 2022-04** Appoint member to the Frostburg Housing Authority 43

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Resolution 2022-04; PUBLIC COMMENT;
Kevin Grove recused himself from the vote. Vote of the Mayor and City
Council.*

Carried

[Res. 2022-04 Housing Authority Appt](#)

- c) **RESOLUTION 2022-05** Appoint members to the Frostburg Recreation Commission. 44

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Water, Parks, and Recreation Nina Forsythe

*Motion and Second to Approve Resolution 2022-03; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

[Res. 2022-05 Rec. Commision Appt](#)

- 12 **REPORT OF THE FROSTBURG POLICE DEPARTMENT**
Chief Nicholas Costello gave the January 2021 monthly report.

- 13 **OPEN PUBLIC COMMENT**

- 14 **ADJOURNMENT**
There being no further business the meeting was adjourned at 7:20 pm.

- 15 **REMINDER**
Special Work Session to Discuss ARPA Funding: Monday, February 28, 3 pm, 37
Broadway

Mayor

City Administrator



MINUTES

Mayor and Council Meeting

Tuesday, January 18, 2022 - 7:00 PM
Frostburg Municipal Center Meeting Room - 37 Broadway

The Mayor and Council Meeting of the City of Frostburg was called to order on Tuesday, January 18, 2022, at 7:00 PM, at the Frostburg Municipal Center, 37 Broadway, with the following members present:

PRESENT: Adam Ritchey, Commissioner of Public Works
Donny Carter, Commissioner of Finance
Kevin Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks, and Recreation
W. Robert Flanigan, Mayor

EXCUSED:

Page

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 FROSTBURG BLESSING

4 ROLL CALL

5 APPROVAL OF THE AGENDA

6 APPROVAL OF THE MINUTES

a) Minutes from the December Council Meeting.

5 - 9

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe,
seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve the Minutes for the December Council Meeting.

Carried

Mayor and Council Meeting Minutes 12-16-21

7 SPECIAL PRESENTATIONS AND REQUESTS

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Monthly Reports of the City Departments

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Monthly Reports of the City Departments; Vote
of the Mayor and City Council.*

Carried

- b) FY 23 Budget Preparation Schedule. Commissioner Donny Carter

9 PUBLIC HEARINGS

- a) Combined Sewer Overflow Monthly Public Hearing - Hayden Lyndsey, Director
of Public Works gave the monthly report as required by law.

10 OLD BUSINESS

11 NEW BUSINESS

- a) **ORDINANCE 2022-01** Town and Gown Committee: removing sunset
provisions, administrative changes. Elizabeth Stahlman, City Administrator.

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Water, Parks, and Recreation Nina Forsythe

*Motion and Second to Approve the Ordinance on First Reading, and set the
February 17, 2022 Council Meeting as an advertised Public Hearing; PUBLIC
COMMENT; Vote of the Mayor and City Council.*

Carried

- b) **ORDINANCE 2022-02** To amend the Zoning Ordinance to update regulations
for Bed and Breakfasts and include provisions for short-term vacation rentals.
L.J. Bennett, Director of Community Development

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve the Ordinance on First Reading, and set the
February 17, 2022 Council Meeting as an advertised Public Hearing; PUBLIC
COMMENT; Vote of the Mayor and City Council.*

Carried

- c) **ORDINANCE 2022-03** To amend the Zoning Ordinance to update regulations for the Historic Preservation Overlay District. L.J. Bennett, Director of Community Development

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve the Ordinance on First Reading, and set the February 17, 2022 Council Meeting as an advertised Public Hearing; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

- d) **RESOLUTION 2022-01** Amend the FY 22 Budget mid-year. Elaine Jones, CPA, Director of Finance 10 - 12

Moved by Commissioner of Finance Donny Carter, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2022-01; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-01 Amend FY 21-22 budget

- e) **RESOLUTION 2022-02** Authorize a contract for the purchase of 167 Bowery Street. Elizabeth Stahlman, City Administrator 13

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Finance Donny Carter

Motion and Second to Approve Resolution 2022-02; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-02 167 Bowery St. Purchase

- 12 **REPORT OF THE FROSTBURG POLICE DEPARTMENT**
Chief Nicholas Costello gave the December 2021 monthly report
a) 2021 Annual Report of the Frostburg Police Department

13 **OPEN PUBLIC COMMENT**

- 14 **ADJOURNMENT**
There being no further business the meeting was adjourned at 7:13 pm.

Mayor and Council Meeting
January 18, 2022



Mayor

City Administrator

ORDINANCE 2022-01

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG ENTITLED “AN ORDINANCE TO REPEAL AND REENACT ARTICLE 13 OF THE FROSTBURG CODE (2018 EDITION) PERTAINING TO THE CREATION, COMPOSITION, APPOINTMENT, TERMS, AND DUTIES OF THE TOWN AND GOWN COMMITTEE.”

WHEREAS, The City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a charter adopted in accordance with Article XI-E of the Constitution of Maryland and the Local Government Article of the Annotated Code of Maryland, as amended from time to time;

WHEREAS, Article V, Section 502(9) of the City Charter empowers the Mayor and City Council to appoint such boards, commissions and committees as may be necessary for the health, welfare and safety of City residents;

WHEREAS, as is set forth in Article 13 of the Frostburg Code, the Mayor and City Council created a Town and Gown Committee to consider programs and policies to foster harmonious relations between City residents and the Frostburg State University community; and

WHEREAS, the purpose of this Ordinance is to amend provisions pertaining to the scope of its duties, the individuals who will serve as its members, the applicability of the Maryland Open Meetings Act, and the removal of restrictions on the duration of its existence.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG, MARYLAND, that Article 13 of the Frostburg Code is hereby repealed and reenacted to read as follows:

Article 13

TOWN AND GOWN COMMITTEE

Sec. 13-1. *Creation of Town and Gown Committee; purposes, duties.*

A Town and Gown Committee (referred to in this article as the “Committee”) is hereby established for the purpose of advising the Mayor and City Council on matters concerning the relationship between the City and Frostburg State University. In carrying out its purpose, the Committee may make recommendations to the Mayor and City Council regarding:

- (i) Programs and policies to improve the relations between City residents and the University community;
- (ii) Projects or programs to enhance the community of Frostburg; and

- (iii) Other tasks consistent with the purpose of the Committee.

Sec. 13-2. Composition; rules of procedure.

(a) *Composition.* The Committee shall consist of five (5) members: the Mayor, the Chief of the Police Department or the Chief's designee, the President of Frostburg State University or the President's designee, a representative from the Frostburg State University Student Government Association, and a representative from the Frostburg Community Coalition.

(b) *Rules of procedure.* The Committee may establish its own rules of procedure. At each meeting, or less frequently if its rules allow, the Committee shall select a chairperson from its membership to preside over the meeting.

Sec. 13-3. Meetings.

The Committee shall hold meetings in March and October of each year. It may schedule additional meetings upon the agreement of a majority of its members. The meetings are open meetings, subject to the terms of the Maryland Open Meetings Act, including, but not limited to, those applicable to advance notice of such meetings and the conduct thereof.

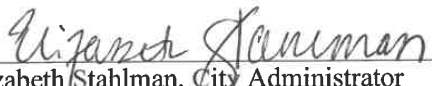
Introduced: January 18, 2022
Public Hearing: February 17, 2022
Adopted: February 17, 2022
Effective: March 9, 2022

MAYOR AND CITY COUNCIL OF
FROSTBURG

By: 

W. Robert Flanigan, Mayor

ATTEST:


Elizabeth Stahlman, City Administrator

FOR INFORMATION PURPOSES ONLY FORMER VERSION OF ARTICLE 13

Article 13 TOWN AND GOWN COMMITTEE

Sec. 13-1. Creation of Town and Gown Committee; purposes, duties.

A Town and Gown committee (referred to in this article as the "Committee") is hereby established for the purpose of advising the Mayor and City Council on matters concerning the relationship between the City and Frostburg State University. In carrying out its purpose, the Committee may make recommendations to the Mayor and City Council regarding:

- (1) Programs and policies to limit the impact of off-campus student housing on non-student residents;
- (2) Programs and policies to improve the relations between City residents and the university community;
- (3) Other projects and tasks consistent with the purpose of the Committee.

(Ord. No. 2018-06, § 1, 1-17-2019)

Sec. 13-2. Composition; terms; rules of procedure.

- (a) *Composition.* The Committee shall consist of five (5) members. A representative from the Mayor and City Council shall serve on the Committee. The Chief of the Police Department shall appoint a police officer to serve on the Committee. The President of Frostburg State University, the Frostburg State University Student Government Association, and the Frostburg Community Coalition shall each appoint one (1) member to represent the interests of their respective organizations.
- (b) *Terms.* The initial members of the Committee shall serve from the date of their appointment (as soon as practicable following the effective date of this article) through May 15, 2019. Thereafter, the members shall serve for one-year terms. In the case of a vacancy, an appointment to fill the unexpired term shall be made as soon as practicable.
- (c) *Rules of procedure.* The Committee may establish its own rules of procedure. At each meeting, or less frequently if its rules allow, the Committee shall select a chairperson from its membership to preside over the meeting.

(Ord. No. 2018-06, § 1, 1-17-2019)

Sec. 13-3. Meetings.

The Committee shall hold meetings in March and October of each year. It may schedule additional meetings upon the agreement of a majority of its members.

(Ord. No. 2018-06, § 1, 1-17-2019)

Sec. 13-4. Sunset.

Three (3) years from the date of the approval of this article, the Mayor and City Council shall review the activities of the Committee in order to ascertain whether to retain this article as a part of the Code. Subsequent reviews shall occur every three (3) years thereafter.

(Ord. No. 2018-06, § 1, 1-17-2019)

ORDINANCE 2022-02

AN ORDINANCE TO REPEAL AND REENACT SECTION 8.4 OF THE CITY ZONING ORDINANCE (APPENDIX A OF THE FROSTBURG CODE) FOR THE PURPOSE OF (I) ESTABLISHING A SHORT-TERM VACATION RENTAL USE SO AS TO DISTINGUISH SUCH USE FROM A BED AND BREAKFAST USE, (II) REVISING THE STANDARDS APPLICABLE TO BED AND BREAKFASTS, (III) ESTABLISHING STANDARDS AND REQUIREMENTS APPLICABLE TO SHORT-TERM VACATION RENTALS; (IV) ESTABLISHING OTHER STANDARDS AND CRITERIA APPLICABLE TO SHORT-TERM VACATION RENTALS; TO AMEND SECTION 2.1 OF THE ZONING ORDINANCE TO REVISE THE DEFINITION FOR BED AND BREAKFASTS AND ESTABLISH A DEFINITION FOR SHORT-TERM VACATION RENTALS; TO AMEND THE PRIMARY DISTRICT REGULATIONS IN PART 3 OF THE ZONING ORDINANCE TO IDENTIFY THE ZONING DISTRICTS SHORT-TERM VACATION RENTALS ARE PERMITTED AS A MATTER OF RIGHT OR BY SPECIAL EXCEPTION; AND TO AMEND SECTION 6.12 OF THE ZONING ORDINANCE TO SET FORTH PARKING REQUIREMENTS APPLICABLE TO SHORT-TERM VACATION RENTALS.

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 of Frostburg 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 Department of Community Development proposed changes for the purposes set forth in the title to this Ordinance.

WHEREAS, the Department of Community Development proposed these changes due to the growing markets for the rental of entire homes or portions thereof for short-term rental, such as those advertised on-line through Airbnb, Flipkey, Home Away, and VRBO. For zoning purposes, the City treated short-term vacation rentals as bed and breakfasts even though they are different uses. Staff recognized that the traditional bed and breakfast model was not intended to accommodate short-term vacation rentals and that the Code should be amended so as to separately regulate such uses.

WHEREAS, the Frostburg Planning Commission reviewed the proposed text changes during its Wednesday, January 12, 2022, public meeting and voted to recommend that the Mayor and Council adopt them.

WHEREAS, this Ordinance implements the Planning Commission's proposals, subject to minor changes correcting non-substantive grammatical and typographical errors and otherwise adjusting the recommended language.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG that section 4.1 of the Zoning Ordinance is repealed and reenacted to read as is set forth in the Exhibit A attached hereto. [NOTE: Exhibit B is a text edited version of Section 4.1 which shows the change made to its terms.]

SECTION 2: BE IT FURTHER ORDAINED that the definition of *bed and breakfast* set forth in Section 2.1 of the Zoning Ordinance is deleted and replaced with the following language:

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.

SECTION 3: BE IT FURTHER ORDAINED that Section 2.1 of the Zoning Ordinance is amended by adding a definition for *short-term vacation rental* which shall read as follows:

Short Term Vacation Rental: A 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 set forth in Section 8.4 of the Zoning Ordinance.

SECTION 4: BE IT FURTHER ORDAINED that the primary district regulations set forth in Part 3 of the Zoning Ordinance are amended as follows:

§ 3.2. “R2” Neighborhood Residential District

- Add short term vacation rentals as a use permitted by special exception

§ 3.3. “R2-A” Town Residential District

- Add short term vacation rentals as a principal permitted use

§ 3.4. “R3” General Residential District

- Add short term vacation rentals as a principal permitted use

§ 3.5. “R4” Gateway Residential District

- Add short term vacation rentals as a use permitted by special exception

§ 3.6. “RO” Residential Office District

- Add short term vacation rentals as a principal permitted use

§ 3.7. “C1” University Corridor/Mixed-Use District

- Add short term vacation rentals as a principal permitted use

§ 3.8. "C2" Highway Commercial District

- Add short term vacation rentals as a principal permitted use

§ 3.9. "C3" Town Center District

- Add short term vacation rentals as a principal permitted use

The Use Regulations Table set forth at the beginning of Part 3 of the Zoning Ordinance shall be amended consistent with the foregoing terms of this section of this Ordinance,

SECTION 5: BE IT FURTHER ORDAINED that the off-street parking requirements of Section 6.12 of the Zoning Ordinance are amended by adding short-term vacation rentals to the residential portion of the table in section 6.12.A.

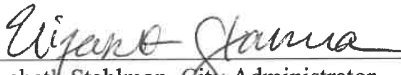
Passed this 17th day of February, 2022.

Introduced: January 18, 2022
 1st Hearing: February 17, 2022
 Adopted: February 17, 2022
 Effective: March 9, 2022

MAYOR AND CITY COUNCIL OF FROSTBURG

By: 
 W. Robert Flanigan, Mayor

ATTEST:


 Elizabeth Stahlman, City Administrator

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

A. Definitions

- 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		¥	○	○	¥	○	○	○	○		

Key:

- ◆ Principal permitted use, Commercial Use & Occupancy permit required
- 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.
- f. Property owners who rent their property, or part of their property, for bed and breakfast or short-term vacation rental lodging must provide one (1) off-street parking space per bedroom, plus one, in accordance with Section 6.12.A.

Created: 2021-08-13 12:12:39 [EST]

(Supp. No. 3)

-
- C. Bed and breakfasts shall meet the following standards:
- a. 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.
 - b. No guestroom shall contain more than two (2) beds.
 - c. No cooking facilities shall be permitted in any guestroom.
 - d. Upon conversion of an existing dwelling to a bed and breakfast, no additional entrance shall be permitted in the front facade.
 - e. No guest shall be permitted to stay in a bed and breakfast for more than ~~ten (10)~~ fourteen (14) consecutive nights.
 - f. An owner or full-time manager must live in the bed and breakfast.
 - g. There shall be no more than two (2) nonresident employees in or about the bed and breakfast.
 - h. Signs shall comply with the regulations applicable to home occupation signs. See Section 7.5E.
 - i. Meal service shall be limited to overnight guests.
 - j. 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
 - 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:

Created: 2021-08-13 12:12:39 [EST]

(Supp. No. 3)

-
- 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 violations of the City Code, Zoning Ordinance, and Rental Housing Ordinance.
 - 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.

Created: 2021-08-13 12:12:39 [EST]

(Supp. No. 3)

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

A. ~~See definition, Section 2.1:~~ Definitions

- 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		¥	○	○	¥	○	○	○	○		

Key:

- ◆ Principal permitted use, Commercial Use & Occupancy permit required
- 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~~.
- f. Property owners who rent their property, or part of their property, for bed and breakfast or short-term vacation rental lodging must provide one (1) off-street parking space per bedroom, plus one, in accordance with Section 6.12.A.

Created: 2021-08-13 12:12:39 [EST]

(Supp. No. 3)

-
- C. Bed and breakfasts shall meet the following standards:
- a. ~~No bed and breakfast shall contain more than six (6) sleeping rooms.~~
 - 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
 - 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 violations of the City Code, Zoning Ordinance, and Rental Housing Ordinance.
 - 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.

Sec. 6.12. Off-street parking requirements.

A. *Numbers of Parking Spaces.* There shall be provided at the time of change of use, erection or enlargement of any principal building or structure, the following minimum off-street parking spaces, with adequate provision for ingress and egress:

- (1) The City recognizes that the uses listed for parking requirements may not be comprehensive. In instances not specifically listed herein, the parking requirement of the most similar use, as determined by the Community Development Director, shall apply. No building or occupancy permit shall be issued for any new use until the required parking has been evaluated and the requirements satisfied.

<i>Residential</i>	
Dwelling Unit	1/occupant >e; 18 years old + 1/each unrelated person >e; 18 years old
Bed and Breakfasts	1/bedroom + 1
Boarding Units	1/two occupants
Group Home	1/two occupants
Short Term Vacation Rentals	1/bedroom + 1
Treatment Center	1/two occupants
Home Occupations (Accessory Use)	2 + required dwelling unit spaces
<i>Institutional</i>	
Adult Day Care Center	1/four clients
Assisted Living Centers or Nursing Homes	1/five beds
Childcare Centers	1/four clients
Churches and Places of Worship	1/four persons permitted by State Fire Marshal
Civic & Service Clubs, Fraternal Organizations	1/three persons permitted by State Fire Marshal
Colleges, Trade or Hobby Schools	1/200 sq ft
Community Centers	1/three persons permitted by State Fire Marshal
Funeral Homes	1/50 sq ft
Hospices	1/five beds
Hospitals	1/five beds
Libraries	1/400 sq ft
Primary School	1/ten classroom seats
Secondary School	1/eight classroom seats
<i>Retail & Amusement</i>	
Adult Use	1/300 sq ft
Auction Houses	1/400 sq ft
Bars, Lounges, Taverns	1/three persons permitted by State Fire Marshal
Bowling Alleys, Billiard Parlors, Arcades & similar indoor amusement	3/lane
Building/Lumber Sales and Storage	1/300 sq ft of retail or 1/1,000 sq ft of storage, whichever is greater
Clubs and Lodges, Dance Halls, Nightclubs	1/three persons permitted by State Fire Marshal
Country Clubs, golf, tennis, & swim clubs	1/three persons permitted by State Fire Marshal
Restaurants (with drive-through service)	1/100 sq ft (not including kitchen/storage areas)
Restaurants (without drive-through service)	1/100 sq ft (not including kitchen/storage areas)
Retail	1/250 sq ft
Supermarkets, Farmers Markets, and Grocery	1/300 sq ft

Created: 2021-11-19 06:44:55 [EST]

(Supp. No. 4, Update 1)

Theatres	1/three persons permitted by State Fire Marshal
<i>Service</i>	
Animal Groomers	1/200 sq ft
Automobile Service Stations and Repair Garages	1/300 sq ft + adequate space for service/fueling
Banks/Financial Institutions (with drive-through service)	1/200 sq ft
Banks/Financial Institutions (without drive-through service)	1/200 sq ft
Beauty shop, barber shop, nail salon, tanning, spas	1/100 sq ft
Body Art Studios	1/300 sq ft
Cleaners, Laundromats, etc.	1/200 sq ft
Contractor Offices	1/500 sq ft
Fitness Centers	1/200 sq ft
Kennels	1/300 sq ft of indoor kennel space
Medical Laboratories	1/200 sq ft
Medical or Dental Services	1/200 sq ft
Motels and Hotels	1/sleeping room + 2
Personal service	1/300 sq ft
Professional Offices	1/300 sq ft
Sales, Service, Commercial Washing of Motor Vehicles	1/300 sq ft + adequate space for service/fueling
Truck Stops and Rest Areas	1/300 sq ft + adequate space for service/fueling
Veterinary Services	1/300 sq ft
<i>Industrial/Technology</i>	
Light wholesale and distribution establishments	1/2,000 sq ft
Manufacturing and Incidental Sales	1/1,000 sq ft
Research, Experimental, or Testing Laboratories	1/500 sq ft
Technological or Communication Enterprises	1/300 sq ft
Warehousing	1/2,000 sq ft

B. Town Center Parking Requirements.

- (1) Town Center. In the C3 Town Center district, additional numbers of off-street parking spaces are not required to be provided unless:
 - (a) A new principal building or building expansion of over five thousand (5,000) square feet of total floor area is constructed or
 - (b) The number of dwelling units or rooming house units on the lot would be increased.
 - (i) Required off-street parking shall be provided to accommodate only the newly added square footage or dwelling units.

C. University Corridor Parking Requirements.

- (1) University Corridor.
 - (a) Commercial Uses. In the C1 University Corridor district, required off-street parking spaces for commercial uses may be reduced by up to fifty percent (50%) of the requirements specified in Section 6.12A.
 - (b) Residential Uses. In the C1 University Corridor district, required off-street parking spaces for residential uses shall meet the requirements as set forth in Section 6.12A.

Created: 2021-11-19 06:44:55 [EST]

(Supp. No. 4, Update 1)

-
- D. *Front Yard Requirements.* All new vehicle parking spaces shall be located outside of the minimum required front yard. On a corner lot, such restriction shall only apply the front yard adjacent to the street more frequently traveled, as determined by the Community Development Director.
- E. *Location of Parking.* Required off-street parking spaces shall be located on the same lot where the principal buildings or structures are located, except as provided for herein:
- (1) *Off-Site Parking.* In situations where on-site parking cannot be accommodated due to landscape limitations, the parking requirements may be met through provision of off-site parking on nearby land owned by the property owner or through a lease effective throughout the duration of the use.
 - (a) Prior to issuance of an occupancy permit or acceptance of a rental housing registration, a copy of the lease must be provided to the Community Development Department.
 - (b) Off-site parking areas shall be subject to the following restrictions:
 - (i) Required parking spaces serving residential uses may be placed up to two hundred (200) feet from the lot containing the residential uses;
 - (ii) Required parking spaces serving nonresidential uses may be placed up to four hundred (400) feet from the lot containing such uses; and
 - (iii) Required parking spaces serving nonresidential uses in the C3 Town Center District may be located up to eight hundred (800) feet from the lot containing such uses.
 - (c) Revocation of permits. Failure to maintain a lease of the required parking as specified in this subsection shall constitute a violation of this Code and may be cause for revocation of a certificate of occupancy.
 - (2) *Shared Parking.* At the request of the developer(s) and owner(s), shared parking facilities may be permitted by the Community Development Director the following structures constructed after the effective date of this Ordinance: buildings housing multiple uses, mixed-use developments, shopping centers, and/or accessory structures relative to the foregoing.. A parking impact study shall be provided by the developer(s) or owner(s) establishing that the estimated peak demand for parking required by the users will be satisfied due to differing hours of peak demand. A shared parking plan approved by the Community Development Director shall be enforced through a written covenant.
 - (a) *Covenant for shared parking plan.* A notarized copy of the written covenant made by the owner(s) of record shall be submitted to the Community Development Director, who shall forward a copy to the City Attorney for review. Proof of recordation of the covenant shall be presented to the Community Development Director prior to issuance of a certificate of occupancy. The agreement shall:
 - (i) List the name(s) and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (ii) Provide a legal description of the land;
 - (iii) Include a site plan showing the area of the parking lot;
 - (iv) Describe the area of the parking lot and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (v) Ensure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable to all participating uses;
 - (vi) Describe the obligations of each party, including the maintenance responsibility for the parking area and any open space.

Created: 2021-11-19 06:44:55 [EST]

(Supp. No. 4, Update 1)

- (vii) Incorporate the parking impact study by reference; and
- (viii) Describe the method by which the covenant shall, if necessary, be revised or terminated contingent upon approval from the Community Development Director.
- (b) Change in use. Should any of the shared parking uses be changed, or should the Community Development Director find that any of the conditions described in the approved parking impact study or agreement no longer exist, the owner shall have the option of submitting a revised parking impact study and an amended shared parking covenant in accordance with the standards of this subsection, or if necessary, provide the number of spaces required for each use as if computed separately.
- (c) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and may be cause for revocation of a certificate of occupancy.

F. *Parking Lot Design and Construction.*

- (1) Any parking lot consisting of six (6) or more parking spaces that is to be constructed shall be subject to the City of Frostburg Subdivision and Land Development Regulations in addition to the regulations set forth herein.
- (2) All parking areas and driveways shall be surfaced with a dustless and durable material and shall be graded to prevent the accumulation of surface water. If there are six (6) or more parking spaces on a lot, all of the parking spaces shall be paved in asphalt, concrete or paving block.
- (3) The first ten (10) feet of length of a driveway measured from the edge of paved roadway shall be paved in asphalt or concrete. Asphalt shall not be placed over a concrete sidewalk.
- (4) Required parking spaces shall be arranged to allow each vehicle to be moved onto a street or alley without requiring the movement of any other vehicle. This requirement shall not apply to a lot with a single dwelling unit in Zoning Districts where occupancy is limited to two (2) unrelated persons.

Aisle Width	Parking Angle				
	0	30	45	60	90
One-Way Traffic	15	15	16	18	24
Two-Way Traffic	22	22	22	23	24

- (5) No more than two (2) spaces on a lot shall be configured in a manner that will cause a vehicle to back onto a street. No more than three (3) spaces on a lot shall be configured in a manner that will cause a vehicle to back on to an alley.

G. *Parking Space and Aisle Sizes.*

- (1) Each required off-street parking space shall consist of a minimum rectangle of nine (9) by eighteen (18) feet. However, within the C3 Town Center, a maximum of thirty percent (30%) of the required parking spaces may each be a minimum rectangle of eight and a half (8.5) by sixteen (16) feet, provided they are clearly marked as being for "Compact Cars Only."
- (2) In configurations in which drive aisles will be created between parking spaces, the parking area drive aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.
- (3) Drive aisles providing access to parking lots shall be not less than ten (10) feet or exceed fifteen (15) feet in width for one-way traffic and less than eighteen (18) feet or exceed thirty (30) feet in width for two-way traffic, except that ten (10)-foot-wide driveways are permissible for two-way-traffic when a.)

Created: 2021-11-19 06:44:55 [EST]

(Supp. No. 4, Update 1)

the drive aisle is not longer than fifty (50) feet, and b.) it provides access to not more than six (6) commercial, or ten (10) residential spaces, and c.) sufficient turning space is provided so the vehicles need not back onto a public street.

- H. **Handicapped Parking.** Handicap Parking spaces shall be provided in accordance with the Maryland Accessibility Code Regulations; COMAR 05.02.02.
- I. **Bicycle Parking.** Any new use required to provide six (6) or more new off-street parking spaces shall include a suitable area for the parking of bicycles, at a quantity equal to ten percent (10%) of the parking space count or two (2) bicycle spaces, whichever is greater. Such area should allow for locking of bicycles to a secure feature, but shall not result in obstructions to fire exits or handicapped access.
- J. **Off-street Loading.**
- (1) All permitted uses requiring truck loading and unloading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with the normal operations shall stand in or project into any public street.
 - (2) Size. The minimum loading space size should be twelve (12) feet by thirty (30) feet.
 - (3) Number. The standards for minimum required off-street loading spaces are as follows:
 - (a) For assisted living centers; nursing homes; colleges, trade, or hobby schools; community centers; hospices; hospitals; primary and secondary schools; auction houses; building/lumber yards sales and storage; general retail; supermarkets and grocery stores; all industrial/technology uses; and other similar uses.

Building area	Minimum off-street loading spaces required
Less than 6,000 square feet	0
6,000 to 25,000 square feet	1
25,000 to 75,000 square feet	2
Greater than 75,000 square feet	1 space per additional 50,000 square feet

- (b) For bars, lounges, and taverns; clubs and lodges, dance halls, and nightclubs; country clubs; restaurants; theatres; cleaners, Laundromats; contractor offices; medical laboratories; motels and hotels; and other similar uses:

Building area	Minimum off-street loading spaces required
Less than 25,000 square feet	0
25,000 square feet to 100,000 square feet	1
100,000 square feet to 175,000 square feet	2
Greater than 175,000 square feet	1 space per additional 75,000 square feet

- (c) The number of off-street loading spaces are standardized requirements. The applicant may provide evidence acceptable to the Community Development Director that the standard number of required off-street loading spaces exceeds the requirements of the proposed use, and that the proposed number of spaces will be sufficient for the proposed use.
 - (d) A reduction in the required off-street loading spaces in the C3, Town Center District, may be made by the Community Development Director, provided the applicant offers evidence that the space(s) are unnecessary or loading/unloading can otherwise be accommodated.

- K. **Parking Lot Landscaping.**

Created: 2021-11-19 06:44:55 [EST]

(Supp. No. 4, Update 1)

- (1) Any parking lot that will include six (6) or more parking spaces, or as otherwise specified by this Ordinance, shall be required to provide shade trees within or adjacent to paved areas.
- (2) One deciduous tree shall be required for every six (6) required off-street parking spaces.
- (3) Trees required by this section shall meet the following standards:
 - (a) Type of Trees Permitted. Required trees shall be chosen from the list of approved street trees shown on the following page.
 - (i) A tree not listed on the approved street tree list may be planted if the applicant demonstrates to the Community Development Director or Planning Commission that another type of tree is native, would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

RECOMMENDED TREES TO MEET ORDINANCE REQUIREMENTS						
		Plant Characteristics				
Scientific Name	Common Name	Soil Compaction	Salt Tolerant	Shade Tolerant	Roots	
Large Canopy Trees 40'-70' Height						
Acer rubrum	Red Maple	moderate	high	moderate	shallow	
Acer Saccharum	Sugar Maple	low	low	moderate	fibrous	
Celtis jessoensis	Jesso Hackberry					
Celtis occidentalis	Common Hackberry	high	high	moderate	moderate	
Fraxinus americana	White Ash	high	moderate	moderate	deep	
Fraxinus pennsylvanica	Green Ash	high	moderate	moderate	deep	
Ginko biloba	Ginko	high	moderate	low	fibrous	
Gleditsia triacanthos	Honey Locust "Moraine" or "Shademaster"	high	high	low	fibrous	
Gymnocladus dioicus	Kentucky Coffee Tree		low	low	deep	
Liquidambar styradiflua	Sweet Gum	high	miderate	low	fibrous	
Platanus acerifolis	London Plane Tree	high	low	moderate	deep	
Quercus alba	White Oak	moderate	moderate	low	deep	
Quercus robur	English Oak	low	high	moderate	deep	
Quercus rubra	Red Oak	low	med	low	deep	
Tilia cordata specxies	Littleleaf Linden	moderate	moderate	moderate	fibrous	
Ulmus parvifolia	Chinese Elm	moderate		low	shallow	
Zelkova serrata	Japanese Zelkova			moderate	deep	
Medium Canopy Trees 25'-40' Height						
Acer campestre	Hedge Maple	moderate	moderate	moderate	fibrous	
Crataegus lavellei	Carrier Hawthorn	moderate		moderate	deep	
Crataegus oxyacantha	English Hawthorn			low	deep	
Crataegus phaenopyrum	Washington Hawthorn	high	high	low	deep	
Prunus acoolade	Flowering Cherry			low		
Prunus serulata	Japanese Cherry			low		
Sorbus aucuparia	Mountain Ash	low	high	low	fibrous	
Sophora Japonica	Japanese Pagoda Tree	high	high	low	shallow	
Syringa amurensis japonica	Japanese Tree Lilac		moderate	low	fibrous	
Small Canopy Trees < 25' Height						
Acer ginnala	Amur Maple		moderate	low	shallow	
Acer platanoides 'Globosum"	Globe Norway Maple	high	high	low	shallow	
Amelanchier alnifolia	Saskatoon Serviceberry			moderate	fibrous	
Koelreuteria paniculata	Golden Rain Tree			moderate	fibrous	
Malus species	Crabapple	high	high	low	fibrous	
Prunus cerasifera	Flowering Plum	moderate	moderate	low	fibrous	
Pyrus calleryana 'Bradford'	Bradford Pear	moderate	moderate	low	deep	

- (b) Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.

Created: 2021-11-19 06:44:55 [EST]

-
- (c) **Minimum Size.** The trunk shall be a minimum of one (1) inch DBH (diameter at breast height).
Note- This section only regulates the species of trees that are used to meet requirements of the Parking Regulations per the City's Zoning Ordinance.
- (d) **Planting and Maintenance.** Required trees shall be:
- (i) Selected based on minimum tree lawn (the area between the curb and the sidewalk) requirement:
 - Three (3)-foot lawn - small trees.
 - Three (3)- to six (6)-foot lawn - medium trees.
 - Six (6)- to eight (8)-foot lawn - large trees.
 - (ii) Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air,
 - (iii) Properly protected by raised curbs, distance or other devices from damage from vehicles, and
 - (iv) Surrounded by a minimum of sixteen (16) square feet of pervious ground that is properly maintained for plant growth.
- (e) Where there are overhead wires, trees expected to reach a maximum height of less than twenty-five (25')-thirty (30') in height, should be used. Larger trees can be planted on lots with overhead wires if space is available between buildings and the sidewalk or street. Planting near underground power lines should be avoided.
- (f) Trees should not obstruct the vision of drivers at intersections (the setback depends on the size, shape, and growth pattern of the tree.).
- (g) A required tree(s) shall not be removed without being replaced within eight (8) months by the current landowner by another tree(s) that meets the requirements of this section.

L. *Buffering of Parking and Loading Areas.*

- (1) **Buffering of Parking:** Any new or expanded parking lot consisting of six (6) or more new parking spaces, shall be buffered from view from any primarily residential use on an immediately abutting lot with a row of evergreen plants. Such plants shall be of a species that can reasonably be expected to reach a height of six (6) feet within four (4) years.
- (2) Where insufficient room exists for such plants or upon the written request of the adjoining property owners, the Community Development Director may allow the installation of an attractive mostly solid weather-resistant wood fence or decorative masonry wall in place of the plants.

M. *Parking as a Principal Use.* In instances where parking will be the primary principal use of a lot comprised of six (6) or more new parking spaces, the parking lot shall also be buffered from view from the street. The selected plant species should be able to reach a height of six (6) feet within four (4) years. The plants may be placed in the required front yard subject to visibility requirements.

N. *Main Street.* If any new or expanded parking lot results in the development of six (6) or more spaces adjacent to and visible from Main Street, it shall be buffered from Main Street by an attractive planting strip or a decorative masonry wall.

O. *Loading Areas.* If any new or expanded loading or unloading area routinely involves the parking of two (2) or more tractor-trailer trucks, such area shall be buffered from view from any primarily residential use on an adjacent lot or across the street by a row of attractive evergreen plants. Such plants shall be of a species that can reasonably be expected to reach a height of six (6) feet within four (4) years.

Created: 2021-11-19 06:44:55 [EST]

(Supp. No. 4, Update 1)

-
- P. Where insufficient room exists for such plants, the Community Development Director may allow the installation of an attractive mostly solid weather-resistant wood fence or attractive masonry wall in place of the plants.

ORDINANCE 2022-03

AN ORDINANCE TO AMEND THE CITY'S ZONING ORDINANCE TO MAKE CHANGES TO SECTION 4.1 OF THE ZONING ORDINANCE PERTAINING TO THE HISTORIC PRESERVATION DISTRICT FOR THE PURPOSE OF REVISING CERTAIN TEXT AND ADDING DEFINITIONS FOR THE SAKE OF CONSISTENCY AND CLARITY.

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 of Frostburg 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 Department of Community Development proposed changes to the Zoning Ordinance to revise text and add definitions for the sake of consistency and in order to clarify section 4.1 related to the Historic Preservation District; and,

WHEREAS, the Frostburg Planning Commission reviewed the proposed text changes during its Wednesday, January 12, 2022 public meeting and voted to recommend to the Mayor and Council that it adopt the proposed text changes.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG that section 4.1 of the Zoning Ordinance is amended to read as is set forth in the Exhibit A attached hereto. [NOTE: Exhibit B is a text edited version of Section 4.1 which shows the change made to its terms.]

Passed this 17th day of February, 2022.

Introduced: January 18, 2022
1st Hearing: February 17, 2022
Adopted: February 17, 2022
Effective: March 9, 2022

MAYOR AND CITY COUNCIL OF FROSTBURG

by: 

W. Robert Flanigan, Mayor

ATTEST:

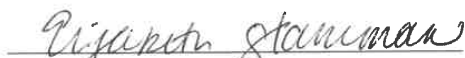

Elizabeth Stahlman, City Administrator

EXHIBIT A

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.

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 the original in design, materials, color, texture, other visible qualities or any combination of the foregoing, based on physical evidence of essential form and detailing of historic materials, or features in-situ (in context), or through photographic documentation.

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.

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

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

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

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.

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

-
- (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.

Created: 2021-08-13 12:12:38 [EST]

-
- (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 Certificate of 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;

Created: 2021-08-13 12:12:38 [EST]

-
- (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 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 Certificate of Appropriateness has been filed, and no building permit for such change or construction shall be issued unless and until such a Certificate of 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 Appropriateness shall only be valid for a period of twenty-four (24) months.
 - (a) Extension. A Certificate of 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 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.

EXHIBIT B

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.

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 the original in design, materials, color, texture, and other visible qualities or any combination of the foregoing, 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.

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.

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

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

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

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.

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

-
- (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.

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

-
- (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 ~~Certificate 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;

Created: 2021-08-13 12:12:38 [EST]

(Supp. No. 3)

-
- (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.

Created: 2021-08-13 12:12:38 [EST]

RESOLUTION 2022-03

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPROVING LIGHTING AGREEMENT WITH POTOMAC EDISON.

WHEREAS, Potomac Edison provides certain street lighting in the City of Frostburg; and,

WHEREAS, Potomac Edison is responsible for the installation and maintenance of the fixtures and the City is obligated to pay the electric bill for the lights; and,

WHEREAS, Potomac Edison is upgrading the bulb fixtures to LED at the request of the City and in effort to achieve energy efficiency.

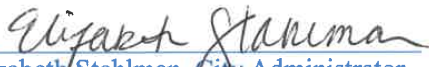
NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor and Council do hereby authorize the City Administrator to execute a Lighting Agreement with Potomac Edison for a period of 10 years.

ADOPTED this 17th day of February, 2022.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-04

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPOINTING A MEMBER OF THE BOARD OF COMMISSIONERS FOR THE HOUSING AUTHORITY

WHEREAS, The City of Frostburg, in compliance with a long standing Agreement, is the Appointing Authority for the Board of Commissioners and Executive Staff of the Housing Authority of the City of Frostburg; and

WHEREAS, The Board Chair of the Housing Authority has submitted a written request for the Council to consider an appointment for a vacancy on their Board of Commissioners.

NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor & City Council do hereby appoint Ms. Nancy L. Hughes be appointed to the Frostburg Housing Authority Board to serve a five-year term to begin March 2022.

ADOPTED this 17th day of February, 2022.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-05

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG APPOINTING MEMBERS TO THE RECREATION COMMISSION.

WHEREAS, the City of Frostburg has a number of Boards and Commissions established for specific purposes; and,

WHEREAS, certain vacancies and expired terms have been identified in the Frostburg Recreation Commission; and,

WHEREAS, staff have verified the interest of certain residents or, where appropriate, technical specialists, for appointment to the Recreation Commission.

NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor & City Council do hereby approve the following appointments to the Frostburg Recreation Commission:

- Bob Stevenson, 2-Year Term Ending February 16, 2024
- Christena Kreiling, 2-Year Term Ending February 16, 2024


ADOPTED this 17th day of February, 2022.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator