

**TOWN OF BARNESVILLE
ORDINANCE 01-2014
AMENDMENT TO ZONING CODE
HAIR AND BEAUTY ESTABLISHMENTS**

WHEREAS, Section 5-213 of the Local Government Article of the Maryland Annotated Code and Section 74-12(28) of the Charter of the Town of Barnesville, properly known as the Commissioners of Barnesville, grants the Commissioners of Barnesville with the authority to adopt zoning regulations within the corporate limits of Barnesville; and

WHEREAS, the Commissioners of Barnesville have found that certain existing commercial space within the corporate limits of Barnesville cannot be effectively utilized without amendments being made to the Zoning Code of Barnesville; and

WHEREAS, while such changes need to be studied and reviewed in a strategic manner, immediate changes are warranted to address a current need in the community; and

WHEREAS, the Commissioners of Barnesville have referred this Ordinance to the Barnesville Planning and Zoning Commission for their comment;

WHEREAS, the Barnesville Planning and Zoning Commission have reviewed the proposed Ordinance at their July 24, 2014 meeting and voted to recommend that the Commissioners of Barnesville approve and adopt the proposed ordinance; and

WHEREAS, pursuant to the requirements of Section 4-203 of the Land Use Article of the Maryland Annotated Code, the Commissioners of Barnesville have advertised and held a public hearing on this matter on August 22, 2014 to receive public comment; and

WHEREAS, after considering the matter, and the Planning and Zoning and public comment related thereto, have decided it is in the best interests of the citizens of Barnesville to amend the zoning code of Barnesville as outlined in this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF BARNESVILLE THAT:

SECTION ONE: That Section 6(A)(3) of the Zoning Code of the Town of Barnesville be amended to add the language under the subtitle "Commercial" as follows:

Hair and beauty establishments _____ SE [in RA column] - [in BRDT column]
in an accessory building operated
by a resident, or in a building
devoted to a non-conforming use
separate from a residence, which was
constructed prior to {enacting date}

NOTE: New Language is *underlined and italic.*

SECTION TWO. That Section 2 “Definitions” be amended to alphabetically include the following language:

Hair and Beauty Establishments: An establishment where human hair is cut or styled; where beards are shaved or trimmed; where human hair is waved, straightened, singed, set, bleached, removed, colored or tinted; and/or where facials, manicuring or cosmetic hand or fingernail care is provided. This shall not include massage, tattoo, piercing, whole body day spa services or other similar type services. Such use shall only be permitted on a parcel of land having a total area in excess of 50,000 square feet, containing paved parking for five or more vehicles.

SECTION THREE. The provisions of this Ordinance are severable, and if any provision, clause, sentence, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts of the Ordinance or their application to the other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted as if such illegal, invalid, unconstitutional provision, clause, sentence, section, word or part had not been included therein, and as if the person or circumstances to which the ordinance is part thereof is inapplicable had been specifically exempted therefrom.

INTRODUCED 21st DAY OF JULY, 2014

PUBLIC HEARING 12th DAY OF AUGUST, 2014

PASSED 20th DAY OF OCTOBER, 2014 BY A VOTE OF 3-0