

windows and transparent surfaces are not replaced with nontransparent materials and the surface area of the replacement door, window or other transparent surface does not exceed the dimensions of the existing feature by more than 10%.

- B. Application and approval process. The application process and approval process shall be the same as those described in § 500.7B, Application Process, in Section 500, TR Traditional Residential Infill Overlay District, except to the extent that reference is made in those sections to residential dwellings.

Section 500-5. TC Town Center District

§ 500.40. Purpose and intent.

It is the intent of this article to provide regulations for small-scale pedestrian commercial development that draws upon the existing character of the Borough's commercial core in conformance with its economic development goals and the following objectives:

- A. Encourage economic development through the establishment of flexible building and parking standards while maintaining and enhancing the historic downtown environments and the community's overall unique identity.
- B. Promote residential uses on second stories and above, as well as a mix of live-work units, to help strengthen the character of the downtown and to establish a twenty-four-hour presence.
- C. Encourage the retention of the historic streetscape by preserving the existing buildings to the greatest extent possible.
- D. Promote the reuse of existing structures in a manner that maintains the visual character and architectural scale.
- E. Provide design standards that ensure new buildings, additions and renovations are consistent with and enhance the surrounding streetscape.
- F. Encourage lively, human-scaled activity areas and gathering places for the community through encouraging a mix of uses both horizontally and vertically.
- G. Establish a walkable community, linking the Town Center District with the Borough's Gateway Commercial and Neighborhood Commercial Residential Districts, by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
- H. Ensure the preservation of the Borough's residential neighborhoods surrounding the Town Center District.
- I. Promote the implementation of Bangor's revitalization/downtown plans.
- J. Provide incentives for restoration of period facades.

§ 500.41. Permitted uses.

A lot may be used for one or more of the following uses, in compliance with the standards and requirements contained in this article.

- A. By right permitted uses:
 - (1) A mix of uses described in § 500.41A herein.

- (2) Apartments, on the second floor and above [with the exception of apartment buildings described in § 500.41B (1) and (2)].
- (3) Artist live (second floor) and work (ground floor).
- (4) Small-scale retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional or scientific instruments, but excluding drive-through facilities.
- (5) Business office, such as real estate sales, travel agency, insurance sales, advertising, or retail copying and printing services.
- (6) Professional office, such as those for the practice of medicine or other health services (physicians, dentists) or for law, engineering, architecture, or accounting.
- (7) Personal service shop, such as tailor, barbershop, beauty salon, shoe repair, dressmaker or dry cleaner (provided that no cleaning operations are performed on the premises); excluding massage parlors.
- (8) Establishment serving food or beverages to the general public, such as restaurant, cafe, taproom, tavern, retail bakery, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.
- (9) Outdoor dining.
- (10) Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
- (11) Health club and gym.
- (12) Private club and fraternal organization.
- (13) Studio for dance, music, fitness, art or photography.
- (14) Artisan manufacturing (hand tools only; e.g., jewelry or ceramics).
- (15) Gallery and museum.
- (16) Theater, including motion pictures and stage plays.
- (17) Bed-and-breakfast inn and bed-and-breakfast house.
- (18) Municipal administration uses, post office, community center, public library, offices for public utilities.
- (19) Street vendor.
- (20) Surface parking lot.
- (21) Public park, plaza, square, courtyard, urban garden, and public recreation areas.
- (22) Pedestrian take-out window.
- (23) Farmers' market.

B. Conditional uses.

- (1) Apartment building, provided that the following is included:
 - (a) Fifty percent of the first floor of the building located along the street frontage shall be walk-in office or retail uses not associated with the operation of the residential portion (e.g., sales office, gym, etc.).

- (b) Apartment buildings should follow the building design standards of § 500.46B.
 - (2) Three-story mixed-use model consisting of first-floor retail with townhomes above.
 - (3) Undertaking establishment and funeral home.
 - (4) Parking garages, provided that the structure is designed to meet the standards in § 730.12, Parking garages.
 - (5) Demolition of Historic Buildings included on the Bangor Historic Building Inventory in compliance with the standards of Section 700.1, Historic Preservation.
 - (6) Uses determined by the governing body to be of a similar nature to the uses permitted by right in § 500.41A herein, when located in a principal or accessory building.
- C. Prohibited uses.
- (1) Automobile or other vehicle sales, service or repair establishments, including vehicle body repair, vehicle painting, or washing.
 - (2) Gasoline service station and filling station.
 - (3) Drive-through window or facility.
 - (4) Self-service storage facility (mini warehouses).
 - (5) Adult entertainment use.
 - (6) Animal shelter/boarding kennel.
 - (7) Any use not permitted in this district.
 - (8) Use determined by the governing body to be of similar nature to the prohibited uses listed in this section.

§ 500.42. Development standards.

- A. Minimum lot size: 1,500 square feet.
- B. Minimum lot width: 25 feet.
- C. Build-to line. Buildings shall be:
 - (1) Built to the sidewalk;
 - (2) The front setback should be the average of the two closest structures on the same side of the street with a maximum setback of 10 feet; or
 - (3) Set back from the sidewalk a maximum of 15 feet for purposes of a plaza, square, courtyard, recessed entrance, or outdoor dining located in the front setback.
- D. Side yard setback. Within the Town Center District, there shall be no side yard setback for buildings that share a party wall. The setback between buildings shall be 10 feet (five feet per each building) when not sharing a party wall. When a Town Center District zoned property abuts a residentially zoned property, the minimum side yard setback required in the Town Center District shall be the same as required for a residential use on the abutting residentially zoned lot.
- E. Rear yard setback.
 - (1) When alleys abut the rear of Town Center District zoned lots, no rear yard setbacks are required for two-story buildings. For buildings above two stories, the rear yard setback shall be 15 feet.

- (2) When a Town Center zoned property abuts a residentially zoned property, the rear yard setback required in the Town Center District shall be the same as required for a residential use on the abutting residentially zoned lot, regardless of the number of stories.
- F. Maximum impervious coverage: 100%.
- G. Building height:
 - (1) New buildings shall be a minimum of two stories.
 - (2) Permitted building height by right:
 - (a) Building height shall be a maximum of four stories or 48 feet, provided there is a ten-foot setback (on average) from the building facade for floors above the third story.
- H. Maximum building footprint for nonresidential buildings: 10,000 square feet.
- I. Minimum lot area per dwelling unit. The first dwelling unit proposed shall have a minimum lot area of 1,500 square feet. For every additional dwelling unit proposed, an additional 1,200 square feet of lot area shall be required. When calculating number of units, the total number of units shall be rounded down to the smaller number if the calculation produces insufficient minimum lot area for an additional unit.
- J. Floor area ratio (FAR): 2.0. See § 500.45, Bonus provisions, for conditions when a 2.5 FAR is permitted.
- K. Floor-to-ceiling height and floor area of ground floor space.
 - (1) All commercial floor area provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.
 - (2) All upper floors must have a minimum floor-to-ceiling height of eight feet.
 - (3) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 - (a) At least 800 square feet or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - (b) At least 20% of the lot area on lots with 50 feet of street frontage or more.

§ 500.43. General requirements.

- A. A Historic Building included on the Bangor Historic Building Inventory cannot be demolished unless following a conditional use procedure as described in § 500.41B (5), Demolition of buildings.
- B. Public utilities. All uses shall be served by public water and sewer facilities.
- C. Surface parking.
 - 1) General surface parking standards.
 - (a) Vehicular access. Vehicular access to surface parking shall be from an alley or side street where possible.
 - (b) Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit.
 - (c) Location of surface parking:

- [1] Where the applicant is to provide parking, it shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street). Parking shall be set back 10 feet from the legal right-of-way.
 - [2] Corner lots. Surface parking shall not be permitted on corner lots that are located on collector or arterial roads.
 - [3] Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage.
- (2) Interconnected parking areas.
- (a) Parking areas on abutting nonresidential lots shall be interconnected by access driveways, where feasible, given location of existing buildings.
 - (b) Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- (3) Off-street parking requirements.
- (a) Refer to Section 700, Off-Street Parking and Loading Standards, except as noted above.
 - (b) Parking is not required for the first two residential units located in a mixed-use building. For each unit above two units in a mixed-use building, one parking space is required for each unit.
 - (c) Parking shall be required at 1.5 spaces per residential unit in an apartment building. This requirement may be fulfilled via a parking structure, surface parking that meets the above surface parking and interconnected parking area requirements of § 500.43C(1) and (2), via shared parking agreements, or any combination thereof approved by Borough Council.
- D. Exterior lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well-lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways and shall be consistent with existing decorative street lighting fixtures, where applicable.
- E. Refuse areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and shall be entirely screened by a fence or enclosure which is at least six feet high.
- F. Screening.
- (1) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping or other approved means.
 - (2) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stairwells, elevator shafts, air-conditioning units, large vents, heat pumps and mechanical equipment.

- (3) Parking lots visible from a street shall be continuously screened by a three-foot-high wall/fence or plantings. Parking lots adjacent to a residential use shall be continuously screened by a six-foot- high wall/fence or plantings. Screening shall include:
 - (a) Hedges, installed at 36 inches in height;
 - (b) Mixed planting (trees and shrubs); or
 - (c) Wall sections, with no wall break of more than nine feet, and landscaping to provide a continuous screen.
 - (4) Service and loading areas must be visually screened from streets and pedestrian ways. For new construction, service and loading areas must be behind the building. Loading docks shall not be on the primary street but to the side and rear of the building.
- G. Signs. Signage in the Town Center District shall conform to the standards of Section 740, Signs.
- H. Street trees. Street trees are required where a building fronts on a public thoroughfare and where possible. Until such point that more precise standards are adopted in the Subdivision and Land Development Ordinance, street trees shall match the type, size and frequency dictated by the prevailing streetscape design of the street(s) upon which the property sits and taking into account the standards in § 500.44, Streetscape and green area standards, and Shade Tree requirements of the Subdivision and Land Development Ordinance. The provision of street trees will be reviewed by Borough Council.
- I. Outdoor dining.
- (1) Outdoor furnishings are limited to tables, chairs and umbrellas.
 - (2) Outdoor furniture shall be stored inside the restaurant after normal operating hours.
 - (3) Planters, posts with ropes, or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the cafe.
 - (4) Refuse facilities should be provided.
 - (5) Advertising or promotional features shall be limited to umbrellas and canopies.
 - (6) Outdoor dining cannot impede pedestrian traffic flow. A minimum pathway of at least five feet, free of obstacles, shall be maintained.

§ 500.44. Streetscape and green area standards.

- A. The following streetscape and green area standards are required for all new developments and additions/alterations along the street frontage:
- (1) Streetscape and green area standards shall relate to Bangor's streetscape design and be reviewed by Borough Council. The applicant shall demonstrate that these standards are met through elevations and conceptual sketches.
 - (2) Table 1 indicates the categories and minimum requirements for streetscape and green area standards. Category A contains planting and greening elements. Category B includes more elaborate greening elements as well as street furniture and other streetscape elements. Category C includes more extensive building elements, streetscape improvements, and open space elements. Table 2 presents the streetscape and green area items within each category.

Table 1
Streetscape and Green Area Categories

Building Additions and Alterations	Four points from A (no more than three of one item)
Two-story new developments of 1,500 to 4,999 gross square feet in size	Four points from A (no more than three of one item)
Two-story new developments of 5,000 to 9,999 gross square feet in size	Five points from A; four points from B
New developments of 10,000 gross square feet and greater in size and/or new buildings greater than two stories	Seven points from A; five points from B; six points from C

Table 2
Streetscape and Green Area Items

Category	Item	Points
A	Hanging basket (minimum size 12 inches in diameter)	1
A	Decorative banners/flags	1
A	Window box (as wide as windowsill and a minimum size six inches wide by six inches deep)	2
	Additional planting area including shrubs, trees, ground covers or flowers	2
A	Street planter (minimum size 24 inches in diameter)	2
B	Building decorative lighting	1
B	Bench (at least five feet in length)	2
B	Trash receptacle	2
B	Raised planting bed	2
B	Public art/mural	2
B	Trellis, arbor or pergola (planted with vines or shrubs)	2
B	Awning for window or door	2
B	Informational Kiosk	3
C	Drinking fountain	2
C	Decorative paving	2
C	Water feature (fountain)	2
C	Balconies	3
C	Planting in curb extension (planted bulb outs/large planters)	3
C	Urban garden [see requirements in § 500.44A (3)]	3
C	Roof garden	3
C	Bus shelter	3
C	Clock tower	3
C	Decorative architectural treatments	4
C	Public plazas/squares/courtyards [see requirements in 500.44A (4)]	6
C	Facade restoration	6
C	Other amenity approved by governing body	3 to 6

- (3) Urban garden standards.
 - (a) Minimum size required is 50 square feet.
 - (b) An urban garden shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
 - (c) Sixty percent of the garden shall be of plant materials such as trees, vines, shrubs and seasonal flowers with year-round interest. All trees shall be 3.5 inches in caliper.
 - (d) A water feature is encouraged.
 - (e) Two seating spaces are required for each 50 square feet of garden area.

- (4) Public plazas/squares/courtyards standards:
 - (a) The minimum size required is 500 square feet.
 - (b) The plaza shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
 - (c) Thirty percent of the plaza shall be landscaped with trees, shrubs and mixed plantings with year-round interest.
 - (d) The plaza shall use the following paving materials: unit pavers, paving stones, or concrete. No more than 20% of the plaza shall be concrete.
 - (e) One seating space is required for each 30 square feet of plaza area.
 - (f) The plaza shall not be used for parking, loading or vehicular access (excluding emergency vehicular access).
 - (g) Public art and fountains are encouraged.
 - (h) Trash containers shall be distributed throughout the plaza.
 - (i) The plaza shall provide shade by using the following elements: trees, canopies, trellises, umbrellas or building walls.
 - (j) One tree is required for every 500 square feet. Trees shall be of 3.5 inches in caliper.
 - (k) Lighting shall be provided.
 - (l) Plazas shall connect to other activities such as outdoor cafes, restaurants and building entries.
 - (m) Plazas shall be located, if possible, to have maximum direct sunlight with a south or west orientation.
 - (n) Plazas, if constructed by a private entity, shall have an agreement with the community for public access.

§ 500.45. Bonus provisions.

- A. Bonus provisions. An increase of 0.5 FAR for a total floor area ratio of 2.5 is permitted for the following:

- (1) If a Historic Building is preserved and enhanced and/or the facade is maintained and enhanced following the conditional use standards of § 500.41B(5), Demolition of buildings, and the Secretary of Interior's Standards for Rehabilitation.
- (2) For apartment buildings, where 50% or more of the first floor of the building located along the street frontage is walk-in office or retail uses.
- (3) For buildings located within 2,500 feet of a transit facility or a public parking facility.

§ 500.46. Design standards.

A. Pedestrian design standards.

- (1) Sidewalks are required along all street frontages, with a minimum width of six feet.
- (2) Sidewalks are required to connect the street frontage to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
- (3) The sidewalk pattern shall continue across driveways.

B. Building design standards. Nonresidential buildings and apartment buildings shall meet the following requirements:

- (1) Building footprint. The maximum building footprint of nonresidential buildings shall not exceed 10,000 square feet.
- (2) Building orientation and entrances:
 - (a) The front facade of buildings shall be oriented towards commercial streets, with an everyday public entrance in this front facade.
 - (b) When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature. Borough Council may allow front facades to face existing side streets when these facades will extend an existing commercial district along this existing side street.
 - (c) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
 - (d) All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico or overhang.
- (3) Walls and windows:
 - (a) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors and details. At least four of the following architectural treatments shall be provided:
 - [1] Masonry (but not flat concrete block).
 - [2] Concrete or masonry plinth at the base of the wall.
 - [3] Belt courses of a different texture or color.
 - [4] Projecting cornices.

- [5] Projecting metal canopy.
- [6] Decorative tilework.
- [7] Trellis containing planting.
- [8] Medallions.
- [9] Opaque or translucent glass.
- [10] Artwork.
- [11] Vertical/horizontal articulation.
- [12] Lighting fixtures.
- [13] An architectural element not listed above, as approved by the governing body, that meets the intent.

(b) Transparency:

- [1] The ground-floor front facades of buildings visible from the pedestrian view shall consist of a minimum of sixty-percent window area and a maximum of 75%, with views provided through these windows into the business and/or product display windows.
- [2] The bottom of any window or product display window used to satisfy the above transparency requirements may not be more than three to 4.5 feet above the adjacent sidewalk.
- [3] Product display windows used to satisfy the above requirements shall have a minimum height of six feet (with twenty-four-inch transom) or seven feet and be internally lit.
- [4] Upper-story windows of front facades shall not be boarded or covered and shall comprise a minimum of thirty-five-percent window area in the facade above the ground floor and a maximum of 75%.
- [5] Smoked, reflective or black glass in windows is prohibited.
- [6] Fenestration shall reflect a unified style of a building.

(4) Roofs. Roofs shall be in keeping with the character of adjacent buildings or shall have pitched roofs. Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12. Greater pitches that reflect a style such as English Tudor may be permitted at the approval of Borough Council.

(5) Building character. New infill development shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment as described in the design standards of this Section 500-5, Town Center District.

(6) Architectural rhythm:

- (a) New infill development shall also retain the historic architectural rhythm of building openings (including windows and entries) of the same block.
- (b) New infill development shall also attempt to maintain the horizontal rhythm of the Borough's commercial facades by using a similar alignment of windows, floor spacing, cornices, awnings, as well as other elements. This rhythm shall be achieved by aligning the top, middle and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry or decorative

concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice or other projection.

- (7) Massing:
 - (a) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
 - (b) The massing of any facade should generally not exceed 50 feet maximum (horizontal dimension). Shopfronts may be broken down even further. Massing variations every 30 feet or less is preferred.
 - (c) Nonresidential buildings must have at least a three- to five-foot break in depth in all street facades for every 50 feet of continuous facade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.
- (8) Functional articulation. Ground-floor retail or business functions should be distinguished from upper-floor residential or office space by a horizontal element such as a cornice or marquee. This detail shall match the style selected.
- (9) Proportion. Facade articulation, fenestration and massing is to match proportions of the selected style or follow classic proportioning systems such as the golden mean.

§ 500.47. Design review process.

- A. Applicability. The designated reviewer, (hereafter, the “reviewer”), shall be the Zoning Officer, unless a different person or body is established by the Borough Council, who shall have authority to review all applications submitted to the Borough for the following, subject to the design standards set forth in § 500.46:
 - (1) Construction of new dwellings.
 - (2) Additions and alterations which increase or decrease the size of the building by at least 20% of the dwelling's footprint.
 - (3) Modification of the exterior design features of an existing building which involves a change in the exterior materials in existence on such building. "Modification of the exterior design features," as used herein, includes but is not limited to: the addition, deletion or modification of surface materials (masonry, wood, brick, stucco), windows, doors, porches, porticos, chimneys, cornices, etc., that result in a change to the actual structure of the building. The replacement of elements that are currently part of the building's architecture for reasons of age, condition, etc., shall not require review.
 - (4) Design review is not required for repainting of surfaces or the repair, restoration or reconstruction of exterior design features where such work matches the original construction in material and detail and such work maintains the outer dimensions and surface relationships of the existing structure. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with nontransparent materials and the surface area of the replacement door, window or other transparent surface does not exceed the dimensions of the existing feature by more than 10%.
- B. Application and approval process. The application process and approval process shall be the same as those described in § 500.7B, Application Process, in Section 500, TR Traditional Residential Infill Overlay District, except to the extent that reference is made in those sections to residential dwellings.