

Bangor Borough Zoning Ordinance and Map of 2018



Adopted November 26, 2018

By Ordinance #984

(Section 500-8 "IC Industrial/Commercial District" and Section 900 "Administration and Enforcement" were amended in their entirety by Ordinance #997, adopted June 14, 2021)

TABLE OF CONTENTS

BANGOR BOROUGH ZONING ORDINANCE

Section 100. Adoption; Title; Objectives

§ 100.1. Adoption.

§ 100.2. Title.

§ 100.3. Community development objectives.

Section 200. Application of Regulations

§ 200.1. Conformity with use regulations.

§ 200.2. Conformity with building regulations.

§ 200.3. Application of Ordinance.

Section 300. Definitions and Word Usage

§ 300.1. Definitions and word usage.

Section 400. Establishment of Districts and Maps; Interpretation

§ 400.1. Classes of districts.

§ 400.2. Zoning Map.

§ 400.3. Interpretations of boundaries.

Section 500. Residential Districts

§ 500.1. TR Traditional Residential Infill Overlay District.

§ 500.2. Applicability.

§ 500.3. Permitted uses.

§ 500.4. Prohibited uses.

§ 500.5. Dimensional standards.

§ 500.6. Design standards.

§ 500.7. Design review process.

Section 500-1. A Residential District

§ 500.8. Applicability.

§ 500.9. Permitted uses.

§ 500.10. Area regulations.

§ 500.11. Impervious coverage.

§ 500.12. Height regulations.

Section 500-2. B Residential District

§ 500.13. Applicability.

§ 500.14. Permitted uses.

§ 500.15. Area regulations.

§ 500.16. Impervious coverage.

§ 500.17. Height regulations.

Section 500-3. C Residential District

§ 500.18. Applicability.

§ 500.19. Permitted uses.

§ 500.20. Area regulations.

§ 500.21. Impervious coverage.

§ 500.22. Height regulations.

Section 500-4. NCR Neighborhood Commercial Residential District

- § 500.23. Purpose and intent.**
- § 500.24. Permitted uses.**
- § 500.25. Development standards.**
- § 500.26. General requirements.**
- § 500.27. Streetscape and green area standards.**
- § 500.28. Bonus provisions.**
- § 500.29. Design standards.**
- § 500.30. Design review process.**

Section 500-5. TC Town Center District

- § 500.40. Purpose and intent.**
- § 500.41. Permitted uses.**
- § 500.42. Development standards.**
- § 500.43. General requirements.**
- § 500.44. Streetscape and green area standards.**
 - Table 1 – Streetscape and Green Area Categories**
 - Table 2 – Streetscape and Green Area Items**
- § 500.45. Bonus provisions.**
- § 500.46. Design standards.**
- § 500.47. Design review process.**

500-6. G Gateway Commercial District

- § 500.56. Purpose and intent.**
- § 500.57. Permitted uses.**
- § 500.58. Conditional use criteria.**
- § 500.59. Dimensional standards.**
 - Table 3 – Dimensional Standards for Gateway District, Option A**
- § 500.60. General requirements.**
- § 500.61. Design standards.**
- § 500.62. Design review process.**

Section 500-7. HR High-Rise Apartment District

- § 500.63. Purpose; applicability.**
- § 500.64. Permitted uses.**
- § 500-65. Dimensional standards.**
- § 500.66. General requirements.**
- § 500.67. Design standards.**
- § 500.68. Design review process.**

Section 500-8. IC Industrial/Commercial District

- § 500.69. Purpose.**
- § 500.70. Permitted Uses.**
- § 500.71. Accessory Uses.**
- § 500.72. Lot Area, Width, Building Coverage and Height Regulations.**
- § 500.73. Minimum Yard Requirements.**
- § 500.74. General requirements.**
- § 500.75. Design standards.**
- § 500.76. Design review process.**
- § 500.77. Additional Standards for Mining, Quarrying, Mine/Quarry Reclamation and Assoc. Activities.**

Section 500-9. OS Open Space

§ 500.77. Purpose.

§ 500.78. Permitted Uses.

§ 500.79. Area and Design Requirements.

§ 500.80. Parking Requirements.

Section 680. Floodplain Conservation District

§ 680.1. Applicability of Floodplain Conservation District.

Section 690. Medical Marijuana Performance Standards and Use Regulations

§ 690.1. Purpose.

§ 690.2. District Regulations.

§ 690.3. Use Regulations.

§ 690.4. Administration and Enforcement.

Section 695. Wireless Communication Facilities

§ 695.1. Purposes and Findings of Fact.

§ 695.2. General Requirements for All Communications Antennae.

§ 695.3. Communications Antennae Outside the Public Rights-of-Way.

§ 695.4. Communications Antennae in the Public Rights-of-Way.

§ 695.5. General Requirements for All Communications Towers.

§ 695.6. Tower-Based Facilities Outside of Rights-of-Way.

§ 695.7. Communications Towers in the Public Right-of-Way.

§ 695.8. Penalties.

Section 700. Provisions Applicable in All Districts

§ 700.1 Historic Preservation.

§ 700.2. Through Lots.

§ 700.3. Fences, walls and other property enclosures.

§ 700.4. Exceptions to yard requirements for private garages, tool and accessory sheds and/or other storage buildings

§ 700.5. Parking and storage of recreational vehicles and equipment and certain other vehicles.

§ 700.6. Loading spaces.

§ 700.7. Residential swimming pools and other artificial bodies of water (ponds and hot tubs).

§ 700.8. Reduction of lot area.

§ 700.9. Exceptions to front yard requirements.

§ 700.10. Prohibited uses and activities.

Section 730. Off-Street Parking and Loading

§ 730.1. Intent.

§ 730.2. General parking requirements.

§ 730.3. Parking use requirements.

§ 730.4. Continuation of existing off-street parking.

§ 730.5. Bicycle parking.

§ 730.6. Maximum parking.

§ 730.7. On-site parking reduction by special exception.

§ 730.8. Fee-in-lieu of parking spaces.

§ 730.9. Shared parking.

Table 4 – Shared Parking Calculation Table

§ 730.10. Proof of parking spaces.

§ 730.11. Parking requirements for additions to existing structures/uses.

§ 730.12. Parking garages.

§ 730.13. Loading.

Table 5 – Borough Parking Standards

Section 740. Signs

- § 740.1. Purpose & Intent**
- § 740.2. Prohibited Signs**
- § 740.3. Signs Exempt from Permit Requirements**
- § 740.4. General Sign Regulations**
- § 740.5. Regulations by Sign Type (On-Premises Signs)**
- § 740.6. Regulations by Sign Type (Off-Premises Signs)**
- § 740.7. Regulations by Sign Type (Temporary Signs)**
- § 740.8. Regulations by Sign Type (Portable Signs)**
- § 740.9. Signs in Residential Districts**
- § 740.10. Signs in Business Districts**
- § 740.11. Signs in Industrial/Commercial (IC) District**
- § 740.12. Special Regulations for Signs in the Historic Preservation Overlay Zone.**
- § 740.13. Removal of Unsafe, Unlawful, or Abandoned Signs**
- § 740.14. Permits & Applications**
- § 740.15. Nonconforming Signs**
- § 740.16. Signs on the Premises of Legally Nonconforming Uses.**
- § 740.17. Substitution Clause.**
- § 740.18. Violations**

Section 750. Non-Conforming Uses

- § 750.1. Nonconforming buildings or uses.**
- § 750.2. Nonconforming lots.**
- § 750.3. Temporary nonconforming uses.**

Section 800. Zoning Hearing Board

- § 800.1. Creation of Board; membership.**
- § 800.2. Functions and powers.**
- § 800.3. Actions Board may take.**
- § 800.4. Rules of procedure.**
- § 800.5. Meetings.**
- § 800.6. Notice of hearings.**
- § 800.7. Issuance of certificates.**
- § 800.8. Restrictions on renewed applications; time limit for appeals.**
- § 800.9. Effective period of decisions.**
- § 800.10. Standards for reviews.**

Section 900. Administration and Enforcement

- § 900.1. Permit requirements.**
- § 900.2. Applications to Zoning Hearing Board.**
- § 900.3. Conditional uses.**
- § 900.4. Conditional use procedure.**
- § 900.5. Approval of conditional uses.**
- § 900.6. Conditional use standards.**
- § 900.7. Failure to comply with conditions imposed.**
- § 900.8. Failure to secure permits or certificates.**
- § 900.9. Notice of violation.**
- § 900.10. Violations and penalties.**
- § 900.11. Remedies.**
- § 900.12. Fees.**
- § 900.13. Amendment procedures.**
- § 900.14. Citizen petition.**
- § 900.15. Uses not Specifically Provided for.**

ZONING ORDINANCE

Section 100. Adoption; Title; Objectives

§ 100.1. Adoption.

The Bangor Borough Zoning Ordinance of 1967, as amended, including the Zoning Map which was made a part thereof, and including any amendments and supplements thereto, is hereby amended and supplemented so as to read as follows: An ordinance classifying, regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; creating districts for said purposes; establishing the boundaries thereof; providing for changes in the regulations, restrictions and the boundaries of such districts; establishing a Zoning Hearing Board and providing fines and penalties for violations, so as to lessen congestion on the highways, secure safety from fire, panic and other dangers, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public requirements and promote the health, safety, morals and general welfare of the Borough of Bangor.

§ 100.2. Title.

This Ordinance shall be known as the " Bangor Borough Zoning Ordinance of 2018."

§ 100.3. Community development objectives.

The expressed objective of the Borough of Bangor for community development is to maintain the overall existing high quality of living afforded to the residents and to assure that those aspects of the Borough environment which make it a desirable residential community are available to all residents of the Borough, as well as to preserve and maintain the commercial and business areas situate within limited areas of the Borough. The Comprehensive Plan, together with the amendments and modifications thereto, delineate and implement the objectives of the Borough of Bangor for community development and the legislative findings of Borough Council as to the need for such community development, which include, inter alia:

- A. A specific land use classification system and development objectives for each classification, both residential and nonresidential.
- B. Establishment of a population density factor for the Borough.
- C. Preservation of open spaces.
- D. Continuation and expansion of religious, educational and public institutions and facilities.
- E. Provision for recreational needs of all residents.
- F. Provision for appropriate location of community facilities and utilities to prevent, inter alia, overcrowding of land, loss of health, life or property, flood or other dangers.

Section 200. Application of Regulations

§ 200.1. Conformity with use regulations.

Except as here after provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used, except in conformity with the provisions herein prescribed. Any lawful use that does not conform to the provisions of this Ordinance shall be deemed a non-conforming use, except the uses granted as Special Exception uses by the Zoning Hearing Board.

§ 200.2. Conformity with building regulations.

Except as herein provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged, rebuilt or use changed except in conformity with provisions herein prescribed and in strict compliance with any and all building codes in effect at time of application.

§ 200.3. Application of Ordinance.

The provisions of all other codes, Ordinances and regulations shall be applicable insofar as they are consistent with the provisions of this Ordinance.

Section 300. Definitions and Word Usage

§ 300.1. Definitions and word usage.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated. The present tense includes the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; and the word "occupied" includes the words "designed and intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; the word "shall" is always mandatory.

ABANDONMENT. A nonconforming use shall be presumed abandoned when it has been discontinued, with a clear intention of not being resumed, for a period of at least one year. It shall be presumed that a nonconforming use has not been abandoned if it can be demonstrated that the use has been consistently in use or that a genuine effort had been made to sell, lease, remodel or otherwise maintain the use.

ACADEMIC CLINICAL RESEARCH CENTER. An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

ACCESSORY USE. A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

ADJACENT. Any structure which is next to, contiguous or neighboring to the subject property. For the purposes of TR Traditional Residential Infill Overlay District, "adjacent" includes dwellings on either side, across the street, and to the rear of the subject property.

ADULT USE. This term shall include any of the following uses: adult bookstore, adult movie theater, massage parlor or adult live entertainment facility/use.

ALLEY. Land over which there is a right-of-way, municipally or privately owned, on which no dwelling or stores may front, serving as a secondary means of access to two or more lots.

ALTERATION. Any change in the existing facilities, structural parts or mechanical equipment which does not increase the cubic content of a building.

ALTERNATIVE TOWER STRUCTURE. Man-made trees, clock towers, bell steeples, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMATEUR RADIO. (also called ham radio) means the use of designated radio frequency spectra for purposes of private recreation, non-commercial exchange of messages, wireless experimentation, self-training, and emergency communications.

ANCILLARY STRUCTURE. Any structure, construction mechanism or thing attached to a building, such as a chimney, smokestack, antenna, satellite dish, flagpole, weather vane and/or meteorological equipment.

ANTENNA. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies

(excluding radar signals), wireless telecommunications signals or other communication signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

APARTMENT BUILDINGS. Buildings containing three or more dwelling units which are rented from a common owner.

APPLICANT. A landowner or developer, as hereafter defined, who has filed an application for development including his heirs, successors and assigns.

AWNING. A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

BACKHAUL NETWORK. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

BALCONY. An above-grade platform enclosed by a railing or balustrade that projects from the wall of a building and is used primarily for private recreational purposes and/or for access to above-grade dwelling units in multifamily dwellings, hotels or the like. When a balcony is fully enclosed by a roof and walls, it is considered part of the unit it serves.

BANNER. Any cloth, bunting, plastic, paper or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing and is anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge or two corners, with weights installed that reduce the reaction of the sign to wind. Banners may or may not include text, logos and/or graphic symbols. Banners are temporary in nature and do not include flags.

BASEMENT. A story (floor) of a building which is at least partly underground, having less than half its clear height above grade on at least one side.

BED-AND-BREAKFAST INN. A single-family residence where overnight accommodations and a morning meal are provided to transients for compensation. The owner of the inn shall be required to live on the premises.

BILLBOARD. A sign that directs attention to a business, product, advertising matter, or service conducted, sold, or offered at a location other than the premises on which the sign is located.

BOROUGH COUNCIL. The duly elected Borough Council of the Borough of Bangor, County of Northampton, Commonwealth of Pennsylvania.

BUFFER. An area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas. Buffers are divided into three types:

- A. **SCREEN BUFFER** - A buffer comprised of natural and/or man-made material arranged in a certain specified depth, height and density to effectively block the view from one side to another to a minimum height of seven feet during all seasons of the year and to reduce the transmittal of noise and odors between the sides.
- B. **SOFTENING BUFFER** - A buffer comprised of natural and/or man-made material arranged in a certain specified depth, height and density to ease and soften, but not essentially block, the view from one side to another and to reduce the transmittal of noise and odors between the sides.
- C. **OPEN BUFFER** - A buffer normally comprised of grass, ground cover and/or possibly other landscaping material having a specified depth, but not necessarily having significant vertical components to achieve a certain height or density, the purpose of which is to achieve adequate spacing and attractive landscaping between two or more actively used areas.

BUILDING. A structure with a roof.

- A. **ACCESSORY BUILDING.** A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the primary building.
- B. **PRIMARY BUILDING.** A building, of which there may be more than one on a single lot, in which is conducted the predominant use or purpose of the lot on which the building is located.

BUFFER AREA. The area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

BUILDING AREA. The aggregate of the lot area which is covered by all of the buildings on a lot, measured at the greatest outside dimensions, including all attached structures.

BUILDING COVERAGE. Building coverage shall be computed by determining the first-floor area of any and all structures intended to be used or occupied on a permanent or temporary basis, and shall include but not be limited to buildings, sheds, pool houses and garages.

BUILD-TO LINE (also known as the **BUILDING LINE** or **SETBACK LINE**). A line extending through the lot, generally parallel to the front property line, which denotes the location of the building front. It is also the rear line of the minimum front yard as herein designated for each district.

BUSINESS OFFICE. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses but may include business offices, real estate sales, travel agencies, insurance sales, photographic studios and/or television or radio broadcasting studios.

CANOPY. A structure, other than an awning, made of fabric, metal, or other material with frames affixed to a building and carried by a frame that is supported by columns or posts affixed to the ground.

CAREGIVER. The individual designated by a patient to deliver medical marijuana.

CARRIER. A company that provides wireless services.

CERTIFIED MEDICAL USE. The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CLINICAL REGISTRANT. An entity that:

1. Holds a permit both as a grower/processor and a dispensary; and
2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing, and management of controlled substances.

CLUB. A voluntary, nonprofit incorporated or unincorporated association for the purposes of social, literary or political nature.

CO-LOCATION OR COLOCATION. The mounting of one or more Communications Antennae on an existing Communications Tower, or on any structure that already supports at least one Communications Antennae.

COMMERCIAL MESSAGE. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMUNICATIONS ANTENNA (ANTENNA). Any system of wires, rods, discs, panels, flat panels, dishes, whips or other similar devices used for the transmission or reception of wireless signals, which may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. Communications Antenna further includes but is not limited to Related Equipment. Communications Antennae shall not include support structures for Antennae or any Related Equipment that is mounted to the ground or at ground-level.

COMMUNICATIONS TOWER. Any structure that is used for the purpose of supporting one or more Antennae, including but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered Communications Towers.

COMMUNITY HISTORIC STRUCTURE. A community historic structure can be one of the three following types of structures. A list of community historic structures is maintained as the local historic resource inventory or study at the Bangor Borough Hall and may be updated from time to time.

- A. **LANDMARK BUILDING.** A building or structure of significant character or special aesthetic quality, historical interest or cultural value to Bangor.
- B. **HISTORIC BUILDING.** A building that contributes to the historic character of Bangor by virtue of scale, rhythm and state of preservation of original details.
- C. **CONTRIBUTING BUILDING.** A building that contributes to the small-town atmosphere by virtue of scale but may be lacking in qualities to elevate it to a higher category.

COMPREHENSIVE PLAN. Maps, charts, descriptive matter officially adopted by the Borough's Planning Commission and the Borough Council showing, among other things, recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and recreation areas; for the general location and extent of facilities for water, sewer, light and power; and for the general location, character and extent of community facilities.

CONDITIONAL USE. A use permitted in a particular zoning district subject to specific standards which may be approved or denied by the Borough Council following recommendations by the Borough Planning Commission.

CONDOMINIUMS. Buildings in which individual dwellings are independently owned and share ownership and maintenance of certain common elements.

CONSTRUCTION. The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONVERSION. The remodeling or alterations of a structure so as to accommodate the provision of more housing units or dwellings.

DAY CARE. Outside or home care provided for children 16 years of age and younger, excluding care provided by relatives, for only a part of a twenty-four-hour day.

- A. **DAY-CARE CENTER.** A facility which is licensed by the Commonwealth of Pennsylvania to provide day care and in which day care is provided for seven or more children, 16 years old or younger, in a person's primary residence, or in which day care is provided in a location which is not the primary residence of the provider.
- B. **HOME DAY CARE.** A facility which is licensed by the Commonwealth of Pennsylvania for the provision of day-care services in a person's primary place of residence, for compensation, for not more than six children, 16 years old or younger.

DECK. An open structure, above ground level, at ground level or elevated, and used primarily for private recreational purposes, which is located in the front yard, side yard, rear yard or courtyard of a property used for residential purposes, which is not part of the occupied area of the residential structure but which

meets all side, rear, front and setback limitations imposed herein and which may not be enclosed by walls and/or a roof above the usable surface of the deck nor enclosed below by walls below the usable surface; however, decks may be enclosed by a fence/railing no more than 42 inches in height.

DEVELOPER. Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations.

DEVELOPMENT PLAN. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

DIGITAL DISPLAY. A display of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

DISPENSARY. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

DISTRIBUTED ANTENNA SYSTEMS (DAS). Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DRIVE-THROUGH USE. An establishment or part thereof where items are sold in a form ready for use or consumption off premises and where ordering and pickup may take place from motor vehicles utilizing a drive-up window(s). This includes financial institutions where transactions occur without leaving the motor vehicle.

DWELLING. A building designed for and occupied exclusively for residence purposes.

- A. ATTACHED DWELLING/TOWNHOME. A building designed for and occupied exclusively as a residence for only one family which is part of a structure of three or more units joined horizontally to each other at one or more sides by a party wall or walls.
- B. SINGLE-FAMILY DETACHED DWELLING. A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.
- C. SINGLE-FAMILY SEMIDETACHED DWELLING/TWIN. A building designed for and occupied exclusively as a residence for only one family and having one party wall in common with an adjacent building.
- D. TWO-FAMILY DETACHED DWELLING/DUPLEX. A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other and having no party wall in common with an adjacent building.
- E. MULTIFAMILY DWELLINGS - The following definitions of "multifamily dwellings" are specifically recognized for purposes of this Ordinance:
 - (1) APARTMENT - A permanent dwelling unit within a building containing three or more dwellings and being vertically arranged, sharing outside access and having one or more walls as well as a ceiling or floor in common with another dwelling unit; also known as a "flat" or "garden apartment."
 - (2) TOWNHOUSE — An attached single-family dwelling having at least two independent outside yards and not more than two walls in common with another dwelling; also known as "row house."

DWELLING UNIT. One or more rooms, designed, occupied or intended to be occupied as living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit.

ELDER CARE. A group home devoted to the care of senior citizens.

EMERGENCY. A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

FAA. The Federal Aviation Administration.

FALL ZONE. The area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FAMILY

- A. Any number of individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption, including any number of foster children; or no more than five unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises, except when an application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling unit is reviewed and approved by the Zoning Hearing Board, as provided in this Ordinance. The definition of "family" shall not apply to the occupants of a club, fraternity house, lodge or residential club.
- B. Notwithstanding the definition in Subsection A of this definition, a family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

FCC. The Federal Communications Commission.

FENCE. A structure that is an artificially constructed barrier of any material (man-made and/or vegetative) or combination of materials erected to enclose, screen or decorate areas of land. Fences shall not have any building walls, floors or roofs.

- A. BOUNDARY FENCE. A fence lying parallel to a property line for the purpose of enclosing a parcel of ownership.
- B. DECORATIVE FENCE. A fence located in any yard of a parcel which is designed to be aesthetically attractive.
- C. PRIVACY FENCE. A fence located in a residential zoning district or lot which is intended to block from view portions of a lot for outdoor living areas.
- D. PROTECTIVE FENCE. A fence for the enclosure of nonresidential properties and uses, for preventing entry into a commercial swimming pool, for providing a safety barrier from dangerous commercial or manufacturing activities, for security from theft or vandalism or for enclosing an attractive nuisance.
- E. RESIDENTIAL SWIMMING POOL FENCE. A fence which encloses a residential swimming pool in accordance with this Ordinance.
- F. TEMPORARY FENCE. A fence for the enclosure of construction activities or abandoned or condemned properties.
- G. WALL. A fence that is constructed of masonry or stone.

- H. **LIVING FENCE.** A barrier or enclosure which is made or comprised of living biologic material, such as hedges, shrubs or bushes or any similar vegetation or growth which is sufficiently dense to prohibit or restrict the passage of light.

FESTOON LIGHTING. A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure(s), or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

FLAG. Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns or symbolic devices attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

FLOOR AREA. The sum of the gross horizontal areas of each floor of a building, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the parking of motor vehicles (surface or structured parking).

FLOOR AREA RATIO. The ratio of gross building floor area of all structures on a lot to the total land area of the lot on which it sits. FAR is used to regulate building volume (see illustration below). For example, if a ten-thousand- square-foot lot has a FAR of 2.0, then a developer can only construct a building that has a total floor area of 20,000 square feet.

FOOTPRINT. That portion of a lot covered by a building at the ground level, measured on a horizontal plane. This includes porches, decks and balconies, but not trellises and patios.

FORM OF MEDICAL MARIJUANA. The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

GARAGE

- A. **PRIVATE GARAGE.** A building used exclusively for the storage of one or more automobiles, to include cars, minivans, vans or small pickup trucks, owned and used primarily as private transportation and not vehicles generally used for commercial purposes by the owner or tenant of the lot on which said garage is erected as and for an accessory use of the lot and/or for the storage of not more than one additional automobile owned or used by others if they are stored in the same room in which the automobile or automobiles of the owner or tenant of the lot are stored.
- B. **PUBLIC GARAGE.** A building, other than a private garage, used for the storage, sale, service or repair of automobiles or other vehicles.

GASOLINE SERVICE STATION. Any area of land, including structures thereon or any building or part thereof, that is used for the retail sale of gasoline or other motor vehicle fuel or accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs. This shall also include any facility which, in addition to the sale of gasoline, also has mini market convenience market facilities for the sale of food and other household products.

GOVERNING BODY. The Council of the Borough of Bangor.

GROUP HOME. A residential facility used as living quarters by any number of unrelated persons requiring special care, and their attendant adult supervisors, specifically designed to create a residential setting for the mentally and physically handicapped (as a special exception). The individuals may be either transient or permanent residents. Any number of handicapped persons, as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit.

GROWER/PROCESSOR. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

GUYED TOWER. A tower, which is supported or braced through the use of cables (guy wires) which are permanently anchored.

HEIGHT OF ANCILLARY STRUCTURE. An ancillary structure's (including, but not limited to, antennas, satellite dishes or similar structures) height shall be measured from the highest point above the ground of such structure and/or its support(s) and/or superstructure and the lowest point of the building or structure to which it is ancillary.

HEIGHT OF BUILDING. A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest point of the roof. Chimneys, spires, towers, elevator penthouses, tanks, satellite dishes and similar vertical projections (including typical residential television antenna) shall not be included in calculating the height.

HEIGHT OF A COMMUNICATIONS TOWER. The vertical distance measured from the ground level, including any base pad, to the highest point on a Communications Tower, including Antennae mounted on the tower and any other appurtenances.

HOLIDAY AND SEASONAL DECORATIONS. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

HOME OCCUPATION. An occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises and provided, further, that no goods are publicly displayed on the premises. The conducting of a clinic, health-care facility, barbershop, beauty parlor, tearoom, tourist home, animal hospital, commercial kennel or any other similar use shall not be deemed as a home occupation.

HOTEL. A facility offering transient lodging accommodations to the general public with or without providing additional services such as restaurants, meeting rooms, and recreation facilities. This use shall include extended-stay or suites-only operation, provided that the maximum stay for guests shall not exceed four consecutive weeks during a period of six months.

IDENTIFICATION CARD. A document issued by the DOH that permits access to medical marijuana.

ILLUMINATION. A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from, an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign/object/lot.

- A. **EXTERNAL ILLUMINATION (OF SIGN)** - Artificial light, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.
- B. **INTERNAL ILLUMINATION (OF SIGN)** - A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message Center Signs, Digital Display, and Signs incorporating Neon Lighting shall not be considered internal illumination for the purposes of this ordinance.
- C. **HALO ILLUMINATION (OF SIGN)** - A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as *back-lit illumination*)

IMPERVIOUS COVERAGE. Impervious coverage shall include all of the square footage under the definition of building coverage, plus driveways, decks that do not allow rain water to be directly absorbed by the ground, patios, and sidewalks, walkways, decking surrounding swimming pools, tennis courts, basketball courts or other similar facilities constructed with an impervious surface.

INSTITUTIONAL USES.

A. Uses with specialized definitions include the following:

- (1) HEALTH-CARE FACILITY - A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including a general hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, chronic disease hospital, maternity hospital, birth center, dispensary, home health-care agency or a boarding home. All care for which a state license is required shall be provided by properly licensed personnel, including nurse practitioners.
- (2) SCHOOLS, COLLEGES, UNIVERSITIES AND OTHER INSTITUTIONS OF LEARNING - Institutions, existing independently as such, having a definite academic curriculum with regular sessions designed to serve as the medium for imparting to students in attendance a knowledge of those things broadly covered within the field of education and licensed by and under the supervision of the Department of Public Instruction of the Commonwealth of Pennsylvania.
- (3) SKILLED NURSING CARE FACILITY or NURSING HOME - A premise in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill or in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care.
- (4) PERSONAL CARE FACILITY - A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, and who do not require the services of a skilled nursing or intermediate care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration.

B. Skilled nursing and personal care facility definitions are drawn from state legislation (House Bill No. 1278, effective December 22, 1988) regulating personal care facilities.

KENNEL. An establishment, structure, lot or portion of a lot on which five or more domestic animals more than one year old, including dogs and cats, are housed, bred, boarded, trained or sold.

LAND DEVELOPMENT. Any of the following activities:

A. The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Developments in accordance with Section 503(1.1) of the Municipalities Planning Code, as amended.

LANDOWNER. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option to contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LATTICE TOWER. A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

LOT. A parcel of land consisting of a horizontal plane bounded by vertical planes which comprise its front, side and rear lot lines and which is intended or designed to be used, developed, built upon or occupied.

- A. **FRONT OF LOT.** The edge of a lot which borders on a street or highway. In the case of a corner lot, the front shall be designated by the Borough Zoning Officer.
- B. **REAR OF LOT.** The edge of a lot opposite the front. In the case of a triangular lot, the rear shall be designated by the Borough Zoning Officer.
- C. **SIDE OF LOT.** The edge(s) of a lot running from the front of the lot to the rear of the lot.

LOT AREA. The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street line only.

LOT LINE. A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the "lot line" for such portion of the lot as abuts the street shall be deemed to be the same as the street line and shall not be the center line of the street or any other line within the street line even though such may be the property boundary line.

LOT WIDTH. The width of a lot measured at the setback line.

LOW-IMPACT HOME-BASED BUSINESS. Any lawful occupation constituting, either entirely or partly, the livelihood of a person, which is conducted in the practitioner's principal residence as an incidental use. A low-impact home occupation may not involve more than one commercial visit per hour and a maximum of four commercial visits to the premises per day, with all visits falling between the hours of 9:00 a.m. and 9:00 p.m. Commercial visits include customer visits and service or package deliveries.

MARQUEE. A permanent structure, other than a roof, attached to, supported by, and projecting from a building and providing protection from the elements.

MEDICAL MARIJUANA. Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

MEDICAL MARIJUANA ORGANIZATION or FACILITY. A dispensary or a grower/processor of marijuana for medical purposes.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE. Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MOBILE BILLBOARD. A sign affixed to a vehicle or pulled by a vehicle, the primary purpose of which is for advertising while the vehicle is moving or in traffic.

MOBILE HOME. A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT. A parcel of land in a mobile home park, provided with the necessary utility connections, patio and other appurtenances necessary for the erection thereon of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile home lots.

MONOPOLE. A Communications Tower or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support Communications Antenna and connecting appurtenances.

MOTEL or MOTOR COURT.

- A. A building and/or a group of two or more detached or semidetached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for the providing of sleeping accommodations for travelers and is suitable for occupancy at all seasons of the year.
- B. This use shall offer transient lodging accommodations to the general public with or without providing additional services such as restaurants, meeting rooms, and recreation facilities. This use shall include extended-stay or suites-only operation, provided that the maximum stay for guests shall not exceed four consecutive weeks during a period of six months.

MOTOR VEHICLE. Any vehicle, as more specifically defined in the Vehicle Code of Pennsylvania, as now in force or as hereafter amended, enacted or reenacted, except in those instances where the context clearly indicates a different meaning, which is self-propelled, except tractors, power shovels, road rollers, agricultural machinery and vehicles which move upon or are guided by a track or travel through the air.

MOUNT. The structure or surface upon which antennas are mounted, including the following three types of mounts:

- A. **BUILDING-MOUNT** — Mounted on the roof or the side of a building.
- B. **GROUND-MOUNTED** — Antenna support (tower) mounted on the ground.
- C. **STRUCTURE-MOUNTED** — Mounted on or in a structure other than a building.

MUNICIPAL ENGINEER. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MURAL (OR MURAL SIGN). A large picture/image (including but not limited to painted art) which is painted, constructed or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

NO-IMPACT HOME-BASED BUSINESS. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

NONCONFORMING STRUCTURE OR LOT

- A. A structure or part of a structure which presently does not comply with the applicable provisions of this Ordinance or amendments thereto, where such structure lawfully existed prior to the enactment of this Ordinance or its amendment.
- B. A lot, the area and/or dimension of which presently does not comply with the applicable provisions of this Ordinance or amendments thereto, where such structure lawfully existed prior to the enactment of this Ordinance or its amendment.

NON-CONFORMING (TEMPORARY) SIGN. A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

NONCONFORMING USE. A use of land or a structure which does not comply with the applicable provisions of this Ordinance or amendment thereto, where such use was lawful prior to the enactment of this Ordinance or its amendment.

NUISANCE.

- A. Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including, but not limited to, the following: fire and explosion hazards; electrical and radioactive disturbances; noise and vibration; dust, dirt, and fly ash; glare; smoke and odors; and other forms of air pollution.
- B. Any use operated or conducted in a manner which directly or indirectly endangers the public health, safety and/or welfare, including, but not limited to, having a detrimental effect on an adjoining property or use of property and/or the community.
- C. A property in a continuing state of disrepair that is not fit for human habitation and/or occupancy with the potential to attract vermin and/or deemed to be a fire hazard to adjoining properties.
- D. A property that contains trash, junk and/or one or more inoperable vehicles.

NURSING HOME. See "institutional uses."

OWNER. Any person vested with ownership, legal or equitable, sole or partial, of any property located in this Borough.

PARKING LOT. An outdoor area or space for the parking of motor vehicles, including spaces, aisles and driveways, provided that spaces shall not be provided in any setback area, side yard or front yard required herein.

PARKING SPACE. A portion of a parking lot to be utilized for the parking of a motor vehicle and having dimensions of at least nine feet by 18 feet (162 square feet).

PATIO. An open area at ground level, used primarily for private recreational purposes, which is located in the front yard, side yard, rear yard or courtyard of a property used for residential purposes, but not necessarily attached to the dwelling, and which shall not be enclosed by walls or a roof. A patio is not part of the occupied area of the residential structure, is not factored into the calculation of footprint, but meets all side, rear, front and setback limitations imposed herein.

PENNANT. A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

PERSONAL SERVICE. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barbershops and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

PORCH. An open structure attached to a dwelling, which has a roof and may be screened/open.

PROFESSIONAL OFFICE. An office for a physician, lawyer, dentist, architect, professional engineer, planner or other such profession, provided that no goods, equipment, merchandise or material associated with such practice may be displayed, stored or sold on the lot on which the structure is located.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

RAIL FACILITY. A capital rail station facility that improves the efficiency of and encourages the use of public transportation.

RANGE. Used to determine the required yard setbacks if using Option 2 of the Traditional Residential Infill Overlay District. It is to be specified by the maximum and minimum values of the reference dwellings' setbacks. Any number that is between these two values is within the range and shall include the minimum and maximum values. (Example: reference dwelling 1 has a front yard setback of 20 feet; reference dwelling 2 has a front yard setback of 15 feet. The front yard setback for the new dwelling may be any number of feet from 15 to 20 feet.)

RECREATIONAL VEHICLES AND EQUIPMENT. Recreational vehicles, campers, trailers or similar mobile homes or camping equipment, either self-propelled or intended to be loaded upon, carried or pulled or otherwise transported by a motorized vehicle.

REFERENCE DWELLINGS. Structures adjacent to the subject property.

REGISTRY - The registry established by the DOH for all medical marijuana organizations and practitioners.

RELATED EQUIPMENT. Any piece of equipment related to, incident to, or necessary for, the operation of a Communications Tower or Communications Antenna. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

RETAIL. A use in which merchandise is sold or rented to the general public, but excluding adult movie theaters, adult bookstores, drive-through facilities.

RIGHT-OF-WAY or ROW. The surface of and space above and below any real property in the Borough in which the Borough has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than streets that are owned by the Borough. The phrase "in the Right(s)- of-Way" means in, on, over, along, above and/or under the Right(s)-of-Way. For the purpose of this ordinance, ROW shall include streets and roads owned by Northampton County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.

SCHOOL. A public, private or parochial institution dedicated to the education and training of children and/or adults, which is approved and accredited for the educational purposes which it is intended to perform by the Commonwealth of Pennsylvania.

SETBACK LINE (also known as the **BUILDING LINE** or **BUILD-TO LINE**). The rear line of the minimum front yard, as herein designated for each district.

SIGN. Any device, structure, fixture, painting, emblem, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention.

- A. **Abandoned Sign:** A sign which has not identified or advertised an existing business, service, owner, product, or activity for a period of at least 180 days, and/or for which no legal owner can be found.
- B. **Animated Sign:** A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.
- C. **Changeable-Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. Four primary types of Changeable-Copy Signs are **Manual Changeable Copy Signs, Message Center Signs, Digital Displays, and TriVision Boards.**
- D. **Directional Sign:** Signs designed to provide direction to pedestrian and vehicular traffic within a site.

- E. **Double-Faced Sign:** A freestanding sign with two identical faces of the same size which are back-to-back, and not more than 45 degrees apart. (Also known as ***multi-sided sign***)
- F. **Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or structure. The following are subtypes of freestanding signs:
 - Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as ***monument sign***)
 - Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
- G. **Governmental/Regulatory Sign:** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.
- H. **Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.
- I. **Incidental Sign:** A sign of a public service nature such as signs identifying parking lots, telephones, restrooms, loading docks, religious institutions, and similar services. These signs shall not contain any commercial advertising.
- J. **Incidental Window Sign:** Signs displayed in the window indicating information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain any commercial advertising.
- K. **Manual Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign panel.
- L. **Marquee Sign:** Any sign attached to a marquee for the purpose of identifying a use or project. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.
- M. **Mechanical Movement Sign:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or from another power source, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.
- N. **Message Center Sign:** A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards. A message center sign must be integrated into a freestanding (pole or ground) sign.
- O. **Off-Premises Sign:** An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a ***third-party sign***, ***billboard***, or ***outdoor advertising***)
- P. **On-Premises Sign:** A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.
- Q. **Permanent Sign:** A sign attached to a building, window, or structure, or to the ground in a manner

that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

- R. **Personal Expression Sign:** An on-premises sign that expresses an opinion, interest, or position.
- S. **Sandwich Board or A-Frame Sign:** A type of freestanding, portable, temporary sign consisting of two faces and taken down at the end of each day. Sandwich board and A-Frame signs are typically used to advertise dining, entertainment, or sales. Such signs must be located on the premises of the business it advertises.
- T. **Vehicular Sign:** A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
- U. **Projecting Sign:** A building mounted sign with the faces generally perpendicular to the building fascia, not to include signs located on a canopy, awning, or marquee. (Also known as **blade sign**)
- V. **Security Sign:** An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign. (Also known as **warning sign**)
- W. **Snipe Sign:** A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way. (Also known as **bandit sign**)
- X. **Temporary Sign:** Any sign which is not permanently affixed to land or to any surface or improvement.
- Y. **Wall Sign:** A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign (Also known as: **fascia sign, parallel wall sign, band sign**).
- Z. **Window Sign:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

SIGN AREA. The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols.

SIGN COPY. The words and/or message displayed on a sign.

SIGN FACE. The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

STEALTH DESIGN. A telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment (see "alternative tower structure").

STEALTH TECHNOLOGY. Camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STREAMERS. A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

SPECIAL EXCEPTION. A form of permitted use, authorized by this Ordinance, under the jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board is empowered to grant permission for special exceptions, consistent with the public interest, in compliance with the standards and procedures established by this Ordinance.

STORY. That part of a building between any floor and the floor or roof next above it.

STREET. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET FRONTAGE. The linear edge of a lot adjacent to the lot line abutting a street or public right-of-way.

STREET LINE. The dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally opened and officially plotted, or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots, each held in single and separate ownership, have the right-of-way; also known as the "ultimate right-of-way."

STREET RIGHT-OF-WAY. Land opened for use as a street, municipally or privately owned, serving as a means of vehicular and pedestrian travel, with space for sewers, public utilities and sidewalks. As a minimum, the legal right-of-way on each side of a street or highway shall be a parallel line not less than 25 feet from the center of a street or highway.

STREET ULTIMATE RIGHT-OF-WAY. The expected future street right-of-way width computed from the center line of an established street right-of-way, as identified in the Borough Land Development and Subdivision Regulations, but in no event less than the minimum width established by the street right-of-way.

STREET VENDOR. a person who sells something in the street, either from a stall or van or with their goods laid out on the sidewalk and is a use only permitted as an accessory to a permitted primary principal use.

STRUCTURE. Any form or arrangement of building materials built, constructed or erected which requires location on the land or attachment to something located on the land, including but not limited to buildings.

SUBDIVISION. The division or re-division of a single lot, tract, or parcel of lands by any means into two or more lots, tracts, or parcels of land, including changes in street lines or lot lines for any purpose, whether immediate or future, including, but not limited to, the transfer of ownership or building or lot development; provided, however, that divisions by lease of land for agricultural parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY CHANGE. (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional Antennae array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth in the WBCA or the Bangor Borough Zoning Ordinance if necessary to avoid interference with existing Antenna or (2) further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional Antenna array.

SWIMMING POOL. Any constructed pool used for swimming or bathing which has a depth in any part of 24 inches or more, including any decks, ladders or other structure attached to or otherwise an integral part of the swimming pool.

TELECOMMUNICATION FACILITY. A facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this Section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio broadcasts are not telecommunication facilities.

TELECOMMUNICATIONS OR TRANSMISSION TOWER. The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this Section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers.

TOTAL FLOOR AREA. The maximum horizontal floor area of all floors within a building using outside dimensions of each floor, excepting therefrom cornices, chimneys, bay windows not extending more than five feet, one-story open porches, steps, balconies and floor openings above the first floor to the roof such as an atrium or open court.

TRUCK. Any motor vehicle designed or used for commercial purposes, including, but not limited to, freight, goods or merchandise.

ULTIMATE RIGHT-OF-WAY. The future or planned width of a highway in the public domain, as shown on the official Ultimate Right- of-Way Map on file at the Borough office.

USE. The purpose or purposes for which either land or structures thereon are occupied, arranged, designed or intended or for which either land or structure is or may have been acquired or occupied.

- A. ACCESSORY USE. A use subordinate to the primary use of land or of a structure on a lot and customarily incidental and complementary thereto.
- B. PRIMARY USE. The dominant use of a lot and the structures contained thereon, which use is likely or customarily to be the use for which the lot would be purchased.

UTILITY OR PUBLIC UTILITY. A public utility (utility) is an organization that maintains the infrastructure for a public service (often also providing a service using that infrastructure). The term utilities can also refer to the set of services provided by these organizations consumed by the public: electricity, natural gas, water, sewage, telephone, and transportation.

VARIANCE. Written approval of the Zoning Hearing Board authorizing relief from the literal interpretation and enforcement of the provisions of this Ordinance, which are expected to be granted in only the most exceptional of circumstances where the literal interpretation and enforcement of this Ordinance would cause extreme practical difficulty and undue hardship.

WBCA. Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

WIRELESS. Transmissions through the airways including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY. The Antennae, nodes, control boxes, towers, poles conduits ducts, pedestals, electronics and other equipment used for the purposes of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (APPLICANT). Any person that applies for a wireless communication facility building permit zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.

WIRELESS SUPPORT STRUCTURE. A freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Borough.

YARD. The required open, unoccupied space on a lot which is open and unobstructed by buildings from the ground to the sky.

- A. FRONT YARD. A yard, the width of which is measured from one side line of the lot to another side line of the lot, located between the street line and the front of any building, not less in depth for its

entire width than the minimum distance required between the street line and the build-to line in each district. If in reference to a corner lot, the Borough Zoning Officer shall have the authority to designate the yard to be considered the front yard.

- B. SIDE YARD. A yard between any building and the side line of the lot or the nearest side line of a street, driveway or alley, extending from the front yard to the rear yard and not less in width for its entire depth than the required side yard minimum width in each district.
- C. REAR YARD. A yard, the width of which is measured from one side line of the lot to another side line of the lot, located between the extreme rear line of any building and the extreme rear line of the lot, or the nearest side line of a street, driveway or alley, not less in depth for its entire width than the required rear yard minimum depth in each district. In the case of a triangular lot, the Borough Zoning Officer shall designate which yard shall be considered the rear yard.

ZONING PERMIT OR PERMIT. The document required to be applied for, and any applicable fees paid, to ensure review and compliance of all requirements set forth in this Ordinance; a Zoning Permit shall not be considered issued to applicant until the permit receives approval by the Zoning Officer, any other appropriate Borough employee or official, and is issued a permit number by the Borough.

Section 400. Establishment of Districts and Maps; Interpretation

§ 400.1. Classes of districts.

For the purpose of this Ordinance, the Borough of Bangor is divided into seven classes of districts, which shall be designated as follows:

TR	Traditional Residential Infill Overlay District
A	Residential District
B	Residential District
C	Residential District
NCR	Neighborhood Commercial Residential District
TC	Town Center District
GC	Gateway Commercial District
HR	High-Rise Apartment District
IC	Industrial/Commercial
OS	Open Space

§ 400.2. Zoning Map.

The boundaries of districts shall be shown on the map attached to and made part of this Ordinance, which map shall be known as the "Zoning Map of Bangor Borough." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.

§ 400.3. Interpretations of boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. The district boundaries are center lines of streets unless otherwise shown.
- B. Where the district boundaries are not shown to be streets, the boundaries shall be construed to be property lines or dimensions from and parallel to the street line at the distance indicated.

Section 500. Residential Districts

§ 500.1. TR Traditional Residential Infill Overlay District.

It is the intent of this Section, as authorized by Article VII-A of the Pennsylvania Municipalities Planning Code, as amended, to establish design criteria and a process for design review applicable to Bangor Borough's A, B, and C Residential Districts, established and regulated pursuant to Section 400, Establishment of Districts and Maps; Interpretations, of this Ordinance, which will ensure that future residential infill development recognizes the design challenges inherent in developing successful residential projects in established traditional neighborhoods and to ensure that such new development is consistent in character, location and scale with adjacent dwellings. The specific objectives are as follows:

- A. Promote neighborhood preservation and enhancement.
- B. Protect housing values.
- C. Ensure that infill development reinforces the existing community character and respects the neighborhood pattern, including the type of residential dwellings, orientation, scale (i.e., height, mass, etc.) and design.
- D. Provide for flexibility of dimensional standards to ensure a more consistent neighborhood character.
- E. Provide design standards that promote compatibility between new and existing residential development.
- F. Allow for flexibility with regard to accessory uses/structures and additions that will enable expanded use of individual property without compromising adjacent properties.

§ 500.2. Applicability.

The requirements of the Traditional Residential Infill Overlay District shall apply to all residential dwellings located in the underlying A, B, and C Zoning Districts.

§ 500.3. Permitted uses.

A building may be erected, altered or used and a lot may be used for any of the following purposes and no other, provided that, when a new dwelling is proposed to be constructed on a particular lot, the permitted dwelling type shall be the same as the reference dwellings adjacent to the subject property on either side, across the street, and to the rear. When the reference dwellings are not of the same type or where one or both lots are not of a permitted type or use, the prevailing dwelling type of the block shall be used. When the lot to be developed is a corner property, the reference dwelling shall be that dwelling facing the same street as the proposed dwelling.

- A. Single-family detached dwelling.
- B. Attached dwelling/townhome.
- C. Single-family semidetached dwelling/twin.
- D. Two-family detached dwelling/duplex.
- E. Accessory building. One per lot is permitted and shall in no event include any business, except it may include a no-impact or low-impact home-based business as defined and subject the provisions of paragraphs 500.3(G) and 500.3(H).
- F. Municipal uses, including recreational uses.
- G. No-impact home-based businesses, in accordance with the following requirements:
 - (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not include any illegal activity.

H. Low-impact home-based business.

- (1) Permitted only in the C Residential District.
- (2) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (3) The business shall employ no employees other than family members residing in the dwelling.
- (4) There shall be no display or sale of retail goods.
- (5) Parking, signs or lights are permitted as appropriate and pursuant to the codes and ordinances of Bangor Borough. Visitor parking shall meet the parking standards in § 500.6C. Exterior lighting shall be designed to be sufficient for security and identification of the property without allowing light to trespass onto adjacent sites. Signage shall conform to the standards of Section 740, Signs, of this Ordinance.
- (6) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (7) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (8) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (9) The business may not include any illegal activity.
- (10) There shall be no more than one commercial visit per hour and a maximum of four commercial visits to the premises per day, with all visits falling between the hours of 7:00 a.m. and 7:00 p.m. Commercial visits include customer visits and service or package deliveries.

§ 500.4. Prohibited uses.

- A. Conversions from single-family dwellings (to include detached, attached, twin or duplex units) to multifamily dwelling units.

- B. New nonresidential uses. (All existing institutional, multifamily and nonresidential uses will be grandfathered.)

§ 500.5. Dimensional standards.

The applicant may choose one of two options:

- A. Option A: To adhere to the dimensional regulations of the underlying residential zoning districts, A Residential, B Residential and C Residential.
- B. Option B: To adhere to the following contextual dimensional standards and the design standards in § 500.6. Under no circumstances shall the applicant choose standards from both Option A and B. If choosing Option B, the applicant is permitted to obtain existing conditions information for adjacent properties through various resources, to include but not be limited to Northampton County Board of Assessment Data, Geographic Information Systems (GIS) data, and on-site calculations. When a new dwelling is proposed to be constructed on a particular lot, the dimensional requirements shall be within the range of the existing standards of reference dwellings adjacent to the subject property. For these purposes, adjacent dwellings include those on either side, across the street, and to the rear, as described in Section 300, Definitions and word usage.
 - (1) Lot area. Lot area shall be within the range of the existing lot areas of the adjacent dwellings. In no case shall a lot size be less than 3,500 square feet for a single-family detached dwelling and 2,500 square feet for single-family semidetached and attached dwellings.
 - (2) Lot width. Lot width shall be within the range of the existing lot widths of the adjacent dwellings. In no case shall a lot width be less than 50 feet for a single-family detached dwelling and 26 feet for single-family semidetached and attached dwellings.
 - (3) Yards. Front, side and rear yards shall be provided on each lot, as follows:
 - (a) Front yard: a front yard on each street on which the lot abuts, to be within the range of the existing front yard setbacks of the adjacent dwellings. In no case shall the front yard setback be less than 15 feet.
 - (b) Side yard: to be within the range of the existing side yard setbacks of the adjacent dwellings. In no case shall the individual side yard setbacks be less than eight feet.
 - (c) Rear yard: to be within the range of the existing rear yard setbacks of the adjacent dwellings. In no case shall the rear yard setback be less than 25 feet.
 - (4) Building coverage. The building coverage of new residential dwellings shall be within the range of the two adjacent dwellings.
 - (5) Height. New dwellings shall be within the range of heights of the adjacent dwellings. The maximum building height shall be 45 feet, provided that, for every additional foot in height over 35 feet, the minimum required side yard setback is increased by one foot.

§ 500.6. Design standards.

All residential development subject to this Section 500.1, regardless of whether Option A or Option B from § 500.5, Dimensional standards, is used, shall be of a compatible design with residences located on the same block and shall follow the below standards:

- A. Scale and proportion.
 - (1) The scale and proportion of new dwellings shall reflect and be sympathetic to those around them.

- (2) The design and appearance of proposed residential dwellings shall appear similar to those of dwellings existing on the block.
 - (3) Building materials shall be made of brick, stone or other materials that are similar and otherwise in common with other residential dwellings located on the same block, reflecting the local identity and providing a unifying effect.
 - (4) Design and appearance shall be consistently carried out on all sides visible from a street.
 - (5) Roof style (e.g., gable, hip, gambrel, etc.) shall be consistent with the prevailing style of the block and shall include dormers where applicable.
- B. Entrances/windows and front porches.
- (1) All dwellings shall have at least one primary entrance in the front facade and shall be oriented toward the primary street. Where no primary street exists, the dwelling may be positioned so as to be facing either street.
 - (2) Window openings that are similar in size, proportion, shape, arrangement and location to those seen traditionally on the block shall be incorporated into new dwellings.
 - (3) On a block where there is a prevailing pattern of front porches for existing dwellings, new dwellings shall have a front porch.
 - (4) All porches shall be consistent with the style of the proposed dwelling and the neighborhood.
- C. Vehicular access/garages.
- (1) New dwellings shall provide for vehicle access and parking (location of garage) consistent with the prevailing means of access and location of garages on the block, provided it meets the criteria of this section, as applicable.
 - (2) Garages shall not dominate the front facade of the dwelling.
 - (3) Garages shall be similar to the dwelling in terms of design, materials and color.
 - (4) Surface parking shall only be provided in front of the primary facade of the dwelling when parking at the side or rear of the dwelling is not feasible.
- D. Residential additions.
- (1) An addition shall be set back from any primary, character-defining facade. When feasible, an addition should be constructed to the rear of the dwelling, allowing the original structure and character to remain prominent. All setbacks shall be maintained.
 - (2) An addition shall be compatible in scale, materials and character with the primary dwelling.
 - (3) The roof form of a new residential addition shall be in character with that of the primary dwelling.
 - (4) New additions shall respect the original architecture and be designed in similar style of the original structure.
- E. Residential lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites.

§ 500.7. 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 § 500.6:
- (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 dwelling which involves a change in the exterior materials in existence on such dwelling. "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 dwelling.
 - (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 process.
- (1) When land development is required. For projects subject to land development review, all applications before the reviewer shall be submitted at the time of the land development application and follow the approval process outlined in the Subdivision and Land Development Ordinance of the Borough. All applications must also be submitted in writing to the reviewer which shall review the proposal and submit written comments to the applicant, the Borough Manager and Planning Commission within 30 days of receipt of such application.
 - (2) When land development is not required. When a land development is not required, the applicant must submit the applications to the reviewer at time of submission of the zoning application and/or building permit. All applications must be submitted in writing to the reviewer, which shall review the proposal and submit written comments to the applicant and the Borough Manager within 30 days of receipt of such application. The applicant shall consider the recommendations of the reviewer and shall include revisions and/or responses prior to a zoning and/or building permit being issued.
 - (3) The written application required by this article shall be accompanied by the following data where applicable:
 - (a) Site plan information as required by the Subdivision and Land Development Ordinance.
 - (b) Building design, including:

[1] The elevation of each residential dwelling, which shall include all sides of a new dwelling or all sides to be impacted by a proposed addition. The elevations must

indicate the natural color of materials to be applied, including the colors of any paint or manufactured product on the exterior buildings, walls or addition.

[2] The type and finish of all materials to be applied to the exterior surface of the building, walls or addition.

Section 500-1. A Residential District

§ 500.8. Applicability.

In an A Residential District, the following regulations shall apply. Additionally, the design standards and design review process in §§ 500.6 and 500.7, respectively, apply.

§ 500.9. Permitted uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Section 500.1, TR Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 500.6 and 500.7.

§ 500.10. Area regulations.

- A. Lot area and width. A lot area of not less than 10,000 square feet per dwelling shall be provided. Each lot shall have a width at the build-to line of not less than 75 feet.
- B. Building area. Not more than 30% of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot, as follows:
 - (1) Front yard: a front yard on each street on which the lot abuts, not less than 25 feet in depth.
 - (2) Side yards: for every dwelling, two side yards with an aggregate width of 30 feet, neither of which shall be less than 10 feet. Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
 - (3) Rear yard: one rear yard not less than 30 feet in depth.

§ 500.11. Impervious coverage.

Not more than 40% of the lot area shall be covered by buildings and paved surfaces.

§ 500.12. Height regulations.

New dwellings shall be within the range of heights of the adjacent dwellings. The maximum building height shall be 45 feet, provided that, for every additional foot in height over 35 feet, the minimum required side yard setback is increased by one foot.

Section 500-2. B Residential District

§ 500.13. Applicability.

In a B Residential District, the following regulations shall apply. Additionally, the design standards and design review process in §§ 500.6 and 500.7, respectively, apply.

§ 500.14. Permitted uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Section 500.1, TR Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 500.6 and 500.7.

§ 500.15. Area regulations.

- A. Lot area and width. A lot area of not less than 5,000 square feet per dwelling shall be provided. Each lot shall have a width at the build-to line of not less than 50 feet for a detached building and 35 feet for a single-family semidetached dwelling.
- B. Building area. Not more than 30% of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot, as follows:
 - (1) Front yard: a front yard on each street on which the lot abuts, not less than 20 feet in depth.
 - (2) Side yards:
 - (a) For every detached building, two side yards with an aggregate width of 25 feet, neither of which shall be less than nine feet.
 - (b) For every single-family semidetached dwelling, one side yard, not less than 12 feet in width.
 - (c) Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
 - (3) Rear yard: one rear yard not less than 25 feet in depth.

§ 500.16. Impervious coverage.

Not more than 60% of the lot area shall be covered by buildings and paved surfaces.

§ 500.17. Height regulations.

New dwellings shall be within the range of heights of the adjacent dwellings. The maximum building height shall be 45 feet, provided that, for every additional foot in height over 35 feet, the minimum required side yard setback is increased by one foot.

Section 500-3. C Residential District

§ 500.18. Applicability.

In C Residential District, the following regulations shall apply. Additionally, the design standards and design review process in §§ 500.6 and 500.7, respectively, apply.

§ 500.19. Permitted uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Section 500.1, TR Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 500.6 and 500.7.

§ 500.20. Area regulations.

- A. Lot area and width. A lot area of not less than 2,500 square feet per dwelling shall be provided, provided that the minimum lot area for a single-family detached dwelling shall be 3,500 square

feet. Each lot shall have a width at the build-to line of not less than 50 feet for a detached building and 26 feet for a semidetached dwelling and attached dwelling.

B. Building area. Not more than 60% of the area of each lot may be occupied by buildings.

C. Yards. Front, side and rear yards shall be provided on each lot, as follows:

- (1) Front yard: a front yard on each street on which the lot abuts, not less than 15 feet in depth.
- (2) Side yards:
 - (a) For every detached building, two side yards each a minimum of eight feet in width.
 - (b) For every single-family semidetached dwelling, one side yard, not less than eight feet in width.
 - (c) For every multiple-dwelling building, two side yards, each a minimum of 15 feet width.
 - (d) Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
- (3) Rear yard: one rear yard not less than 25 feet in depth.

§ 500.21. Impervious coverage.

Not more than 75% of the area of each lot may be covered by impervious coverage.

§ 500.22. Height regulations.

No building shall be less than two stories in height nor shall a building or structure exceed a maximum height of 45 feet, provided that, for every additional foot in height over 35 feet, the minimum required side yard setback is increased by one foot.

Section 500-4. NCR Neighborhood Commercial Residential District

§ 500.23. Purpose and intent.

It is the intent of this article to provide regulations for mixed-use development that encompasses commercial, office and residential uses in conformance with the Borough of Bangor's economic development goals and the following objectives:

- A. Encourage economic development opportunities along specific portions of the community which will act as buffers between the more intense auto-oriented uses of the Gateway Commercial District and the smaller pedestrian-friendly areas of the Town Center District.
- B. Provide opportunities for new residential development that enhances the streetscape and is supportive of the Borough's commercial development.
- C. Maintain and enhance the existing community character of Bangor Borough.
- D. Encourage pedestrian connections within and between properties in the District and throughout the Borough.
- E. Improve the streetscape by requiring that parking be consolidated among uses to the rear/side of the properties.
- F. Provide design standards that ensure new buildings, additions and renovations are consistent with and enhance the surrounding streetscape.

- G. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.
- H. Encourage commercial development that enhances the Borough's downtown core from an architectural and design standpoint.

§ 500.24. 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 § 500.24A herein.
- (2) Apartments, on the second floor and above [with the exception of apartment buildings described in § 500.24B (1), Conditional uses].
- (3) Artist live (second floor or first floor behind storefront) and work (ground floor or storefront).
- (4) 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 or professional office.
- (6) 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, tattoo and/or body piercing parlors.
- (7) Establishment serving food or beverages to the general public, such as restaurant, cafe, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.
- (8) Outdoor dining.
- (9) Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
- (10) Health club and gym.
- (11) Religious institution and their ancillary uses.
- (12) Studio for dance, music, fitness, art or photography.
- (13) Artisan manufacturing (hand tools only; e.g., jewelry or ceramics).
- (14) Gallery and museum.
- (15) Hotel.
- (16) Government administration uses, post office, community center, public library, offices for public utilities.
- (17) Bus shelter.
- (18) Surface parking lot.
- (19) Rail facility.
- (20) Public park, plaza, square, courtyard, urban garden, and public recreation area.

- (21) Pedestrian take-out window.
 - (22) Street vendor.
 - (23) Farmers' market.
 - (24) Indoor entertainment, sports-/theater-related.
 - (25) School.
- B. Conditional uses.
- (1) Apartment buildings, provided that the following is included:
 - (a) Twenty 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 in § 500.29B.
 - (2) Undertaking establishments and funeral homes.
 - (3) Parking garages, provided that:
 - (a) The parking structure must conform to all setback, height, bulk and landscaping requirements for buildings within this District.
 - (b) When the parking garage is situated with one or more of its facades along a street, 100% of the first-floor frontage of each street-facing facade, excluding the minimum area necessary for vehicular and pedestrian access ways to such garage structure, shall be maintained for walk-in retail and service uses. These retail and service spaces shall incorporate display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.
 - (c) Any portion of a parking garage that fronts a street shall have all openings (second story and above) screened along the entire facade of such structure. Screening techniques may include the use of display windows, decorative grillwork, decorative glass, decorative masonry or a combination of these methods, or similar methods so as to ensure that vehicles within the garage are screened from the view of cars and pedestrians.
 - (d) Entrances and/or exits to parking structures on Broadway shall be allowed only where Borough Council determines that this is the only frontage reasonably available for such entrances and/or exits. In such cases, 100% of the first-floor frontage shall still be maintained for walk-in retail and service uses, excluding vehicular and pedestrian access ways.
 - (e) Deck structure visible from the street must be horizontal rather than sloping.
 - (f) Parking structure facades that are visible to the public shall consist of high-quality materials such as brick, concrete banding, glass block banding or other materials characteristic of the Borough's architecture. Upper levels must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.
 - (4) Demolition of buildings included in the Historic Preservation Overlay Zone.
 - (a) In order for a building to be demolished, the following conditions need to be demonstrated:

- [1] Meet the standards and approval process set forth in Section 700.1, Historic Preservation.
- [2] Replacement buildings must meet the following additional conditions:
 - [a] Provide a public amenity, such as an urban garden or a public plaza, square or courtyard pursuant to § 500.44A (3), Urban gardens, and (4), Public plazas/squares/courtyards.
 - [b] Any new building must be constructed of natural materials typically found along the street upon which the subject property fronts. Natural materials include stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials, such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyl's, etc., are prohibited unless such materials are used in such a way as to resemble historic characteristics.
 - [c] Meet the design standards of § 500.29.
 - [d] The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the § 500.29 design standards are being met.
 - [e] Provide a cross-access easement for parking lots between adjacent nonresidential properties before an occupancy permit is issued for the newly constructed building, as described in § 500.26C(2). The parking area shall be so designed to readily accommodate shared access.
- (5) Uses determined by the governing body to be of a similar nature to the uses permitted by right in § 500.24A, Permitted uses, herein, when located in a principal or accessory building.

C. Prohibited uses:

- (1) Automobile or other vehicle sales service, or repair establishment, including vehicle body repair, vehicle painting, or washing.
- (2) Gasoline service station and filling station.
- (3) Drive-through window or facilities.
- (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) Uses determined by the governing body to be of similar nature to the prohibited uses listed in this section.

§ 500.25. Development standards.

- A. Minimum lot size: 15,000 square feet.
- B. Minimum lot width: 50 feet.
- C. Build-to-line. Buildings shall be:
 - (1) Built to the sidewalk;

- (2) The setback should be the average of the two closest structures on the same side of the street with a maximum setback of 10 feet from the edge of the sidewalk; or
 - (3) Set back from the sidewalk a maximum of 15 feet for purposes of a plaza, square, courtyard, recessed entrance, or outdoor dining.
- D. Side yard setback. Within the Neighborhood Commercial Residential 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 Neighborhood Commercial Residential zoned property abuts a residentially zoned property, the minimum side yard setback required in the Neighborhood Commercial Residential 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 Neighborhood Commercial Residential 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 Neighborhood Commercial Residential District zoned property abuts a residentially zoned property, the rear yard setback required in the Neighborhood Commercial Residential 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. Building height shall be a maximum of four stories or 50 feet, provided there is a ten-foot setback (on average) from the building facade for floors above the third story.
 - (3) Permitted building height by conditional use. A maximum height of six stories or 72 feet is permitted by conditional use.
- H. Maximum building footprint for nonresidential buildings: 40,000 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-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 commercial floor area 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.

§ 500.26. General requirements.

- A. A structure located in the Historic Preservation Overlay Zone cannot be demolished unless following a conditional use procedure as described in § 500.24B (4), 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 the 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 730, Off-Street Parking and Loading Standards.
 - (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 requirements of § 500.26C, Surface parking, via parking reduction strategies in § 730.7, 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. All ground-mounted equipment shall be screened by a screen wall that matches the architectural color and finish of the building and which is a minimum of one foot taller than the highest point of the tallest unit.
- (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 street 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 Neighborhood Commercial Residential District shall conform to the standards of Section 740 of this Ordinance.

H. Street trees. Street trees are required where a building fronts on a road with street trees 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 § 500.27, 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 four feet, free of obstacles, shall be maintained.

§ 500.27. 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 install streetscape and green area standards consistent with existing projects within the downtown area and demonstrate that these standards are met through elevations and conceptual sketches.

§ 500.28. 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 community historic structure is preserved and enhanced and/or the facade is maintained and enhanced following the conditional use standards of § 500.24B(4), 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.

§ 500.29. Design standards.

- A. Pedestrian design standards:
- (1) Sidewalks are required along all street frontages, with a minimum width of eight 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 40,000 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 cornice.
 - [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 four 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.
- (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.
- (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, Neighborhood Commercial Residential District, and in the most current Bangor Revitalization Plan available at Borough Hall.
- (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 and 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.

§ 500.30. 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 § 500.29:
 - (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.

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.

500-6. G Gateway Commercial District

§ 500.56. Purpose and intent.

It is the intent of this article to provide regulations for well-designed auto-oriented commercial land uses in conformance with the Borough of Bangor's economic development goals and the following objectives:

- A. Provide the broadest range of commercial uses in the Borough.
- B. Encourage the retention of the existing community character of Bangor by preserving the existing buildings and landscaped spaces to the greatest extent possible.
- C. Discourage strip-style commercial development, which requires incongruous architectural styles, excessive paved areas, and numerous curb cuts.
- D. Encourage consolidation of driveways, parking and curb cuts to provide more efficient and economical access and parking.
- E. Encourage a coordinated pedestrian path system to provide efficient and convenient pedestrian access from parking areas to and among the various permitted uses and to neighboring residential areas.
- F. Discourage the overdevelopment of lots by limiting the maximum permitted building and impervious coverage.
- G. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.
- H. Provide regulations that minimize congestion and hazardous traffic conditions.
- I. Allow existing commercial properties to be appropriately redeveloped.
- J. Encourage the location of commercial buildings so that they are accessible by public transportation.

§ 500.57. 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. The following uses are permitted by right, provided no drive-through facilities are proposed.
 - (1) Retail store for the sale of dry goods, variety merchandise, clothing, groceries, retail bakery, beverages, flowers, plants, drugs, books, furnishings or other household supplies, sale and refinishing of antiques, hardware, sale and repair of jewelry, clocks, optical goods, cameras, home appliances, electronic equipment, video rental stores, furniture rental stores, appliance rental stores, scientific and professional instruments, and/or similar goods. Shopping centers, as defined in this Ordinance, are only permitted as a class two conditional use.
 - (2) Convenience store, without fuel pumps.
 - (3) Personal service shop, including but not limited to barbershop and/or hairdresser, shoe repair, tailor, dry cleaning (pickup establishments only).
 - (4) Business or professional office.
 - (5) Doctor, dentist office.
 - (6) Studio for dance, art, music, photography or exercise.

- (7) Business services establishment, including copy center, retail printing and duplication services, computer rental and copying center, mailbox rental and shipping, cartage, express and parcel delivery services.
- (8) Bank or financial institution, excluding drive-through facilities.
- (9) Establishment serving food or beverages to the general public, such as restaurant, cafe, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.
- (10) Bar or tavern.
- (11) Outdoor dining.
- (12) Municipal building, office and uses.
- (13) Open space and low-intensity outdoor recreational use such as ball fields and bicycle and pedestrian paths, provided that proposed uses do not exceed a maximum building coverage of 1% or a maximum impervious coverage of 10%.
- (14) Laundromat, provided that there are adequate provisions made for water disposal.
- (15) Post office.
- (16) Bed-and-breakfast, provided that:
 - (a) The principal building must be a single-family dwelling; and the owner of the bed-and- breakfast must live in the dwelling as his/her primary Residence.
 - (b) There shall be no more than six guest bedrooms, accommodating no more than 12 guests at any one time; no paying guest shall stay on any one visit for more than 30 days.
 - (c) The rented rooms shall not contain kitchen facilities and shall not constitute separate dwelling units.
- (17) Club or fraternal organization.
- (18) Day-care center; elder care.
- (19) Accessory use on the same lot with and customarily incidental to the use permitted and utilized. Accessory uses shall meet all requirements for permitted uses.
- (20) Indoor entertainment.
- (21) Other similar uses to those mentioned above.
- (22) Transit facility.
- (23) School.
- (24) All uses permitted by-right in Section 500-5, TC Town Center District, or Section 500-4, NCR Neighborhood Commercial Residential District are permitted, provided that those uses not listed above in [Subsection A (1) through (22)] must conform to the dimensional and design standards of the district in which they are originally permitted by right and may not use the dimensional or design standards of this Gateway District.

B. Conditional uses. The following uses may be permitted by the Borough Council as conditional uses in accordance with the conditional use criteria of § 500.58 of this district, the standards listed below, and all other regulations of the Gateway Commercial District:

- (1) Class one conditional uses. On lots with a minimum area of 40,000 square feet and a minimum width at the build-to line of 100 feet, the following uses are permitted as class one conditional uses:
 - (a) Use with drive-through facilities, including restaurant, drugstore, bank and financial institution, and other use listed in § 500.57 herein, provided:
 - [1] The use provides sufficient on-site stacking lanes to accommodate a minimum of six automobiles leading to the first drive-through window, bank-teller window, remote-teller window, or drive-through automatic teller machine on the site and two automobiles for each additional drive-through facility on the site.
 - [2] Stacking lanes shall not interfere with parking spaces or the internal and external circulation of the site.
 - [3] Drive-through windows shall face the rear or side yard of the site. Drive-through windows shall not face a public street.
- (2) Class two conditional uses. On lots with a minimum area of 100,000 square feet and a minimum width at the build-to line of 200 feet, the following uses are permitted as class two conditional uses:
 - (a) Shopping center, in accordance with the additional design standards in § 500.61.
 - (b) Motel, hotel.
 - (c) assisted living facility and nursing home, provided that they are located within 100 feet of a residential district, as a transition between residential and commercial uses.
 - (d) Gasoline filling station or service station.
 - (e) Nursery or greenhouse, provided that:
 - [1] Outdoor storage is limited to 75% of the total site area.
 - [2] All non-plant materials are stored and displayed behind areas that are clearly defined for such purpose and are screened from public roads and residential properties.
 - [3] Such uses have a defined pickup area that does not interfere with the flow of internal traffic or required parking areas.
 - [4] Commercial vehicles and outdoor storage areas are at least 60 feet from residential property lines and street ultimate right-of-way lines.
- (3) Class three conditional uses: Off-premises advertising sign, when constructed and maintained in a manner consistent with Section 740, Signs.

§ 500.58. Conditional use criteria.

Commercial uses that are permitted as a conditional use in the Gateway District shall meet the following conditional use standards:

- A. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of a proposed general commercial use, the Borough Council may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and

driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

- B. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Borough Council may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

§ 500.59. Dimensional standards.

The applicant may choose one of the following: Option A or Option B.

- A. Permitted uses, class one conditional uses, and class two conditional uses shall meet the following dimensional standards (see Table 3).

Table 3
Dimensional Standards for Gateway District, Option A.

	Permitted Uses	Class One Conditional Uses	Class Two Conditional
Uses			
Minimum net lot size sq/ft	40,000 sq/ft	40,000 sq/ft	100,000
Minimum lot width	100 feet	100 feet	200 feet
Maximum building coverage	25%	25%	25%
Maximum impervious coverage	70%	70%	65%
Minimum front yard setback	20 feet	30 feet	50 feet
Minimum side yard setback	15 feet	15 feet	40 feet
Minimum rear yard setback	15 feet	20 feet	40 feet
Maximum building height	40 feet	40 feet	40 feet
Minimum building setback from abutting residentially zoned properties	40 feet	50 feet	65 feet
Minimum parking setback from street ultimate right-of-way line	10 feet	15 feet	25 feet
Minimum parking setback from nonresidential property lines	10 feet	10 feet	15 feet
Minimum parking setback from residential property lines	30 feet	35 feet	40 feet
Minimum setback of outdoor loading and trash storage areas from abutting residentially zoned properties	50 feet	50 feet	50 feet

- B. To allow more flexibility and encourage consistency of the commercial areas, permitted uses, class one conditional uses, and class two conditional uses of the Gateway District may elect to meet the dimensional and design standards of Section 500-5, TC Town Center District, or Section 500-4, NCR Neighborhood Commercial Residential District. If Option B is chosen, the applicant must meet all of the dimensional and design standards prescribed in the original zoning district in lieu of those prescribed for the Gateway District.

§ 500.60. General requirements.

- A. All development in the Gateway Commercial District shall be served by public sewer and public water facilities.

- B. Off-street parking shall be provided in accordance with Section 730, Off-Street Parking and Loading Standards.
- C. Signs shall meet the requirements of Section 740, Signs. Signage located on buildings shall be consistent in size, location and materials throughout a specific development and should be consistent with the character of signage of structures in the surrounding area.
- D. Site landscaping and buffers shall be provided and comply with provisions of the Subdivision and Land Development Ordinance.
- E. Applicants proposing any use with 60,000 square feet or more of gross building floor area shall be required to prepare a traffic impact study, the scope of which shall be determined by the applicant in concert with the Borough administration.

§ 500.61. Design standards.

- A. Building design standards. All buildings shall meet the following standards:
 - (1) Rear and side facades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
 - (2) Building facades must be interrupted at least once within every 100 horizontal feet, with offsets of four feet or more in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roofline.
 - (3) Building facades of 200 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the facade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.
 - (a) When located within 15 feet of a walkable street or neighborhood, ground-floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 60% of their horizontal length. Display windows shall begin between 12 to 24 inches above ground level and shall end between 78 inches and 108 inches above ground level.
 - (4) Principal buildings shall have clearly defined, highly visible customer entrances with features such as canopies, porticoes, arches and integral planters that incorporate landscaped areas and/or areas for sitting.
 - (5) Rooflines shall be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
 - (a) Buildings with less than 15,000 square feet of building area on the ground floor shall have pitched roofs covering at least 80% of the building with a minimum slope of six vertical inches to every 12 horizontal inches.
 - (b) Buildings with more than 15,000 square feet on the ground floor shall meet one of the following roof requirements:
 - [1] The same pitched roof requirement as outlined immediately above in § 500.61A (5) (a).
 - [2] Parapets or mansard roofs that conceal flat roofs and rooftop equipment such as HVAC units along all roof edges.

- (c) For all buildings, building ridgelines or roof planes facing public streets and public parking lots must be interrupted at least once every 100 feet by a vertical change of five feet, the inclusion of a new gable, or the inclusion of a dormer.
- (6) All shopping centers and other retail establishments with 100,000 square feet or more in gross floor area shall meet the following additional requirements:
 - (a) Ground-floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 60% of their horizontal length. Display windows shall begin between 12 to 24 inches above ground level and shall end between 78 inches and 108 inches above ground level.
 - (b) Large buildings and shopping centers shall have clearly defined, highly visible customer entrances for primary buildings featuring no less than three of the following: canopies or porticoes; overhangs; recesses/projections; arcades; raised display windows.
 - (c) Storefront landscaping shall be provided between the foundations of buildings and driveways/parking areas. A minimum of 25% of the area between the building foundation and driveways/parking areas shall be landscaped.
 - (d) All sides of a shopping center or large retail establishment that directly face an abutting public street shall feature at least one customer entrance. This requirement can be met for two sides of a shopping center or large retail establishment by a corner entrance that is visible from both sides.
- B. Common use area. Shopping centers or large retail establishments of 100,000 square feet or more of gross building floor area shall contain a common use area that will serve as a focal point for the center and provide walkways, seating and landscaping; water features, courtyards, mini parks and plazas are encouraged. The common use area shall meet the following requirements:
 - (1) It shall generally be located between the street and the front facade of the primary shopping center or large retail establishment building within 200 feet of this building.
 - (2) It shall be equal to or greater in size than 5% of the gross floor area of the shopping center or large retail establishment.
 - (3) It shall be directly connected to the sidewalk in front of the shopping center or large retail establishment, without intervening driveways or streets.
 - (4) It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by the Borough Council in consultation with the Borough Planning Commission.
 - (5) It shall be improved with a gazebo, pavilion, clock tower, or paved patio area with a fountain to help identify this area as the central gathering place for the development. This improvement shall be a minimum of 300 square feet in size.
 - (6) It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.
- C. Parking and driveway design standards. Parking lots shall be landscaped according to the following regulations:
 - (1) The ends of all parking rows shall be divided from drives by planting islands.
 - (2) There shall be no more than 15 contiguous parking stalls in a row without a planting island.
 - (3) Planting islands shall be a minimum of 10 feet by 20 feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops or bollards. Each planting

island shall contain at least one shade tree plus low-growing shrubs and/or ground cover to cover the entire area at maturity.

- (4) Parking lots shall be divided by planting strips placed at intervals of one for every four or fewer rows of parking for parking lots. These planting strips shall meet the following requirements:
 - (a) At least half of the planting strips shall be a minimum of 15 feet in width and contain a five-foot paved walkway leading towards the building, with five feet provided for plantings on both sides of the walkway.
 - (b) All other planting strips shall be a minimum of 10 feet in width, with all 10 feet for plantings.
 - (c) Strips shall run the length of the parking row, be underlain by soil, and be protected by curbs, wheel stops or bollards.
 - (d) Planting strips shall contain plantings of one canopy tree every 25 feet, two shrubs per tree, and ground cover/shrubs to cover the entire remaining unplanted area at maturity.
- (5) A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.
- (6) The maximum depth of a parking area located within the front yard of a Gateway Commercial building with less than 20,000 square feet of building area shall be 65 feet, measured perpendicular or radial to the street ultimate right-of-way line.
- (7) Each commercial use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting lots zoned Gateway Commercial, unless all possible interconnections between two abutting lots must cross 20 linear feet or more of wetlands or floodplain or 15% or more of natural slopes. Parking areas on adjacent lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.
- (8) Large retail uses and shopping centers with over 100,000 square feet of gross building floor area shall provide the following:
 - (a) A pickup area for public transportation located between the street and the front facade of the large retail use or shopping center. The pickup area must include a ten-foot-by-twenty-foot waiting area that is separated from other sidewalks in the development. The pickup area must also include an area where a forty-foot bus can park without blocking any lanes of the development's driveways.
 - (b) Driveways and a parking area that can handle and are designed for the weight and length of a forty-foot passenger bus.
- (9) Properties with frontages of 600 feet or less on any individual street are permitted only one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway, depending on usage and interior and exterior traffic patterns.
- (10) Parking areas containing 50 or more cars shall have a minimum driveway length of 50 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum driveway length of 20 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

D. Pedestrian circulation design standards.

- (1) There shall be clear grade separating pedestrian connections between all parking areas and all buildings. The sidewalks required within planting strips by § 500.61C (4) under parking and driveway design standards may be used to meet this requirement.
- (2) Continuous internal pedestrian walkways, no less than five feet in width, shall provide a direct link from the public sidewalk or street right-of-way to the principal customer entrance of all principal retail establishments on the site. Walkways shall also connect focal points of pedestrian activity, such as, but not limited to, transit stops, street crossings, and building and store entry points. The sidewalks required within planting strips by § 500.61C (4) under parking and driveway design standards may be used to meet this requirement.
- (3) Unobstructed sidewalks, no less than six feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Along facades with building entrances, the required six-foot wide sidewalk area shall be set back from the facade by a three-foot area that either contains planting beds or additional sidewalk width.
- (4) All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.
- (5) Buildings and sidewalks shall be handicapped accessible.

E. Lighting standards.

- (1) Lighting shall be shielded to meet the following requirements:
 - (a) No light shall shine directly into the windows of a building on abutting property.
 - (b) No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such lighting shall not exceed 1/2 ISO foot-candle at ground level on the abutting property.
 - (c) No light shall shine directly onto public roads.
- (2) Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.
- (3) No parking lot lighting standard or building fixture shall exceed 25 feet in height from grade level, and no pedestrian lighting standard shall exceed 16 feet in height from grade level.
- (4) Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than 10 feet high, and shall direct the light source away from the property line.
- (5) Light fixtures located along a residential property line shall be set back a minimum of 20 feet from the property line.
- (6) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.
- (7) No flashing or intermittent or moving lights, including lights on signs, shall be permitted.

F. Noise control.

- (1) No person shall cause, suffer, allow or permit the operation of any sound source on a commercial property or public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by 10 dB during daytime (7:00 a.m. to 9:00 p.m.) hours and by five dB during nighttime (9:00 p.m. to 7:00 a.m.) hours when measured at or within the real property line of the receiving property.
 - (2) No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB, as measured at the lot line of any adjoining property.
- G. Other requirements.
- (1) Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - (2) Outdoor sales and storage areas shall conform to the following requirements:
 - (a) Outdoor sales and storage areas shall not be located within 20 feet of any public street or public sidewalk.
 - (b) These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - (c) Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.
 - (d) Outdoor storage areas shall not exceed 10% of the gross building floor area of any uses.

§ 500.62. 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 § 500.61:
- (1) Construction of new buildings.
 - (2) Additions and alterations which increase or decrease the size of the building by at least 20% of the building'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.

Section 500-7. HR High-Rise Apartment District

§ 500.63. Purpose; applicability.

The High-Rise Apartment District is designed to provide for modern non-nuisance enterprises which do not detract from the character of the surrounding area, which do not prejudice the use of adjoining tracts for other permitted uses, and which will contribute to the general welfare of the Borough of Bangor. In the High-Rise Apartment District, the following regulations shall apply.

§ 500.64. Permitted uses.

- A. One office building only, in which no goods or merchandise shall be stored or sold.
- B. Apartment house or condominium units or group of apartment houses or condominiums designed as a single architectural project or unit and constructed and operated as a single proprietary unit. Such use shall provide appropriate landscaping, adequate buffer space and sufficient common open spaces and facilities in accordance with the requirements of § 500.66, Special requirements.
- C. Single-family detached dwelling.
- D. Municipal use, public utility building, or educational institution use.
- E. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the neighborhood, including accessory commercial uses, which shall be limited to satisfy principally the needs of the occupants of permitted uses, including cafeteria, restaurant, personal service shops and retail stores. The total maximum area for such uses shall not exceed 5% of the total floor area of the building or buildings, excluding basements and garages.

§ 500-65. Dimensional standards.

For every building or group of buildings hereafter erected or used for a use permitted in this district, the following regulations shall apply:

- A. Area requirements.
 - (1) No tract of ground in a High-Rise Apartment District shall have an area of less than 20,000 square feet and shall have a width at the build to line of not less than 100 feet.
 - (2) Not more than 50% of each lot may be occupied by buildings, and at least 15% of the total lot area shall be permanently maintained in lawn, trees, shrubbery or other plantings.
 - (3) Single-family detached dwellings shall comply with the requirements for the B Residential District and the Traditional Residential Infill Overlay District (where applicable).

- B. Building placement requirements. No building shall be located less than 30 feet from a street line or a side or rear property line, provided that, in the case of a building which exceeds 60 feet in height, the minimum yard shall be increased by one foot for each three feet by which the building height exceeds 60 feet.

§ 500.66. General requirements.

- A. All development in the High-Rise Apartment District shall be served by public sewer and public water facilities.
- B. Off-street parking shall be provided in accordance with Section 730, Off-Street Parking and Loading Standards.
- C. Signs shall meet the requirements of Section 740, Signs. Signage located on buildings shall be consistent in size, location and materials throughout a specific development and should be consistent with the character of signage of structures in the surrounding area.
- D. Site landscaping and buffers shall be provided and comply with provisions of the Subdivision and Land Development Ordinance.
- E. Applicants proposing any use with 60,000 square feet or more of gross building floor area shall be required to prepare a traffic impact study, the scope of which shall be determined by the applicant in concert with the Borough administration.
- F. If there are more than two buildings on a lot, the minimum distance between buildings shall be 20 feet.
- G. Height limitation. No building shall exceed 100 feet in height.

§ 500.67. Design standards.

- A. Building design standards. All buildings shall meet the following standards:
 - (1) Rear and side facades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
 - (2) Building facades must be interrupted at least once within every 100 horizontal feet, with offsets of four feet or more in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roofline.
 - (3) Building facades of 200 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the facade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.
 - (4) Principal buildings shall have clearly defined, highly visible customer entrances with features such as canopies, porticoes, arches and integral planters that incorporate landscaped areas and/or areas for sitting.
 - (5) Rooflines shall be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
 - (a) Buildings with less than 15,000 square feet of building area on the ground floor shall have pitched roofs covering at least 80% of the building with a minimum slope of six vertical inches to every 12 horizontal inches.

- (b) Buildings with more than 15,000 square feet on the ground floor shall meet one of the following roof requirements:
 - [1] The same pitched roof requirement as outlined immediately above in § 500.61A (5) (a).
 - [2] Parapets or mansard roofs that conceal flat roofs and rooftop equipment such as HVAC units along all roof edges.
- (c) For all buildings, building ridgelines or roof planes facing public streets and public parking lots must be interrupted at least once every 100 feet by a vertical change of five feet, the inclusion of a new gable, or the inclusion of a dormer.

B. Common use area. All buildings in the High-Rise Apartment District shall contain a common use area that will serve as a focal point for the center and provide walkways, seating and landscaping; water features, courtyards, mini parks and plazas are encouraged. The common use area shall meet the following requirements:

- (1) It shall generally be located between the street and the front facade of the primary building.
- (2) It shall be equal to or greater in size than 5% of the gross floor area of the building.
- (3) It shall be directly connected to the sidewalk in front of the building, without intervening driveways or streets.
- (4) It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by the Borough Council in consultation with the Borough Planning Commission.
- (5) It shall be improved with a gazebo, pavilion, clock tower, or paved patio area with a fountain to help identify this area as the central gathering place for the development.
- (6) It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.

C. Parking and driveway design standards. Parking lots shall be landscaped according to the following regulations:

- (1) The ends of all parking rows shall be divided from drives by planting islands.
- (2) There shall be no more than 15 contiguous parking stalls in a row without a planting island.
- (3) Planting islands shall be a minimum of 10 feet by 20 feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops or bollards. Each planting island shall contain at least one shade tree plus low-growing shrubs and/or ground cover to cover the entire area at maturity.
- (4) A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.
- (9) Properties with frontages of 600 feet or less on any individual street are permitted only one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway, depending on usage and interior and exterior traffic patterns.
- (10) Parking areas containing 50 or more cars shall have a minimum driveway length of 50 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum

driveway length of 20 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

D. Pedestrian circulation design standards.

- (1) There shall be clear grade separating pedestrian connections between all parking areas and all buildings. The sidewalks required within planting strips by § 500.61C (4) under parking and driveway design standards may be used to meet this requirement.
- (2) Continuous internal pedestrian walkways, no less than five feet in width, shall provide a direct link from the public sidewalk or street right-of-way to the principal entrance of all buildings. Walkways shall also connect focal points of pedestrian activity.
- (4) All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.
- (5) Buildings and sidewalks shall be handicapped accessible.

E. Lighting standards.

- (1) Lighting shall be shielded to meet the following requirements:
 - (a) No light shall shine directly into the windows of a building on abutting property.
 - (b) No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property
 - (c) No light shall shine directly onto public roads.
- (2) Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.
- (3) No parking lot lighting standard or building fixture shall exceed 25 feet in height from grade level, and no pedestrian lighting standard shall exceed 16 feet in height from grade level.
- (4) Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than 10 feet high, and shall direct the light source away from the property line.
- (5) Light fixtures located along a residential property line shall be set back a minimum of 20 feet from the property line.
- (6) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.

F. Other requirements.

- (1) Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (2) Outdoor storage areas shall conform to the following requirements:
 - (a) Outdoor storage areas shall not be located in any required yard setback.

- (b) These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (c) Outdoor areas for the storage shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.
- (d) Outdoor storage areas shall not exceed 10% of the gross building floor area of any uses.

§ 500.68. 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 § 500.61:
 - (1) Construction of new buildings.
 - (2) Additions and alterations which increase or decrease the size of the building by at least 20% of the building’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.

§ 500.69. Purpose.

The purposes of the Industrial/Commercial District are to provide areas which are suitable for light industrial, heavy commercial, offices, and planned residential/mixed use development, so as to prevent conflicts between these uses and other land uses, to protect the environment by limiting the types of industries in the Borough to those which are compatible with it, and to promote local jobs and a strong local tax base.

§ 500.70. Permitted Uses.

- A. Each of the following principal uses and their accessory uses are permitted by right in the Industrial/Commercial District; provided, that the use type, dimensional and all other applicable requirements of this Part are satisfied. All development or change in use must comply with the Bangor Borough Subdivision and Land Development Ordinance.
1. Any manufacturing, compounding, processing, packaging and/or treatment of products such as apparel, bakery good, candy, confections, dairy products, cosmetics, musical instruments, toys and novelties, clocks, jewelry, optical products, electronic devices, and scientific and precision instruments.
 2. Bottling industry
 3. Food processing and packaging
 4. Medical laboratory
 5. Motor freight terminal
 6. Office
 7. Printing/publishing
 8. Research, engineering, or testing laboratories
 9. Warehouse
 10. Mini warehouse
 11. Wholesale trade
 12. Woodworking, cabinetmaking, furniture making
 13. Auto repair garage
 14. Auto service station
 15. Retail store
 16. Retail center
 17. Solid waste-to-energy facility as a municipal use
 18. Professional office
 19. Personal services
 20. Medical Marijuana - Academic Clinical Research Centers, Grower/Processor Facility, Transport Vehicle Services (in compliance with standards set forth in Section 680)
 21. Communication Antennae
 22. Library

23. Community center
24. Bangor Borough owned and maintained park
25. No-impact home-based business
26. Municipal use
27. Recreational Facility

B. Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Industrial/Commercial District by Borough Council in accordance with the standards contained in Section 900 of this Ordinance:

1. Planned development
2. Mobile Home Park
3. Communication Tower
4. Overnight Truck Parking only when accessory to a Permitted Use
5. Auction House
6. Kennel
7. Hospital
8. Public utility building, substation
9. Solid waste-to-energy facility as a nonmunicipal use
10. Solid waste transfer station
11. Single-family semidetached dwellings
12. Duplexes
13. Multifamily dwellings, including low-rise multiple-family dwellings, townhomes, and low-rise apartment buildings
14. Mining, quarrying, mine/quarry reclamation, and associated activities (including grading, excavating, and/or earth disturbance activities)
15. Farms and farming activities
16. Bulk recycling center (including processing, cleaning and/or separation of dirt, stone, building materials, and similar substances)
17. Recycling collection center
18. Concrete and asphalt plants
19. Solar energy farm

§ 500.71. Accessory Uses.

- A. Each accessory use in the Industrial/Commercial District shall comply with the minimum yard requirements in § 500.73, except as specifically provided for in this Ordinance.
- B. Each of the following accessory uses shall be permitted in the Industrial/Commercial District only if such use complies with the relevant standards contained in § 500.75:
 1. Dish antenna

2. Outdoor storage or display
3. Solar energy system
4. Temporary structure or use
5. Windmill

§ 500.72. Lot Area, Width, Building Coverage and Height Regulations.

Each of the following dimensional requirements shall apply to each principal use in the Industrial/Commercial District, except as specifically provided for in this Ordinance:

Maximum Land Coverage					
Principal Use	Min. Lot Area	Min. Lot Width	By Buildings	By Total Impervious Cover	Max. Building Height
Solid waste-to-energy facility	225,000 sq. ft.	1,800 ft.		50%	60 ft.
Solid waste transfer facility	110,000 sq. ft.	1,200 ft.		50%	60 ft.
Bulk recycling center	110,000 sq. ft.	1,200 ft.		50%	60 ft.
Mobile Home Park	87,000 sq. ft tract size, 5,000 sq. ft per individual lot	50 ft.		50% of mobile home lot area	35 ft.
Mining, quarrying, mine/quarry reclamation, and associated activities	450,000 sq. ft.	2,000 ft.	30%	50%	60 ft.
Any other permitted use	10,000	75 ft.	80%	90%	45 ft.
Conditional Uses	As established and required by Conditional Use approval, following and generally consistent with, the dimensional requirements of this Section.				

§ 500.73. Minimum Yard Requirements.

Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Industrial/Commercial District, except as specifically provided for in this Ordinance:

Side Yard				
Principal Use	Front Yard (feet)	One (feet)	Both (feet)	Rear Yard (feet)
Recycling collection center	300	300	600	300
Solid waste-to-energy facility	900	900	1,800	900
Solid waste transfer facility	600	600	1,200	600
Bulk recycling center	600	600	1,200	600
Mobile Home Park	25	10	20	20

Mining, quarrying, mine/quarry reclamation, and associated activities	500	500	1,000	500
Any other permitted use	25	12	25	30
Conditional Uses	As established and required by Conditional Use approval, following and generally consistent with, the yard requirements of this Section.			

§ 500.74. General requirements.

- A. All development in the Industrial/Commercial District shall be served by public sewer and public water facilities.
- B. Off-street parking shall be provided in accordance with Section 730, Off-Street Parking and Loading Standards.
- C. Signs shall meet the requirements of Section 740, Signs. Signage located on buildings shall be consistent in size, location and materials throughout a specific development and should be consistent with the character of signage of structures in the surrounding area.
- D. Site landscaping and buffers shall be provided and comply with provisions of the Subdivision and Land Development Ordinance.
- E. Applicants proposing any use or project with 60,000 square feet or more of cumulative gross building floor area shall be required to prepare a traffic impact study, the scope of which shall be determined by the applicant in concert with the Borough administration.
- F. All mobile home park development shall comply with the standards set forth in Article Five of the Subdivision and Land Development Ordinance.

§ 500.75. Design standards.

- A. Building design standards. All buildings shall meet the following standards:
 - (1) Rear and side facades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
 - (2) Building facades must be interrupted at least once within every 100 horizontal feet, with offsets of four feet or more in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roofline.
 - (3) Building facades of 200 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the facade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.
 - (4) Principal buildings shall have clearly defined, highly visible customer and/or resident entrances with features such as canopies, porticoes, arches and integral planters that incorporate landscaped areas and/or areas for sitting.
 - (5) Rooflines shall be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
- B. Parking and driveway design standards. Parking lots shall be landscaped according to the following regulations and when applicable the regulations set forth in the Borough Subdivision and Land Development Ordinance:

- (1) The ends of all parking rows shall be divided from drives by planting islands.
- (2) There shall be no more than 15 contiguous parking stalls in a row without a planting island.
- (3) Planting islands shall be a minimum of 10 feet by 20 feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops or bollards. Each planting island shall contain at least one shade tree plus low-growing shrubs and/or ground cover to cover the entire area at maturity.
- (4) A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.
- (5) Properties with frontages of 600 feet or less on any individual street are permitted only one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway, depending on usage and interior and exterior traffic patterns.
- (6) Parking areas containing 50 or more cars shall have a minimum driveway length of 50 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum driveway length of 20 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

C. Lighting standards.

- (1) Lighting shall be shielded to meet the following requirements:
 - (a) No light shall shine directly into the windows of a building on abutting property.
 - (b) No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property.
 - (c) No light shall shine directly onto public roads.
- (2) Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.
- (3) No parking lot lighting standard or building fixture shall exceed 25 feet in height from grade level, and no pedestrian lighting standard shall exceed 16 feet in height from grade level.
- (4) Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than 10 feet high, and shall direct the light source away from the property line.
- (5) Light fixtures located along a residential property line shall be set back a minimum of 20 feet from the property line.
- (6) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.

D. Noise control.

- (1) No person shall cause, suffer, allow or permit the operation of any sound source on a commercial property or public space or right-of-way in such a manner as to create a sound level that creates a public nuisance.
- (2) No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits

evidence that sound barriers between all areas for such operations effectively reduce noise emissions below a nuisance level.

E. Other requirements.

- (1) Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (2) Outdoor sales and storage areas shall conform to the following requirements:
 - (a) Outdoor sales and storage areas shall not be located within 20 feet of any public street or public sidewalk.
 - (b) These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - (c) Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.
 - (d) Outdoor storage areas shall not exceed 10% of the gross building floor area of any uses.

§ 500.76. 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, shall have authority to review all applications submitted to the Borough for the following, subject to the design standards set forth in § 500.61:
- (1) Construction of new buildings.
 - (2) Additions and alterations which increase or decrease the size of the building by at least 20% of the building’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, such that, the reference to residential dwellings shall include both residential and non-residential uses for purposes of this paragraph.
- C. In the case of swimming pools, they must have a drainage connection, not to a sanitary sewer, unless such connection is approved by Borough Council.
- D. Swimming pools must have an approved type filtration system which will keep the water clean and sanitary at all times.
- E. All swimming pools, hot tubs, or decorative ponds must be enclosed with at least a four-foot fence with self-locking gate that satisfies the minimum requirements as set forth in the Pennsylvania Uniform Construction Codes.

§ 500.77. Additional Standards for Mining, Quarrying, Mine/Quarry Reclamation, and Associated Activities.

For purposes of this Section 500.77 Mining, Quarrying, Mine/Quarry Reclamation, and associated activities shall also be referred to as mining, and use of mining in this Section 500.77, shall include by reference Mining, Quarrying, Mine/Quarry Reclamation, and associated activities.

- A. Application for Conditional Use shall include all required approvals or permits from Federal, State and County agencies regulating proposed activities. Should approvals not already be place from these agencies, a letter detailing the non-Borough related approvals, must accompany the application.
- B. A grading permit must be obtained as per Borough Grading Ordinance #996.
- C. If mining operations are to be in close proximity of one thousand five hundred (1,500) feet to residentially zoned properties, mining operations shall only take place between the hours of 7AM and 5PM.
- D. All mining operations and activities shall maintain, at a minimum, a six hundred and fifty (650) foot distance from all residential structures and/or areas.
- E. Use of local roads, streets access.
 - (1) Mining vehicles are prohibited from using Borough streets at night.
 - (2) Use of locally maintained municipal roadways by mining vehicles that exceed the posted weight limits, or posted no truck traffic signage, of said municipal roadways is strictly prohibited.
 - (3) All mining vehicles utilizing roadways within the Borough shall utilize a route as to minimize danger to the public and avoid nuisance to residential properties, the route shall be approved by the Borough.
 - (4) Any utilization of Borough roadways by mining vehicles shall be accompanied by a bond, issued by the mining operator or property owner, covering all the projected costs involved in repairing and/or replacing damaged roadways caused by use of said mining vehicles. The Borough Engineer shall be responsible for evaluating the projected costs involved in repairing and/or replacing the damaged roadways and the bond shall be issued in an amount greater than or equal to the Borough Engineer's cost statement.
 - (5) All vehicle access to any mining operation shall be so arranged as to minimize danger to traffic and nuisance to neighboring properties. Access drives shall conform to the

specifications set forth in the Borough Subdivision and Land Development Ordinance #966 and shall be approved by the Borough.

F. Groundwater supply.

- (1) Measurements of ground water quality and availability shall be taken and recorded with the Borough before any mining operations or activities may be permitted to commence.
- (2) Ongoing monthly testing shall be required for the duration of any mining operations or activities. Testing shall be in accordance with standards established by the Borough Engineer. Any decrease in groundwater availability or any pollution of groundwater, as detected in monthly testing, will be cause for mining operator to cease operations upon notification by the Borough, until such time as the source of pollution or decrease in groundwater availability is determined and remedied by the mining operator and/or property owner.

G. Screening and Fencing.

- (1) A fence of six feet in height shall surround the area of actual mining to prevent unauthorized persons from entering the area to their potential endangerment.
- (2) Where mining operations are adjacent to a residential or a public street right of way or where a mining operation will substantially impair the beauty and character of the surrounding area, trees and shrubs shall be planted and/or attractive earthen barriers erected to screen the operation, as far as practical, from normal view.

H. Any mining operations shall reimburse the Borough of Bangor fifty (50) cents a ton impact fee for all materials (soil, slate, coal, building materials, clean/regulated fill or similar) removed from or brought to the mining operation property.

I. The owner or operator of any mining operations must permit the Borough Zoning Officer, Borough Police Officers, and Borough Engineer, reasonable free access to the property during all working hours to observe operations and/or to collect samples.

J. The Zoning Hearing Board and Borough Council may impose such other reasonable conditions and safeguards as may be necessary to protect the public health, safety, and welfare in accordance with the spirit and purpose of this Ordinance and any other Borough Ordinances.

Section 500-9. OS Open Space

§ 500.77. Purpose.

This zoning district is generally comprised of important natural and manmade features and land areas within the Borough essential for providing a wide range of open space, park and other recreational activities and related uses. The purpose of this zoning district is to protect important natural and manmade areas, grounds, buildings and uses within the Borough that support, enhance and provide for a variety of lower density outdoor recreation, open space and other leisure activities.

§ 500.78. Permitted Uses.

- A. Agricultural Operation
- B. Boat Launching Facility
- C. Cemetery
- D. Community Garden
- E. Forestry
- F. Natural Areas or Wildlife Refuges
- G. Parks, Playgrounds and Other Non-Commercial Recreational Uses
- H. Non-Commercial Stadium Facility

§ 500.79. Area and Design Requirements.

Use	Minimum Lot Area	Minimum Lot Width at Street Frontage	Maximum Impervious Coverage	Building Setbacks			Maximum Permitted Building Height
				Minimum Front	Minimum Side	Minimum Rear	
Permitted Use	20,000 sq. ft.	75 ft.	20%	25 ft.	20 ft.	30 ft.	45 ft.
Accessory Use or Structure	N/A	N/A	N/A	25 ft.	12 ft.	12 ft.	35 ft.

§ 500.80. Parking Requirements.

The off-street parking and loading requirements of Section 730, Off-Street Parking and Loading Standards, shall be met.

Section 680. Floodplain Conservation District**§ 680.1. Applicability of Floodplain Conservation District.**

The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Bangor Borough and shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. All standards and regulations of the Floodplain Conservation District are delineated in Ordinance 953 adopted November 24, 2014.

Section 690. Medical Marijuana Performance Standards and Use Regulations

§ 690.1. Purpose.

The purpose of this section is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania “Medical Marijuana Act” (PA Act 16, 2016), and/or subsequent laws related to medical marijuana or legalization of marijuana, as amended, to allow for the integration of an allowed industry while providing for the protection of the public’s health, safety, morals, and general welfare.

§ 690.2. District Regulations.

- A. Academic Clinical Research Centers are permitted in the Industrial/Commercial (IC) District, with consideration for the applicable performance standards found in §690.4A of this ordinance.
- B. Medical Marijuana Grower/Processors are permitted in the Industrial/Commercial (IC) District, with consideration for the applicable performance standards found in §690.4B of this ordinance.
- C. Medical Marijuana Transport Vehicle Offices are permitted in the Industrial/Commercial (IC) District, with consideration for the applicable performance standards found in §690.4C of this ordinance.
- D. Medical Marijuana Dispensaries are permitted in the Neighborhood Commercial Residential (NCR), and Gateway Commercial (G) Districts, with consideration for the applicable performance standards found in §690.4D of this ordinance.

§ 690.3. Use Regulations.

The following performance standards will be incorporated into the Bangor Borough Zoning Ordinance and shall be known as, Medical Marijuana Performance Standards and Use Regulations.

A. ACADEMIC CLINICAL RESEARCH CENTERS.

- 1. Parking requirements will follow the parking schedule found in Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
- 2. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 3. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 4. A buffer planting is required where an academic clinical research center adjoins a residential use or district.
- 5. Must comply with all other provisions of the applicable Zoning District and With Provisions Applicable in All Districts.

B. MEDICAL MARIJUANA GROWER/PROCESSOR.

1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing; subject to building size, lot area, impervious coverage, setbacks and other requirements as set forth in the Bangor Borough Zoning Ordinance.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
5. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
6. Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
7. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
8. Parking requirements will follow the parking schedule found in Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
9. A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.
10. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - a) All accesses must secure the appropriate highway occupancy permit
 - b) The clear sight triangle must be maintained and the driveway must be designed

and improved to the standards expressly described in the Bangor Borough Subdivision and Land Development Ordinance.

11. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
12. Must comply with all other provisions of the applicable Zoning District and With Provisions Applicable in All Districts.

C. MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. A traffic impact study is required where the office is operated.
2. Parking requirements will follow the parking schedule found in Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.
3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
4. A buffer planting is required where a medical marijuana transport vehicle service adjoins a residential use or district.
5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
 - a) All accesses must secure the appropriate highway occupancy permit
 - b) The clear sight triangle must be maintained and the driveway must be designed and improved to the standards expressly described in the Bangor Borough Subdivision and Land Development Ordinance.
6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
7. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
8. Must comply with all other provisions of the applicable Zoning District and With Provisions Applicable in All Districts.

D. MEDICAL MARIJUANA DISPENSARY

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.
2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
5. Permitted hours of operation of a dispensary shall be 9 am to 9 pm (of the same calendar day).
6. A medical marijuana dispensary shall be a maximum of 1,500 gross square feet, of which no more than 150 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area; subject to building size, lot area, impervious coverage, setbacks and other requirements as set forth in the Bangor Borough Zoning Ordinance.
7. A medical marijuana dispensary shall:
 - a. Not have a drive-through service;
 - b. Not have outdoor seating areas;
 - c. Not have outdoor vending machines;
 - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service.
8. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
9. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
10. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
13. Parking requirements will follow the parking schedule found in Section 730 of the Bangor Borough Zoning Ordinance, Parking and Truck Loading Space Requirements.

14. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district.
15. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
 - a) All accesses must secure the appropriate highway occupancy permit (State, township or borough).
16. The clear sight triangle must be maintained and the driveway must be designed and improved to the standards expressly described in the Bangor Borough Subdivision and Land Development Ordinance.
17. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.
18. Must comply with all other provisions of the applicable Zoning District and with Provisions Applicable in All Districts.

§ 690.4. Administration and Enforcement.

The following standards will be incorporated into the Bangor Borough Zoning Ordinance as Section 690.1:

A. Building and Zoning Permits/Approvals.

1. A zoning permit shall be required prior to obtaining a building permit. For the construction or erection of a building; the alteration of a building or portion thereof; the use or change in use of a building or land; or any adjustments to a nonconforming use.
2. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the Municipal Governing Body in effect at the time of application.
3. Permits may be denied if the applicant, in the reasonable opinion of the Zoning Officer or Borough Council, is failing to comply with any state or local law or regulation.
4. In the case of new construction, or any construction that meets the definition of land development in the Bangor Borough Subdivision and Land Development Ordinance, application is required to be submitted and an approval secured, prior to establishment of the use.
5. If the application is to change the use of a building or needs to demonstrate allocation of space within a structure, the applicant shall provide architectural drawings prepared by an architect registered in the Commonwealth of Pennsylvania.
6. A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the DOH.

Section 695. Wireless Communication Facilities

§ 695.1. Purposes and Findings of Fact.

- A. The purpose of this Ordinance is to establish uniform standards for the siting, design permitting, maintenance, and use of wireless communications facilities in Bangor Borough. While the Borough recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the Borough intends to:
 - 1. Promote the health, safety, and welfare of Borough residents and businesses with respect to wireless communications facilities;
 - 2. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;
 - 3. Establish procedures for the design, siting, construction, installation, maintenance and removal of Communications Towers and Communications Antennae in the Borough, including facilities both inside and outside the public rights-of-way;
 - 4. Address new wireless technologies, including but not limited to, distributed Antennae systems, data collection units, cable Wi-Fi and other wireless communications facilities;
 - 5. Encourage the co-location of wireless communications facilities of existing structures rather than the construction of new tower-based structures;
 - 6. Protect Borough residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
 - 7. Update the Borough's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

§ 695.2. General Requirements for All Communications Antennae.

- A. The following regulations shall apply to all Communications Antennae that do not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached:
 - 1. Prohibited on Certain Structures. Commercial Communications Antennae shall not be located on single-family dwellings, two family dwellings, multi-family dwellings, or any accessory residential structure.
 - 2. Permit Required. Applicants proposing the modification of an existing Communications Tower, in order to co-locate an Antennae, shall obtain a Permit from the Borough Code Official. In order to be considered for such permit, the Applicant must submit a permit application to the Borough Zoning Officer.
 - 3. Standard of Care. Any Communications Antenna shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and

safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Antennae shall, at all times, be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in that Borough.

4. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within twenty-five (25) feet of a lot in residential use or zoned residential.
5. Wind. All Communications Antenna structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E, as amended).
6. Public Safety Communications. No Communications Antenna shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
7. Aviation Safety. Communications Antennae shall comply with all federal and state laws and regulations concerning aviation safety.
8. Radio Frequency Emissions. No Communications Antenna may, by itself or in conjunction with other Antennae, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
9. Removal. In the event that use of a Communications Antenna is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Antennae or portions of Antennae shall be removed as follows:
 - a. All abandoned or unused Antennae and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - b. If the Antennae or accessory facility is not removed within two (2) months of the cessation of operation at a site or within any longer period approved by the Borough, the Antenna and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the Antenna.
10. Timing of Approval for Applications That Fall Under the WBCA. Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the Borough's sixty (60) day review period.

11. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Communications Antenna. Such fees shall be adopted by resolution by Borough Council. For applications that fall under the WBCA, the fee assessed shall not exceed the maximum fees established under the WBCA.
 12. Insurance. Each Person that owns or operates a Communications Antenna shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.
 13. Indemnification. Each Person that owns or operates a Communications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times, against any and all claims for personal injury, including death and property damage, arising in whole or in part from, caused by, or connected with, any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Antenna. Each Person that owns or operates a Communications Antenna shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death or property damage, was caused by the construction, installation, operation, maintenance or removal of a Communications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- B. The following regulations shall apply to all Communications Antennae that do Substantially Change the Wireless Support Structure to which they are attached:
1. Prohibited on Certain Structures. Communications Antennae shall not be located on single-family dwellings, two-family dwellings, or any residential accessory structure.
 2. Permits Required. Any Applicant proposing the construction of a new Communications Antenna, or the modification of an existing Communications Antenna, shall first obtain a Permit from the Borough Zoning Officer. New construction and modifications shall be prohibited without a Zoning Permit, as required. After receipt of the Permit application, the Borough Zoning Officer shall determine whether zoning relief is necessary under Borough Code.
 3. Standard of Care. Any Communications Antenna shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standard Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All Antennae should, at all times, be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
 4. Wind. Any Communications Antenna structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E-Code, as amended).

5. Public Safety Communications. No Communications Antenna shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
6. Historic Buildings. No Communications Antenna may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list that may be maintained by the Borough, or has been designated by the Borough to be of historical significance.
7. Aviation Safety. Communications Antennae shall comply with all federal and state laws and regulations concerning aviation safety.
8. Maintenance. The following maintenance requirements shall apply:
 - a. The Communications Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. Radio Frequency Emissions. No Communications Antenna may, by itself or in conjunction with other Antennae, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with PCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
10. Removal. In the event that use of a Communications Antenna is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Antennae or portions of Antennae shall be removed as follows:
 - a. All abandoned or unused Antennae and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - b. If the Antennae or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Antenna and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the Antenna.
11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application the Borough shall make its final decision on whether to

approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the Borough's ninety (90) day review period.

12. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the Antenna shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
13. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Communications Antenna as well as related inspection, monitoring and related costs.

§ 695.3. Communications Antennae Outside the Public Rights-of-Way.

The following additional regulations shall apply to Communications Antennae located outside the public Rights-of-Way that do Substantially Change the Wireless Support Structure to which they are attached:

1. Communications Antennae are permitted in the Industrial/Commercial (IC) District. Communications Antennae in such districts may only be mounted to a building, an existing utility pole, an existing Communications Tower, or public utility transmission structure.
2. Development Regulations. Communications Antennae shall be co-located on existing structures, such as existing buildings or Communications Towers, if possible, subject to the following conditions:
 - a. To the extent permissible by law, such Antenna does not exceed the lesser of a total maximum height of twelve (12) feet, or the maximum height permitted in the underlying zoning district.
 - b. If the Antenna Applicant proposed to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - c. A security fence satisfactory to the Borough of not less than ten (10) feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use. A lock box shall be provided for emergency access.
3. Permit Required. If co-location of the Communications Antenna on an existing Support Structure is not technologically feasible, the Applicant shall obtain a Permit from the Borough Zoning Officer.
4. Land Development Plan. Borough approval of a land development plan shall be required for all Towers in excess of fifty (50) feet in height. All storm water requirements are applicable.
5. Design Regulations.
 - a. Communications Antennae shall employ Stealth Technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the Stealth Technology chosen by the Antenna Applicant shall be subject to the approval of Borough Council.

- b. The total height of any support structure and mounted Antenna shall not exceed the maximum height permitted in the underlying zoning district. To the extent permissible by law, the height of an Antenna shall not exceed the lesser of a total maximum height of twelve (12) feet, or the maximum height permitted in the underlying zoning district.
 - c. In accordance with industry standards, all Communications Antenna Applicants must submit documentation to the Borough justifying the total height of the Antenna structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - d. Non-Commercial Usage Exemption. Borough citizens utilizing satellite dishes, Amateur Radios, and Antennae for the purpose of maintaining television, telephone, radio communications and/or internet connections at their respective residences shall be exempt from these Design Regulation.
6. Removal, Replacement, Modification.
- a. The removal and replacement of Communications Antennae and/or accessory equipment for the purpose of upgrading or repairing the Antenna is permitted, so long as such repair or upgrade does not increase the overall size or number of Antennae.
 - b. Any material modification to a Wireless Communications Facility shall require a prior amendment to the original permit or authorization.
7. Reservation of Rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Communications Antenna for numerous factors, including, but not limited to, visual impact, design, and safety standards.
8. Inspection. The Borough reserves the right to inspect any Antenna to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Codes/Ordinances, building codes or state and federal law. The Borough and/or its agents shall have the authority to enter the property upon which an Antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§ 695.4. Communications Antennae in the Public Rights-of-Way.

- A. The following additional regulations shall apply to all Communications Antennae located in the public Rights-of-Way:
 - 1. Permitted in Areas in Which Utilities are Aboveground. Communications Antennae shall be permitted in areas in which all utilities are located aboveground, regardless of the underlying zoning district, so long as such Antennae are located on existing poles in the ROW. Antennae shall not be located on any sign listed in the Manual on Uniform Traffic Control Devices (MUTCD) nor any traffic signal pole, mast arm device or associated equipment.
 - 2. Co-location. Communications Antennae in the ROW shall be co-located on existing poles, such as existing utility poles on street light poles. If co-location is not technologically feasible, the Applicant shall locate its Communications Antennae on existing poles that do not already act as Wireless Support Structures.
 - 3. Design Requirements:

- a. Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennae and all support equipment shall be treated to match the supporting structure. Antennae and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted. Antennae must be located using Stealth Technology as approved by the Borough. No more than four (4) antennae may be placed on a pole.
4. Reimbursement for ROW Use. In addition to permit fees as described above, every Communications Antenna in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation or ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Communications Antenna shall pay an annual fee to the Borough to compensate the Borough for its costs incurred in connection with the activities described above. The Annual ROW management fee for Communications Antennae shall be determined by the Borough and authorized by resolution of Borough Council and shall be based on the Borough's actual ROW management costs as applied to such Communications Antenna.
5. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Antennae in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For the public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
6. Equipment Location. Communications Antennae and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:
 - a. In no case, shall ground-mounted equipment, walls, or landscaping be located within thirty-six (36) inches of the exposed back of the curb or within an easement extending onto a privately-owned lot;
 - b. Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

- e. Any plans for a proposed underground vault related to the Communications Antennae shall be reviewed and approved in advance by the Borough.

7. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of an Antenna in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Antenna when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any Borough or other public improvement in the Right-of-Way;
- b. The operations of the Borough or other governmental entity in the Right- of-Way;
 - i. Vacation of a street or road or the release of a utility easement; or
 - ii. An Emergency as determined by the Borough.
- c. Reservation of Rights. In accordance with the applicable law, the Borough reserves the right to deny an application for the construction or placement of any Communications Antenna for numerous factors, including but not limited to, visual impact, design, and safety standards.

§ 695.5. General Requirements for All Communications Towers.

The following regulations shall apply to all Communications Towers:

- 1. Standard of Care. Any Communications Tower shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Communications Tower shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in that Borough.
- 2. Authorization Required. The construction of a new Communications Tower may be permitted as a special exception subject to the applicable standards in this Ordinance. Modifications to an existing Communications Tower shall be prohibited without a zoning permit. Any Applicant for a special exception shall demonstrate that the proposed facility conforms to all applicable requirements and standards as set forth in the Bangor Borough Zoning Code.
- 3. Wind. All Communications Tower shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E, as amended).
- 4. Design. Any Communications Tower shall be designed to have the least practical adverse visual effect on the areas which can view it.

5. Height. Any Communications Tower shall be designed at the minimum functional height. All Communications Tower Applicants must submit documentation to the Borough justifying the total height of the structure. The maximum total height of any Communications tower, which is not located in the public ROW, shall not exceed two hundred (200) feet, as measured vertically from the ground level to the highest point on the structure, including Antennae and subsequent alterations. Equipment buildings, cabinets, and ground-mounted accessory structures shall not exceed fifteen (15) feet in height.
6. Related Equipment. A telecommunication equipment building, equipment cabinet, or any other structure associated with a Communications Tower, shall meet the height and setback requirements for principal buildings in the zoning district in which the building is located, except as otherwise noted in the Bangor Borough Zoning Ordinance.
7. Public Safety Communications. No Communications Tower shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
8. Maintenance. The following maintenance requirements shall apply:
 - a. Any Communications Tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. Radio Frequency Emissions. No Communications Tower may, by itself or in conjunction with other Wireless Communications Facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
10. Historic Buildings or Districts. No Communications Tower may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list that may be maintained by the Borough, or has been designated by the Borough to be of historical significance.
11. Signs. All Communications Towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
12. Lighting. No Communications Tower shall be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventative paint of an appropriate color to harmonize with the surroundings. If lighting is required the Applicant shall provide a detailed plan for sufficient lighting demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Strobe lights are not to operate between sunset and sunrise.

13. Noise. Communications Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and applicable Borough ordinance guidelines, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
14. Aviation Safety. Communications Towers shall comply with all federal and state laws and regulations concerning aviation safety.
15. Retention of Experts. The Borough may hire any consultant(s) and/or experts(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Communications Tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the Tower shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
16. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Communications Tower is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Communications Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Communications Tower and the Borough shall advise the Applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
17. Non- Conforming Uses. Non-conforming Communications Towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance. Co-location of antennae on existing non-conforming Towers is permitted.
18. Removal. In the event that use of a Communications Tower is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Towers or portions of Towers shall be removed as follows:
 - a. All abandoned or unused Communications Towers and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - b. If the Tower or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Tower and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the Tower.
 - c. Any unused portions of Communications Towers, including Antennae, shall be removed within six (6) months of the time of the cessation of operations. The Borough must approve all replacements or portions of a Communications Tower previously removed.
19. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Communications Tower, as well as related inspection, monitoring and related costs.

20. FCC License. Each Person that owns or operated a Communications Tower shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
21. Insurance. Each Person that owns or operates a Communications Tower greater than fifty (50) feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Communications Tower. Each Person that owns or operates a Communications Tower fifty (50) feet or less in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Communications Tower.
22. Indemnification. Each Person that owns or operates a Communications Tower shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or connected with, any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Tower. Each Person that owns or operates a Communications Tower shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Communications Tower. The obligation to indemnify hold harmless and defend shall include but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
23. Engineer Signature. All plans and drawings for a tower and Antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

§ 695.6. Tower-Based Facilities Outside of Rights-of-Way.

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:
 1. Development Regulations:
 - a. Location. No Communications Tower shall be located in an area in which all utilities are underground, except as permitted by this Ordinance. The following additional requirements shall apply:
 - i. Communications Towers may be permitted in a Industrial/Commercial (IC) District.
 - ii. Communications Towers shall not be located in, or within seventy- five (75) feet of, any area in which all utilities are underground.
 - b. Gap in Coverage. An Applicant for a Communications Tower must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of Wireless Communications Facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of Communications Towers.

- c. Sole Use on a Lot. A Communications Tower shall be permitted as a sole use on a lot, provided that the lot shall meet the minimum lot area of the district in which it is located.
- d. Combined with Another Use. A Communications Tower may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - i. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the Wireless Communications Facility.
 - ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Communications Tower and guy wires, the equipment building, security fence, and buffer planting if the proposed Communications Tower is greater than fifty (50) feet in height. If a security fence is put in place, a lock box shall be provided for emergency access.
 - iii. Minimum Setbacks. The foundation and base of any Communications Tower shall be set back from property line in accordance with the minimum setbacks applicable to the zoning district where the property is located.
- 2. All parts of the Communications Tower shall be set back a minimum of one hundred (100) feet from the property line on the larger parcel on which the leased parcel is located, plus one foot for each foot of height of Tower and Antenna beyond one hundred (100) feet.
- 3. Notice. Upon submission of an application for a Communications Tower, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Borough.
- 4. Leased Parcels. Copies of lease agreements and easements necessary to provide access to the buildings or structure for installation and placement of the equipment cabinet or equipment building shall be provided to the Borough. Recording of a plat of subdivisions shall not be required for the leased parcel on which the Communications Tower is constructed, provided the equipment building is proposed to be unmanned, the required easement agreement for access is submitted for approval by the Borough, and the equipment building is less than 1,000 square feet.
- 5. Co-Location and Siting. The Applicant must demonstrate that the wireless communications equipment planned for the proposed Communications Tower cannot be accommodated on an existing or approved structure or building, or on Borough property. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers in excess of fifty (50) feet, within a one half (1/2) of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - a. The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the

- interference cannot be prevented at a reasonable cost.
- c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- d. A commercially reasonable agreement could not be reached with the owner of such building, structure or tower.

6. Any application for approval of a Communications Tower shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the Applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

7. Design Regulations:

- a. The Communications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the Communication Tower Applicant shall be subject to the approval of the Borough.
- b. Any height extensions to an existing Communications Tower shall require prior approval of the Borough. The Borough reserves the right to deny such requests based upon lawful considerations related to the character of the Borough.
- c. Any proposed Communications Tower shall be designed structurally, electrically, and in all respects to accommodate both the Communications Tower Applicant's Antennae and comparable Antennae for future users.
- d. Any Communications Tower over fifty (50) feet in height shall be equipped with an anti-climbing device as approved by the manufacturer.

8. Surrounding Environs:

- a. The Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Communications Tower structure shall be preserved to the maximum extent possible.
- b. The Applicant shall submit a soil report to the Borough complying with the standards of Appendix I: Geotechnical Investigation, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the Communications Tower, and anchors for guy wires, if used.

9. Fence/Screen:

- a. A security fence satisfactory to the Borough having a minimum height of ten (10) feet shall completely surround any Communications Tower greater than fifty (50) feet in height, as well as guy wires, or any building housing Communications Tower equipment. If a security fence is used, a lock box shall be provided for emergency access.

- b. Landscaping shall be installed to screen and buffer the tower and any ground level features, such as an equipment building, from adjacent properties.
- c. A ten (10) foot wide buffer yard consisting of dense evergreen hedge planted so that the leaves or needles will touch an adjacent plant at maturity around the perimeter of the security fence on the leased parcel.

10. Accessory Equipment:

- a. Ground-mounted equipment associated to, or connected with, a Communications Tower shall be underground or screened from public view using Stealth Technologies, as described above.
 - b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
11. Additional Antennae. As a condition of approval for all Communications Towers, the Applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate Antennae on Communications Towers where technically and economically feasible. The owner of a Communications Tower shall not install any additional Antennae without obtaining the prior written approval of the Borough.
12. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Communications Tower. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimum visual disturbance and minimize soil erosion. Where applicable, the Communications Tower owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility. The access road shall be a minimum of twenty (20) feet in width and shall be improved with a bituminous or concrete surface approved by the Borough, for its entire length at a minimum of twelve (12) feet in width.
13. Parking. For each Communications Tower greater than fifty (50) feet in height, there shall be two off-street parking spaces. Each parking space shall be improved with a dust-free, all-weather surface.
14. Reservation of Rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Communications Tower for numerous factors, including, but are not limited to, visual impact, design, and safety standards.
15. Inspection. The Borough reserves the right to inspect any Communications Tower to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a Communications Tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.
16. Engineer Inspection Report. The owner of any Communications Tower greater than fifty (50) feet in height shall submit to the Borough proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Borough by a structural engineer at the Tower owner's expense.

§ 695.7. Communications Towers in the Public Right-of-Way.

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:
1. Location. The location of Towers is limited to the following rights-of-way:
 - a. An Applicant must first attempt to site a proposed tower along the following corridors, provided the proposed Tower is not situated within fifty (50) feet of an area in which all utilities are underground:
 - i. PA Route 512
 - ii. PA Route 191
 - b. If it is not technologically or economically feasible to locate the proposed Tower along the corridors mentioned above, the proposed Tower may be located along collector roads listed below where utilities are aboveground, provided that the proposed Tower is not sited within seventy-five (75) feet of an area in which utilities are underground. Collector Roads - all of the remaining roads not listed above in section (a) are deemed "collector roads" and may have tower(s) located in the public ROW presuming the remaining requirements in this section are met.
 - c. No Communications Tower sited in the public ROW shall be located in the front facade zone of any structure.
 - d. No Communications Tower shall be sited in an environmentally protected area due to the ecologically sensitive nature of the region.
 2. Gap in Coverage. An Applicant for a Communications Tower must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of Wireless Tower being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of Communications Towers.
 3. Notice. Upon submission of an application for a Communications Tower, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Borough.
 4. Co-Location and Siting. The Applicant must demonstrate that the wireless communications equipment planned for the proposed Communications Tower cannot be accommodated on an existing or approved structure (even those located outside of Borough borders) or building, or on Borough property. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter (1/4) of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
 - a. The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

- b. The proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
- c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- d. A commercially reasonable agreement could not be reached with the owner of such building, structure or tower.

5. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Towers in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner of requirements

shall be consistent with the enforcement and police powers of the Borough and the requirements of the Public Utility Code.

6. Equipment Location. Communications Towers and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:

- a. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb.
- b. Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
- d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
- e. Any plans for a proposed underground vault related to the Communications Towers shall be reviewed and approved in advance by the Borough.

7. Design Regulations.

- a. The Communications Tower shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the Communications Tower Applicant shall be subject to the approval of the Borough.
- b. Communications Towers in the public ROW shall not exceed thirty-two (32) feet in height.
- c. Any height extensions to an existing Communications Tower shall require prior approval of the

Borough and shall not increase the overall height of the Communications Tower to more than thirty-two (32) feet. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.

- d. Any proposed Communications Tower shall be designed structurally, electrically, and in all respect to accommodate both the Applicant's Antennae and comparable Antennae for future uses.
8. Reservation of Rights. In accordance with applicable law, the Borough reserves the right to deny an application for the construction or placement of any Communications Tower in the ROW for numerous factors, including, but not limited to, visual impact, design, and safety standards.
9. Additional Antennae. As a condition of approval for all Communications Towers in the ROW, the Applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate Antennae on Communications Towers where technically and economically feasible. The owner of a Communications Tower shall not install any additional Antennae without obtaining the prior written approval of the Borough.
10. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Communications Tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Communications Tower when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance or installation of any Borough or other public improvement in the Right-of-Way;
 - b. The operations of the Borough or other governmental entity in the Right- of-Way;
 - d. Vacation of a street or road or the release of a utility easement; or
 - e. An Emergency as determined by the Borough.
11. Reimbursement for ROW Use. In addition to permit fees as described in Section VIII (19) above, every Communications Tower in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Communications Tower shall pay an annual fee to the Borough to compensate the Borough for its costs incurred in connection with the activities described above. The Annual ROW management fee for Communications Towers shall be determined by the Borough and authorized by resolution of Borough Council and shall be based on the Borough's actual ROW management costs as applied to such Communications Tower.

§ 695.8. Penalties.

Violations and Penalties shall be enforced pursuant to Section 960 of the Bangor Borough Zoning Ordinance.

Section 700. Provisions Applicable in All Districts

§ 700.1 Historic Preservation.

A. General and Legal Authorization.

1. This section is to provide for the protection and preservation of historic buildings within the Borough of Bangor (hereinafter referred to as the "Borough") by discouraging their demolition. This section creates a historic preservation overlay zoning district consisting of historic and architecturally significant buildings identified in the Federally designated National Register of Historic Places Bangor Historic District (hereinafter referred to as the "District"). Demolition of historically and architecturally significant buildings shall be as a conditional use that may be denied or allowed by Bangor Borough Council (hereinafter referred to as "Council") after a recommendation from the Bangor Planning Commission (hereinafter referred to as the "Planning Commission"). In making a decision on the conditional use application, Borough Council may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of these demolition provisions and any other provisions of the Zoning Ordinance.
2. This section is created pursuant to authority contained in the Act of 1968, P.L. 805, No. 247, as enacted and amended, known as the Pennsylvania Municipalities Planning Code (Sections 603, 604, and 605). This section is created in order to: (1) promote, protect, and facilitate the preservation of areas of historic significance; (2) preserve the historic values in the community; (3) provide for the protection of historic features and resources; and (4) protect places having unique historical, architectural or patriotic interest or value. This section is also established pursuant to Article 1, Section 27, of the Pennsylvania Constitution, which states that "the people have a right to clean air, pure water, and preservation of the natural, scenic, historic and aesthetic values of the environment."

B. Purpose and Intent. It is the purpose and intent of the Borough to preserve and protect buildings of historic value that exist within the Borough. The Borough has many historic buildings worthy of preservation from the 18th, 19th and 20th centuries. The United States Department of the Interior has designated the Bangor Historic District (hereinafter referred to as the "District") for listing on the National Register of Historic Places. Preservation of the historic buildings in the District and other historically significant buildings outside the District is in the best interest of the health, prosperity, welfare, cultural and environmental values of the people of the Borough by enhancing property values, and improving aesthetics of the built and natural environment.

C. Bangor Historic Building Inventory.

1. A property inventory shall include all properties located within the Bangor Historic District and this inventory, as amended, shall be the official list of historic buildings regulated by this section.
2. Historic buildings newly designated as National Historic Landmarks, or listed on the National Register of Historic Places, by the National Park Service shall be placed in the inventory. Historic buildings that receive a determination of National Register eligibility by the Pennsylvania Historical and Museum Commission shall be placed in the inventory. The effective date of which shall be the date of such designation, listing or determination by the National Park Service, or Pennsylvania Historical and Museum Commission, as applicable.
3. The Planning Commission shall also periodically review the inventory and may recommend to Council that buildings be added or removed from the inventory.

- D. Historic Preservation Overlay Zone. A Historic Preservation Overlay Zone (hereinafter referred to as the "Overlay Zone") is hereby created, consisting of the buildings and associated properties listed on the inventory. The Overlay Zone shall overlay the appropriate zoning districts, or sections thereof, in the Bangor Borough Zoning Ordinance, and shall be shown on the official Bangor Borough Zoning Map. All regulations of the underlying zoning districts shall remain in full effect, except that demolition of buildings in the Overlay Zone shall be allowed only by conditional use.
- E. Conditional Use Approval Criteria. In considering conditional use approval, Council shall presume that the demolition of the buildings listed on the inventory is not warranted. Council shall consider the historical and architectural significance of the building, as well as its current use, size, location, visibility and cultural value. Council may seek testimony and documentary evidence from persons knowledgeable about historic resources in the Borough, and may, based on the evidence presented, deny the applicant's request for a conditional use permit to demolish the building. Council shall also consider the testimony of the applicant and the applicant's representative(s) including any documentary evidence that may justify, structurally or financially, that the historic building should be demolished.
1. If, based on the evidence, Council determines that demolition of the building is acceptable, it may impose any or all of the following conditions and safeguards on the applicant in order to implement the purposes of this ordinance:
 - (a) A waiting period of up to 90 days may be imposed. The waiting period may be used to meet with the applicant to review alternatives to demolition. No demolition may occur during this waiting period.
 - (b) The applicant may be required to adequately record and document the historical and architectural features of the building proposed for demolition, including but not limited to, photographs, floor plan, a videotaped recording, a site plan, a historical narrative, or a written architectural description of the building. Council may also require that recording and documentation of the building be carried out by a qualified historic preservation consultant. Council may require the applicant to provide a sufficient number of copies of the complete record and documentation as required in this paragraph to the Borough. If the building proposed for demolition is, based on a recommendation by a professional historic preservation consultant, a prominent, significant historic building, the applicant may be required by Council to hire a professional historic preservation consultant to perform a Historic American Building Survey (HABS) to document the historic building to be demolished.
 - (c) The applicant may be required to move the historic building to another location in the Borough that has an acceptable setting and environment. Moving the historic building shall not be undertaken without adequate investigation, including the adequacy of the route to the proposed new location and the structural integrity of the building.
 - (d) The applicant may be required to remove distinctive exterior architectural or historical features from the building and donate them to the Borough for use within the Borough.
 - (e) The applicant may be required to design the new building on a property vacated by demolition of a historic building in such a manner so as to preserve and protect the surrounding historic buildings. The design of the new building shall be in harmony with the shape, size, materials, color, and architectural style of existing historic buildings in the area. The applicant may also be required to follow other architectural standards or guidelines as recommended by Council.

- (f) Council may require that properties where new buildings are not immediately proposed after the demolition of an historic building (such as properties proposed to be used as vacant lots, parking lots, open space or parks) be appropriately landscaped. Council may require landscape features, elements and vegetation that are appropriate to the architectural qualities and amenities of the surrounding historic buildings.
- (g) Other reasonable conditions and safeguards may be imposed upon the applicant in order to implement the purposes of this section.
- 2. If the applicant does not agree with the conditions of the conditional use approval, Council may choose to not approve the conditional use application, thereby denying the demolition.

F. Definitions. For purposes of this section, the following definitions shall apply:

BUILDING

Any construction having a minimum of three enclosed walls and a roof and includes outbuildings located on the property. Examples include, but are not limited to, a house, garage, barn, shed, privy, school, or train station.

CONTRIBUTING BUILDING

A building that retains historic integrity and adds to the historic associations or historic architectural qualities of the historic district as identified in the inventory.

DEMOLITION

- 1. The dismantling, removal, razing or destruction of 50% or more of the perimeter walls of an historic building;
- 2. The dismantling, removal, razing or destruction of the main facade or roof line of the building facing the public street;
- 3. Physically moving an historic building from its original foundation to any other location in the Borough.

HISTORIC BUILDING

A building shall be designated historic if it is on the inventory identified in this section. A building qualifies for the inventory if it meets any of the following criteria:

- 1. A building that is designated a National Historic Landmark;
- 2. A building that is located in a district, or individually listed on, or eligible for, the National Register of Historic Places;
- 3. A building that is a contributing building in a historic district that is listed on, or eligible for, the National Register of Historic Places; or
- 4. A building that does not meet designations A, B or C above, is 50 years old or older, retains historic integrity and meets at least one of the following criteria, as identified by a qualified historic preservation consultant appointed by Council:
 - (a) Is of significant character, interest or value as part of the development, heritage or cultural characteristics of the Borough, county, region, commonwealth or nation;
 - (b) Is associated with an event or person of importance to the history of the Borough, county, region, commonwealth or nation;

- (c) Embodies an icon associated with an era characterized by a distinctive architectural style;
- (d) Embodies distinguishing characteristics of an architectural style, building type or engineering specimen;
- (e) Is a noteworthy work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the Borough, county, region, commonwealth or nation;
- (f) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of a neighborhood or business district; or
- (g) Exemplifies the cultural, political, economic, social or historic heritage of the Borough.

HISTORIC INTEGRITY

The authenticity of a building's historic identity evidenced by the survival of physical characteristics that were present during the building's historic period.

BANGOR HISTORIC BUILDING INVENTORY (INVENTORY)

An inventory of buildings judged to be historically significant to the Borough of Bangor. The buildings' historical significance shall be determined and based on the definition of "historic building" in this section.

QUALIFIED HISTORIC PRESERVATION CONSULTANT

A person or firm meeting the Secretary of the Interior's professional qualification standards as follows:

1. History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field, plus one of the following:
 - (a) At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
 - (b) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
2. Architectural History. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field, plus one of the following:
 - (a) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - (b) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
3. Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a state license to practice architecture.

4. Historic Architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture or a state license to practice architecture, plus one of the following:

(a) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

(b) At least one year of full-time professional experience on historic preservation projects.

G. Procedures for Review of Demolition of Historic Buildings. Upon receipt of an application for any demolition of an historic building in the inventory, the application shall be forwarded to the Planning Commission, who shall review the permit or application and make a recommendation regarding the demolition of the building to Council. The Planning Commission's recommendation may include reasonable conditions and safeguards to protect against the unregulated demolition of the building as outlined in the criteria for conditional use approval found in this section. Council shall then schedule a conditional use hearing concerning the application. At the conditional use hearing, Council shall review the recommendation of the Planning Commission, consider evidence presented by the applicant and others, and consider the historic and architectural significance of the building. All adjoining property owners (including those across the street) and any other person or group (including civic or community organizations) who has made a timely request for such notice, shall be notified by personally delivering or mailing a copy of the published notice. Council shall render a decision concerning the demolition of the building and may impose reasonable conditions and safeguards to protect against the unregulated demolition of the building as outlined in this section.

H. Enforcement. No historic building listed on the Bangor Building Inventory and/or shown in the Overlay Zone shall be demolished, removed or razed in a manner inconsistent with the provisions of this section. Such action shall be a violation of the Bangor Zoning Ordinance, and be subject to penalties found in the Zoning Ordinance.

§ 700.2. Through Lots.

Where the lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

§ 700.3. Fences, walls and other property enclosures.

A. Fence orientation and maintenance.

- (1) All fences shall be erected with the finished side facing the adjacent property or street. The finished side shall be considered the side without the structural supporting members.
- (2) Fences and walls shall be maintained and installed so that they are straight and do not sag, lean in any direction or extend over the property line outward from the lot into a right-of-way or other pedestrian-accessed area on which the fence or wall is located.
- (3) Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds.

B. Boundary fences and walls.

- (1) Location. Boundary fences and walls shall be located within ten feet of the property line. Satisfactory evidence must be presented to the Zoning Officer of a boundary survey with its corners properly marked by monuments or stakes placed under the direction of a registered

engineer or land surveyor, unless the boundary line in question can be easily established by the Zoning Officer or his designee.

- (2) In all front yards, boundary fences and walls shall be a maximum height of four feet and shall be decorative in nature unless authorized by a special exception of the Zoning Hearing Board after a public hearing. For purposes of this article, a front yard is any portion which abuts a public street.
- (3) In all side yards, beyond the front yard setback, and all rear yards, the maximum height for boundary fences and walls shall be a maximum of six feet and measured by the lowest grade at the point of installation, not to include the support posts for fences which may be a maximum of six inches above the required six feet, unless authorized by a special exception by the Zoning Hearing Board after a public hearing.

- C. Decorative fences and/or walls. Decorative fences and walls may be located anywhere within a parcel and shall have a maximum height of three feet. Decorative walls are not to be used as retaining walls. Examples of decorative fences and walls include, but are not limited to, picket fences, iron or similar fences, stone or similar walls, and raised planting areas.
- D. Privacy and residential swimming pool fences. In all side yards, beyond the front yard setback, and rear yards, privacy fences shall be located a minimum of 10 feet from the stated property lines. Privacy fences are not permitted beyond the front wall of the main building unless authorized as a special exception by the Zoning Hearing Board after a public hearing. The maximum height of a privacy fence shall be six feet; the minimum height for a swimming pool fence shall be four feet or as otherwise required by the Building Code Official. Where privacy fences are attached to a structure, there shall be at least one access point (such as a gate or opening) at least three feet wide for rapid access to and from the yard enclosed by a fence. All swimming pool fences and/or privacy fences enclosing a swimming pool shall have a self-locking gate with an audible alarm.
- E. Temporary fences. A temporary fence may be constructed with wire, rolled plastic, wood or other suitable material as determined by the Code Enforcement or Zoning Officer. The maximum height shall be six feet unless a height in excess of six feet is required by the International Building Code for the protection of a construction site that has been issued proper permits by the Borough or for the protection of a deemed hazard by the Code Inspector or Zoning Officer. The Code Inspector or the Zoning Officer shall establish the time duration for a temporary fence. All temporary fences, prior to installation, must first have the approval of the Code Inspector or the Zoning Officer.
- F. Retaining walls.
 - (1) When the adjoining grade is not higher than the natural level, the person causing an excavation to be made shall erect, when necessary, a retaining wall at his own expense and on his own land. Such wall shall be built to a height sufficient to retain the adjoining earth, shall be properly coped and shall be provided with a guardrail or fence not less than four feet in height. A fence shall not have openings in excess of four inches.
 - (2) Walls built to retain or support the lateral pressure of earth, water or other superimposed loads shall be designed and constructed of approved masonry, reinforced concrete, steel sheet pilings or other approved materials within the allowable stresses of engineering practices, and subject to the approval of the Borough Engineer and the Code Inspector, and in conformance with this Ordinance, the Borough of Bangor Codes and all other Ordinances.
 - (3) A retaining wall of approved construction, designed by a registered civil engineer or architect, shall be required for all permanent landfills or excavations which exceed three feet in height or depth along a property boundary line, unless a 1:1 natural slope of the land can be maintained entirely within the boundaries of the excavated or filled property.

G. Regulations for all fences and walls.

- (1) A certified survey to identify the property line shall be required when making application for a boundary fence, wall or retaining wall unless proof of the location of the property line can be established otherwise.
- (2) The tops of fence posts or vertical supports shall be no more than six inches above the required six-foot fence height, unless authorized by a special exception by the Zoning Hearing Board after a public hearing.
- (3) Gates or other points of entry in fences and walls shall not swing outward across the property line.
- (4) No fence or wall shall impede the natural flow of water in any watercourse, ditch or swale.
- (5) No fence with barbed wire, spikes, exposed nails or other sharp objects shall be permitted. No fence with any type of electrical current is permitted.
- (6) Chain-link or wire-mesh fences are not permitted, except by special exception of the Zoning Hearing Board after conducting a public hearing, and where granted, the fence shall be landscaped in such a manner as to be indiscernible from such landscaping from any viewpoint on adjacent properties and street. Fences generally shall be made of natural material, wood, wrought iron, architectural-grade plastic, aluminum or other architectural-grade material.
- (7) In the case of replacement or repair of existing fences and walls, a similar fence may be installed, with the exception of a chain-link fence, provided the applicant obtains a statement of approval from the adjacent property owner granting the replacement and repair without adhering to the requirements of this section.
- (8) Before a boundary fence, wall or other similar enclosure is installed, removed, altered or replaced, the property owner shall obtain a permit as set forth in Section 700.3H below.

H. Permits required.

- (1) The landowner, or the applicant with the landowner's permission, shall submit a copy of the certified survey, or proof of boundary markers by photographs, or a detailed plan showing the location of the fence or wall on the property, the type of the fence or wall, the height from the natural grade, all openings and other related information. The Borough may field-inspect the property prior to issuing or rejecting a permit application to determine the existing condition of a fence or wall, the placement of boundary markers or other related conditions.
- (2) Prior to the installation of any boundary fence, wall or retaining wall, approval must be granted before installation can proceed. Failure to comply is a violation of this Ordinance as addressed in Article XVIII, Violations and Penalties; Fees.
- (3) The Borough shall also have the authority to inspect the fence once it is built to ensure that it was constructed according to the approved permit and plan submitted.
- (4) A building permit and/or zoning permit must be applied for, approved, received, and posted on the property prior to the start of any work other than work required performing a survey. All fees associated with permits shall be paid in full prior to commencement of work or issuance of permits.

§ 700.4. Exceptions to yard requirements for private garages, tool and accessory sheds and/or other storage buildings.

Nothing in these regulations shall prohibit the erection of a detached private garage, tool and accessory shed and/or other storage building which otherwise meets all applicable building and zoning regulations anywhere in the rear yard, but not nearer than five feet from any side or rear property line. Adequate provisions must be

made for disposal of surface stormwater from adjoining properties as well as disposal of roof water. Only one detached building, either an accessory building or garage, is permitted.

§ 700.5. Parking and storage of recreational vehicles and equipment and certain other vehicles.

- A. Recreational vehicles and equipment, ambulances, hearses, fire engines and buses in other than a commercial use owned or leased by the owner or occupant of any property situate in any residential district within the Borough may only park or store such vehicle and equipment upon said premises if it complies with the following conditions:
- (1) It shall not be used for living or housekeeping purposes.
 - (2) It does not exceed 26 feet in length, exclusive of its trailer, hitch or tow bar.
 - (3) Not more than one such vehicle, with or without a trailer, may be stored outside of a garage.
 - (4) Such recreational vehicle must be stored or parked behind the front wall or face of the home or main building constructed on the property on which the vehicle is parked or stored.
 - (5) In no case shall the recreational vehicle be stored nearer than five feet from any side or rear property line.

§ 700.6. Loading spaces.

In addition to required parking space, off-street loading and unloading space, with proper access from the street or alley, shall be provided on any lot on which a building for trade or business is hereafter erected.

§ 700.7. Residential swimming pools and other artificial bodies of water (ponds and hot tubs).

Residential swimming pools, hot tubs, or decorative ponds are permitted as an accessory use in residential districts and shall comply with the following requirements:

- A. Pools and ponds must be located at least 15 feet from any main dwelling, 10 feet from the rear property line, 10 feet from any side property line and 15 feet back from the front build-to line.
- B. Hot tubs shall be at least three feet from the primary dwelling and 5 feet from any property line.
- C. In the case of swimming pools, they must have a drainage connection, not to a sanitary sewer, unless such connection is approved by Borough Council.
- D. Swimming pools must have an approved type filtration system which will keep the water clean and sanitary at all times.
- E. All swimming pools, hot tubs, or decorative ponds must be enclosed with at least a four-foot fence with self-locking gate that satisfies the minimum requirements as set forth in the Pennsylvania Uniform Construction Codes.

§ 700.8. Reduction of lot area.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

§ 700.9. Exceptions to front yard requirements.

The regulations of § 500.5B, Dimensional standards, Option B, may be used.

§ 700.10. Prohibited uses and activities.

- A. No building may be erected, altered or used, and no lot or premises may be used for any trade, processing or business which is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise. No commercial enterprise authorized under the Ordinance, either specifically or permitted as a special exception, which is principally devoted to the sale for consumption, either on or off the premises, of

food, shall be permitted to be open to the public between the hours of 1:01 a.m. and 4:59 a.m., prevailing time.

- B. Unless the property has an approved use as an animal hospital, kennel or similar use, no property shall contain more than five (5) domestic animals, such as dogs and cats, either indoors or outdoors, at any one time.

Section 730. Off-Street Parking and Loading

§ 730.1. Intent.

It is the intent of this article to:

- A. Allow flexibility in addressing parking, loading and access by permitting construction of a reduced number of parking spaces under appropriate conditions.
- B. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the Borough.
- C. Prevent hazards to public safety caused by the intrusion of parking upon public rights-of-way.

§ 730.2. General parking requirements.

- A. All parking areas must meet the requirements of the Subdivision and Land Development Ordinance.
- B. Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required.
- C. Exterior lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Surface parking areas and 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 comply with the Borough's Revitalization Master Plan, where applicable.
- D. Vehicular access. Vehicular access to surface parking shall be from an alley or side street where possible.
- E. Location of surface parking. Parking shall be set back 10 feet from the street right-of-way or property line.
- F. Parking space dimensions. A required off-street parking space shall be nine feet in width and 18 feet in length exclusive of any access drives, aisles or columns.
- G. Interconnected parking areas. New parking areas on abutting nonresidential lots should be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways, guaranteeing access to adjacent lots for future connections. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- H. For the purposes of this section, a required motor vehicle parking space shall consist of not less than 162 square feet of usable area, shall have dimensions of not less than nine feet in width and 18 feet in length, exclusive of aisles, driveways and maneuvering areas, and shall be suitable for the parking of a motor vehicle. Spaces in parking lots, wherever possible, shall be physically separated from a street or sidewalk by a barrier or buffer area and shall have access to a street or alley by way of an approved curb opening. Aisle space between rows of parked vehicles shall be not less than 24 feet for 90° parking and not less than 20 feet for 60° (or less) parking. In lots without a parking attendant, spaces for customers and clients shall be located with free access to exit aisles. Outdoor parking spaces, and the approaches thereto, shall be paved or covered with gravel or cinders to a minimum depth of two inches. Such outdoor parking space shall be deemed to be part of the open space on the lot on which it is located.

§ 730.3. Parking use requirements.

Parking space requirements by use or multiple uses on a site shall follow the standards found in the Table 5 below or follow the standards from § 730.7, On-site parking reduction by special exception.

§ 730.4. Continuation of existing off-street parking.

Existing off-street parking facilities provided at the effective date of this article and actually being used at that date for the parking of vehicles in connection with the operation of an existing building or use shall not be reduced until a time when the building or use is changed. The new building or use will be required to comply with the standards herein.

§ 730.5. Bicycle parking.

Parking lots containing more than 10 parking spaces shall provide one bicycle parking space for every 10 parking spaces in bike racks in close proximity to the building entrance.

§ 730.6. Maximum parking.

No more than 120% of the required minimum parking is permitted.

§ 730.7. On-site parking reduction by special exception.

Recognizing that parking is a significant problem in the commercial areas of Bangor, the provision of alternative parking solutions may be a more practical way of meeting the parking needs for the nonresidential uses in the Town Center (TC), Neighborhood Commercial Residential (NCR) and Gateway (G) Districts. For each nonresidential use in these zoning districts, the Borough Council can approve a reduction in the number of required spaces provided on site up to 100% by a special exception. Parking can be reduced up to 100% if the necessary requirements are met by one or a combination of the following criteria. Parking spaces shall only be counted once.

- A. The use is located within 750 feet walking distance from a public parking facility which has available parking spaces for the subject property.
- B. On-street parking is provided directly in front of or directly behind the building.
- C. Fee-in-lieu of parking spaces, per the requirements of § 730.8 below.
- D. Shared parking, per the requirements of § 730.9 below.

§ 730.8. Fee-in-lieu of parking spaces.

Recognizing that the Town Center, Neighborhood Commercial Residential and Gateway Commercial Districts are already largely built out; that lot sizes and shapes cannot be easily altered to meet modern commercial needs; that the demolition of buildings in the commercial core to provide parking is in conflict with the intent to preserve the existing character and streetscapes of these districts, meeting all parking requirements on site or adjacent to the subject property may not be feasible.

- A. If a new use or change in use cannot meet the minimum on-site parking requirements for a proposed property or use in the Town Center, Neighborhood Commercial Residential and Gateway Commercial Districts, Borough Council may allow the payment of a fee-in-lieu of parking per parking space through an annual zoning permit to meet all or part of the reduction allowed in § 730.7, On-site parking reduction by special exception.
 - (1) The fee shall be payable in accordance with the Borough Council's administrative policies for zoning permits.

- (2) Said fee (annual zoning permit) may be adjusted in the future should, at any time, the landowner provide some or all of the required parking being paid for either on site or through another option in § 730.7, On-site parking reduction by special exception.
- B. The fee-in-lieu shall be an annual fee per space for each parking space reduction requested. The fee amount shall be in accordance with a fee schedule adopted from time to time by resolution of the Borough Council upon the enactment or as such schedule may be amended by resolution of the Borough Council. Said fee schedule will be kept on file at Borough Hall.
- (1) The amount of said fee-in-lieu shall be based on the estimated cost of renting a parking space within the Borough of Bangor at the time of adoption of the fee resolution.
 - (2) Said fee-in-lieu and all interest earned thereon shall be placed in the Borough Parking Fund, which shall be held in an interest-bearing account in a bank authorized to receive deposits of Borough funds.
 - (3) The fee shall be collected when a land development agreement is finalized or, if no land development agreement is required, before final building permits are issued, and annually from thereon.
- C. The Borough Parking Fund shall be used for:
- (1) Planning, land acquisition, engineering and design, development, construction and financing of a new parking facility;
 - (2) Non-routine capital repairs, expansion and debt service on an existing municipal parking facility; or
 - (3) Reducing the need for parking serving these zoning districts by improving transit, pedestrian and/or bicycle access to the area.

§ 730.9. Shared parking.

Shared parking is permitted for two or more properties to provide the parking spaces required when two or more establishments share the same parking area, whether on the same lot or abutting lots, subject to the following conditions:

- A. A shared parking agreement (for two uses) or a shared parking district (for more than two uses), which involves a contractual agreement between users, is required and recorded. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots, or redesigning internal traffic circulation and pedestrian walkways.
- B. That some portion of the shared parking area lies within 750 feet from a regularly used entrance into the building served by the shared parking arrangement.
- C. That sufficient area shall be set aside for the remainder of the required spaces, according to § 730.7, On-site parking reduction by special exception, above.
- D. The minimum amount of shared parking required shall be calculated according to the following formula (see Table 4 below):
 - (1) Calculate the minimum amount of parking required for each land use as if it were a separate use.

- (2) To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the six time periods.
- (3) Calculate the column total for each of the six time periods.
- (4) The column (time period) with the highest value shall be the minimum parking requirement.

Table 4

Shared Parking Calculation Table

Uses	Monday to Friday			Saturday and Sunday		
	8:00 a.m. to	6:00 p.m. to	Midnight	8:00 a.m. to	6:00 p.m. to	Midnight
	6:00 p.m.	Midnight	to 8:00 a.m.	6:00 p.m.	Midnight	to 8:00 a.m.
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (nonreligious institution)	100%	40%	5%	10%	10%	5%
Religious Institution	20%	40%	5%	100%	50%	5%

§ 730.10. Proof of parking spaces.

If spaces are leased or licensed, Bangor Borough shall require proof of the leasing or licensing arrangement and use of the spaces to be kept on file in the Borough Hall. Proof of ongoing leases or licenses and use of the spaces will be required to be updated annually. Parking spaces designated for one use shall never be used to satisfy parking requirements for another use.

§ 730.11. Parking requirements for additions to existing structures/uses.

The following standards shall apply when any existing use or structure is proposed for an addition or expansion that increases the unit(s) of measurement (such as number of dwelling units, gross or leasable floor area, seating capacity, building or portion of building maximum occupancy/capacity, or number of employees) used for computing the required parking facilities for that use.

- A. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by 50% or less, then only the addition shall be required to meet the standards of this Section 730. The existing building or use is not required to come into compliance with the standards of this Section 730.
- B. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by more than 50%, then both the existing building or use and the addition shall be required to meet the standards of this Section 730. This provision shall be cumulative and shall apply to any single or group of successive increases that occur after the effective date of this Article XIV.

§ 730.12. Parking garages.

A parking structure must conform to all setback, height, bulk and landscaping requirements for buildings within the district in which it is located. Parking structures are a conditional use only in the Town Center, Neighborhood Commercial Residential, and Gateway Commercial Districts.

- A. Where possible, vehicular access to parking garages shall be taken from alleys or driveways off the street or located behind or to the side of a building.
- B. For all parking garages, retail storefronts or other business uses on the street level shall be required for 100% of the street frontage. These retail and service spaces shall incorporate display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.
 - (1) Entrances and/or exits to parking structures shall be allowed only where Borough Council determines that this is the only frontage reasonably available for such entrances and/or exits. In such cases, 100% of the first-floor frontage shall still be maintained for walk-in retail and service uses, excluding the vehicular and pedestrian access ways.
- C. When the parking garage is situated with one or more of its facades facing a street, 100% of the first-floor frontage of each street-facing facade shall be maintained for walk-in retail and service uses, excluding the minimum area necessary for vehicular and pedestrian access ways to such garage structure. These retail and service spaces shall incorporate display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.
- D. Utilitarian appearances of parking structures are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
- E. Cars shall be visually screened from adjacent buildings and the street, and such screening shall be in keeping with the rest of the building's architectural style and materials. Any portion of a parking garage that fronts a street shall have all openings (second story and above) screened along the entire facade of such structure. Screening techniques may include the use of display windows, decorative grillwork, decorative glass, decorative masonry or a combination of these methods or similar methods so as to ensure that vehicles within the garage are screened from the view of cars and pedestrians.
- F. Deck structure visible from the street must be horizontal rather than sloping.
- G. Parking structure facades that are visible to the public shall consist of high-quality materials such as brick, concrete banding, glass block banding or other materials characteristic of the Borough's architecture. Upper levels must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

§ 730.13. Loading.

- A. For new construction, service and loading areas must be to the side and rear of the building. Loading docks shall not be on the main street and shall be visually screened from the street and pedestrian ways. The Borough Zoning Officer shall have the authority to designate the area considered to be the main street.
- B. The location and size of loading areas shall be adequate for the safe maneuvering and parking of trucks, so that ingress and egress can occur on the lot without backing out onto a public street.
- C. Loading areas shall be lit to provide security and safety; however, lighting shall be shielded to prevent glare onto adjacent properties.

Table 5
BOROUGH PARKING STANDARDS

	Residential Districts	Town Center District	Neighborhood Commercial Residential District	Gateway Commercial District
<u>Uses</u>				
Residential				
Apartments (2nd story and above)		1/unit if existing building; 1.5 unit if new building	1/unit if existing building; 1.5/unit if new building	
Apartment building Attached dwelling/townhome	2/dwelling unit	1.5/unit	1.5/unit	
Single-family detached dwelling	2/dwelling unit			
Single-family semidetached dwelling/twin	2/dwelling unit			
Two-family detached dwelling/duplex	2/dwelling unit			
Other Residential				
Artist live/work unit		1/dwelling unit	1/dwelling unit	
Commercial				
Artisan manufacturing (hand tools only; e.g., ceramic or jewelry)		No parking is required for the first 450 GFA* devoted to sales/service; thereafter 1/300 GFA* devoted to sales/service plus 1/employee per largest shift	No parking is required for the first 450 GFA* devoted to sales/service; thereafter 1/300 GFA* devoted to sales/service plus 1/employee per largest shift	
Bank or financial institution, excluding drive-throughs		1/400 square feet net floor area**	1/400 square feet net floor area**	1/250 square feet net floor area**

Bar or tavern	1/100 square feet patron floor plus 1/employee per largest shift	1/100 square feet patron floor plus 1/employee per largest shift	1/100 square feet patron floor plus 1/employee per largest shift
Bed and Breakfast	1/guest room plus 2/primary dwelling		1/guest room plus 2/primary dwelling
Business or professional office (including doctor or dentist)	1/750 square feet gross floor area	1/750 square feet gross floor area	1/300 square feet gross floor area
Club or fraternal organization	1/100 square feet gross floor area		1/100 square feet gross floor area
Convenience store without fuel pumps			1/200 square feet gross floor area
Day Care Center			1/employee per largest shift plus 1/10 pupils
Gallery and/or museum	1/850 square feet gross floor area	1/850 square feet gross floor area	
Health club and/or gym	1/250 square feet gross floor area	1/250 square feet gross floor area	
Hotel/Bed and Breakfast		1/rented unit plus 1/200 square feet gross floor area in common or public use plus 1/employee on largest shift	1/rented unit plus 1/200 square feet gross floor area in common or public use plus 1/employee on largest shift
Indoor entertainment, sports/theater-related and motion-picture theater	1/10 seats	1/10 seats	1/100 square feet gross floor area or 1/5 seats, whichever is greater
Laundromat			1/300 square feet gross floor area
Motel			1/rented unit plus 1/employee per largest shift
Nursery and/or greenhouse			1/300 square feet gross floor area

Personal service shop	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service, plus 1/employee per largest shift	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service, plus 1/employee per largest shift	
Restaurant, excluding drive-through	No parking is required for the first 400 GFA devoted to sales/service; thereafter 1/400 GFA devoted to sales/service, plus 1/employee per largest shift	No parking is required for the first 400 GFA devoted to sales/service; thereafter 1/400 GFA devoted to sales/service, plus 1/employee per largest shift	
Retail store and business service	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service, plus 1/employee per largest shift	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service, plus 1/employee per largest shift	
Shopping Center			1/250 square feet net floor area**
Studios for dance, art, music, yoga, etc.	1/800 square feet gross floor area	1/800 square feet gross floor area	1/800 square feet gross floor area
Undertaking establishment and funeral home	The greater of 1/4 seats or 1/50 square feet gross floor area	The greater of 1/4 seats or 1/50 square feet gross floor area	
Other Uses			
School		1/employee plus 1/classroom	1/employee plus 1/classroom

Municipal use, community center, or library	1/850 square feet gross floor area	1/850 square feet gross floor area	1/850 square feet gross floor area	1/850 square feet gross floor area
Religious institution and ancillary use			1/5 seats	1/5 seats

*GFA is defined as Gross Floor Area

**Net Floor Area is the gross floor area of the building, less any storage, offices, and other non-customer area used for the purposes of the business.

Section 740. Signs

§ 740.1. Purpose & Intent

It is recognized that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the Borough to ensure they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, and general welfare by:

- A. Setting standards and providing controls that permit reasonable use of signs and enhance the character of the Borough.
- B. Prohibiting the erection of signs in such numbers, sizes, designs, and locations as may create a hazard to pedestrians and motorists.
- C. Avoiding excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Establishing a process for the review and approval of sign permit applications.
- E. Ensuring sign design that builds on the traditional town image and visual environment the Borough seeks to promote.

§ 740.2. Prohibited Signs

The following signs are unlawful and prohibited:

- A. Abandoned signs and abandoned billboards.
- B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Ordinance.
- C. Vehicle signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- D. Mechanical movement signs, including revolving signs.
- E. Pennant strings and streamers.
- F. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- G. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- H. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- I. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

- J. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- K. Reflective signs or signs containing mirrors.
- L. Interactive signs (An electronic or animated sign that reacts to the behavior or electronic signals of drivers).
- M. Signs incorporating beacon or festoon lighting.
- N. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property or road.
- O. Roof signs.
- P. Unofficial signs on Borough property.
- Q. Signs erected without the permission of the property owner.
- R. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Borough Zoning Ordinance.
- S. Signs that exhibit statements, words, or pictures generally regarded as obscene or pornographic subjects.
- T. Any sign that promotes illegal activity.

§ 740.3. Signs Exempt from Permit Requirements

The construction or display of the following sign types will be allowed without a permit. Exempt signs shall, however, conform to all other applicable regulations:

- A. Official traffic signs.
- B. Government/regulatory signs.
- C. Signs inside a building or other enclosed facility that are not meant to be viewed from the outside.
- D. Holiday and seasonal decorations.
- E. Personal expression signs, provided that they are non-commercial in nature, not illuminated, and are either freestanding, wall, or window signs. Such signs may not exceed three (3) sq. ft. and, in the case of freestanding signs, may not exceed four (4) feet in height.
- F. Address signs - Up to two (2) signs indicating address, number and/or name of occupants of the premises that do not exceed two (2) sq. ft. in area per side, and do not include any commercial advertising or other identification.
- G. Menu signs - One (1) sign displaying the menu of a sit-down restaurant, not to exceed two (2) sq. ft. in area.
- H. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.
- I. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not to exceed four (4) sq. ft. in area.
- J. Private Drive Signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
- K. Security and Warning Signs – One (1) sign not to exceed two (2) sq. ft. in area. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.
- L. Flags:
 - (1) *Location.* Flags and Flagpoles shall not be located within any required yard setbacks.
 - (2) *Height.* Flags shall be limited in height to 30 feet above grade level.
 - (3) *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
 - (4) *Size.* Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.

(5) Flags containing commercial messaging may be used as a permitted freestanding or projecting sign, and, if so used, the area of the flag shall be included in, and limited by, the computation of allowable area for signs on the property.

M. Legal notices.

N. Incidental window signs.

O. Vending machine signs.

P. Memorial signs, public monument or historical identification signs erected by the Borough, including plaque signs up to one (1) sq. ft. in area.

Q. Signs which are a permanent architectural feature of a building or structure existing at the time of adoption of this ordinance.

R. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

S. Incidental signs.

T. Directional signs.

U. Art and Murals, provided such sign does not contain a commercial message

V. Temporary signs in accordance with §740.7, Regulations by Sign Type (Temporary Signs).

§ 740.4. General Sign Regulations

A. Nuisance. No sign shall create a public nuisance by emitting smoke, visible vapors, particulate matter, sound, odor or open flames.

B. Sign location.

(1) No sign shall be placed in such a position as to endanger pedestrians or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

(2) No sign, except official traffic signs or those approved by the Borough, is permitted within the right-of-way.

(3) No projecting sign shall extend into the right-of-way, or be less than eight (8) feet above a pedestrian way.

(4) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, the right-of-way or other areas required to be unobstructed.

(5) No freestanding sign may occupy a sight triangle.

(6) Awnings and/or canopies shall not extend into the street right-of-way.

(7) No signs shall be erected or maintained so as to prevent free ingress and egress to or from any door, window, or fire escape. No sign other than a safety sign shall be attached to a standpipe or fire escape.

(8) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

C. Sign Materials & Construction. Every sign permitted in this Section shall be constructed of durable materials, using non-corrosive fastenings, shall be structurally safe, erected or installed in strict accordance with the PA Uniform Construction Code, and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

D. Sign Area.

- (1) The “area of a sign” shall mean the area of all lettering, wording and accompanying designs, logos and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (2) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (3) Signs may be multi-sided. In determining the area of a multi-sided sign, only one side shall be considered, provided that the faces are not more than 18 inches apart. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area. When the interior angle formed by the faces of a multi-sided sign is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
- (4) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- (5) If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

E. Sign Height.

- (1) Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
- (2) All wall, projecting, awning, and canopy signs shall have a maximum height equal to the bottom of the second story window sign or the eave line, whichever is lower.
- (3) All marquee signs shall have a maximum height equal to the eave line.
- (4) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

F. Sign Spacing. The spacing between sign structures shall be measured as a straight-line distance between the edges of each sign face closest to each other.

G. Sign Illumination.

- (1) Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a. Location/Allowed Illumination Standards by Location.
 - i. Residential and Open Space – No Illumination (Excludes institutional and government uses)
 - ii. Business Districts (TC, NCR, G and HR Districts) – External Illumination
 - iii. Industrial/Commercial (IC) District – External Illumination, Internal Illumination
 - iv. Off-Premises – External Illumination, Internal Illumination

b. Illumination by Sign Type.

- i. Temporary Signs – No Illumination
- ii. Portable Signs – No Illumination

c. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous to pedestrians or vehicle drivers or create a nuisance to adjacent properties. All ground-mounted lighting fixtures must be obscured by landscaping or architectural features such as walls.

(2) Types of Illumination: Where permitted, illumination may be:

a. *External*: Externally illuminated signs, where permitted, are subject to the following regulations:

- i. The source of the light must be concealed by translucent covers.
- ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color

b. *Internal*: Internally illuminated signs, where permitted, are subject to the following regulations:

- i. Neon lighting or other visible light emanating gas tubes may be used only for signs located in non-residential districts and shall not exceed ten (10) percent of the sign area for any given sign.
- ii. Internal illumination must be static in intensity and color.

(1) Electrical Standards.

- a. Permits for illuminated signs will not be issued without an approved electrical permit. Applications for electrical permits shall be filed at the same time as the sign permit application.
- b. All work shall be completed in full compliance with the Borough Electrical Code as set forth in the PA Uniform Construction Code.
- c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

(2) Glare Control. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

§ 740.5. Regulations by Sign Type (On-Premises Signs)

A. Wall Signs.

- 1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.

2. Illumination. Wall signs may be illuminated subject to the regulations in §740.4.G. Sign Illumination.
3. Sign Height.
 - a. No portion of a wall sign shall extend vertically higher than the bottom of the second story window sill or the eave line, whichever is lower.

B. Window Signs.

1. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.
2. Illumination. Window signs may be illuminated subject to the regulations in §740.4.G. Sign Illumination.

C. Projecting Signs.

1. No portion of projecting signs shall project more than four (4) feet from the face of the building.
2. The outer-most portion of a projecting sign shall extend no closer than five (5) feet from a curb line or shoulder of a public street.
3. Illumination. Projecting signs may be illuminated subject to the regulations in §740.4.G. Sign Illumination.
4. Sign Height.
 - a. No portion of projecting signs shall extend vertically higher than the bottom of the second story window sill or the eave line, whichever is lower.
 - b. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Sign Placement.
 - a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - b. Logos or emblems are permitted on the top or angles portion of the awning or canopy up to a maximum of three-square feet. No more than one emblem or logo is permitted on any one awning or canopy.
5. Illumination.
 - a. External illumination from above
6. Sign Height.
 - a. No portion of an awning or canopy sign shall extend vertically above the eave line.
 - b. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
7. Any ground-floor awning projecting into a street right-of-way must be retractable.
8. Awnings above the ground floor may be fixed, subject to a maximum projection of four (4) feet from the face of the building.

9. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, the awning or canopy sign shall be similar in terms of height, projection, and style to all tenants in the building.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. No marquee shall extend closer to the curb than three (3) feet.
4. Illumination. Marquee signs may be illuminated subject to the regulations in §740.4.G. Sign Illumination.
 - a. Electronic message center signs and digital displays shall be permitted as part of a marquee sign, subject to the regulations in §740.4.G. Sign Illumination.
5. Sign Height.
 - a. No portion of a marquee sign shall extend vertically above the eave line.
 - b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs.

1. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
2. Freestanding ground signs (i.e., monument signs) shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
3. Illumination. Freestanding signs may be illuminated subject to the regulations in §740.4.G. Sign Illumination.

G. Manual Changeable Copy Signs

1. Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, or portable sign.
2. Commercial messages must advertise only goods and services available on the premises.
3. The changeable portion of the sign shall not exceed 40% of the total allowable sign face area for any single on-premises freestanding sign.

§ 740.6. Regulations by Sign Type (Off-Premises Signs)

A. Locations Permitted.

1. Off premises signs are permitted in the following locations:
 - a. Industrial/Commercial District
 - b. Gateway Commercial District
2. Off-premises signs are subject to the following regulations.

B. Sign Size. An off-premises advertising sign shall not have a sign area greater than 150 sq. ft.

C. Height and Location of Sign.

1. The Sign Area of any off-premises sign shall not exceed 20 feet in length or be greater than 12 feet in height above ground elevation.

D. Spacing.

1. May not be located closer than 25 feet from any street measured from the ultimate right-of-way of such street.
2. May not be located closer than 25 feet from any property line
3. May not be located within 50 feet of any building, structure, or on-premises sign located on the same property.
4. May not be located closer than 500 feet from another off-premises sign on either side of the road measured linearly.
5. May not be located within 500 feet of any intersection, interchange, or safety rest area.
6. May not be permitted within 1,000 feet of any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.
7. No off-premises sign shall be attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.

E. Number of Signs per Lot. There shall be no more than one off-premises sign per lot.

F. Content. Off-premises signs shall not display any message or graphic of an obscene nature.

G. Multi-Sided Off-Premises Signs. Signs may be single or double sided, in accordance with §740.4.D.3.

H. Message Sequencing. Message sequencing is prohibited.

I. Identification of Sign Owner. All off-premises signs shall be identified on the structure with the name, address and phone number of the owner of such sign.

J. Additional Regulations. All off-premises signs shall comply with any and all applicable zoning regulations of Borough, and any and all municipal, state and/or federal regulations.

K. Illumination and Changeable Copy of Off-Premises Signs.

1. Off-premises signs may be illuminated, provided that:

- a. All light sources shall be designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the sign and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties.
- b. Off-premises signs are in accordance with the lighting requirements established in §740.4.G.

L. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

§ 740.7. Regulations by Sign Type (Temporary Signs)

A. Temporary Signs, as defined in this Section, located on private property, are exempt from standard permit requirements; however, they are required to comply with the regulations set forth below. The requirements listed below shall apply to both commercial and non-commercial signs, unless otherwise stated within a particular subsection.

B. Size and Number:

1. Non-Residential Zones:

- a. Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential zones.

- (i) Type: Ground, window, and banner signs.
- (ii) Area: Each large temporary sign shall have a maximum area of 16 sq. ft.
- (iii) Height:
 - a. Temporary Ground signs shall have a maximum height of eight (4) feet.
 - b. Banner signs shall hang at a height no greater than 24 feet.

b. Small Temporary Signs: In addition to the large temporary sign(s) outlined above, two (2) small temporary signs are permitted per property in all nonresidential zones.

- (i) Type: Ground, window, and banner signs
- (ii) Area: Each small temporary sign shall have a maximum area of four (4) sq. ft.
- (iii) Height: Small temporary signs shall have a maximum height of six (3) feet.

c. No more than two (2) temporary signs are permitted at the same time on any one property.

2. Residential Zones:

a. Large Temporary Signs: Not permitted in residential zones.

b. Small Temporary Signs: One (1) small temporary sign is permitted per property.

- (i) Type: Ground, window, and banner signs
- (ii) Area: Each small temporary sign shall have a maximum area of four (4) sq. ft.
- (iii) Height: Small temporary signs shall have a maximum height of three (3) feet.

C. Duration and Removal:

1. Temporary Banner signs that are commercial in nature, including but not limited to advertising grand openings, festivals, carnivals, garage/yard sales, and other sales signs, are allowed to be displayed no more than two (2) times per year for not more than 30 consecutive days in that year (Bangor Borough and any entity of the Borough is exempt from this provision).
2. All temporary signs shall be installed no more than 30 days prior to the event or activity and shall be removed by the sign owner within ten (10) days after the occurrence of the event or activity.
3. The Borough or property owner may confiscate signs installed in violation of this Ordinance and dispose of it. The property owner is not responsible for notifying sign owners of confiscation of an illegal sign.

D. Permission

1. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting a temporary sign.

E. Borough Notification

1. Temporary signs are exempt from the standard permit requirements, but the Borough must be notified of the location, size, and timing associated with any temporary sign that is larger than

four (4) square feet in size. This notification must include a contact person's name, address and telephone number.

F. Installation and Maintenance

1. All temporary signs must be installed such that in the opinion of the Borough's Building Official, they do not create a safety hazard.
2. All temporary signs must be made of durable materials and shall be well-maintained.
3. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

G. Illumination: Illumination of any temporary sign is prohibited.

§ 740.8. Regulations by Sign Type (Portable Signs)

A. General Provisions.

1. Illumination: Illumination of any portable sign is prohibited.
2. Hours of Display.
 - a. Signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM. However, all portable signs must be taken in during hours of non-operation of the business being advertised.
 - b. All portable signs must be taken in during inclement weather.

B. Sandwich Board or A-frame Signs.

1. Number: One (1) sandwich board sign is permitted per establishment.
2. Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
3. Height: Signs shall have a maximum height of three and one-half (3.5) feet.
4. Sign Placement.
 - a. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
 - b. The sign must be located on the premises and within 12 feet of the primary entrance of the establishment it advertises.
 - c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

5. Manual Changeable Copy.

- a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
- b. Commercial messages must advertise only goods and services available on the premises.

B. Vehicular Signs and Mobile Billboards: Vehicular Signs and Mobile Billboards are subject to the regulations found in Pennsylvania Vehicle Code.

§ 740.9. Signs in Residential Districts

In addition to the exempt signs described in §740.3. Exempt Signs, the following numbers and types of signs may be erected in the AA Residential District, A Residential District, and C Residential District, subject to the conditions specified here and in Sections 740.4 through 740.7.

A. Any temporary sign as defined and regulated in Section 740.7. Regulations by Sign Type (Temporary Signs).

B. Home Occupations.

1. One (1) freestanding sign shall be permitted subject to the following regulations.

a. Area: Each sign shall have a maximum area of six (6) sq. ft. per sign face.

b. Height: Signs shall have a maximum height of seven (7) feet.

2. One (1) wall or projecting sign shall be permitted, up to two (2) square feet in area.

C. Freestanding signs for residential developments containing more than ten units shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage.

2. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.

3. Height: Signs shall have a maximum height of ten (10) feet.

D. Institutional uses, including schools, churches, municipal buildings, hospitals, clubs or other institutions of a similar nature.

1. Two (2) freestanding signs shall be permitted subject to the following regulations.

a. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.

b. Height: Signs shall have a maximum height of ten (10) feet.

2. One (1) wall or projecting sign shall be permitted, up to ten (10) square feet in area.

3. Illumination:

a. Internal or external illumination of institutional signs is permitted subject to the regulations found in §740.4.G. Sign Illumination.

b. Message center signs are permitted subject to the regulations found in §740.4.G. Sign Illumination.

E. Summary Table for Signs in Residential Districts.

		Residential Districts	
		Wall and Projecting	Freestanding
Standards	Maximum Number	Home Occupations: 1 per lot Institutional Uses: 1 per lot	Home Occupations: 1 per lot Residential Developments: 1 per lot Institutional Uses: 2 per lot
	Maximum Area (sq. ft.)	Home Occupations: 2 Institutional Uses: 10	Home Occupations: 6 Residential Developments: 15 Institutional Uses: 15
	Maximum Height	The eave line or the bottom of the second story window sill, whichever is lower.	Home Occupations: 7 ft. Residential Developments: 10 ft. Institutional Uses: 10 ft.

§ 740.10. Signs in Business Districts

In addition to the exempt signs described in §740.3. Exempt Signs, the following numbers and types of signs may be erected in the Town Center (TC), Neighborhood Commercial Residential (NCR), Gateway Commercial (G) and High-Rise Apartment (HR), subject to the conditions specified here and in Sections 740.4 through 740.7.

- A. Any sign permitted in residential districts, for the appropriate uses.
- B. Portable signs shall be permitted subject to the provisions of §740.8. Regulations by Sign Type (Portable Signs).
- C. The total area of all permitted sign types for non-residential uses shall be limited to two (2) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- D. Wall signs for non-residential uses shall be permitted subject to the following regulations.
 1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a corner storefront faces a street and a parking lot, a second sign is permitted to face the parking lot.
 2. Area: Each sign shall have a maximum area of 24 sq. ft. per sign face.
3. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. External illumination from above.
 - b. Halo illumination or back-lit letters.
 - c. Neon Signs

E. Window signs for non-residential uses shall be permitted subject to the following regulations.

1. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
2. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. Neon signs.

F. Projecting signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
2. Area: Each sign shall have a maximum area of twelve (12) sq. ft. per sign face.
3. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. External illumination from above.
 - b. Neon signs.

G. Canopy or awning signs for non-residential uses shall be permitted subject to the regulations established in §740.5. Regulations by Sign Type (On-Premises).

1. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. External illumination from above.

H. Marquee signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee structure per movie theatre, performing arts center, cinema, or other similar use.
2. Area: The total area of signs on a single marquee structure shall not exceed 150 sq. ft. in area.
3. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. Internal illumination.
 - b. Message center signs.

I. No freestanding signs are permitted.

J. Summary Table for Signs in Business Districts.

		Signs in Business Districts			
		Wall, Awning/Canopy, and Marquee	Projecting	Window	Freestanding
Standards	Maximum Number	Based on sign type (See §740.10).	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	Prohibited
	Maximum Area	2 sq. ft. per linear ft. of building frontage facing a public street, subject to maximum size limitations based on sign type			Prohibited
	Maximum Height	The eave line or the bottom of the second story window sill, whichever is lower.		N/A	Prohibited
	Additional Requirements	See §740.10.	See §740.10.	15% of total window area (permanent signs); 25% total window area (all signs)	Prohibited

§ 740.11. Signs in Industrial/Commercial (IC) District

Except as noted below, the following numbers and types of signs may be erected in the Industrial/Commercial District subject to the conditions specified here and in Sections 740.4 through 740.7.

- A. Any sign permitted in residential districts, for the appropriate uses.
- B. Portable signs shall be permitted subject to the provisions of §740.8. Regulations by Sign Type (Portable Signs).
- C. The total area of all permitted sign types for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- D. Wall signs for non-residential uses shall be permitted subject to the following regulations.
 1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a corner storefront faces a street and a parking lot, a second sign is permitted to face the parking lot.
 2. Area: Each sign shall have a maximum area of 32 sq. ft. per sign face.
 3. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. Internal illumination.

- b. External illumination from above.
- c. Halo-lit or back lit letters.
- d. Neon signs.

E. Window signs for non-residential uses shall be permitted subject to the following regulations.

- 1. Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
- 2. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. Neon signs.

F. Projecting signs for non-residential uses shall be permitted subject to the following regulations.

- 1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
- 2. Area: Each sign shall have a maximum area of twenty (20) sq. ft. per sign face.
- 4. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. External illumination from above.
 - b. Neon signs.

G. Canopy or awning signs for non-residential uses shall be permitted subject to the regulations established in §740.5. Regulations by Sign Type (On-Premises).

- 1. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. External illumination from above.

H. Marquee signs for non-residential uses shall be permitted subject to the following regulations.

- 1. Number: One (1) marquee structure per movie theatre, performing arts center, cinema, or other similar use.
- 2. Area: The total area of signs on a single marquee structure shall not exceed 200 sq. ft. in area.
- 3. Illumination: The following illumination types shall be permitted subject to the regulations in §740.4.G. Sign Illumination.
 - a. Internal illumination.
 - b. Message center signs.
 - c. Digital displays.

I. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.

- 1. *Number*: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
- 2. *Area*: Each sign shall have a maximum area of 50 sq. ft. plus an additional 10 sq. ft. per tenant up to a maximum of 100 sq. ft.
- 3. *Height*: Signs shall have a maximum height of 20 ft.

4. *Illumination*: Signs may be illuminated subject to the regulations established in Section 6.G. Sign Illumination.

- a. Internal illumination.
- b. Message center signs.

5. *For gas stations*: One (1) additional freestanding sign per street frontage shall be permitted for advertising gas prices and identification of the gas station only.

J. Off-premises signs shall be permitted, subject to the regulations detailed in §740.6. Regulations by Sign Type (Off-Premises).

§ 740.12. Special Regulations for Signs in the Historic Preservation Overlay Zone.

In addition to all other requirements of the Section, the following regulations shall be applicable to any sign placed in the designated Historic Preservation Overlay Zone:

- A. The Zoning Officer shall ensure that the proposed sign is appropriate compared to the style, period, type, size, and scale of the building for which it is proposed with other signs in the district.
- B. In addition to all other applicable requirements of this Section, the following regulations shall apply to any sign placed in the Historic Preservation Overlay Zone:
 1. All applications for a permit must contain the following information:
 - a. A current color photograph of the property.
 - b. An illustration of the building facade showing the proposed sign.
 - c. A scaled drawing showing the sign itself and including the size, materials, colors, lighting, lettering, and method of attachment. Material samples may be required.
 - d. For ground signs, a site plan indicating the location of the sign.
 - e. The type of illumination.
 2. Installation must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.

§ 740.13. Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.

1. Upon written notice by the Borough, the owner, person, or firm maintaining a sign shall remove said sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the Borough to be a nuisance, or it is deemed unsafe by the Borough, or it is unlawfully erected in violation of any of the provisions of this Article.
2. The Borough may remove or cause to be removed said sign at the expense of the owner and/or lessee in the event the owner, person, or firm maintaining said sign has not complied with the terms of said notice within thirty 30 days of the date of the notice. In the event of immediate danger, the Borough may remove said sign immediately upon the issuance of said notice to the owner, person, or firm maintaining said sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is

located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. When the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days, the Borough may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. When the owner fails to pay, the Borough may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

§ 740.14. Permits & Applications

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the Borough without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §740.3. Signs Exempt from Permit Requirements.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to the Borough:
 1. A completed sign permit including all required information identified on the permit
 2. If the sign is located in the Historic Preservation District, confirmation that an application has been submitted to the Historic Architectural Review Board
 3. A permit fee to be established from time to time by Resolution shall be paid.

§ 740.15. Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered non-conforming signs.
- B. Permanent signs and sign structures must be brought into conformance with the sign regulations when and if the following occurs:
 1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign panel on a nonconforming sign shall not be considered a significant alteration.
 2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 3. An alteration in the structure of a sign support.
 4. A change in the mechanical facilities or type of illumination
 5. A change in the material of the sign.
 6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by the Borough.
- C. All non-conforming temporary signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this article, unless specific approval is granted as provided for herein.

§ 740.16. Signs on the Premises of Legally Nonconforming Uses.

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

§ 740.17. Substitution Clause.

Notwithstanding any provision of this Ordinance to the contrary, to the extent that this Ordinance allows a sign containing commercial copy, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this Ordinance.

§ 740.18. Violations

The placement of a permanent or specially permitted sign without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as strict liability offences regardless of intent. Violators shall be fined a daily fee per sign displayed in violation of this Ordinance. The fee amount shall be established from time to time by Resolution of the Borough.

Section 750. Non-Conforming Uses

§ 750.1. Nonconforming buildings or uses.

- A. Continuation. The lawful use of a building or land existing on the effective date of this Ordinance, or authorized by a building permit issued prior thereto, may be continued although such use does not conform with the provisions of this Ordinance.
- B. Extension. A nonconforming use may be extended throughout the building or premises held in single and separate ownership at the effective date of this Ordinance, provided that any extension or enlargement shall conform to the area and height regulations of the district in which it is situated, and provided that no addition or structural alteration for such nonconforming use shall exceed 25% of the floor area of said building at the effective date of this Ordinance.
- C. Changes. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification if no structural alterations are made. If such change may include structural alterations, authorization of a special exception by the Zoning Hearing Board after public hearing is required. Whenever a nonconforming use of a building or land has been changed to a use of a more-restricted classification or to a conforming use, such use shall not return/revert to a less-restrictive classification.
- D. Restoration. A nonconforming building which has been damaged or destroyed by fire or other causes to an extent of not more than 50% of its value, as determined by the Building Inspector, or a nonconforming building which has been legally condemned, may be reconstructed and used for the same nonconforming use, provided that the reconstructed building shall not exceed in height, area and volume the building destroyed or condemned, and building reconstruction shall be commenced within

one year from the date the building was destroyed or condemned and shall be carried on without interruption. Borough Council may authorize the retaining of experts to provide data to the Building Inspector as the basis for making a determination on the extent of the destruction. In the case of an appeal from such determination by the Building Inspector, experts may be retained to present such data to the Zoning Hearing Board.

- E. Abandonment. If a nonconforming use of land or of a building ceases or is discontinued for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

§ 750.2. Nonconforming lots.

A building may be erected or altered on any lot held at the effective date of this Ordinance in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated, provided that a special exception is authorized by the Zoning Hearing Board.

§ 750.3. Temporary nonconforming uses.

A temporary nonconforming use which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this Ordinance may be permitted for a period of not more than one month, on the approval of the Zoning Hearing Board, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Hearing Board certificate may be issued for a period not exceeding one year in any case.

Section 800. Zoning Hearing Board

§ 800.1. Creation of Board; membership.

A Zoning Hearing Board (hereinafter "Board") is established in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, as amended. The membership of the Board shall consist of five residents of the Borough appointed by Borough Council.

§ 800.2. Functions and powers.

- A. The Board shall have the functions and powers prescribed by law. In accordance with the provisions of Article IX of the Municipalities Planning Code, the Board shall:
- (1) Hear and decide appeals where it is alleged by the appellant that the Building Inspector/Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Zoning Map or any valid rule or regulation governing the action of the Building Inspector/Zoning Officer.
 - (2) Hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant subject to the standards prescribed by law and contained in § 800.9, Effective period of decisions, of this article.
 - (3) Hear and decide requests for special exceptions where this Ordinance states that a special exception may be granted or denied by the Board in accordance with express standards and criteria contained in this Ordinance.
 - (4) Hear challenges to the validity of this Ordinance or to the Zoning Map which properly come before the Board in accordance with the Planning Code and shall take evidence, decide

contested questions of fact, make findings and make a record thereof, as prescribed by said Code and by this Ordinance.

- (5) Hear unified appeals relating to any Borough ordinance, which appeals are brought before the Board in conjunction with a zoning matter over which the Board has jurisdiction in accordance with the requirements of Article IX of the Pennsylvania Municipalities Planning Code.

- B. In granting any variance or special exception, the Board shall comply with the provisions and standards of § 800.10, Standards for reviews.

§ 800.3. Actions Board may take.

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken.

§ 800.4. Rules of procedure.

The Board shall adopt rules of procedure in accordance with the several provisions of this Ordinance as to the manner of filing appeals or applications for special exceptions or for variance from the terms of this Ordinance.

§ 800.5. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§ 800.6. Notice of hearings.

In any case where the Zoning Hearing Board shall hold a public hearing, the Board shall, at the minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

- A. By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than 30 days nor less than 14 days from the date of the hearing. In addition, the property which is the subject of the application shall be posted as required by law.
- B. By mailing or serving due notice thereof to the parties of interest.
- C. By mailing or serving notice thereof to the Borough Council.
- D. By mailing or serving notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers of lots, residences or buildings located within 300 feet of the property lines of the lot or building which is the subject of the hearing before the Zoning Hearing Board. Failure to give notice required by this subsection shall not invalidate any action taken by the Board.
- E. The notices herein required shall state the location of the building or lot and the general nature of the question involved.
- F. The Board shall make a decision on the appeal within 45 days after the hearing or, if said hearing is continued, within 45 days after said continued hearing. If the Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the person or the officer of the Borough aggrieved or affected who is seeking relief. Upon the hearing, any party may appear in person or by agent or by attorney.

§ 800.7. Issuance of certificates.

It shall be the duty of the Secretary of the Zoning Hearing Board to issue the Zoning Hearing Board certificate after public hearings held in accordance with the provisions of § 800.1, Creation of Board; membership, through § 800.6, Notice of hearings. The Zoning Hearing Board may cancel or revoke a Zoning Hearing Board certificate for any violation of this Ordinance or of conditions imposed.

§ 800.8. Restrictions on renewed applications; time limit for appeals.

An application to this Board for a special exception or variance, if refused, shall not be renewed within the period of one year unless there has been a change in conditions and unless the renewed application distinctly sets forth such changes. All appeals from any order, requirement, decision or determination made by any administrative official in the enforcement of this Ordinance must be made within 30 days of said order, requirement, decision or determination.

§ 800.9. Effective period of decisions.

Unless the Zoning Hearing Board in its orders and decisions stipulates otherwise, all decisions on appeals for variances and exceptions under this Ordinance shall be effective for a period of one year, and unless the order or decision has been complied with, within said period of time, it shall thereafter cease and be of no effect, said limitation to be applicable to all previous cases for the same length of time from February 6, 1967.

§ 800.10. Standards for reviews.

In any instance where the Zoning Hearing Board is required to consider an exception or variance in this Ordinance or the Zoning Map in accordance with the provisions of this Ordinance, the Board shall, among other things:

- A. Assure that the proposed change is consistent with the spirit, purpose and intent of this Ordinance and consider the effect upon the public interest of granting or denying the application.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the general character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interest of the Borough, the convenience of the community, where applicable, and public welfare.
- D. Consider the unnecessary hardship which will or may be inflicted upon the applicant by the denial of his application.
- E. Consider the presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.
- F. Consider the effect of the proposed changes upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection and public schools, and assure adequate arrangements for sanitation in specific instances and require a certificate of adequacy, in any case herein deemed necessary or advisable by the Zoning Hearing Board, from the Sewer and Sanitation Department, Fire Marshal, Road Department, Police Department and School Board.
- G. Safeguard the development of street frontage insofar as possible to limit the total number of access points with respect to its probable effects upon street traffic to avoid traffic congestion and danger to pedestrian traffic, including children going to and from the schools.
- H. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of this Ordinance are complied with, which conditions may include, but are not

limited to, the harmonious design of buildings, planting and its maintenance as a sight or sound screen, and the minimizing of noxious, offensive or hazardous elements, or other conditions which the Zoning Hearing Board deems advisable to protect the public interest and welfare.

Section 900. Administration and Enforcement (Note: Section 900 amended in its entirety by Ordinance #997, adopted June 14, 2021)

§ 900.1. Permit requirements.

In addition to building permits as required by the Building Code of the Borough of Bangor, a zoning permit, which may be a part of the building permit, shall be required prior to the erection, structural alteration or use and occupancy, of any building, structure, deck, patio, driveway or parking pad, increase in impervious coverage, swimming pool, antenna, tower, monopole, sign, fence, alteration or use, or portion thereof, prior to the initial use or change in use of a building or land, prior to the change or extension of a nonconforming structure or portion thereof, prior to the initial use or change or extension of a nonconforming use and prior to the change in occupancy of any commercial use or other nonresidential use. A zoning permit shall be required for all provisions of this Ordinance, non-exclusive of the permit requirements set forth beforehand in this paragraph, and such permit shall be valid for a period not to exceed twelve months. Following completion of approved work occurring within the twelve-month permit period, no permit shall be considered complete and closed out until the Building Official or Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this Ordinance, the valid issued permit and all other applicable ordinances. Following completion and close out of the permit, approval shall be permanently effective until such time as the permitted improvement is removed or altered in a manner requiring a new zoning permit.

- A. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority, to enforce the provisions of this Ordinance.
- B. The Zoning Officer shall require that the application for a building permit and a zoning permit, together with the accompanying plot plan, contain all the information necessary to enable him/her to ascertain whether the proposed work complies with the provisions of this Ordinance.
- C. Applications for a building permit and zoning permit shall be signed by the owner of the property involved or the legal representative of such owner.
- D. No building permit or zoning permit shall be issued until the Zoning Officer has certified that the proposed building, structure, deck, patio, swimming pool, antenna, communications tower, sign, fence, alteration or use complies with all the provisions of this Ordinance and other applicable ordinances.
- E. It shall be unlawful for any person to commence work for the erection or alteration of any proposed building, structure, deck, patio, swimming pool, antenna, communications tower, sign, fence, alteration or use, until a building permit and a zoning permit have been duly issued therefor or to occupy such use until an occupancy permit has been approved.
- F. No building permit or zoning permit for the erection or conversion of a commercial building shall be issued until the Zoning Officer and Building Code Official have certified that the proposed building, alteration or use complies with all the provisions of this Ordinance and other applicable ordinances.
- G. Hours of operation.
 - (1) Contractors and builders, including but not limited to construction contractors, plumbers, electricians, mechanical contractors, mason contractors and like trades shall be permitted to operate within the Borough of Bangor only between the following hours: Monday through Friday, 7:00 a.m. to 7:00 p.m.; Saturday, 8:00 a.m. to 5:00 p.m.; and Sunday 9:00 a.m. to 5:00 p.m.

- (2) The provisions of Subsection G (1) shall apply to all zoning districts within the Borough.
- (3) Any violation of this Subsection G shall be subject to the penalties as set forth in Section 900.10, Violations and Penalties, of this Ordinance.

§ 900.2. Applications to Zoning Hearing Board.

An appeal or an application for a special exception or variance from the terms of this Ordinance may be filed with the Secretary of the Zoning Hearing Board and shall set forth the following facts:

- A. Name and address of the applicant.
- B. Name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. Present zoning classification of the real estate in question, the improvements thereon and its present use.
- E. Section of this Ordinance under which the variance or exception requested may be allowed and reasons for which it should be granted.
- F. A reasonably accurate description of the improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof and, in addition thereto, attach a plot plan of the real estate to be affected, indicating the location and size of the lot and the size of the improvements now erected and proposed to be erected thereon.
- G. A deposit/fee to cover the cost of advertising and notification shall accompany the application.
- H. In order to completely satisfy and enable the Zoning Hearing Board to judge the full effectiveness of the design and the complete character of the entire application, full information and sufficient data in all instances shall be included with the application, as follows:
 - (1) For any conversion of existing properties, designation of the existing structure shall be clearly shown on the plan, and any new construction shall be clearly shown by heavier or crosshatched lines and designated "new construction." New partitions, doors, entrances, stairways and windows, giving sizes, shall be clearly designated.
 - (2) Floor plans and elevations, drawn to scale showing the entire room layout, dimensions of all rooms, window location and sizes, width of all halls and stairways, exits, type of materials to be used, interior and exterior, and floor material.
 - (3) Plot plan, drawn to scale, giving the total area of the lot, total building area proposed on the lot and the location of the building, giving dimensions to all property lines and street lines. Where buildings exist on adjoining lots, setbacks of these adjoining properties shall be shown and distance to any buildings on adjoining lots.
 - (4) Off-street parking plan, drawn to scale showing all parking spaces in accordance with Section 730, Off-Street Parking and Loading Standards, showing the traffic pattern with adequate driveways connecting the parking spaces with a street or right-of-way. There shall be no more than one entrance and one exit per street from each lot opening into a street or highway. No parking space shall utilize pedestrian sidewalks or block areas devoted to pedestrian use. No parking space shall be within five feet of any street line and shall be designated a grass and planting area. Areas for loading and unloading off street for delivery trucks, refuse, fuel and other service vehicles shall be provided and shall be so arranged that they may be used without blockage with the use of access ways, exits or parking facilities.

- (5) Each off-street parking space shall consist of not less than 200 square feet, exclusive of driveways, entrances and exits. Any entrance or exit to a basement or underground garage shall not have a gradient steeper than one in seven or 14%, and any columns supporting the building shall not obstruct the usable parking area for each parking space.

§ 900.3. Conditional uses.

The conditional use process is designed to allow a careful review of uses that have some potential for conflicts with adjacent uses or areas.

§ 900.4. Conditional use procedure.

- A. The Zoning Officer shall not grant a permit under this Ordinance for a proposed conditional use until written approval of the Borough Council is obtained.
- B. A written application for a conditional use shall be submitted by the applicant to the Zoning Officer or the Zoning Officer's authorized agent, explaining in detail the proposal of the applicant; photographs of the existing site or building and drawings or other plans showing the proposed conditional use may be required by the Zoning Officer.
- C. Site plan, pursuant to Article Three of the Subdivision and Land Development Ordinance, as amended, to determine whether a detailed site plan is required.
- D. The Zoning Officer should, prior to the next Borough Council meeting where the application will be discussed, review the plan to determine compliance with this Ordinance and submit a report to the Borough Council.
- E. The Planning Commission may, at its option, review a proposed conditional use application and submit an advisory recommendation to the Borough Council. The intent of this provision is to allow an additional review for proposed uses that would have wide-ranging effects.
- F. The Borough Council shall review any reports received from the Zoning Officer and Planning Commission.
- G. The Borough Council shall decide a request for a conditional use in accordance with the procedure set forth herein, including payment of an application fee by the applicant.

§ 900.5. Approval of conditional uses.

- A. The Borough Council shall approve any proposed conditional use if it finds adequate evidence that any proposed use will meet:
 - (1) All of the standards listed in this section.
 - (2) All of the specific standards for the proposed use listed in the relevant section.
 - (3) All other applicable requirements of this Ordinance.
- B. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

§ 900.6. Conditional use standards.

Each conditional use shall comply with all of the following standards:

- A. Other laws. It shall not be in serious conflict with other Borough ordinances or state or federal laws or regulations that the Borough Council has clear knowledge of.
- B. Master plan. It shall be generally consistent with the adopted Comprehensive Plan.

- C. Traffic. It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion.
- D. Safety. It shall not create a significant public safety hazard, including fire, toxic or explosive hazards.
- E. Design. It will involve adequate site design methods, including evergreen screening, setbacks, berming and traffic control, to avoid serious negative influences on adjacent uses.
- F. Lot Size and Yard Requirements. It shall be on a lot of adequate size to comply with this Ordinance, all other Borough Ordinances, State and Federal regulations, and provide for reasonable setbacks from adjoining properties to protect the health, safety and welfare of adjoining property owners and/or their occupants.
- G. Zoning Ordinance. It shall comply with all provisions and requirements of this Ordinance.

§ 900.7. Failure to comply with conditions imposed.

Conditions imposed by the Borough Council shall automatically become conditions of any building or other permit issued in connection with the use, and any failure to comply with said conditions shall be a violation of this Ordinance as well as of any other ordinance relating to such permit.

§ 900.8. Failure to secure permits or certificates.

Failure to secure a zoning permit or Zoning Hearing Board certificate, when required, previous to the erection, construction, extension or addition to a building or structure, shall be a violation of this Ordinance.

§ 900.9. Notice of violation.

When written notice of violation of any of the provisions of this Ordinance has been served by the Building Inspector, Zoning Officer, or other representative from the Borough, on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

§ 900.10. Violations and penalties.

For any and every violation of the provisions of this Ordinance, the owner, general agent or contractor of building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be liable on conviction thereof to a fine not exceeding \$500 for each and every offense or imprisonment in Northampton County Prison for a period not exceeding 60 days, and whenever such person shall have been notified by the Building Inspector, Zoning Officer or other representative from the Borough, or by service of warrant in a prosecution or in any other way that he is committing such violation of this Ordinance, each day that he shall continue such violation shall constitute a separate offense punishable by a like fine or imprisonment.

§ 900.11. Remedies.

In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Borough Council or, with the approval of Borough Council, an officer of the Borough designated, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.

§ 900.12. Fees.

- A. Application for a change of zoning (revision to Zoning Map, curative amendment or challenges):
- (1) The filing fees and the deposit for a change of zoning shall be fixed from time to time by a resolution of the Borough Council.
 - (2) The deposit shall be applied to the payment of all costs incurred by the Borough incidental to the application, including but not limited to advertising, stenographic services, engineering services, legal services, administrative services, etc. Any portion of the deposit not used to cover such expenses shall be refunded to the applicant as soon as a formal decision is made by Borough Council and all the bills or expenses incidental to the application have been received and paid.
 - (3) Costs incurred by the Borough in excess of the filing fee and the deposit shall be billed to the applicant. Upon failure of the applicant to forthwith pay the bill so rendered, the Borough Secretary shall commence appropriate proceedings to recover the same from all persons obligated to pay the same.
- B. Application for a hearing before the Zoning Hearing Board (requesting a variance or special exception; appealing a decision of the Zoning Officer):
- (1) The filing fee and the deposit for a hearing before the Zoning Hearing Board shall be fixed from time to time by a resolution of the Borough Council.
 - (2) The deposit shall be applied to the payment of all costs incurred by the Borough incidental to the application, including but not limited to advertising, stenographic services, engineering services, legal services, administrative services, etc. Any portion of the deposit not used to cover such expenses shall be refunded to the applicant as soon as all of the bills or expenses incidental to the application have been received and paid, but not sooner than 60 days after the Zoning Hearing Board's written decision, if not appealed; or if appealed, no sooner than 60 days after a court order on the appeal.
 - (3) If any proceeding before the Zoning Hearing Board cannot be completed on one hearing date, the Borough Secretary shall be authorized to collect in advance from the applicant additional deposits in an amount equal to the deposit required for the first hearing for each and every continued hearing date. In every case, the applicant shall be obligated to pay all costs incurred by the Borough incidental to the application.
 - (4) Costs incurred by the Borough in excess of the filing fee and the deposit(s) shall be billed to the applicant. Upon failure of the applicant to forthwith pay the bill so rendered, the Borough Secretary shall commence appropriate proceedings to recover the same from all persons obligated to pay the same.
- C. Other zoning items. The Borough Council shall by resolution fix from time to time fees for other zoning items, including but not limited to use and occupancy permits and zoning applications.

§ 900.13. Amendment procedures.

Borough Council may from time to time supplement, change, modify or repeal this Ordinance, including the Zoning Map, by amending the Ordinance in accordance with the provisions of the Pennsylvania Municipalities Planning Code and this section.

- A. By resolution adopted at a regular or special meeting, Borough Council shall fix the time and place of a public hearing on the proposed amendment and shall publish a notice thereof once in a newspaper of

general circulation in the Borough, provided that the publication shall be not more than 30 nor less than 14 days from the date of the hearing.

- B. Borough Council shall submit each proposed zoning amendment, other than one prepared by the Borough Planning Commission, to the Planning Commission for review and recommendation. Such amendment, which may include any amendment requested by a landowner in accordance with the Planning Code, shall be submitted to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment in order to provide the Commission with an opportunity to submit its recommendations prior to final action. Whenever Council has adopted a Comprehensive Plan or any part thereof, the recommendations of the Planning Commission shall include a specific statement as to whether or not the proposed action on any zoning amendment is in accordance with the intent of the formally adopted portion of said Comprehensive Plan.
- C. A copy of any proposed zoning amendment also shall be submitted to the County Planning Commission at least 30 days prior to any hearing to be held on the proposed amendment in order to provide the Commission with an opportunity to submit its recommendations prior to final action.

§ 900.14. Citizen petition.

Whenever the owners of more than 50% of the frontage in any district or part thereof shall present to Borough Council a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Zoning Map including such district, it shall be the duty of Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 900.13, Amendment procedures. The petition shall set forth the following facts:

- A. Signature and address of each owner/petitioner, together with the number of feet frontage in any district or part thereof.
- B. The petition, if pertaining to the Zoning Map, shall have attached thereto a plot plan of the real estate to be affected.

§ 900.15. Uses not specifically provided for.

If a use is clearly not provided for in this Ordinance, whether as a permitted use as of right or by conditional use or as a use by special exception within any zoning district within the municipality, then the Zoning Officer may make a determination as to whether the use not specifically provided for is similar to a use permitted by conditional use or similar to a use permitted by special exception. Once this determination is made by the Zoning Officer, the applicant must satisfy certain conditions to the appropriate board as set forth herein.

- A. Similar to a use permitted by special exception. If the Zoning Officer determines that a use not specifically provided for is similar to another use permitted by special exception under this Ordinance, then the proposed use may also be permitted by special exception if the applicant proves to the satisfaction of the Zoning Hearing Board that the following conditions can and shall be met:
 - (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted by right or by special exception within the district;
 - (2) The proposed use would be closely similar in impact and character to uses permitted by right or by special exception within that district; and
 - (3) The proposed use would meet all of the standards that would apply to the use to which the proposed use is most similar.
- B. Similar to a use permitted as a conditional use. If the Zoning Officer determines that a use not specifically provided for is similar to another use permitted as a conditional use under this Ordinance,

then the proposed use may also be permitted as a conditional use if the applicant proves to the satisfaction of the governing body that the following conditions can and shall be met:

- (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted by conditional use within the district;
- (2) The proposed use would be closely similar in impact and character to uses permitted by conditional use within the district; and
- (3) The proposed use would meet all of the standards that would apply to the conditional use to which the proposed use is most similar.