

WARRANT ARTICLE

Article XX LAND USE ORDINANCE AMENDMENT – Design Review – Shall an ordinance, dated January 7, 2026, and entitled “**An amendment to clarify the design review standards and process**” be enacted?

SUMMARY

The amendment would repeal and replace Article XIII, Design Review, to improve clarity, readability, and usability. It would also amend and create new definitions.

GENERAL EXPLANATION

The amendment would include the following changes:

1. Add definitions by stipulation for common terms used in Article XIII.
 2. Remove unnecessary language regarding Design Review Board composition and term details.
 3. Add submission and review process details, where necessary, for greater clarity for applicants.
 4. Relocate definitions for Internally Illuminated Signage types from the General Definitions section (§125-109) to the Relevant Standards section (proposed §125-117).
 5. Clarify applicability of standards from *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*.
 6. Remove *Attachment 2 - Table 2* from the Land Use Ordinance and addition of user-friendly submission requirements checklist to the Design Review application form.
 7. Create new definitions for Design Review Handbook, National Register of Historic Places, Portable Shelter, Principal Elevation, Projection, Public Way, and Viewscape.
 8. Revise the definition of Complement the Visual Character of the (Design Review Overlay) District and Sign, Internally Illuminated.
 9. Remove the definition of Accessory Project, Architectural Merit, Established Pattern of, Exterior Walls of Traditional Site-Built Appearance, Historic Building or Structure, Historic Merit, and Visually Complement.
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LUO Amendment #LUO-2026-01
Definitions & Design Review
Town of Bar Harbor

Amendment to the Land Use Ordinance
Articles XII & XIII

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:
[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

Article XII. Construction and Definitions

§ 125-109. Definitions.

~~ACCESSORY PROJECT~~

~~A change to an appendage of a structure that includes signage, awnings, canopies, umbrellas, outdoor displays, lighting, or landscaping.~~

~~ARCHITECTURAL MERIT~~

~~A building or structure shall be deemed to have architectural merit if it embodies distinctive characteristics of a type, period or method of construction, represents the work of a master architect or builder, or possesses high artistic value.~~

~~COMPLEMENT THE VISUAL CHARACTER OF THE (DESIGN REVIEW OVERLAY) DISTRICT~~

~~Designed in a manner that is architecturally and visually similar to the predominate pattern of buildings and relationship of buildings to the street within the district.~~

DESIGN REVIEW HANDBOOK

A guide intended to provide the public with pictorial examples of design standards as outlined in Article XIII.

~~ESTABLISHED PATTERN OF~~

~~The situation in which the substantial majority of buildings or structures within a block face, or the two buildings on either side of the subject property, exhibit a reasonably consistent pattern with respect to a physical feature such as height, facade proportion, setback, etc.~~

EXTERIOR WALLS OF TRADITIONAL SITE-BUILT APPEARANCE

Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board and batten.

HISTORIC BUILDING OR STRUCTURE

A building or structure meeting the criteria set forth in § 125-112D(1) and listed on the list of historic buildings and structures.

HISTORIC MERIT

Those buildings classified as historic that retain original features and possess historic and architectural merit of a degree warranting their preservation.

NATIONAL REGISTER OF HISTORIC PLACES

The register assigned by The National Historic Preservation Act of 1966, as amended, recognizing buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifying them as worthy of preservation.

PORTABLE SHELTER

A freestanding structure that is not permanently affixed to the ground, intended to be easily assembled, disassembled, and relocated, designed to provide protection from weather conditions, constructed with or without side panels or walls and typically made of pliable materials such as fabric or plastic. The shelters may include, but are not limited to, canopies, event tents, and popup style enclosures.

PRINCIPAL ELEVATION

The primary façade that faces the street or public way, characterized by its architectural prominence, featuring elements such as the main entrance, windows, porches, porticos, and other

design features. The principal elevation of a structure on with multiple frontages is the orientation of the main entrance or the elevation that most directly addresses the street or public way.

PROJECTION

Any part of a structure that extends outward from the exterior wall or façade, such as bay windows, porches, overhangs, balconies, etc.

PUBLIC WAY

Any passageway, or part thereof, opened as a right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute.

SIGN, INTERNALLY ILLUMINATED

A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are five types, as follows: Section §125-117 details internally illuminated sign types and standards.

~~A. TYPE 1; CABINET WITH TRANSLUCENT FACE~~

~~An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.~~

~~B. TYPE 2; CABINET WITH LIGHT-LIMITING FACE~~

~~An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:~~

- ~~(1) Type 2 A: 20% (or less) translucent face/80% (or greater) opaque background field.~~
- ~~(2) Type 2 B: 30% (or less) translucent face/70% (or greater) opaque background field.~~

~~C. TYPE 3; CHANNEL LETTER~~

~~An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.~~

~~D. TYPE 4; HALO~~

~~An internally illuminated sign comprised of dimensional sign graphics, which cast a halolike glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.~~

~~E. TYPE 5; PUSH-THROUGH LETTERING~~

~~An internally illuminated sign with an opaque surround cabinet style fixture with lightlimiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push through) section is limited to 1/2 inch in depth. This type of sign has two acceptable categories:~~

- ~~(1) Type 5 A: 20% (or less) translucent face/80% (or greater) opaque background field.~~
- ~~(2) Type 5 B: 30% (or less) translucent face/70% (or greater) opaque background field. ***~~

VIEWSCAPE

The public setting in which a structure, site, or landmark is located. It is the immediately visible neighborhood of the street or public land associated with such a structure. As well as neighboring land and structures, the viewscape includes such things as awnings, fences, sidewalks, and lights. A viewscape is not synonymous with scenic views or viewshed. Every kind of structure is considered in the context of its viewscape. An area within the jurisdiction may include many viewsapes.

VISUALLY COMPATIBLE

A design that is visually or architecturally harmonious with the predominate pattern of buildings when viewed from a public street.

Article XIII. Design Review

§ 125-110. Purpose of design review.

The purpose of design review is to provide for the regulation of building and site design within designated areas of the Town of Bar Harbor as proposed in the Town's adopted Comprehensive Plan in order to promote the following goals:

- A. The education, economics, and the general welfare of the Town, its residents, and guests;
- B. The protection and preservation of buildings, places, and things of aesthetic, historic, cultural, or of architectural value; **[Amended 6-11-2024ATM by Art. 5]**
- C. The continued maintenance and improvement of existing structures in a timely and responsible manner;
- D. The fostering of a positive and identifiable image to encourage continued private and public interest, investment, and development within the designated area;
- E. The construction and maintenance of aesthetically pleasing structures using materials compatible with those materials and buildings that exist in their immediate area; and
- F. The ability of the Design Review Board to carry out its task in a timely and fair manner with the best interests of the Town, its residents, property owners, and consumers in mind using the regulations, definitions, and standards of this article.

§ 125-111. Design Review Board.

- A. Composition. There is hereby created a Design Review Board which shall consist of seven members appointed by the Town Council, who shall be residents of the Town of Bar Harbor, interested in the preservation and development of the Community. **[Amended 6-11-2024ATM by Art. 5]**
- B. ~~1~~ (Reserved)
- C. Jurisdiction. The Review Board's jurisdiction shall be limited to the Design Review Overlay District identified in § 125-112A. The Review Board shall be concerned with those elements of development, redevelopment, rehabilitation and/or preservation that affect the visual quality of the district. The Design Review Overlay District includes views from public streets and parking lots, as well as the view from the waterfront. The Board shall not consider the interior floor plan layout of buildings as part of its review. **[Amended 11-3-2009; 68-2010; 6-11-2024ATM by Art. 5]**
- D. Term of office. The term of office shall be for three years.
- E. Members serve without pay. Members of the Board shall serve without pay but shall be reimbursed for any and all authorized expenses incurred personally in carrying out the purposes of this article.
- F. Organization. The Board shall elect from its membership a Chair and a Vice Chair who shall serve for terms of one year and who shall be eligible for re-election. The Chair

shall preside over the Board and have the right to vote. In an absence or disability of the Chair, the Vice Chair shall perform the duties of the Chair.

- G. ~~Staff assistance. The Code Enforcement Officer and Planning Department staff shall provide such technical, administrative, and clerical assistance to the Board. [Amended 6-11-2024ATM by Art. 5]~~
- H. ~~Professional assistance. The Board, subject to the Town Council's consent, shall have the right to retain and pay for the services and expenses of professional help needed in carrying out the purpose of this article. If the review of an application requires outside professional assistance, the Board may require the payment of a technical assistance fee in accordance with § 125-65D to defray the Town's costs in obtaining such assistance.~~
- I. ~~Meetings. The Board shall hold regular meetings, at least monthly, to review applications for certificates of appropriateness. All meetings of the Board shall be recorded.~~

~~§ 125-112. Applicability of design review.~~

~~A. Design Review Overlay Districts. [Amended 11-4-2003; 11-2-2004; 6-9-2009; 11-3-2009; 6-8-2010; 6-14-2016; 7-14-2020; 6-11-2024ATM by Art. 5]~~

- (1) ~~The provisions of this article shall apply only within the limits of the following Design Review Overlay District, hereinafter called the "district." A map of the district can be found in the Planning Department.~~
- (2) ~~Boundaries of the Design Review Overlay District. The district as depicted in a map titled "Design Review Overlay District of the Town of Bar Harbor, Maine" shall include the following:~~
 - (a) ~~Bar Harbor Village Area.~~
 - [1] ~~All properties with road frontage on State Highway 3 from Harbor Lane to Cromwell Harbor Road (includes parts of Eden and Main streets and all of Mount Desert Street.~~
 - [2] ~~All properties with road frontage on West Street from Eden Street to, and including, the pier.~~
 - [3] ~~All properties with road frontage on Bridge Street from West Street to the shore.~~
 - [4] ~~All properties with road frontage on Cottage Street from Eden Street to Main Street.~~
 - [5] ~~All properties with road frontage on Main Street from the pier to Cromwell Harbor Road.~~
 - [6] ~~All properties with road frontage on Rodick Street and Rodick Place.~~
 - [7] ~~All properties with road frontage on Firefly Lane.~~

- ~~[8] All properties with road frontage on The Field.~~
- ~~[9] All properties abutting the Shore Path from the pier to Wayman Lane.~~
- (b) ~~Town Hill Village Area.~~
 - ~~[1] All properties with road frontage on State Highway 102 from the southern end of Right of Way Road to Pats Way.~~
- (c) ~~Shoreland Maritime Activity Area.~~
- (d) ~~Hulls Cove Village Area.~~
 - ~~[1] All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.~~
- (e) ~~All properties and signs listed in Appendix A of this Chapter.~~
- (3) ~~The district also includes the following uses regardless of their geographic location and therefore these may not be depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine."~~
 - (a) ~~All internally illuminated signs and all signs listed in Appendix A.~~
 - (b) ~~Lodging I, Lodging II, and Lodging III. [Amended 11-5-2024ATM by Art. 3]~~
 - ~~3] (c) All shared accommodation uses.~~
- B. ~~Activities subject to design review. Any of the following activities shall be undertaken within the designated district only after a certificate of appropriateness has been issued by the Code Enforcement Officer of the Town of Bar Harbor after review and approval by the Design Review Board: [Amended 11-4-2003; 5-3-2004; 11-2-2004; 6-8-2010; 6-11-2024ATM by Art. 5]~~
 - (1) ~~The demolition, in whole or in part, of a building or structure classified as historic as denoted in Appendix A.~~
 - (2) ~~The moving or relocation of a building, sign or structure classified as historic as denoted in Appendix A.~~
 - (3) ~~Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing building, sign, fence, or structure classified as historic as denoted in Appendix A, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials.~~
 - (4) ~~Any new construction of a principal or accessory building or structure, except for lots with the principal use of a single or two family dwelling;~~
 - (5) ~~Any material change, other than routine maintenance and repair and minor renovations as outlined in Subsection C, in the exterior appearance of an existing~~

~~nonhistoric building or structure, except for lots with the principal use of a single- or two-family dwelling, such as additions, reconstruction, alterations, or maintenance involving a change in the exterior color, if the change is subject to view from a public street;~~

- ~~(6) Any change in existing fences and/or retaining, ornamental or other freestanding walls or the construction of new fences and/or freestanding walls on a parcel, except for lots with the principal use of a single or two-family dwelling, if the wall or fence is located along a public street right-of-way;~~
- ~~(7) The erection of a new internally illuminated sign, the relocation of an existing internally illuminated sign, or the modification of an existing internally illuminated sign which changes the size, color, lighting, or graphic design of the sign.~~
- ~~(8) The seasonal closure of a business involving the placement of window coverings or other activities which alter the exterior appearance of the property and can be seen from a public street. (Note: The certificate of appropriateness obtained initially shall remain in effect as long as the closure treatment remains unchanged.)~~

C. ~~Activities not subject to design review. The following activities are not subject to design review:~~

- ~~(1) The construction of a new principal or accessory building or structure or the modification of an existing nonhistoric building or structure used entirely for single- or two-family dwelling occupancy. [Amended 5-3-2004]~~
- ~~(2) The erection or modification of signs, freestanding walls, fences, landscaping or similar activities at a property used entirely for single- or two-family dwelling occupancy. [Amended 5-3-2004]~~
- ~~(3) Temporary or emergency activities intended to protect a property from damage as a result of a natural event, such as a storm, or to secure a property from further damage following a storm, fire, or similar event. All permanent improvements or repairs shall be subject to design review.~~
- ~~(4) Routine maintenance or repair where no change is made to the exterior appearance of the structure or grounds. The following list illustrates the types of work that a property owner may undertake without a certificate of appropriateness:
 - ~~(a) Repainting using the existing colors.~~
 - ~~(b) Replacement of window glass.~~
 - ~~(c) Caulking and weatherstripping.~~
 - ~~(d) Installation or removal of window air conditioners.~~
 - ~~(e) Installation or changes of mechanical equipment, such as heating and air-conditioning units, television antennas/satellite dishes, and garbage containers, as long as it is completely screened from view by landscaping or fencing.~~~~

- (f) ~~Repair of roofing materials as long as the material is of a similar color, texture and general appearance.~~
- (g) ~~Replacement of missing or deteriorated siding, gutters, trim, porch flooring, steps, etc., using replacement materials that match the original and that do not damage or eliminate architectural features.~~
- (h) ~~Repair or replacement of masonry foundations where the original foundation material is retained or where any new material matches the original in color, material, and appearance [including the installation of metal foundation vents (side and rear only) and the replacement of access doors which cannot be seen from the street].~~
- (i) ~~Repointing and other masonry repairs where the color and composition of the mortar, brick or stone match the original.~~
- (j) ~~Replacement of storm windows or doors provided that the trim color is white or compliments the building's trim color.~~
- (k) ~~Installing house numbers and mailboxes.~~
- (5) ~~Minor renovations that do not include any changes in the exterior appearance of the building, such as:~~
 - (a) ~~Replacing old windows with new windows of the same size and material.~~
 - (b) ~~Replacing old siding with new siding of the same material and color.~~
 - (c) ~~Replacing old roofing with new roofing with the same color and style.~~
- (6) ~~Renovation or new construction which is limited to the following types of improvements: [Added 11-8-2011]~~
 - (a) ~~Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.~~
 - (b) ~~3 (Reserved)~~
 - (c) ~~4 (Reserved)~~
 - (d) ~~5 (Reserved)~~
 - (e) ~~Installation of roof-mounted solar collection panels and appurtenant equipment. [Amended 6-14-2016]~~

- (f) ~~Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.~~
 - (g) ~~Installation of lighting for signage, provided such lighting complies with § 125-67Z.~~
- (7) ~~The change of use of an existing building with no changes to the exterior.~~
[Added 6-11-2024ATM by Art. 5]

~~D. Classification of buildings, signs, and structures. Within the district, all buildings and structures shall be divided into two classes, historic and nonhistoric. [Amended 114-2003]~~

- (1) ~~Historic buildings and structures. For the purposes of this article, buildings and structures possessing identified historic or architectural merit of a degree warranting their preservation shall be classified as historic.~~
 - (a) ~~Those buildings or structures which meet one or more of the following criteria shall be considered as historic, noting that they may not all meet state or federal criteria for official designation as historic properties:~~
 - [1] ~~Buildings or structures at which events occur or have occurred that contribute to, are identified with, or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Bar Harbor and/or the nation. These include sites and buildings at which the public may gain insight or see examples of particular items or patterns relevant to North American heritage.~~
 - [2] ~~Buildings or structures importantly associated with historical personages.~~
 - [3] ~~Buildings or structures importantly associated with historic examples of a great idea or ideal.~~
 - [4] ~~Buildings or structures or structural remains embodying examples of architectural types of specimens valuable for study of a period, style, or method of building construction, of community organization and living, or a single site representing the work of a master builder, designer, architect, or landscape architect.~~
 - [5] ~~Buildings or structures contributing to the visual continuity and aesthetic value of the district.~~
 - [6] ~~Buildings or structures currently on, or eligible for, the National Register of Historic Places or listing as a National Historic Landmark.~~
 - (b) ~~A list of the properties meeting one or more of these criteria is contained in Appendix A.⁶ The Board shall annually review both the criteria and the properties included on the list and shall make recommendations to the Town~~

Meeting for modifications to the criteria and additions to, or deletions from, the list as it deems necessary to accomplish the objectives of these design review provisions. ~~[Amended 6-11-2024ATM by Art. 5]~~

- (e) ~~The owner of any property within the district may submit a written request to the Board asking for a review of the historic or architectural merit of his/her property and consideration of its inclusion on or deletion from the list. In such cases, the Board shall review the property for conformance with the criteria and recommend adding or deleting the property as appropriate to the Town Meeting.~~
- (2) ~~Nonhistoric buildings and structures. All buildings and structures not classified as historic based upon the criteria of Subsection D(1) and included on the list of historic properties shall be classified as nonhistoric.~~

~~§ 125-113. Application and review procedures.~~

~~A. Preapplication procedures:~~

- (1) ~~Prior to making application for a certificate of appropriateness, an applicant should familiarize themselves with the requirements and procedures of this section and obtain a copy of the procedures, standards, Design Review Handbook, and application form from the Planning Department. Applicants are welcome to observe a meeting of the Design Review Board to familiarize themselves with the Board's procedures. [Amended 6-11-2024ATM by Art. 5]~~
- (2) ~~Applicants are encouraged to meet informally with Planning Department staff to discuss their project prior to preparing and submitting an application or making any binding arrangements for the proposed improvements. [Amended 6-11-2024ATM by Art. 5]~~
- (3) ~~All preapplication activities shall be informational in nature, and any discussions during these activities shall in no way be construed to be a decision or to bind future actions of the Board. No preapplication discussions shall cause an application to be considered to be a pending application or proceeding under 1 M.R.S.A. § 302.~~

~~B. Application submission and review procedures. The applicant shall prepare and submit an application for a certificate of appropriateness together with supporting documentation that meets the requirements set forth below, provided that all time limits provided in this section may be extended by the mutual agreement of the applicant and the Board. The submission shall be processed as follows:~~

- (1) ~~The application shall be submitted to the Planning Department at least fourteen days prior to the meeting of the Design Review Board at which the application will be considered. [Amended 6-11-2024ATM by Art. 5]~~
- (2) ~~Upon receipt of an application, the Planning Department shall give the applicant a dated receipt and review the submission for completeness within ten days.~~

[Amended 6-11-2024ATM by Art. 5]

- (3) If the Planning Department finds that the application is complete, that all required information has been submitted, the Planning Department shall place the application on the agenda for the next scheduled meeting of the Board.
- (4) If the Planning Department finds the application to be incomplete, it shall return it to the applicant with a written indication of the additional information and/or revisions needed and shall inform the applicant that the application will not be processed until a complete application is submitted. If an application is returned to the applicant on the basis that it is incomplete, the applicant may appeal this decision, in writing, to the Design Review Board and the Board shall consider the completeness of the application at its next meeting. If the Board finds that the application is complete, it shall continue with the review of the application.
- (5) The Board shall consider an application at its next scheduled meeting after it is determined to be complete. The applicant and/or his/her representative(s) shall attend the meeting and shall explain the proposed activities to the Board and answer any questions about the application. The burden is on the applicant to demonstrate that the application meets the requirements of § 125-114. The applicant and/or his/her representative(s) may present any information to the Board that he/she feels will demonstrate compliance with the standards.
- (6) The Board shall act to approve, approve with conditions, or deny an application within 30 days of its initial consideration. The Board may extend this period to 45 days for projects involving the construction of a new building or an addition to an existing building. If the Board fails to act within the period provided the application shall be deemed to have been denied.
- (7) The Board may impose conditions on the approval but only those that are necessary to assure compliance with the standards of approval. In making its decision, the Board shall make written findings of fact establishing that the proposal does or does not meet the standards. Following its action, the Board shall notify the Code Enforcement Officer of its decision and instruct the Code Enforcement Officer as to whether a certificate of appropriateness shall be issued.

C. Coordination with site plan review.

- (1) The design review and site plan review requirements deal with different aspects of a project. Some of the activities subject to design review may also require that the applicant obtain site plan approval from the Planning Board. These include the construction of a new building, projects involving the expansion or renovation of an existing building, and situations in which the use of the building is being changed.
- (2) Prior to preparing an application for a certificate of appropriateness, the applicant should review this chapter and/or meet with the Town Planner to determine if site plan approval is required in addition to design review. If site plan review is also required, the applicant may submit concurrent applications to the two Boards and may request that the two applications be reviewed concurrently.

- (3) ~~The application for design review must be consistent with the activities and design submitted as part of the site plan review application. If either Board's review and approval of the plan results in revisions or conditions which affect aspects of the project subject to the other Board's review, both the applications must be modified accordingly. Projects subject to both design review and site plan review must comply with both approvals and any conditions imposed as part of the approvals.~~

~~D. Process for the demolition of a historic building. This Subsection D establishes two processes for the demolition of a building or structure classified as historic. The first allows for immediate demolition with the issuance of a certificate of appropriateness, while the second allows for delayed demolition if a certificate of appropriateness is not issued.~~

~~(1) Immediate demolition.~~

~~(a) If the owner of a building or structure classified as historic seeks to demolish the building or structure in whole or in part, the Review Board may approve the issuance of a certificate of appropriateness for the demolition if the property owner shows that the application meets the standards of § 125-114E(2). [Amended 6-11-2024ATM by Art. 5]~~

~~(b) If a certificate of appropriateness is approved, the applicant may immediately apply to the Code Enforcement Officer for a demolition permit. If the Board fails to approve the issuance of a certificate of appropriateness permitting the demolition, the applicant may proceed under the delayed demolition procedures.~~

~~(2) Delayed demolition.~~

~~(a) If the Board fails to issue a certificate of appropriateness, the owner of a building or structure classified as historic may apply for a permit to demolish the building in accordance with the following procedures. The building may be demolished; provided, however, that before a demolition permit is issued, four months' notice of the proposed demolition shall be given.~~

~~(b) The objective of this provision is to further the purposes of this article by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the Town and to afford the Town, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.~~

~~(c) The Board may at any time during such stay approve a certificate of appropriateness in accordance with § 125-114E(2) in which event a demolition permit shall be issued without further delay. [Amended 6-11-2024ATM by Art. 5]~~

~~(d) Public notice of the pending demolition shall be provided as follows:~~

~~[1] Notice of the proposed demolition shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street, shall be mailed to the Maine State Historic~~

Preservation Office, and shall be delivered to the Bar Harbor Historical Society.

~~[2] Notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published no more than 15 days after the application for a permit to demolish is filed. E. — Submission requirements.~~

- ~~(1) The activities covered by design review vary widely in their scope and complexity and, hence, in the type and amount of information needed by the Design Review Board to determine if the proposed activities are consistent with the standards of this section. [Amended 6-11-2024ATM by Art. 5]~~
- ~~(2) In all cases, the burden is on the applicant to provide the Board with adequate information to determine the appropriateness of the project.~~
- ~~(3) To aid the applicant in preparing his/her application, the minimum submission requirements shown in the following table have been established. Applicants should submit additional information if they feel that is necessary or helpful in demonstrating that the proposed activities are consistent with the standards.~~
- ~~(4) The following exhibits⁷ shall be submitted as part of an application for a certificate of appropriateness. Projects involving more than one activity must submit the exhibits required for each of the proposed activities. For example, a project involving the painting of an existing building and the installation of a new sign is required to submit the exhibits required for both aspects of the project.~~

§ 125-114. Design review standards.

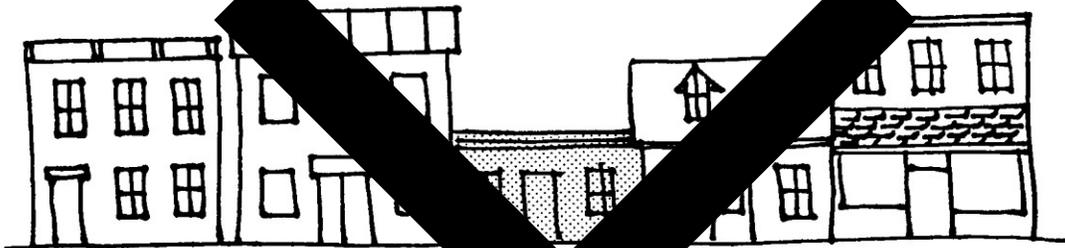
- ~~A. In reviewing an application for a certificate of appropriateness, the Design Review Board shall approve the issuance of a certificate if it finds the application and proposed activities are consistent with the following standards, or that they will be consistent as a result of conditions of approval imposed on the application.~~
 - ~~(1) The standards are broken down into five categories:
 - ~~(a) Standards relating to visual compatibility;~~
 - ~~(b) Standards for materials and design details for structural projects;~~
 - ~~(c) Standards for materials and design details for accessory projects;~~
 - ~~(d) Standards for signs; and~~
 - ~~(e) Standards for historic buildings.~~~~
 - ~~(2) In reviewing applications, the Board shall consider the appropriate sections of each of these categories and shall find the project in conformance with all relevant provisions before approving the issuance of a certificate of appropriateness.~~

(3) Pictorial examples of acceptable treatments of various features are provided for many of the standards in the Design Review Handbook, which can be provided by the Planning Department. ~~[Amended 6-11-2024ATM by Art. 5]~~

B. Standards relating to visual compatibility. The following standards for visual compatibility shall apply to all activities subject to a certificate of appropriateness within the Design Review Overlay District. These standards are intended to guide the design, construction, and maintenance of buildings, improvements, signs, and other visual features within the district to assure that they complement the visual character of the district and to serve as a foundation for the review of an application for a certificate of appropriateness. These standards are intended to be general statements of design principles to which activities within the district are required to conform.

(1) Building height. The height of new buildings and additions or modifications to existing buildings shall be visually compatible with adjacent buildings as seen from public streets. Where an established pattern of building heights exists, the height or apparent height of new, expanded, or modified buildings as seen from the public street shall maintain a complementary pattern.

Inappropriate Treatment



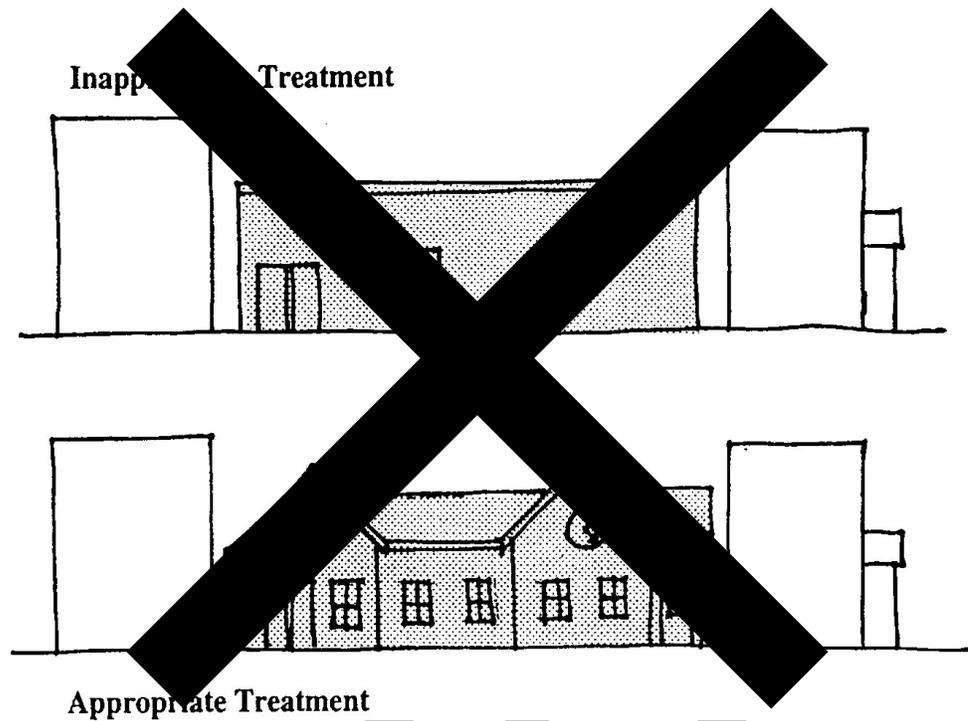
Appropriate Treatment

(2) Building scale and design.

- (a) The size of a building and the building mass in relationship to the site and surrounding features shall visually complement the buildings, squares, and places to which it is visually related.
- (b) Where there is an established pattern of building size or scale as viewed from a public street, new buildings or modifications to existing buildings shall be designed to maintain the existing pattern. If there is an established pattern of

buildings with narrow facades on the street, a new building shall maintain this visual pattern by limiting the size of the street facade or by designing the facade to appear as a number of narrow facades or through other approaches.

- (e) The design of buildings shall visually complement the district. The design of buildings shall also conform to the following standards:
 - [1] The facade facing the street shall be treated as a front facade. The facade shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the district. Windows or architectural treatments designed to simulate windows shall comprise no less than 20% of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.
 - [2] Ground floor facades facing a public street must incorporate arcades, display windows, awnings, or other features to add visual interest to the building.
 - [3] Buildings used for retail or other public uses shall be designed to have clearly defined entrances that are visually compatible with the visual character of the district.
 - [4] Roofs shall be designed to complement visually the overall visual character of the district. A new building shall have a roofline that is similar to adjacent buildings if there is an established pattern of rooflines. If there is not an established pattern, new buildings shall have pitched or gabled roofs to the extent practical. If a pitched roof is not practical, false fronts or other design elements shall be used to create the appearance of a pitched roof. Accessory buildings, canopies, and other structures shall have rooflines that are visually compatible with the roofline of the principal building.
 - [5] The treatment of accessory buildings and structures shall be compatible with the principal building and shall use similar materials, details, and level of trim.
 - [6] New buildings with more than 5,000 square feet of first floor area shall be designed so that the building scale is visually compatible with the character of the district. The overall mass of the building shall be visually broken into smaller elements through the physical layout of the building and/or the design of the facades.



- (3) Proportionality of the front or street facade.
- (a) The ratio of the width of the front or street facade to the building height shall complement the visual character of the district.
 - (b) Where an established pattern of facade proportion exists, new or modified buildings shall maintain the established pattern. If there is a pattern of tall, narrow buildings, a new building that is wider than it is tall is inappropriate unless the facade is broken into segments that maintain the established proportions.

Inappropriate Treatment



Appropriate Treatment

(4) Proportionality of windows:

- (a) The ratio of the width of windows to the height of the windows shall complement the visual character of the district.
- (b) Modifications to existing buildings shall maintain the existing proportionality. The modification of the facade of existing buildings to change or eliminate windows shall be done in a manner that maintains the established relationship of windows to wall. The "bricking up" of windows is discouraged unless the relationship can be maintained in other ways.
- (c) Where an established pattern of window proportions exists among a group of buildings or along a block face, new or modified buildings shall maintain the established pattern.



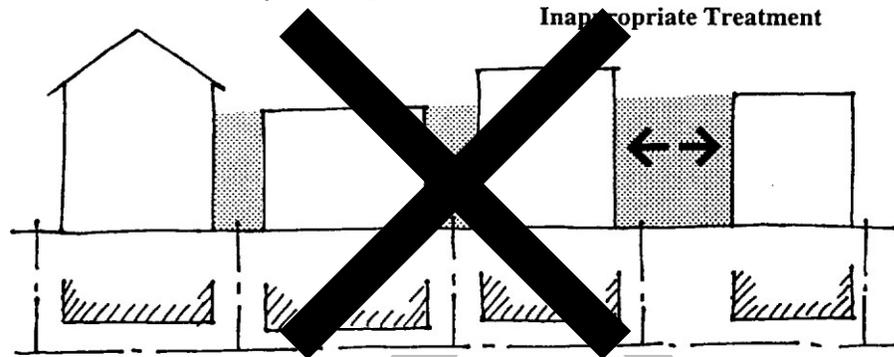
Appropriate Treatment



Inappropriate Treatment

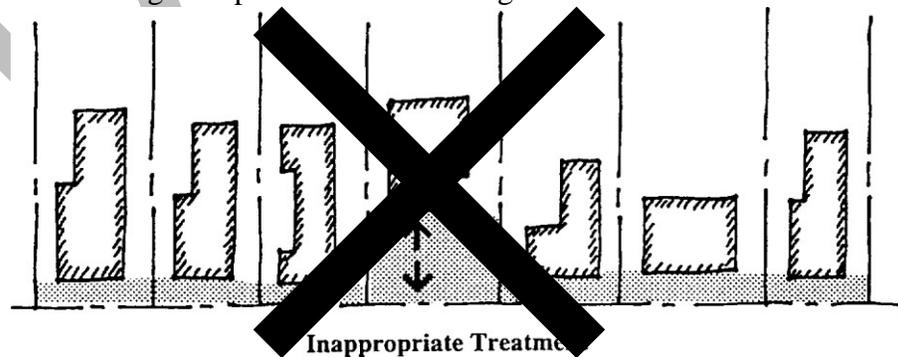
- (5) Building spacing. In the Bar Harbor Village Area, where an established pattern exists with respect to the placement of buildings on the lot vis a vis the lot lines,

new or modified buildings shall reflect the established pattern to the extent allowed by the setback provisions of the district in which they are located. In an area where the existing buildings all extend the full width of the lot, constructing a new building so that it is set back from the lot line is not consistent with this guideline unless the setback is required to meet zoning requirements. [Amended 11-3-2009; 6-8-2010; 6-11-2024ATM by Art. 5]



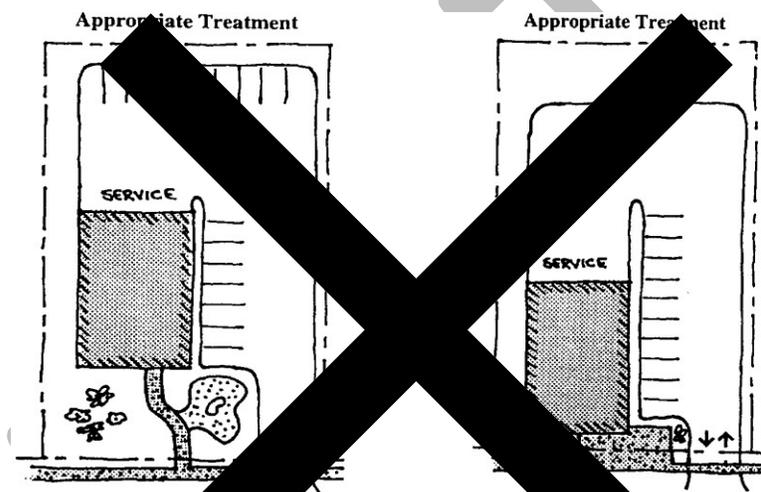
(6) Relationship of the building to the street.

- (a) The relationship of a new or modified building or structure with the street shall visually complement neighboring buildings, the overall character of the district, and other buildings to which it is visually related to the extent permitted by the setback requirements of the district in which it is located.
- (b) Where there is an established front setback pattern, new buildings or structures shall be located to maintain the established pattern if permitted by the zoning requirements. If an established pattern does not exist, new buildings shall be located in a manner that is compatible with the overall character of the district. New or reconstructed buildings shall be located on the lot so that the building is set back from the street no more than the average of the setbacks for buildings in similar locations in the district.
- (c) For buildings on corner lots, the setback relationship on both streets shall be maintained through the placement of buildings and other site features.



(7) Pedestrian relationships and facilities.

- (a) Where sidewalks exist in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.
- (b) The walkway to the front entrance shall be constructed with materials which contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.
- (c) If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.



- | | |
|--|--|
| <p>Position</p> <ul style="list-style-type: none"> • Parking located to rear of building • Sidewalk leading to front door • Area in front of building used as pedestrian space • Sidewalk material maintained across the driveway • Service area located to rear and screened | <p>Position</p> <ul style="list-style-type: none"> • Parking located to side of building • Pedestrian access directly to building • Sidewalk material maintained across the driveway • Service area located to rear and screened |
|--|--|

retain the vista along Route 102 from the Crooked Road intersection to the Pine Heath Road intersection. [~~Added 11-3-2009; amended 6-11-2024~~ATM by Art. 5]

C. ~~Standards for materials and design details for structural projects. The following standards are intended to assure that proposals conform to the quality of design that has historically been associated with buildings within the district. The structural standards have been designed to promote compatibility with Bar Harbor's historic character and its scenic location. Certain types of design are inappropriate within the designated Design Review Overlay Districts since they will not meet these standards and thus do not enhance the existing visual character or preserve Bar Harbor's uniqueness. [Amended 11-3-2009]~~

~~(1) Construction standards. With the advent of many new exterior materials, the standards are not intended to prohibit the use of all new materials. Therefore, any quality material that simulates traditional features will be evaluated on a case-by-case basis. The following standards apply to the construction of new buildings, additions to existing buildings, reconstruction, and major renovations:~~

~~(a) Siding material.~~

~~[1] Siding is applied as the exposed surface on the outside walls of buildings to provide a barrier against the penetration and infiltration of weather and at the same time enhance the visual and architectural quality of the structure in keeping with other buildings in the district. The selected siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related.~~

~~[2] The siding used on the building should be a material that is in common use within the overlay district. The following are appropriate siding materials:~~

~~[a] Clapboards/shiplap.~~

~~[b] Shingles/shakes.~~

~~[c] Stucco/concrete. Stucco with wood trim interruption (English Tudor) is acceptable. Concrete block and poured or precast concrete are acceptable for foundation and fire walls but are generally not appropriate for wall surfaces that can be seen from a public street. Masonry products designed to replicate other appropriate materials are acceptable siding.~~

~~[d] Brick.~~

~~[e] Stone.~~

~~[f] Vinyl/metal siding. Vinyl or metal siding designed to replicate traditional siding material is appropriate but flat or corrugated metal or plastic panels are inappropriate as siding within the district.~~

~~[g] In the Town Hill Village Area, barn board, and board and batten.~~

[Amended 6-11-2024ATM by Art. 5]

~~[3] Unfinished plywood or composite flat sheet products are not appropriate siding materials, except for areas that cannot be seen from a public street.~~
[Amended 6-11-2024ATM by Art. 5]

(b) ~~Exterior finishes. The exterior finish of a structure represents the final completion stage. Although this stage is one of the simplest to alter, it is one of the most visible aspects of a building, therefore great care must be taken in the selection of the exterior finish for any structure. The following standards shall be used for determining acceptable finish choices:~~

- ~~[1] The colors shall be based upon the architectural style of the structure as well as the period in which it was built;~~
- ~~[2] The selected colors shall reflect hues and shades which were available in the era and style depicted;~~
- ~~[3] The paint colors shall be harmonious to and blend in with the immediately adjacent structures in the area.~~

(c) ~~Windows.~~

~~[1] Windows are glassed openings in the exterior walls of buildings to admit light and air, allow for viewing, permit merchandise display, and to enhance the architectural beauty of the structure. The windows in a building shall be visually compatible. Almost any style is appropriate as long as the size is proportional to the building and maintains the architectural continuity of the building. [2] Materials are appropriate if they simulate traditional materials or are visually compatible with other components of the building.~~

(d) ~~Doors and doorways (in the Bar Harbor Village Area only). [Amended 6-8-2010; 6-11-2024ATM by Art. 5]~~

~~[1] Doors are a means of safe and orderly entrance to and egress from buildings. As the entrance to the building, the front or main door is often the focal point of the principal facade. Therefore, care must be taken in designing the doorway and selecting a door that is visually compatible with the structure.~~

~~[2] Doors and doorways shall conform to the following standards:~~

~~[a] Major store entrance doors shall be recessed from the property line so as not to interfere with pedestrian traffic when they are opened.~~

~~[b] Front doors shall have transoms above to the full height of store windows if this is consistent with the established pattern of other entrance doors.~~

(e) ~~Roofing.~~

- [1] Roofing is intended to protect the horizontal portions of a building from the penetration and infiltration of weather while maintaining the architectural integrity of the structure. The roofing material and color, if visible from a public street, shall be selected to be visually compatible with the style of the building and the other exterior finishes and colors.
- [2] In the Bar Harbor Village Area, brightly colored metal, plastic or fiberglass roofing is visually incompatible with the character of the district and therefore inappropriate. **[Amended 6-8-2010; 6-11-2024ATM by Art. 5]**
- [3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building and its environs.
- [4] In the Bar Harbor Village Area, appropriate roof colors include neutral shades such as earth tones, greys, and black. Bright or primary colors are not appropriate. **[Amended 6-8-2010; 6-11-2024ATM by Art. 5]**

(f) Trim.

- [1] Trim is the molded and projecting woodwork or stonework which frames a building and its changes in direction in an aesthetically pleasing or bold fashion. The trim shall be visually compatible with the style of the building and the other exterior finishes.
- [2] The following materials are appropriate for use as trim: wood, stone, brick, vinyl, and metal.
- [3] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.
- [4] Trim materials may be mixed and matched as long as the style and color of the trim are consistent and visually compatible with the other elements of the building.

(g) Entrances.

- [1] In the Bar Harbor Village Area, an entrance is much more than a doorway. It is a means of getting from the street to the front door and may include changes in grade, protection from the elements, and/or a degree of landscaping and lighting. The entrance to the building shall be visually compatible with the overall building treatment and should be the focal point of the facade. The entrance shall be designed and placed to have both a visual and functional relationship to the street and sidewalk. **[Amended 6-8-2010; 6-11-2024ATM by Art. 5]**
- [2] The following are appropriate design treatments for entrances: porticos, porches, decks, steps/ramps, and canopies/awnings. Awnings and canopies must be attached to the structure and shall function as an

~~extension of the building. Freestanding accessory structures such as tents or canopies at the front of the building are incompatible with the existing visual character of the district and shall not be allowed. Standards for awnings and canopies are in a later section.⁸~~

~~[3] The following are appropriate materials for use in entrances: wood, vinyl, tile, stucco, stone, brick, concrete, canvas, fiberglass, and metal.~~

~~[4] Other materials are appropriate if it is demonstrated that they are visually compatible with the overall building.~~

~~(2) Relocation/demolition standards. The demolition or relocation of the building should occur in a timely manner. After the relocation or demolition has occurred, the lot must be cleared, graded, and replanted within 30 days of the completion of the work and maintained until the lot is reused.~~

~~(3) Standards for seasonal closures.~~

~~(a) The Town of Bar Harbor discourages the seasonal boarding up of businesses. No matter how much effort is put into making these closures look attractive, they give the Town the appearance of being shut down, which is detrimental not only to those businesses that remain open and to potential customers, but also to local citizens and guests who view them during the off season. The Board strongly discourages the placement of closure treatments involving the covering of display windows before January 1.~~

~~(b) Provisions for the seasonal closure of a business shall:~~

~~[1] Be visually compatible with the building.~~

~~[2] Be architecturally similar to the building materials, design, and color.~~

~~[3] Fit appropriately in the space being enclosed.~~

~~[4] Be safely and securely attached.~~

~~[5] Have a neat and clean appearance.~~

~~(c) The most appropriate approach to the seasonal closure of a business is for signs and window displays to remain in place. Where this is not possible or desirable, other appropriate approaches include leaving display spaces and windows empty, installing storm doors and windows, and installing wood panels or shutters over openings.~~

~~(d) Closure provisions that cover windows or display spaces with materials such as bed sheets, paper, tarps, cardboard, or bubble wrap or soaped or painted glass are inappropriate.~~

~~(e) Signs shall be left in place or removed. The covering or wrapping of signs with tarp or other plastic materials is not appropriate. The use of a canvas cloth covering the sign, and bearing the name of the business, is encouraged.~~

D. Standards for materials and design details for accessory projects. The following standards apply to projects that do not involve the actual structure of the building but significantly impact upon the visual environment and the compatibility of the building with the character of district. Separate standards are provided for awnings, canopies, and umbrellas, outdoor displays, lighting, and landscaping. The accessory standards have been designed to promote compatibility with the district's historic character and its scenic location.

(1) Standards for awnings, canopies, and umbrellas. The objective of the Town is to encourage property owners and businesses to make permanent improvements to the property in the district. Therefore, the use of temporary structures is discouraged. At the same time, the Board recognizes that awnings, canopies, and umbrellas can provide cover, add color, provide shade, and serve as a transition between the storefront and the upper facade in the case of awnings and canopies.

(a) General standards.

[1] Rigid or fixed awnings, sunscreens, umbrellas, or permanent canopies are not appropriate on any portion of the premises or building unless the proposed awning, sunscreen, umbrella, or permanent canopy is visually compatible with the building and its surrounding area considering the following:

[a] Its compatibility with the topography of the area.

[b] That it is customary and incidental to the activity being housed in the building or appropriate for that location due to unique circumstances.

[c] Its compatibility with similar elements of adjacent properties.

[d] That it is designed so that it will not cover unique or architecturally significant building features.⁹

(b) Location and size of awnings and canopies.

[1] Awnings shall extend at least the full width of existing window and door frames on the first floor.

[2] Awnings on upper floor windows shall be installed over individual windows and shall complement the window design, building architecture, and color.

[3] Canopies or awnings shall be attached to the building and not extend more than 12 feet from the wall (toward the street) to which they are attached. In the case where an awning follows another existing wall of the building at right angles (such as an L or a U), it may extend out to the point where it is parallel with the portion of the building closest to the street.

~~[4] Freestanding canopies or tents are inappropriate for ongoing use. Tents are appropriate for use for periods of not more than 72 hours with prior approval of the Code Enforcement Officer and shall only be used for appropriate outdoor functions, such as art shows, festivals, fairs, weddings, and similar events.~~

~~[5] A street level awning shall be at least 18 inches behind the curb.~~

~~(c) Awning design.~~

~~[1] Awning construction and materials offer different patterns and shapes. There are three basic shapes: 1/4 barrel, shed, and domes.~~

~~[2] The design review standards are not intended to restrict the shape of awnings; however, the design shall be visually compatible with and maintain the character of the building. Side panels on awnings are discouraged but are permitted if they are graphically treated so as to make the panel compatible with the overall design of the building.~~

~~(d) Awning color. The color of the material, and any graphics, stripping, or pattern, shall be compatible with the building architecture, materials, and color.~~

~~(e) Awning materials.~~

~~[1] The most common awning materials are canvas, vinyl, vinyl coated canvas, and canvas like synthetic materials. Glossy finish vinyl is not appropriate. Synthetic canvas is available in acrylics, polyesters, nylons, and other man-made materials. Any of these materials are appropriate.~~

~~[2] Metal awnings and glass canopies detract from the historic character of the community and are not appropriate.~~

~~(f) Awning lighting. Lighting shall conform to the requirements in § 125-67Z, Lighting Ordinance. [Amended 6-9-2009]~~

~~(2) ¹⁰
(Reserved)~~

~~(3) Landscaping standards. The landscaping standards are intended to maintain and enrich the character and beauty of the Town through the regulation of landscaping which provides aesthetically pleasing scenery, shelter and food for wildlife, natural boundaries and buffers for people, and the control of erosion. The landscaping in conjunction with the construction of a new building or an addition to existing buildings, or major landscaping projects that significantly alter the exterior appearance of a building that is used in whole or in part for nonresidential purposes, is subject to approval by the Design Review Board.~~

~~(a) Materials.~~

~~[1] Materials and types of vegetation for landscaping are too numerous to list and most are acceptable; however, the material chosen shall be visually compatible with the building.~~

~~[2] The use of invasive species as listed by the University of Maine Cooperative Extension is discouraged. [Added 11-3-2009]~~

~~(b) Design. The design of the landscape should enhance the appearance of the building as well as the grounds. Landscaping shall not block unique architectural features of the building or appear disproportional to the lot and building size.~~

~~(c) Town Hill Village Area plantings shall include street tree plantings. Parking areas shall be screened from Route 102. Shrubs and other materials shall enhance the buildings. All other requirements in § 125-67H shall be followed. [Added 11-3-2009; amended 6-11-2024 ATM by Art. 5]~~

~~E. Standards for historic buildings. The standards, as applicable in the opinion of the Design Review Board, outlined in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, as most recently updated, shall apply to all preservation measures, demolition, relocation and renovations of buildings and structures classified as historic in accordance with § 125-112D(1). Additionally, the following standards apply: [Amended 11-2-2004]~~

~~(1) Preservation of an historic building. A building or structure classified as historic, or any part or appurtenance, including but not limited to stone walls, fences, light fixtures, steps, paving, and signs, shall only be moved, reconstructed, altered, or maintained in a manner which will preserve the historic and architectural character of the building, structure or appurtenance. Provisions for handicapped access as required by state and federal law shall be provided in a manner which preserves the historic and architectural character of the building or structure.~~

~~(2) Demolition of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the demolition of an historic~~

~~building only if the property owner shows that the preservation of the building is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes its retention infeasible.~~

~~(3) Relocation of an historic building. The Design Review Board shall approve the issuance of a certificate of appropriateness for the relocation of an historic building to another site only if it is shown that the preservation on its existing site is not consistent with the purposes of this article, that the building cannot be preserved because of the structural~~

~~condition of the building, or the cost of renovations makes the retention infeasible.~~

(4) ~~Renovation or expansion of an historic building.~~

(a) ~~The design review requirements are intended to preserve and protect, improve, and enhance the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the district. Those buildings classified as historic possess identified historic or architectural merit of a degree warranting their preservation. Any building designated as historic shall retain all of its original features to the maximum extent feasible. Modifications or additions shall maintain the architectural style and treatment of the original building.~~

(b) ~~The following standards shall apply to the renovation or expansion of an historic building:~~

[1] ~~All materials shall match the original materials in texture, dimension, color, location, and design.~~

[2] ~~Existing features such as porches, steps, handrails, balusters, cornices, columns, lintels, windows, fixtures, hardware, doors, and roofs shall be retained.~~

[3] ~~The design of any modification or addition to the existing building shall maintain the architectural style of the existing building and shall conform to the existing treatment with respect to trim and exterior finishes.~~

[4] ~~Handicapped access shall be located and constructed so as not to obscure character defining features of the entranceway or porch.~~

[5] ~~Porches and steps shall not be enclosed in a manner that destroys their intended appearance.~~

[6] ~~The selected paint colors shall be consistent with Subsection C(1)(b).~~

F. ~~Other standards. [Added 11-3-2009]~~

(1) ¹²
(Reserved)

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§125-110 GENERAL PROVISIONS

A. **Purpose and intent.** The purpose of this Article is to give the Town its distinctive character, educate the community about its past, and attract new residents and visitors by providing a legal framework to protect the historical, architectural, and cultural heritage of significant areas, landmarks, and sites in Bar Harbor. Therefore, this Article endeavors to:

- (1) Protect the exterior architectural and landscape features of historic and locally significant properties.
- (2) Prevent the demolition or removal of historic and locally-significant properties.
- (3) Preserve the essential character of historic districts, historic properties, and locally significant properties by protecting the design and spatial relationships of groups of buildings and other structures.

(4) Encourage new buildings and other structures that are designed and built in a manner compatible with the character of the area in which they are constructed. B. **In this Article:**

- (1) All references to ‘structure’ are to be interpreted to also include signs.
- (2) The term ‘site’ includes lots and any type of landmark not already included in the definition of ‘structure’.
- (3) The term ‘property’ refers to both structures and sites.
- (4) Appendix A is a list of the properties meeting one or more of the criteria for significant property.

C. **Classification of property (structures and sites).** All property within the Design Review Board jurisdiction is classified as one or more of the following:

- (1) **Significant:** Historic and locally-significant property listed in Appendix A.
- (2) **Historic:** Property listed in Appendix A that is also listed in the National Register of Historic Places.
- (3) **Locally-significant:** Property listed in Appendix A that is not listed in the National Register of Historic Places.
- (4) **Non-historic:** Property not listed in Appendix A.

§125-111 JURISDICTION OF THE DESIGN REVIEW BOARD

- A. It is the purview of the Design Review Board, hereinafter called the “Board,” to carry out the provisions of this Article.
- B. The provisions of this Article apply only to the areas or items covered under the Board’s jurisdiction.
- C. Interior architectural elements are not covered under the Board’s jurisdiction and are therefore not subject to the provisions in the Article.
- D. The Board’s jurisdiction extends only to the items and activities herein that are visible from any water body or public way. The jurisdiction includes the following, known as the “Design Review Overlay District”:
 - (1) **Bar Harbor Village Area**

- (a) All properties with road frontage on State Highway 3 from Harbor Lane to Cromwell Harbor Road (includes parts of Eden and Main streets and all of Mount Desert Street).
 - (b) All properties with road frontage on West Street from Eden Street to, and including, the Ells Pier/Town Pier.
 - (c) All properties with road frontage on Bridge Street from West Street to the ocean shore.
 - (d) All properties with road frontage on Cottage Street from Eden to Main streets.
 - (e) All properties with road frontage on Main Street from West Street to Cromwell Harbor Road.
 - (f) All properties with road frontage on Rodick Street and Rodick Place.
 - (g) All properties with road frontage on Firefly Lane.
 - (h) All properties with road frontage on The Field.
 - (i) All properties abutting the Shore Path from the Ells Pier/Town Pier to Wayman Lane.
- (2) **Town Hill Village Area**
- All properties with road frontage on State Highway 102 from the southern end of Right Of Way Road to Pats Way.
- (3) **All properties within the Shoreland Maritime Activity District.**
- (4) **Hulls Cove Village Area**
- All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.
- (5) **The Design Review Board's jurisdiction also includes the following:**
- (a) All properties and structures listed in Appendix A.
 - (b) All internally illuminated signs.
 - (c) All multi-tenant signage plans.

- (d) All parking garage uses in the Scientific Research for Eleemosynary Purposes, Educational Institutions, and Bar Harbor Gateway districts.

§125-112 EXEMPT ACTIVITIES, NOT REQUIRING REVIEW AND APPROVAL BY THE BOARD

The following activities are exempt from Board review and do not require a Certificate of Appropriateness:

- A. The construction, renovation, alteration, relocation, or demolition of all non-historic structures used entirely for single- or two-family dwelling occupancy.
- B. Construction or alteration of a non-historic structure not visible from a public way.
- C. Normal maintenance and repair where no change is made to the exterior appearance of the structure or grounds.
- D. Change of exterior paint color if the color is selected from the Board-approved paint color charts. The color charts may be obtained from the Planning Director, or their designee (herein Planning Director), and may be updated from time to time under the Board's approval. Colors not listed on the color charts require approval by the Board.

- E. The installation of retractable fabric awnings with solid or striped color if selected from the Boardapproved color charts. The color charts may be obtained from the Planning Director and updated from time to time under the Board's approval. Colors not listed on the color charts require approval by the Board.
- F. The installation of a roof-mounted solar photovoltaic system as an accessory use.
- G. The change in use of an existing building with no changes to the exterior.
- H. The construction, reconstruction, alteration, restoration, or demolition of any feature that the Code Enforcement Officer certifies is required because of an unsafe or dangerous condition to ensure public safety.

§125-113 ACTIVITIES REQUIRING REVIEW AND APPROVAL BY THE BOARD

For areas or items under the Board's jurisdiction, the following activities must only commence after approval by the Board and issuance of a Certificate of Appropriateness and building permit(s) by the Code Enforcement Officer. A. New construction of a non-residential structure.

- B. Changes in the exterior appearance of a principal or accessory structure that is visible from a public way by means of alteration, reconstruction, or construction of a building addition.
- C. New or amended multi-tenant signage plans.

PRE-APPLICATION GUIDANCE

The following is guidance only and is not officially included in this ordinance.

1. Before applying for a Certificate of Appropriateness, applicants are encouraged to meet with staff from the Planning Department to discuss their project.
2. Applicants are strongly encouraged to engage in informal, non-binding discussions with the Board prior to submitting a formal application for new buildings and large-scale projects.
3. All pre-application activities are informational in nature and should not be construed as decisions or commitments by either the Board or the applicant.
4. To further assist applicants, a copy of The Design Review Handbook of the Town of Bar Harbor, which includes design guidelines to help meet established standards, is available at the Planning Department and [online](#) on the Design Review Board page of the Town of Bar Harbor website.

THE DESIGN REVIEW HANDBOOK
OF
THE TOWN OF BAR HARBOR, MAINE



- D. Erection of new internally illuminated sign, or the relocation or modification of an existing internally illuminated sign.
- E. Demolition or relocation of a significant property.

§125-114 APPLICATION PROCEDURES

A. Application submission

- (1) The applicant must provide three copies of the completed application form and all required submission items.
- (2) The submitted information will be used by the Planning Director and the Board to evaluate whether the project meets the standards and is appropriate.
- (3) The applicant may supply additional information beyond the minimum requirements.
- (4) To be placed on the Board agenda, an application must be submitted to the Planning Director at least fourteen calendar days before the next scheduled meeting of the Board.
 - (a) Upon receipt of an application, the Planning Director has ten calendar days to determine if it is complete. If the Planning Director determines the application is complete, it must be placed on the next agenda.
 - (b) If the Planning Director determines the application is incomplete, it will provide the applicant with a written outline specifying the additional information and/or revisions required. The Planning Director will inform the applicant that their application will not be scheduled for consideration and placed on the Board's agenda until the additional information and/or revisions have been submitted.
 - (c) The meeting agenda must be posted on the bulletin board in the Municipal Building, on the Town calendar, and on the Town website at least three calendar days before the meeting.

B. Review procedures

- (1) Applicants are strongly encouraged to be present when their application is being considered by the Board. They may be represented by an authorized agent. Any

person acting as the applicant's authorized agent must provide written evidence verifying their authority to represent the applicant.

- (2) Applicants must demonstrate that their application meets the standards of this Article.
- (3) If the Board finds the application meets the standards of evaluation in this Article, it must issue a decision, signed by the Chair, including conditions of approval, if applicable, and written findings of fact supporting the decision. The Planning Director must provide a copy of the signed decision to the Code Enforcement Officer for distribution to the applicant.
- (4) If the Board finds the application does not meet the standards of evaluation in this Article, it must:
 - (a) Issue a decision to grant a Certificate of Appropriateness with conditions, or
 - (b) Move to continue the application review to a subsequent meeting, or (c) Issue a decision to deny a Certificate of Appropriateness.

§125-115 STANDARDS OF EVALUATION FOR ALL PROPERTIES WITHIN THE DESIGN REVIEW JURISDICTION

The applicant must illustrate how the project is visually compatible with its surroundings when viewed from any water body or public way, and demonstrate how it meets the visual and physical standards outlined below. Accessory structures must be visually compatible with their principal building(s). These design standards apply only to elements and activities within the Board's jurisdiction.

A. Building Standards

- (1) Building height
- (2) Building width
- (3) Proportion of principal facades: the relationship of the width to the height of the principal elevations
- (4) Roof shape
- (5) Scale of a structure: the size and mass of the structure must be visually compatible with its surroundings as well as its windows, door openings, porches, balconies, and

other openings. The size and mass of proposed structures should not be overpowering as to visually dominate the streetscape to the visual exclusion of other structures, nor should proposed structures be of such a diminutive size to create visual holes in the streetscape. Structures exposing a broad mass to the street must be visually broken into smaller components compatible with the majority of the surrounding structures.

- (6) Proportions of openings: the ratio of the width to the height of windows and doors.
- (7) Rhythm of solids to voids in facades: window and door areas should be at least 25% and no more than 66% of the individual facade area facing a public way.
- (8) Rhythm of entrance porches and other projections including their relationship to sidewalks.
- (9) Buildings used for retail or other public uses should have clearly defined entrances.
- (10) Rhythm of spacing and structures on streets, including the relationship between:
 - (a) A structure and its related features.
 - (b) The open space between structures.
 - (c) Structure setbacks from the public way.
 - (d) The orientation of structures on their lots.
- (11) Directional expression of the principal elevation: a structure must be visually compatible with other structures, any public way, and places it is related to in directional character, whether vertical (e.g. tall windows, strong upward lines, steep roofs), horizontal (e.g. long facades, wide porches, horizontal trim or siding), or nondirectional (e.g. no strong design elements that pull the eye up-and-down or side-to-side; appears balanced, neutral, or symmetrical).
- (12) Relationship of materials: the relationship of the color and texture of the façade materials must be visually compatible with the predominant materials in its viewscape. The colors should be based on the architectural style and period of the structure.

(13) Fire escapes must be located on the sides or rear of the structure, where site conditions and design restraints allow.

B. Utility Standard

Utilities (including meters) and machines used to heat, cool, and power a structure must be located on the sides or rear of a structure and/or screened from the view of any public way.

C. Pedestrian Access Standard

Where sidewalks exist or are proposed on a site with a primary structure, the site design must include a continuous pedestrian access route to the main entrance of that structure. Where feasible, such route must be designed so that pedestrians are not required to cross vehicular travel lanes, parking areas, or driveways.

D. Motor Vehicle Facility and Service Standard

Motor vehicular facilities and services, which include parking lots, driveways, drivethroughs, overhead garage doors, service areas, fueling stations, charging areas, and other forms of vehicle access, must be located on the sides or rear of a structure and must be screened from view of any public way.

E. Awning Standards

These standards apply to the color and design of awnings that are attached to structures. They are not intended to restrict the shape of awnings. The color and design of the awnings should be visually compatible with and maintain the character of the structure.

- (1) The awning frame must be at least 8 feet above any pedestrian walkway.
- (2) The awning frame must be at least 18 inches behind the curb.
- (3) Valances must be no longer than 10 inches.
- (4) Lettering no more than 8 inches in height is permitted on the valances.
- (5) Lettering is considered signage and must comply with §125-67BB.
- (6) Unique or architecturally significant features should not be hidden by any part of the awning.
- (7) Glossy finish vinyl as a material is inappropriate.

(8) Lighting must conform with §125-67Z.

F. Portable Shelter Standards

- (1) A portable shelter may be installed for a period not exceeding 72 hours, subject to a permit issued by the Code Enforcement Officer.
- (2) A portable shelter may be installed for a period exceeding 72 hours only for health and safety purposes, after review and approval by the Board, subject to a permit issued by the Code Enforcement Officer.
- (3) Lettering and/or graphics on portable shelters is considered signage and must comply with §125-67BB.

G. Landscaping Standards

- (1) The use of invasive species as listed on the *Invasive Plant Do Not Sell List* published by the Maine Department of Agriculture, Conservation and Forestry is prohibited.
- (2) The landscape design should enhance the appearance of the structure as well as the grounds. Unique architectural features of the structure should not be hidden by landscaping or appear disproportional to the lot and structure size.
- (3) In the Town Hill Village Area:
 - (a) Plantings should include trees along the roads to enhance shade, aesthetics, and streetscape.
 - (b) Parking areas must be screened from Route 102.
 - (c) Shrubs and other materials should enhance the structures.

H. Fencing and Freestanding Wall Standard

Proposed fencing and freestanding walls must be visually compatible with their surroundings.

I. Accessibility and Life Safety Standards

Provisions for handicapped access as required by state and federal law, including NFPA 101, should be provided in a manner which preserves the architectural character of the building or structure.

§125-116 MULTI-TENANT SIGNAGE PLANS

A multi-tenant signage plan must be submitted to the Board for review when two or more businesses of separate ownership operate on a single lot under common ownership, to ensure the proposed signs are visually compatible with one another and their surroundings. Before an individual sign for a multi-tenant property may be considered for a Certificate of Appropriateness, a multi-tenant signage plan must be on file in the Planning Office.

- A. A multi-tenant signage plan is a plan submitted by a property owner establishing design guidelines for tenant signage. The plan, at minimum, must include allowable square footage for each tenant unit and any restrictions. The plan may include, but is not limited to size limitations, color choice, design style, and locations of signage. It is not necessary to specify message content for individual signs in the signage plan.
- B. A multi-tenant signage plan must be reviewed for approval by the Board. Once approved, the plan will be filed with the Planning Director and the Code Enforcement Officer.
- C. The Certificate of Appropriateness granted by the Board remains in effect as long as the multi-tenant signage plan remains unchanged.

§125-117 INTERNALLY ILLUMINATED SIGNS

All new and modified internally illuminated signs proposed are subject to review by the Board. Modifications include, but are not limited to, changes in size, color, lighting, graphic design or relocation.

A. Types of Internally Illuminated Signs

- (1) **TYPE 1** – Cabinet with Translucent Face: An internally illuminated sign with a cabinet-style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.
- (2) **TYPE 2** – Cabinet with Light-Limiting Face: An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:
 - (a) **Type 2-A: 20% (or less) translucent face/80% (or greater) opaque background field.**

- (b) **Type 2-B**: 30% (or less) translucent face/70% (or greater) opaque background field.
- (3) **TYPE 3** – Channel Letter: An internally illuminated sign comprised of threedimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.
- (4) **TYPE 4** – HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics or cast light backward onto the face of the sign or structure upon which the graphics are mounted.
- (5) **TYPE 5** – Push-Through Lettering: An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to ½ inch in depth. This type of sign has two acceptable categories:
- (a) **Type 5-A**: 20% (or less) translucent face/80% (or greater) opaque background field.
- (b) **Type 5-B**: 30% (or less) translucent face/70% (or greater) opaque background field.
- (6) **TYPE 6** – Neon Signs: A sign featuring exposed visible tubing illuminated by neon or other fluorescing gas. The term “neon” must also include light-emitting diode (LED) or similarly lit signs intended to simulate the appearance of neon signage.
- (7) **TYPE 7** – Digital signs and programmable message boards are digital displays using LEDs to show text, graphics, animations, and videos that change at different speeds or intervals.

B. Standards for Internally Illuminated Signs

- (1) Internally illuminated signs of Type 2-A and Type 5-A are allowed.
- (2) Internally illuminated signs of Type 1, Type 3, and Type 4 are prohibited.
- (3) Internally illuminated signs of Type 2-B and Type 5-B are allowed only on lots with frontage on Route 102, Route 3, or Route 233, except for lots with frontage on the

section of Route 3 beginning on the eastern side of Eddie Brook and ending on the south side of Cromwell Brook.

- (4) Exterior signs of Type 6 are prohibited, except those containing only the words “Vacancy” or “No Vacancy” and limited to a maximum sign area of two square feet for transient accommodations located in business and corridor zoning districts.
- (5) Internally illuminated signs of Type 7 are prohibited from using scrolling, animation, excessive flashing, rapid transitions, or videos, except for use in public safety and public transportation applications.

§125-118 ADDITIONAL STANDARDS OF EVALUATION FOR HISTORIC PROPERTIES

- A. **General:** The standards of evaluation described below, and elsewhere in this Article, are intended for the evaluation of historic properties. As defined in §125-110, historic properties include structures and sites listed in Appendix A that are also listed in the National Register of Historic Places.
- B. **Standards Adopted by Reference:** The Rehabilitation and Restoration standards in the most recent version of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (1995) are adopted by reference and made part of this ordinance with same force and effect as though set out in full herein. A copy of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (1995) is available at the Planning Department. The following Rehabilitation and Restoration standards reflect the 1995 edition of this reference.

(1) Standards for Rehabilitation

- (a) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- (b) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and special relationships that characterize a property will be avoided.

- (c) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- (d) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (f) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, material. Replacement of missing features will be substantiated by documentary and physical evidence.
- (g) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (h) Historic or archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- (i) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) **Standards for Restoration**

- (a) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

- (b) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
 - (c) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
 - (d) Materials, features, spaces and finishes that characterize historical periods will be documented prior to their alteration or removal.
 - (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
 - (f) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.
 - (g) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
 - (h) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - (i) Historic or archaeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - (j) Designs that were never executed historically will not be constructed.
- (3) Historic property, a structure located in a designated historic district, or related structures or improvements, such as walls, fences, light fixtures, steps, or paving located in an area under the Board's jurisdiction, must not be altered, and no approval

by the Board will be issued for such actions unless these actions will preserve or enhance the historical and architectural character of the structure, and are visually compatible with the viewscape.

(4) Contemporary design for alterations and additions to existing properties is permitted when it does not destroy significant historical, architectural, or cultural material, and the design is compatible with the size, scale, material, and character of the property, neighborhood, or environment.

(5) Whenever possible, new additions or alterations to structures must be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. Historical Surveys

All architectural and archaeological surveys conducted by architectural historians and archaeologists must be recognized by the State Historic Preservation Commission and on file in the Planning Department and presented with the application.

D. Accessibility and Life Safety

Work that must be done to meet accessibility and life safety requirements (per NFPA 101) must also be assessed for its potential impact on historic elements as they are rehabilitated or restored.

§125-119 RELOCATION OR DEMOLITION OF SIGNIFICANT PROPERTY

A. **Normal maintenance and repair required.** Owners of structures under the jurisdiction of the Board must not allow their properties or their exterior architectural features to fall into disrepair, to create a detrimental effect on the character of the area or the structure itself or result in conditions that could justify demolition in the interest of public safety.

B. **Review and approval.** A property owner requesting a permit for the relocation or demolition of significant property from the Code Enforcement Officer must first have received approval from the Design Review Board and have been issued a Certificate of Appropriateness from the Code Enforcement Officer.

- C. **Structural assessment.** A structural condition report written by a professional engineer or licensed architect addressing the structural condition, condition of building systems, and any issues regarding the renovation or use of a structure that may affect the feasibility of renovation or relocation must be provided. The report must include a professional recommendation regarding the proposed activities.
- D. **Relocation of a significant structure.** The Board will approve the issuance of a Certificate of Appropriateness for the relocation of a significant structure to another site if the conditions in §125-120B are satisfied.
- E. **Demolition of a significant structure.** There are two paths forward for the demolition of a significant structure:

(1) **Immediate demolition**

If the owner of a structure classified as significant seeks to demolish the structure, in whole or in part, the Board may approve demolition for issuance of a Certificate of Appropriateness by the Code Enforcement Officer, granted the property owner shows that the application meets all of the following standards:

- (a) The property owner can demonstrate that the structure, or significant portions or features thereof, cannot be renovated, reconstructed, or the cost of renovation makes the retention infeasible.
- (b) The structure has been identified by the Board as non-historic and incompatible with the area in which it is located.
- (c) The structure, or significant portions and features thereof have been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety and that hazard cannot be abated by reasonable measures.

(2) **Delayed demolition**

If it is determined the structure should be preserved, and therefore the Board does not approve demolition for issuance of a Certificate of Appropriateness by the Code Enforcement Officer, a 150 calendar day delay period is imposed to consider and find alternatives to demolition. This delay period allows the Town, interested persons,

historic societies, or other organizations to acquire or find a means to preserve the structure.

- (a) The Code Enforcement Officer must delay the issuance of a demolition permit for 150 calendar days from the date of the delayed demolition finding by the Board.
- (b) The owner must make a good faith effort to accommodate reasonable requests from interested parties for information about and access to the structure to evaluate alternatives to demolition.
- (c) The owner must allow members of the Bar Harbor Historical Society, MDI Historical Society, and the Maine Historic Preservation Commission reasonable access to interior and exterior areas of the structure to enable documentation of the structure and its significant features via photography, video recording, written observations, and other methods.
- (d) If no viable alternatives to demolition are identified and accepted by the Design Review Board by the end of the demolition delay period, the Code Enforcement Officer may issue a demolition permit.

(3) Posting of public notice for demolition

Notice of demolition activities is required as follows for both demolition processes described in (1) and (2) of Subsection E. Public notices must include property information such as property address and contact information for owner and applicant, and a description of the proposed demolition to include demolition type, extent, reason, proposed reuse and/or replacement, and the contact phone number and email address of the Planning Director. Within 30 calendar days of Board approval of the immediate or delayed demolition of a significant structure:

- (a) The Planning Director must:

[1] Mail notice of the proposed demolition to the Bar Harbor Historic Society, the Mount Desert Island Historical Society, the Maine Historic Preservation Commission, the Town Manager, and the Town Council.

[2] Post a notice in a printed newspaper of general circulation at least twice, with cost to be paid by the applicant.

(b) The applicant must:

[1] Post a notice of demolition at the site of the proposed demolition. The notice must be prominently visible from the street at the location of the structure proposed for demolition. The notice must be at least 18 inches by 24 inches in size, weatherproof, and placed as close as practicable to the front property line or the principal access point to the site, whichever provides the greatest visibility to the public. Such notice must contain the same language as the newspaper notice. If demolition is permitted, the notice must be removed upon completion of demolition activities or 150 calendar days following receipt of a demolition permit, whichever occurs first. If the Board approves a demolition alternative after a delayed demolition determination, the applicant must remove the posted notice within 30 calendar days of the Board's approval.

§125-120 CRITERIA FOR ESTABLISHMENT OF SIGNIFICANT PROPERTY OR NEW OR EXPANDED HISTORIC DISTRICT

A. Criteria: One or more of the following characteristics must apply, without limitation as to cultural or chronological period, in order to qualify for designation as significant property or for establishment of a new historic district pursuant to this Article:

- (1) Structures or sites at which events have occurred that contributed to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Bar Harbor and/or the nation, including sites and structures at which the public may gain insight or see examples either of particular items or of larger patterns in the North American heritage.
- (2) Structures or sites associated with historic personages.
- (3) Structures or sites associated with historic examples of a great idea or ideal.
- (4) Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study or representation of a period, style, or method of building construction, of community organization and living or of landscaping; or a single notable structure or a single site representing the work of a master builder, designer, architect, or landscape architect.

- (5) Structures that contribute to the visual continuity of a historic district.
- (6) Structures or sites listed, or eligible for listing, on the National Register of Historic Places.

B. Appendix A:

- (1) The Board will annually review both the criteria for significant properties and the properties included in Appendix A, and will make recommendations for modifications to the criteria and additions to, or deletions from, Appendix A as it deems necessary to accomplish the objectives of these design review provisions.
- (2) Recommendations for addition to, or deletion from, Appendix A of significant property outside the jurisdiction of the Board will be considered at the request of the property owner only.
- (3) An application for designation or exclusion of significant property in or from Appendix A must be in writing from the property owner and must include the required information in §125-121C.

C. Application for significant structure or site must include:

- (1) A concise description of the physical elements, qualities, architectural style, period, and historical significance represented by the structure or site, including consideration of scale, materials, workmanship, and spatial qualities, as relevant.
- (2) A concise statement of how the structure or site meets the review criteria of this Article.
- (3) A series of photographs of the structure, and/or a site map, illustrating significant details as noted in the criteria of §125-121.

D. Application for a new historic district must include:

- (1) A brief statement of the remaining physical elements that make the area a historic district and a description of building types, architectural styles, and periods represented.
- (2) A concise statement of how the district meets the review criteria of this Article.
- (3) A justification of the boundaries of the district.

(4) A description of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of non-historic structures.

(5) A map showing all district structures with the identification of contributing structures.

E. **Application for proposed expansion of the existing jurisdiction of the Board must include:**

(1) A concise statement of the physical elements that justify an expansion of the existing jurisdiction, an explanation detailing how the expansion is consistent with the character of the area, and a description of building types and architectural styles and periods represented.

(2) A concise statement of how the expansion of the existing jurisdiction meets the review criteria of this Article.

(3) A justification for the expanded boundaries of the jurisdiction.

(4) A description of the types of structures that do not contribute to the significance of the area and an estimate of the percentage of non-historic structures in the jurisdiction's proposed expansion.

(5) A map showing all structures in the proposed jurisdiction expansion area with an identification of significant structures.

F. **Review, studies, and recommendations:** The Board must have a meeting within 30 calendar days from the date of receipt of an application to formulate a recommendation concerning the proposed amendment. Before making its recommendation concerning designation of significant property or establishment of a new or expanded historic district, the Board must conduct research on the proposal. The Board must forward a draft of the proposal/application to the Maine Historic Preservation Commission for review and comment. The Board will make a report to the Town Council on every request received.

G. **Public hearing and final report:** Before submitting a final report to the Town Council, the Board must hold a public hearing on the request. Notice of said hearing must be published at least twice in a printed newspaper of general circulation. The date of the first publication must be at least seven calendar days before the hearing. Notice to abutters

must be mailed by first class mail, to the owners of all property within 300 feet of the outer boundary of the property in question, except such mailing must occur within at least fourteen calendar days from the public hearing. Such notice must contain the same language as the newspaper notice. The owners of the property must be those shown on the Town's tax list as the person against whom taxes are assessed. Failure of any such person to receive notice of the public hearing will not necessitate another hearing or invalidate any action of the Board. A copy of the notice must be sent, at the same time, to the Chair of the Planning Board. The Design Review Board must submit a final report with its recommendations to the Town Council no later than 60 calendar days after the public hearing.

- H. **Proposed amendment:** Upon acceptance of the proposal to designate a property as significant or establish or expand a historic district, the Board must prepare a proposed amendment to this ordinance. The proposed amendment must include a description of the significant property or new or expanded jurisdiction area with the date it was adopted.

§125-121 ADMINISTRATION AND ENFORCEMENT

- A. A Certificate of Appropriateness issued for a project will remain in effect provided that all design elements subject to the standards of this Article remain unchanged. Any modification to the approved design requires the submission of revised application materials to the Planning Director for review by the Board.
- B. This Article is administered by the Board and enforced by the Code Enforcement Officer.

[End of Order]