

TOWN OF FRIENDSHIP, MAINE

LAND USE ORDINANCE

Enacted at the Annual Town Meeting March 17, 2003

Amended March 21, 2005

Amended March 17, 2020

Amended March 16, 2023

Amended November 4, 2025

TOWN OF FRIENDSHIP, MAINE
LAND USE ORDINANCE

| | |
|--|---|
| Section 1 TITLE and PURPOSE | 4 |
| 1.1. Title:..... | 4 |
| 1.2. Intent:..... | 4 |
| Section 2 AUTHORITY, EFFECTIVE DATE, AMENDMENTS and SEVERABILITY | 4 |
| 2.1. Authority:..... | 4 |
| 2.2. Date effective:..... | 4 |
| 2.3. Amendments:..... | 4 |
| 2.4. No conflict:..... | 4 |
| 2.5. Severability:..... | 4 |
| SECTION 3 APPLICABILITY | 4 |
| 3.1. Area affected:..... | 4 |
| 3.2. Uses, structures, lots:..... | 4 |
| 3.3. Construction not affected:..... | 5 |
| SECTION 4 NON-CONFORMANCE..... | 5 |
| 4.1. Purpose:..... | 5 |
| 4.2. General:..... | 5 |
| 4.3. Non-conforming Structures:..... | 5 |
| 4.4. Non-conforming Uses:..... | 6 |
| 4.5. Non-conforming Lots:..... | 6 |

| | |
|---|----|
| Section 5 ADMINISTRATION..... | 7 |
| 5.1. Administration:..... | 7 |
| 5.2. Building Approval and Permits:..... | 7 |
| 5.3. Enforcement:..... | 9 |
| 5.4. Penalties:..... | 9 |
| 5.5. Appeals:..... | 10 |
| 5.6. Additional Conditions:..... | 11 |
| 5.7. Variances:..... | 12 |
| Section 6 LAND USES..... | 12 |
| 6.1. General:..... | 12 |
| 6.2. Table of Land Uses:..... | 13 |
| 6.3. Table of Dimensions:..... | 15 |
| Section 7 LAND USE STANDARDS and PERFORMANCE STANDARDS..... | 16 |
| 7.1. Purpose:..... | 16 |
| 7.2. Performance standards:..... | 16 |
| Section 8 DEFINITIONS..... | 18 |

Town of Friendship, Maine Land Use Ordinance

Section 1 TITLE and PURPOSE

1.1. Title. This ordinance shall be known as and may be cited as the Town of Friendship, Maine Land Use Ordinance

1.2. Intent. The intent of this Ordinance is to manage development of land use in order to protect public health, safety, and welfare; conserve natural resources that limit population density, and to encourage land use throughout the municipality as expressed in the Comprehensive Plan.

Section 2 AUTHORITY, EFFECTIVE DATE, AMENDMENTS and SEVERABILITY

2.1. Authority. This ordinance is enacted pursuant to the Home Rule Powers of 30-A M.R.S.A. 3001.

2.2. Date effective. The effective date of this ordinance shall be thirty (30) days after it is adopted by vote of a Town of Friendship Town Meeting.

2.3. Amendments. Amendments of this ordinance may be initiated by the Municipal Officers, the Planning Board, or by a written petition of a number of the registered voters of the Town of Friendship equal to at least ten percent of the votes cast in the Town at the last gubernatorial election and as specified in Title 30-A M.R.S.A. 3002. The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

2.4. No conflict. This ordinance shall in no way impair or remove the necessity to comply with any other ordinance, rule, regulation, by-law, permit or provision of law.

2.5. Severability. In the event that any section, subsection, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such a decision shall not affect the validity of any other section or other portion of this Ordinance.

Section 3 APPLICABILITY

3.1. Area affected. This Ordinance applies to all land areas in the Town of Friendship

3.2. Uses, structures, lots. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified unless a variance is granted.

3.3. Construction not affected. This Ordinance does not apply to construction substantially completed on the effective date of this ordinance. Construction substantially commenced but not substantially completed on the effective date of this ordinance may continue in conformity with all of the regulations herein specified unless a variance is granted.

Section 4 NON-CONFORMANCES

4.1. Purpose. This Ordinance is to promote land use conformities, except that non-conforming conditions existing before this Ordinance's effective date shall be allowed to continue, subject to the requirements of this section.

4.2. General. Subject to the provisions of this Ordinance:

4.2.1. Transfer of Ownership: non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or to use the non-conforming structure or lot, subject to the provisions of this Ordinance;

4.2.2. Repair and Maintenance: this Ordinance allows, without a permit, normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal or state building and safety codes may require.

4.3. Non-conforming Structures

4.3.1. Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

4.3.2. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the applicant demonstrates that the subsurface sewage disposal system does or shall meet the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules). A structure shall not be relocated in a manner that causes the structure to be more non-conforming.

4.3.3. Reconstruction or Replacement. Any non-conforming structure which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance.

4.3.4. Repair and replacement -minor. Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.

4.3. 5. Change of Use of a Non-conforming Structure The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, wildlife habitat, vegetative cover, visual and actual points of public access to natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other uses.

4.4. Non-conforming Uses

4.4.1. Expansion. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board or Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as permitted in Paragraph 4.3.1 above.

4.4.2. Resumption of Use. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

4.4.3. Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board.

4.5. Non-conforming Lots

4.5.1. Existing Non-conforming Lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

4.5.2. Contiguous Built Lots. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

4.5.3. Contiguous Lots - Vacant or Partially Built. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements of this ordinance. This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the

Registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and each lot contains 40,000 square feet of lot area.

Section 5 ADMINISTRATION

5.1. Administration. The Friendship Planning Board shall administer this ordinance.

5.1.1. Administration Delegation. The Friendship Planning Board may at its discretion and with the consent of the Board of Selectmen, delegate to the Code Enforcement Officer administration of building permit issuance for accessory uses or accessory structures, expansions and relocations.

5.2. Building Approval and Permits

5.2.1. Building Permits Required. No person shall erect, moved, add to, or structurally alter a building or other structure in excess of 100 square feet of ground coverage without a Building Permit Issued by Planning Board or Code Enforcement Officer. No person shall engage in, cause or allow on-site construction activity prior to receiving a Building Permit. No person shall change or resume of any use requiring a Building Permit prior to receiving a Building Permit. No Building Permit shall be issued except in

conformity with the provisions of this Ordinance. A Building Permit shall not be required for clearing to allow surveys and soil tests, excavating for soil tests.

5.2.2. Permit Fee. A fee schedule for building and use permits shall be established by the Selectmen.

5.2.3. Applications. All applications for Building Permits shall be in writing on forms provided by the Town Office accompanied by such fee as may be established by the Town. All applications for Building Permits shall include a scaled site plan specifying the location and dimensions of the proposed building or alteration and, as applicable, the proposed sewage disposal system as certified by the local plumbing inspector. The application shall include such other information as lawfully may be required by the Planning Board or Code Enforcement Officer to determine conformance with this Ordinance.

5.2.4 Plumbing Permit. Whenever the nature of any building or structure would require the installation of a subsurface sewage disposal system, no Building Permit shall be issued until a valid plumbing permit including the site evaluation approved by the Plumbing Inspector shall be submitted by the applicant or his agent.

5.2.5. Approval by the Planning Board. The Planning Board or Code Enforcement Officer shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board or Code Enforcement Officer shall, after the receipt of a complete application including all additional information requested, grant a permit if it makes a positive findings of fact based on the information presented to it that, except as specifically exempted in this Ordinance; the proposed use meets conditions 1. through 8. of the Friendship Shoreland Zoning Ordinance, Subsection 16. D.; and is in conformance with the provisions of Section 6, General Performance Standards, of this Ordinance.

5.2.6. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. All permits shall be either approved or denied in writing within 35 days of receiving a completed application. All permits shall be either approved or denied in writing within 35 days of receiving a completed application including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. Permits may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 35 days of the approval or denial.

5.2.7. Expiration. Following the issuance of a permit if no substantial start is made in construction within one year of the date of the permit, the permit shall lapse and become void. To start construction is to place forms for a foundation, or to begin erection or assembly of an addition, building or structure on the site. An extension of time to start or complete construction shall be granted upon application to and approval by the Board of Appeals for reasonable cause.

5.3. Enforcement

5.3.1. Code Enforcement Officer It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other actions authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. A copy of such notices shall be maintained by the Code Enforcement Officer as a permanent record.

5.3.2. Legal Actions and Violations. When any violation of any provision of this Ordinance shall be found to exist by anyone and the Selectmen, Planning Board, or Code Enforcement Officer advised, the Selectmen upon their own initiative or upon notice from the Code Enforcement Officer or Planning Board, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable including seeking injunctions of violations and impositions of penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Friendship.

5.4. Penalties

5.4.1. Penalty range. The penalties for violations of this Ordinance shall be as follows:

- a. The minimum penalty for starting construction or undertaking land use activity without the required permit shall be \$100.00 and the maximum penalty shall be \$2500.00.
- b. The minimum penalty for any other specific violation shall be \$100.00 and the maximum penalty shall be \$2500.00.
- c. In addition, violators may be ordered to correct or abate the violation.

5.4.2. Additional penalties: In all other respects, assessment of penalties under this Ordinance shall be in accordance with Title 30-A MRSA, Section 4452. Each day a violation continues may be counted as a separate offense. Assessment of penalties shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer and/or Selectmen to the person in violation of this Ordinance.

Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person shall not in any respect invalidate enforcement of this Ordinance or any penalties for violation thereof. In addition to the penalties provided herein, the Town may bring action in Superior Court to enjoin violation of this Ordinance and for such other relief as the law may provide.

5.5. Appeals

5.5.1. When and what to appeal. If the Planning Board or Code Enforcement Officer disapproves an application, or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Code Enforcement Officer or Planning Board in writing to the Board of Appeals within 30 days of the decision.

5.5.2. Board of Appeals must act. The Board of Appeals shall hold a public hearing within 35 days of the appeal. Within 45 days after the hearing, or within such time as may be mutually agreed to, the Board of Appeals shall issue a decision.

5.5.3. Constraints on Board of Appeals. The Board of Appeals may amend the Code Enforcement Officer's or Planning Board's decision only upon the finding that there has been an error in administrative procedures, or an error in interpretation of the ordinance, or that the information provided to the Code Enforcement Officer or Planning Board was erroneous or incomplete. The case shall continue as follows:

- a. If the Board of Appeals finds errors in administrative procedure, the case shall be referred back to the Officer or Board for rectification.
- b. If the Board of Appeals finds errors of interpretation, the Board of Appeals may modify the interpretation or reverse the order of the Code Enforcement Officer or Planning Board but may not alter the conditions attached by the Planning Board. The case shall be referred back to the Code Enforcement Officer or Planning Board for rectification, and changes in conditions shall be made by the Planning Board in accordance with the Board of Appeals' interpretation.
- c. If the Board of Appeals finds errors or omissions in information leading to the decision of the Code Enforcement Officer or Planning Board, the case shall be referred back to the Officer or Board for rectification.
- d. An appeal may be taken within 30 days after any decision is rendered by the Board of Appeals by any party, including the Planning Board, to Superior Court, in accordance with State law.

5.5.4. Appeal Conditional Uses. A building, structure or lot of land may be employed for conditional use if allowed; if the building, structure or lot of land meets all required conditions.

5.5.4.1. Application for Conditional Uses. Application shall be made to the Board of Appeals on forms provided for the purpose, accompanied by such fee as may be established by the Town. The applicant shall:

- a. Clearly specify the location of the proposed use, including street address, tax map and lot number, and a location map at a scale no smaller than the tax map;
- b. Describe the exact nature of the proposed use;
- c. Submit such other information that will enable the Board of Appeals to determine that the standards for approval of any conditions have been met.

5.6. Additional Conditions.

The Planning Board may, in order to carry out the purposes of any additional conditions, require additional conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods.

Such conditions may include, but are not limited to, specifications for: increased setbacks and yards; specified water supplies or sewage disposal facilities; type of vegetation, landscaping and planting screens; periods and methods of operation; routing of traffic; professional operation, maintenance and inspection of sewage disposal facilities; and performance guarantees. Such conditions imposed, and the reasons therefore, shall be written as part of those permits issued by the Planning Board which involve additional conditions.

5.6.1. Procedure. The Planning Board shall follow the following procedure in considering additional conditions: A quorum of at least three members shall be present to consider additional conditions. The secretary of the Board shall maintain a record of all meetings, including a transcript, if any, and exhibits or documents submitted regarding additional conditions which shall be a public record. The Board may receive oral or documentary evidence regarding the requested additional conditions, each party having the right to submit rebuttal evidence, conduct cross-examination and to be represented by legal counsel. Notice of any decision shall be mailed to the applicant and the Code Enforcement Officer within seven days of the decision.

5.6.2. Duration of additional conditions. Provided all conditions and standards of approval are met, additional conditions shall be permanently granted permission and shall "run with the land".

5.7. Variances

5.7.1. Application. Application for a variance from specifications in this Ordinance is to be made to the Board of Appeals, following the requirements for additional conditions.

5.7.2. Procedure. The Board of Appeals shall follow the procedures set forth in MRSA Title 30, §2411, "Board of Appeals".

5.7.3. Variances Limited. A variance may be granted only for dimensional requirements. The applicant must show that the strict application of the terms of this Ordinance would create an undue hardship on the applicant. The term "undue hardship" shall mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c. That the granting of a variance will not alter the essential character of the locality;
- d. That the hardship is not the result of action taken by the applicant or a prior owner.

Before granting any variance, the Board of Appeals may refer the application to the Planning Board for an informational report concerning the effect of the request on the surrounding area and any other pertinent data in respect of the Comprehensive Plan of Friendship.

5.7.4. Duration of Variance. A Variance Permit shall be a permanent grant of permission and shall "run with the land".

Section 6 LAND USES

6.1. General Land uses and activities involving maintenance and repair without expansion or alteration of the land are allowed and shall not, unless specifically required by this Ordinance, require permits. These activities include, but are not limited to: hiking, hunting, snowmobiling, harvesting of wild crops, wildlife management and observation, fire prevention activities, surveying, mineral exploration, trail construction and maintenance, emergency operations, home maintenance and gardening. Such activities shall conform to applicable state and federal laws and regulations.

6.2. Table of Land Uses

6.2.1. Table of Land Uses Key

| | |
|-------------------|---|
| YES | Use Allowed, No Permit Required by this Ordinance |
| PB | Use Allowed, Building Permit Required (issued by Planning Board) |
| SPR | Use regulated under Site Plan Review ordinance (issued by Planning Board) |
| SD | Use regulated under Subdivision ordinance (issued by Planning Board) |
| NO | Use Prohibited |
| <u>CEO</u> | <u>Use Allowed, Permit delegated to CEO</u> |

| USE | PERMIT |
|--------------------------------------|-------------------------|
| Single Family Dwelling | <u>PB or CEO</u> |
| Two Family Dwelling | <u>PB or CEO</u> |
| Multi-family Dwelling | SD or SPR |
| Manufactured Home | <u>PB or CEO</u> |
| Mobile Home | <u>PB or CEO</u> |
| Home Occupation | YES |
| Tradesman's Shop | YES |
| Fisherman's Shop | YES |
| Outdoor Boat Storage | YES |
| Outdoor Fishing Gear Storage | YES |
| Additions | <u>PB or CEO</u> |
| Accessory Use or Structure | <u>PB or CEO</u> |
| Bed and Breakfast A | YES |
| <u>Bed and Breakfast B</u> | <u>SPR</u> |
| Campground | SPR |
| <u>Campsites, Individual Private</u> | <u>PB or CEO</u> |

| | |
|------------------------------|-------------------------|
| Church | SPR |
| Cemetery | PB/SPR |
| Commercial | SPR |
| Day Care Center | SPR |
| <u>Deck</u> | <u>CEO</u> |
| <u>Driveway</u> | <u>PB or CEO</u> |
| <u>Driveway Expansion</u> | <u>PB or CEO</u> |
| Fences less than 4 ft high | YES |
| <u>Fences over 4 ft high</u> | <u>CEO</u> |
| Industrial Uses | SPR |
| <u>Inground Pool</u> | <u>CEO</u> |
| Inn, Lodge, Motel | SPR |
| Institutional Uses | SPR |
| Junkyard | SPR |
| Municipal Use | SPR |
| Neighborhood Store | SPR |
| Professional Office | SPR |
| Public Utility | SPR |
| Recreation (non-commercial) | SPR |
| Restaurant | SPR |
| School, Public or Private | SPR |

6.3. Table of Dimensions

| Structure or Use | Dimension / Minimum Lot Area |
|--------------------------------|---|
| Dwelling Unit | 40,000 SQ FT (SOILS OR SLOPE MAY LIMIT USE) |
| Industrial Uses | 80,000 SQ FT SOILS OR SLOPE MAY LIMIT USE |
| Campgrounds | 120,000 SQ FT SOILS OR SLOPE MAY LIMIT USE |
| All Other Non-Residential Uses | 40,000 SQ FT OR AS PLUMBING CODE / WATER USE REQUIRE |
| Building Type | Maximum Building Height (Feet) |
| Residential | 35 FT |
| Non-Residential | 35 FT |

Section 7. LAND USE STANDARDS and PERFORMANCE STANDARDS

7.1. Purpose

The performance standards contained in this Section are intended to allow various uses to be accommodated without detriment to neighboring uses and properties.

7.2. Performance Standards

7.2.1. Campgrounds. Campgrounds shall conform to the Land Use Standards of the Friendship Shoreland Zoning Ordinance.

7.2.2. Campsites, Individual Private. Individual campsites not associated with campgrounds are allowed provided the following conditions are met: Also see Individual Private Campsites in Friendship Shore Land Zoning Ordinance.

a. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

b. A written sewage disposal plan describing the proposed method and location of the sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

c. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) day per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities. Receipts are required for the CEO on a bi-weekly basis and must be presented, emailed or faxed to the Town Office. Larger on-board sewage tanks may require a longer time for proof of pumping, provided inspection and written approval from the CEO/LPI.

d. No sewage shall be drained or dumped from any camper/RV's except into such collection vehicles or septic disposal systems as may be approved by local or State regulations.

e. All camper/Rv's shall maintain and display a current license/registration plate if such license is normally required for routine transportation purposes or movement along the roads and highways of the State of Maine.

7.2.3. Lighting. All exterior lighting shall be shielded to prevent direct glare on adjoining residential property or public rights of way.

7.2.4. Industrial Uses. All outdoor storage of materials, products or vehicles shall be screened from view from adjacent residential lots.

7.2.5.1. Off-Street Parking and Loading Standards. See Friendship Site Plan Review Ordinance.

a. Applicability. For new construction, additions and changes of use, there shall be provided off-street parking and loading space adequate for their use, according to the following standards.

b. Standards. No off-street parking lot shall have more than two entrances on the same street. Parking lots with more than four spaces shall be arranged so that vehicles can be turned around within such an area and are prevented from backing into the street.

7.2.5.2. Access to Town Roads. Prior to any new curb cut, access or entrance to any Friendship Town Road, a permit is required that provides a safe and convenient access, with approval from the Planning Board for any first-time development. For properties already developed, or are used for agriculture or forestry activities an access approval shall be obtained from the Code Officer for a safe and convenient access. The Friendship Code Officer may consult with the Town Clerk for 911 address, and/or The Friendship Road Commissioner or Selectmen for design considerations, including culverts and erosion control, or drainage and sight distance. The property owner shall be responsible for the first-time installation, thereafter to be maintained by the town.

Note: Access to any State of State aid road is exempt from this provision because MDOT has their own permit and access requirements.

7.2.6. Sanitation, Garbage, and Rubbish

7.2.6.1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep that part of the exterior property which they control or occupy in a clean and sanitary condition.

7.2.6.2. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be exterminated by approved processes which are not injurious to human health. After extermination, proper precautions shall be taken to eliminate and prevent infestation.

7.2.6.3. Rubbish and Garbage. All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish or garbage. The owner or occupant of any exterior and premises shall provide and

utilize approved leak proof containers with close-fitting covers for the storage of garbage and rubbish until such materials are removed from the premises for disposal.

Section 8 DEFINITIONS

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural, and vice versa.

Abutting Property: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a street or way adjoining the lot in question.

Accessory Use or Structure: A non-residential use or structure of a nature customarily incidental or subordinate to that of the primary use of the principal structure to which the premises are devoted, i.e., garages, woodsheds, fish houses, or other non-residential uses.

Agricultural Land Management: Those devices and procedures utilized in the cultivation of land to further crop, silvicultural and livestock production.

Bed and Breakfast A, Tourist Home: A building or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which building(s) is (are) designed or used for short-term rental of not more than five (5) rooms to guests, and possibly capable of including, as an accessory use the serving of breakfast only, and exclusively to persons occupying the facility and their guests.

Bed and Breakfast B, Tourist Home: A building or group of buildings, a portion of which is not occupied by the owner thereof as a permanent residence, and which building(s) is (are) designed or used for short-term rental of not more than five (5) rooms to guests, and possibly capable of including, as an accessory use the serving of breakfast only, and exclusively to persons occupying the facility and their guests.

Building: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

Campground: An area devoted to overnight recreational or educational use, where the land area is divided into lots or sites for which a charge is made; either on a short or long term basis by sale, rent, lease or condominium type of financing.

Campsite, Individual Private: An area of land which is not associated with a campground and is not intended for permanent habitation.

Camper/RV's: A vehicle, whether: Factory built, Home built, On wheels or off wheels, Towed or carried on a motor vehicle or Self-propelled.

Included but not limited to:

- a. Recreational vehicles
- b. Hitch mounted
- c. Pop-up tent trailers
- d. Park model campers
- e. Campers meant to be attached to the bed of trucks
- f. Converted vehicles, such as busses, trucks or trailers
- g. With or without kitchen, toilet or bathing facilities
- h. With self-contained water or sewage systems
- i. Designed as a temporary dwelling for travel, recreation and vacation use

Mobile homes, manufactured homes or tiny homes are not included.

Church: Any place of worship, regardless of denomination.

Commercial: A Retail or Wholesale establishment, not a home occupation.

Comprehensive Plan: Any part of the overall plan, policies, goals and implementation steps adopted by the Town in Town Meeting.

Day Care Center: A state-licensed facility for the daytime care or instruction of more than three pre-school or school aged children, exclusive of children who are residents of the home.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking area, roads and other areas not revegetated.

Driveway: A private vehicular entrance from a road or right-of-way.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking and eating.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or motel

Fishing gear storage: The practice of outdoor storage of a commercial fisherman's own fishing boats and gear customarily near his dwelling on one's own lot.

Fisherman's shop: The shop of a self-employed commercial fisherman or person in a similar occupation, employing two or fewer full-time equivalent employees. For the purposes of this Ordinance, the activities of a Fisherman's Shop shall not include outdoor sales or displays.

Expansion: In relation to a building, expansion shall mean: enlargement of floor area, or enlargement of building enclosure

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitation: The occupancy of a dwelling unit or a building designed or used for human living.

Height of a structure - The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or structure(s) accessory thereto, which is incidental to residential use, and employs two or fewer full-time equivalent employees.

Industrial: Activities including the assembly, fabrication, finishing, packaging, processing or storage of goods or the extraction, processing or storage of minerals.

Inn, Lodge, and Motel: A building or group of buildings designed and equipped for use as temporary living quarters which may include provisions for living space, cooking, eating and bathing.

Institutional: A building used for some public, governmental, educational, charitable, medical or other similar purpose.

Junkyard: A yard, field or other area licensed as a place of storage for the following items, excluding items which are being stored out of doors for household use:

- a. Three or more unserviceable, discarded, worn-out or junked motor vehicles as defined by state law, not including temporary storage by an establishment engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;
- b. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- c. Discarded, scrap and junked lumber or building materials; or
- d. Old or scrap metals, rope, rags, batteries, paper, rubber, or other solid waste.

Maintenance and Repair: (off a structure): Perform tasks such as refinishing, cleaning, applying preventative or protective treatments, etc. on the exterior or interior of an existing structure or portion thereof (maintenance); without altering the defining characteristics and dimensions of the structure, to return existing and deteriorated interior or exterior feature(s) of a structure to that feature's original functionality and condition by replacement of deteriorated material in kind or by use of corrective materials and process (repair). The following undertakings are specifically included within the scope of "maintenance and repair": residing; replacement, deletion, or addition of doors and windows; replacement of sills, posts, frost walls, and foundations; screening of roofed decks/porches and breezeways.

Note: see definitions of "Reconstruct" and "Replace".

Manufactured Home: A residential dwelling unit designed for transportation, after fabrication, in two or more units, by truck or trailer, on streets or highways, to the site where it is to be located on a slab or other foundation and which is, after joining of the units, placement on the foundation, and connection of utilities, complete and ready for occupancy.

Marine-Oriented Use: Any non-residential use requiring or substantially benefitting from location on, over or directly adjacent to tidal waters, including, but not limited to: boat and ship yards, marine related retail and service establishments, launching ramps and facilities, wharves, piers, dealers in sea foods, and aquaculture facilities.

Mobile Home: A detached residential dwelling unit designed for transportation, after fabrication, in one or more units, each on its own chassis, on streets or highways, to the site where it is to be located on a slab or other foundation and which is, after joining of the units, placement on the foundation, and connection of utilities, complete and ready for occupancy.

Multi-family Dwelling: A building containing three or more attached dwelling units.

Municipal Use: A use of land, structure or building owned or controlled by the Town of Friendship or any district, agency or commission thereof, which serves a public purpose.

Neighborhood Store: A retail store which occupies less than 3,000 square feet of total floor area and covers less than 2,000 square feet of ground area, which may sell motor vehicle fuels and supplies, and within which no alcoholic beverages are consumed.

Parking Space: An area not less than nine feet wide and eighteen feet long, not including the access thereto, accessible from streets, and usable for the storage or parking of passenger vehicles. A parking space to accommodate the handicapped shall be an area not less than twelve feet wide and eighteen feet long. A parking space may be on an open lot or within a building.

Professional Office: Any structure which houses the business office of a person or persons who supply a service to the public.

Public Utility: Those essential, public services, such as, but not limited to, water, electricity, telephone, gas and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation, or the Federal Communications Commission. The provisions of this Ordinance shall apply to those buildings and structures located outside of public rights of way, but shall not apply to those facilities, either above or below ground, lying wholly within public rights of way.

Reconstruct: Raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by restoration of the razed structure or razed portion thereof to its original dimensions, defining characteristics, and function at the same locus as the predecessor structure. Note: See definitions of: Maintenance and Repair and Replace.

Recreation: Non-commercially operated recreational facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such lands and facilities, but not including campgrounds.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, camp trailer, and motor home. In order to be considered a vehicle and not a structure, the unit must remain with its tires on the ground and must be roadworthy (i.e. possess a current registration sticker from any State Division of Motor Vehicles).

Replace: Raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by construction

of a structure of new dimensions, defining characteristics, or functionality at the same or a different locus than that of the predecessor structure. Note: See definitions of “Maintenance and Repair” and “Reconstruct”.

Rubbish: Combustible or noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, broken furniture , mattresses, wood excelsior, rubber, plastics, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

School, Public or Private: A place or institution for teaching and learning, which teaches courses of study.

Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground including fences, excluding driveways, and other paved surfaces, and fences four feet or less in height.

Substantially Completed: Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than [seventy (70)] percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

Substantial Start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Tradesman’s Shop: The shop of a self-employed craftsman or person in a skilled trade, employing two or fewer full-time equivalent employees. For the purposes of this Ordinance, the activities of a Tradesman’s Shop shall not include outdoor sales or displays.

Transient Occupancy: Occupancy that does not exceed 120 days in a calendar year.