



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	04/21/2021	Department	Planning/Economic Dev
Agenda Item	4.c) Consider Resending Proposed Tiny Homes & Cemetery Rules Ordinance/Code Changes to a Public Hearing		
Est. Cost	n/a		

Background Information

Council voted to send the proposed Ordinance/Code for Tiny Homes and Cemetery Rules of Public Hearing and First and Second Reads on April 21 and May 5, 2021 respectfully. Due to the timing of posting a public hearing notice, we would like to resend the proposed changes for First Read May 5, 2021 and Second Read May 19, 2021.

Requested Action	I move to resend the proposed changes to the Land Use Ordinance and City of Gardiner Code for Tiny Homes and Cemetery Rules to Public Hearings and First and Second Reads on April May 5, 2021 and May 19, 2021 respectfully.'
City Manager and/or Finance Review	The City Manager, CEO, ORC, Planning Board and EDD recommend the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised _____	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____



To: City Council
From: Ordinance Review Committee/Mark Eyerman
Subject: Cemetery Rules
Date: March 18, 2021

As requested by the Council, the Ordinance Review Committee has developed a set of proposed rules for the use of the cemeteries owned/maintained by the City. The proposed rules are attached. The rules focus on the use and maintenance of the cemeteries. In developing the proposed rules the committee reviewed the rules of a number of both public and private cemeteries in the area. In addition, the Committee relied on input from Rusty Greenleaf, a member of the committee, who is involved in cemetery management.

The Ordinance Review Committee recommends that if the rules are adopted by the City Council that they be posted in prominent locations in each of the cemeteries so that users have notice of them.

Proposed Cemetery Rules City of Gardiner, Maine

1. Applicability – These rules apply to cemeteries owned and/or maintained by the City of Gardiner.

2. Purpose – These rules are adopted by the City Council to assure that City owned/maintained cemeteries are attractive places that can be efficiently maintained.

3. Responsibility of the City – The City of Gardiner is responsible for the overall upkeep of the cemeteries including maintaining the infrastructure, periodic mowing and cleanup. The City is not responsible for any work involving the maintenance of individual grave sites or monuments or markers. The City reserves the right to remove dead or unsightly plants or flowers or other ornaments on individual graves and to move or relocate planters or flower boxes that do not conform to these rules or that interfere with the normal maintenance of the cemetery. The City shall not be responsible for any grave decorations or other items that may be lost, misplaced, broken or stolen.

4. Seasonal Cleanup – All flowers, potted plants and other ornamentation or decorations shall be removed from all graves in the spring not later than April 15th and in the fall no later than October 1st to facilitate the seasonal cleanup of the cemetery.

5. Grave Decorations – The following limitations apply to grave sites. The City will remove any decorations that are not in compliance with these rules:

- a. Only memorial insignias, living plants and flowers, or silk flowers are permitted as grave decorations. Plastic plants and flowers are not permitted. Eternal lights including solar lights are permitted for special occasions and may be used for a maximum of three (3) days.
- b. Seasonal flowers may be planted on the grave but must be located close to the monument and maintained by the owner or family.
- c. The planting of trees or shrubs is prohibited.
- d. Urns or flower boxes not more than three (3) feet in length may be placed close to the monument but may not be placed on other parts of the lot.
- e. Dead or damaged flowers or plants shall be removed from the grave by the owner or family in a timely manner.
- f. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, fences, edging materials, shepherd's hooks, trellises, or similar items is not permitted.

- g. No concrete, plastic or wood edging is allowed around flower beds.
- h. White marble chips, granite chips, or other rock materials are not allowed in flower beds or on cemetery lots.

6. Failure to Maintain a Grave Site – The City reserves the right to take steps to maintain a grave site if it is not adequately maintained including the following:

- a. Any grave marker in poor or dangerous condition may be either removed by the City or set flush with the ground.
- b. Any existing trees, shrubs, or bushes that become overgrown, unsightly or hazardous may be trimmed or removed by the City.

To: City Council
From: Ordinance Review Committee/Mark Eyerman
Subject: Tiny Homes
Date: February 17, 2021

The Ordinance Review Committee has developed draft amendments to the Land Use Ordinance to address the treatment of “tiny homes.” Tiny homes are dwelling units with less than 400 square feet of floor area. The state has created two classes of tiny homes with different standards. One class can be thought of as similar to modular homes. The state amended MUBEC the state building code to make special provisions for this type of tiny home. These units are intended to be built or moved onto a lot permanently and do not have integral wheels. The state also created a second set of provisions to allow for “tiny homes on wheels” to address taxation of these units and provisions for their movement on public roads. These units are not built to MUBEC standards but have to comply with recreational vehicle standards. While these units can be permanently located on a site they are more mobile and capable of being moved over public roads on their own wheels. These can be thought of as similar to mobile homes.

The Planning Board held a public hearing on the proposed amendments developed by the Ordinance Review Committee. The Planning Board suggested some small edits to the proposed amendments and recommended adoption of the proposed amendments with these edits. Attached are the proposed amendments to the Land Use Ordinance to accommodate tiny homes in the City incorporating the Planning Board’s edits. Here is an overview of the draft amendments:

1. Create a definition for “tiny home” that includes units that meet either the MUBEC requirements or the state definition for tiny homes on wheels.
2. Allow tiny homes meeting this definition to be placed on a residential lot in the SL, SLR, R and CPD Districts subject to the dimensional requirements for a single-family home. Since this involves areas subject to shoreland zoning, any changes will need to be approved by DEP.
3. Allow a tiny home to be used as an Accessory Dwelling Unit provided that the tiny home meets the other standards for ADUs and the lot has a minimum of 20,000 square feet.
4. Establish performance standards for tiny homes addressing foundation requirements for the two types of units, provisions for water supply and sewage disposal and separation distance from the principal and accessory structures when a tiny home is used as an ADU.

February 16, 2021

Proposed Amendments to the Land Use Ordinance
Addressing the Treatment of Tiny Homes

Proposed additions to the ordinance are underlined;
proposed deletions are ~~struck-out~~.

1. Amend **Section 17. Definitions** to add a definition of a Tiny Home in proper alphabetical order to read:

Tiny Home: A dwelling unit that either complies with the standards of the Maine Uniform Building and Energy Code for ‘Tiny houses’ or the definition of a Tiny home set forth in 29-A M.R.S. § 101(80-C).

2. Amend the Land Use Table in Section 7.6 to add Tiny homes as a separate category of use in Subsection 7.6.2 Residential Uses and to designate the zoning districts in which Tiny homes are allowed to read as follows:

Key to Land Use Table

C = Code Enforcement Officer Review

SD = Subdivision Review

The legend at the top of the columns identifies the various zoning districts as follows:

[illegible]

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
Home Occupation	P	P	P	C	P	P	C	C	N	C	N	C	C	C ⁴	C	P
Home Occupation Minor	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y
Modular/Mobile less than 20 feet wide	N	N	C	C	C	N	N	N	N	C	N	N	C ⁵	N	N	C
Modular/Mobile 20 feet wide or more	N	N	C	C	C	C	C	N	N	C	N	C	C	N	N	C
Manufactured Home Park	N	N	N	Sd	Sd	N	N	N	N	Sd	N	N	Sd	N	N	Sd
Multi-Family Dwelling	N	P	P	P	P	P	P	P	N	P	N	P	P	P ²	P	P
Open Space Development	N	Sd	Sd	Sd	Sd	Sd	Sd	N	N	Sd	N	Sd	Sd	N	N	Sd
Senior Housing Development	N	N	N	P	P	P	P	P	N	P	N	P	P	P ²	P	P
Single & Two-Family Dwellings	N	C	C	C	C	C	C	N	N	C	N	C	C	C ³	C	C
Attached Single-Family Dwelling (Townhouse)	N	P	P	P	P	P	P	P	N	P	N	P	P	P ²	P	P
<u>Tiny Home</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>

3. Amend the performance standards for an Accessory Dwelling Unit in Section 10.28 to read:

10.28 Accessory Dwelling Units (ADUs)

An owner-occupied single-family home may include an accessory dwelling unit (ADU) provided that all of the following are met. The ADU shall not count as a dwelling unit for minimum lot size or density requirements.

10.28.1 The ADU shall be incidental and secondary to the use of the dwelling as a single-family residence.

10.28.2 Either the primary dwelling unit or the ADU shall be occupied by the owner of the property. For the purposes of this provision, this condition will be deemed to be satisfied if one unit is occupied by the beneficiary of a trust, life estate, or similar legal arrangement.

10.28.3 The ADU shall be provided with water supply and sewage disposal systems meeting the requirements of City and State ordinances and codes. If sewage disposal will be provided through a subsurface wastewater disposal system, the system shall be appropriately sized to handle the additional flow if any.

10.28.4 The size of the ADU is limited to a maximum floor area of forty percent (40%) of the useable floor area of the principal dwelling unit or one thousand (1000) square feet whichever is greater with not more than one bedroom.

10.28.5 The ADU may be located within the principal building or in an accessory building or structure. A Tiny Home may be used as an ADU provided that it meets all of the other standards of 10.28 and is located on a lot in a district that permits ADUs and that contains a minimum of twenty thousand (20,000) square feet of lot area.

10.28.6 The inclusion of the ADU must maintain the residential character of the single-family home. If the ADU is located in the principal building, the entrance to the unit from the outside must be through an existing exterior door or through a door located on the side or rear of the building.

10.28.7 If the ADU is located in a new or expanded accessory building, the exterior appearance of that structure shall be compatible with appearance of the principal building.

10.28.8 One (1) off-street parking space shall be provided to serve the ADU. This space shall be in addition to the parking provided for the single-family home. If the home has less than the required off-street parking, only the one (1) additional space must be provided. If the single-family home has three or more existing parking spaces, no additional parking shall be required.

10.28.9 The parking for the ADU shall not be located in the area between the front wall of the building and the front property line except on a driveway.

4. Amend **Section 10 SPECIAL ACTIVITY PERFORMANCE STANDARDS** by creating a new Section 10.29 Standards for Tiny Home to read as follows:

10.29 Standards for Tiny Homes

A Tiny Home may be used as a dwelling unit provided that all of the following are met.

10.29.1 The lot on which the tiny home is located is in a zoning district in which tiny homes are allowed as shown on the Land Use Table in 7.6.

10.29.2 The Tiny Home is located on a lot that conforms to the minimum lot area, minimum road frontage and minimum shore frontage requirements for the zoning district in which it is located as shown in the table of Dimensional Requirements in 7.7.

10.29.3 The Tiny Home is located on the lot so that it conforms to all setback requirements for the zoning district in which it is located as shown in the Table of Dimensional Requirements in 7.7.

10.29.4 The Tiny Home shall be served by a sewage disposal system meeting the requirements of the Maine State Plumbing Code and the Subsurface Wastewater Disposal Rules if applicable.

10.29.5 The Tiny Home shall be served by a potable water system capable of providing a supply of at least sixty (60) gallons per day.

10.29.6 If the Tiny Home is constructed in accordance with the standards for Tiny houses' in the Maine Uniform Building and Energy Code (MUBEC), the home shall be located on a permanent foundation meeting the requirements of MUBEC.

10.29.7 If the Tiny Home meets the definition of "Tiny home" as set forth in 29-A M.R.S. § 101(80-C), as amended, then such Tiny Home, whether temporarily or permanently placed, shall be installed on the lot in accordance with the provisions of the following subchapters of 02-385 C.F.R. Ch. 890, as amended: Subchapter B – Pre-Installation Considerations, Subchapter C – Site Preparation, Subchapter D – Foundations, and Subchapter E – Anchorage Against Wind (collectively, the "Installation Standards"). These standards shall apply to Tiny homes as defined under 29-A M.R.S. § 101(80-C) as though they are manufactured homes as that term is used in the Installation Standards, and the Installation Standards are hereby incorporated by reference in this manner. The Code Enforcement Officer is authorized to grant a waiver or partial waiver of these installation standards to reflect potential differences in the design and size between manufactured housing and a Tiny home, so long as such waiver or partial waiver is not inconsistent with the purpose and intent of the Installation Standards.