



**GARDINER CITY COUNCIL**  
**AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	12/20/2023	<b>Department</b>	Code Enforcement
<b>Agenda Item</b>	4g. Second Read regarding a change to the Land Use Ordinance- 10.29.8.1 Structures for Cannabis growing.		
<b>Est. Cost</b>	N/A		

<b>Background Information</b>	see attached information

<b>Requested Action</b>	" I move to approve the Second Read of changes to the LUO regarding structures for Cannabis Growing as presented and adopt the changes."
<b>City Manager and/or Finance Review</b>	
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

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

**10.29.6** A Marijuana Products Manufacturing Facility in the Intown Commercial District is only allowed if conducted within a commercial kitchen setting of less than four thousand (4,000) square feet and not using any “inherently hazardous substances” as defined by Title 285B Section 102(20) M.R.S. Chapter 558-C.

**10.29.7** All marijuana establishments shall be designed and operated in a manner that prevents marijuana plant odors from significantly altering the environmental odor outside. Odor control can include the management of odor producing operations as well as provisions for ventilation and filtration systems.

**10.29.8** All cultivation of marijuana including but not limited to cultivation by a Licensed Marijuana Cultivation Facility, a Registered Medical Marijuana Caregiver, or an individual growing for personal use shall be conducted in accordance with the following requirements:

**10.29.8.1** All cultivation and processing of marijuana shall occur within a **fully enclosed structure capable of containing odors.**

**10.29.8.2** The structure within which the cultivation and/or processing occur shall be designed and operated to control odors in accordance with **10.29.7.**

**10.29.8.3** Any structure used for the cultivation and/or processing of marijuana shall comply with the setbacks for the district within which it is located.

**10.29.8.4** No freestanding accessory structure used for the cultivation and/or processing of marijuana shall be located where it can be seen from a public street unless the structure is more than one hundred (100) feet from any street right-of-way.

### **10.30 Standards for Tiny Homes**

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

**10.30.1** 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.**

**10.30.2** 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.**

**10.30.3** 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.**

**10.30.4** 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.

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