

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on March 18th, 2025 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 34, Housing, Section 34-91 Occupancy Requirements to amend the ordinance to allow greater density for temporary seasonal housing in a cabin or similar facility, and Chapter 34, Housing, Section 34-26 to add definitions for floor area, habitable space, dwelling, and complete bathroom.

SEE ATTACHED

Per Order of the Municipal Officers this 4th day of March, 2025.

A True Copy

Attest:

s/Kim McLaughlin
Kim M. McLaughlin, Town Clerk

Sec. 34-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcove means a small recessed section of a room.

Basement means that portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Cellar means that portion of a building located partly or entirely underground but having half or more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Complete Bathroom means enclosed space containing (1) one shower, (1) one toilet, and (1) one sink.

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Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, with the exception of buildings or parts of buildings used as a motel, hotel, guest cottage, cabin, sporting camp or other similar facility, rented or leased for a period not more than 30 days.

Dwelling unit means any room or groups of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Existing structure means any residence erected prior to the date of the adoption of this code which has a legal building permit and legal occupancy permit.

Family means a household containing a single housekeeping unit occupied by one or more persons.

Finished grade means the natural surface of the ground, or surface of the ground after completion of any change in contour.

Habitable room means a room or enclosed floor area consisting of habitable space.

Habitable space means space occupied by one or more persons for living, sleeping, eating or cooking, excluding kitchenettes, bathrooms, toilet rooms, laundries, foyers, pantries, corridors, stairways, closets, cellars, and storage spaces.

Immediate family means mother, father, sister, brother, and children of the owner or occupant and spouse.

Kitchen means space, 60 square feet or more in floor area, used for cooking or preparation of food.

Kitchenette means space less than 60 square feet in floor area, used for cooking or preparation of food.

Living room means a room used for common social activities by the occupants of a residence.

Mixed occupancy means occupancy of a building in part residential use and in part some other use not accessory thereto.

Multiple dwelling means any dwelling containing more than two dwelling units, rooming units or a combination of both.

Premises means a lot, plot, or parcel of land including the buildings or structures thereon.

Public space means that space used in common by the occupants of several units within a dwelling or roominghouse and by the public.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Roominghouse means any dwelling or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not members of the owner's or operator's immediate family.

Stairway means one or more flights of stairs and the necessary landings and platforms connected therewith to form a continuous passage from one floor to another.

Story means the portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story only when its ceiling is six or more feet above the finished grade.

Temporary seasonal housing means use of a dwelling for occupation by temporary seasonal workers within the time period of April 1 to October 31 and not for greater than seven months of a calendar year.

Temporary seasonal worker means a person who is employed in a seasonal job during some or all of the time period between April 1 and October 31.

~~*Toilet room* means enclosed space containing one or more water closets, which may also contain one or more lavatories, and other plumbing fixtures.~~

(Ord. of 4-2-1991, § 4; Ord. of 4-7-2009(1); Ord. of 3-15-2016)

Sec. 34-91. Occupancy requirements.

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a) ~~(a)~~ — Generally.

(1) No person shall occupy as owner-occupant or allow by written or verbal agreement ~~shall let cause to be occupied by rental or any other agreement by~~ another person or persons to for occupancy any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards for space and occupancy in this section.

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(2) Any motel, hotel, guest cottage, cabin, sporting camp or similar facility must comply with these space and occupancy standards when an occupant stays in one or more units for a continuous period in excess of 30 days.

b) ~~(b)~~ — Dwelling and rooming units.

(1) Every dwelling, dwelling unit and rooming unit shall contain at least 200 square feet of floor area of habitable space for the first occupant and at least 150 square feet of additional area of habitable space for each additional occupant. A child under the age of one shall not be counted as an occupant for the purposes of this section.

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~~(c) Temporary seasonal housing. Where sleeping quarters are furnished within existing structures between April 1 and October 31 for temporary seasonal workers, for every 5 occupants there shall be at least (1) shower unit, (1) sink and (1) toilet. A room occupied for sleeping purposes may include a kitchenette and a bathroom. Every room occupied for sleeping purposes shall contain at least 70 gross square feet of floor space per person. The calculation of gross square footage shall be limited to spaces used for living, sleeping, eating or cooking, including bathrooms, toilet rooms, foyers, closets and hallways within controlled space. The auxiliary spaces used to determine gross square footage, such as bathrooms, toilet rooms, foyers, closets, hallways and kitchens, shall not be used for sleeping quarters. If it is unfeasible to meet the kitchen, kitchenette or bathroom requirements in the space then access to communal kitchen or bathroom may be approved by the authority having jurisdiction, provided that such space is in an attached structure, provides 24/7 access and is under the control of the temporary seasonal workers.~~

(2) (d)—No outbuilding, basement, garage, attic or other space shall be used as space for sleeping quarters unless the space complies with the ordinances as written for the Town of Old Orchard Beach Maine.

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c) (e)—~~Posting~~ Temporary seasonal housing.

(1) Housing is furnished within an existing single family, two family, or multi family dwelling.

(a) Sleeping areas shall contain a minimum of ~~notice~~ 70 sq ft of floor space per occupant.

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(b) Sleeping areas are to be separated from living areas.

(c) There shall be the equivalent of one (1) complete bathroom per five (5) occupants.

(2) Housing is furnished in hotel or motel rooms

(a) ~~To have the same occupancy allowed for guests~~ Occupancy limit to be the same as a paying guest at the hotel or motel.

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(b) Sleeping area may contain cooking area

(3) Housing is furnished in cabins or other similar facility.

(a) Sleeping areas shall contain a minimum of 70 sq ft of floor space per occupant

(b) Minimum floor space may be reduced if separate living and cooking spaces are available on the same property accessible 24 hours a day.

(c) Reduction of space to be approved by the authority having jurisdiction.

(d) Sleeping area may contain cooking area.

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(e) ~~Complete b~~ Bathroom areas to be approved by the authority having jurisdiction.

d) Notice of permitted occupancy.

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(1) Notice shall be posted in each unit offered for rent stating the maximum number of occupants allowed under this article.

(2) (f) ~~Notice of permitted occupancy required.~~ When a person lets to another for occupancy any dwelling, dwelling unit, or rooming unit, he shall notify the occupant in writing of the maximum number of persons permitted to occupy the premises by this section.

(Ord. of 4-2-1991, § 4; Ord. of 4-7-2009(1); Ord. of 3-15-2016; Ord. of 10-15-2019)

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