

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 February 17th, 2026, at 6:30 p.m. to consider the following:

Public hearing for the Town Council to consider amendments to the Code of Ordinances, Chapter 34, Section 34-26 and Chapter 78, Sections 78-1, 78-212 (a), 78-213 (b), 78-717 (1), 78-721, 78-747 (1), 78-750, 78-802, 78-805, 78-832, 78-835, 78-992, 78- 994, 78-2128, by adopting the underscored language and deleting the strikethrough language. The purpose of these amendments is to increase housing opportunities for J1 and H2B visa holders.

J1 & H2B ORDINANCE AMENDMENTS, COUNCIL (2.2026)
Ordinance additions are underlined, deletions are ~~struck~~,

AMENDMENTS TO CHAPTER 34 – HOUSING

CHAPTER 34, ARTICLE II, SECTION 34-26 – Definitions

H-2B Visa Holders Housing means the use of existing lodging establishments or buildings with three (3) or more dwelling units for the purpose of accommodating H-2B Visa Holders under a federally approved sponsor agreement.

J1 Visa Holders Housing means the temporary use of existing lodging establishments or buildings with three (3) or more dwelling units for the purpose of accommodating J1 Visa Holders under a federally approved sponsor agreement. For the purposes of this definition, temporary shall mean no more than 180 calendar days each calendar year.

Temporary seasonal housing means use of a ~~dwelling building or structure~~ for occupation by temporary seasonal workers and J1 Visa Holders within the time period of April 1 to October 31 and not for greater than seven months of a calendar year.

AMENDMENTS TO CHAPTER 78, ARTICLE I – DEFINITIONS

CHAPTER 78, ARTICLE I, SECTION 78-1

H-2B Visa Holders means persons who have nonimmigrant H-2B visa approved by the U.S. Department of State.

H-2B Visa Holders Housing means the use of existing lodging establishments or buildings with three (3) or more dwelling units for the purpose of accommodating H-2B Visa Holders under a federally approved sponsor agreement.

J1 Visa Holders means persons who have nonimmigrant J1 visa under the Summer Work Travel Program approved by the U.S. Department of State.

J1 Visa Holders Housing means the temporary use of existing lodging establishments or buildings with three (3) or more dwelling units for the purpose of accommodating J1 Visa Holders under a federally approved sponsor agreement. For the purposes of this definition, temporary shall mean no more than 180 calendar days each calendar year.

AMENDMENTS TO CHAPTER 78, ARTICLE IV – SITE PLANS

CHAPTER 78, ARTICLE IV, SECTION 78-212 (a)

(a) *Jurisdictional activities.* The requirements of this article shall apply to the following activities:

- (7) J1 Visa Holders Housing
- (8) H-2B Visa Holders Housing

CHAPTER 78, ARTICLE IV, SECTION 78-213 (b)

(b) *Administrative site plan review.* Administrative site plan review is available for the following activities only:

- (7) J1 Visa Holders Housing
- (8) H-2B Visa Holders Housing

AMENDMENTS TO CHAPTER 78, ARTICLE VI – DISTRICTS

CHAPTER 78, ARTICLE VI, SECTION 78-717 (1)

(1) *Primary uses.* Primary uses are as follows:

- q. J1 Visa Holders Housing
- r. H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-721

Sec. 78-721. Space and bulk requirements.

Space and bulk requirements in the downtown district 1 (DD-1) are as follows:

Zoning Standard	Residential Uses	Mixed Use and Nonresidential Uses
Minimum lot size	10,000 sq. ft./NDD*	4,000 sq. ft./NDD*
Minimum net lot area per family unit	2,500 sq. ft.	1,000 sq. ft.**
Minimum net lot area per lodging establishment unit	Not applicable	1,000 sq. ft.**

** = Excluding J1 and H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-747 (1)

(1) *Primary uses.* Primary uses are as follows:

- J1 Visa Holders Housing
- H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-750

Sec. 78-750. Space and bulk requirements.

Space and bulk requirements in the downtown district 2 (DD-2) are as follows:

(1) *Zoning standards.* Zoning standards for residential, mixed use and nonresidential uses are as follows:

Zoning Standards	Residential Uses	Mixed Use and Nonresidential Uses
Minimum lot size	10,000 sq. ft./NDD*	4,000 sq. ft./NDD*
Minimum net lot area per family unit	2,500 sq. ft.	1,000 sq. ft.**
Minimum net lot area per lodging establishment unit	Not applicable	1,000 sq. ft.**

** = Excluding J1 and H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-802

Sec. 78-802. - Permitted uses.

- (15) J1 Visa Holders Housing
- (16) H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-805

Sec. 78-805. Space and bulk requirements.

Space and bulk requirements for the general business district 1 (GB-1) are as follows:

Standard	Residential Uses and Mixed Uses	Nonresidential Uses
Minimum lot area	10,000 sq. ft./NDD*/**	20,000 sq. ft./NDD*/**
Minimum lot area per unit	5,000 sq. ft.**	NA**

** = Excluding J1 and H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-832

Sec. 78-832. - Permitted uses.

- (11) J1 Visa Holders Housing
- (12) H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-835

Sec. 78-835. Space and bulk requirements.

Space and bulk requirements for the general business district 2 (GB-2) are as follows:

Standard	Residential Uses	Nonresidential Uses
Minimum lot area	5,000 sq. ft. NDD*	5,000 sq. ft. NDD*/**
Minimum lot area per unit	5,000 sq. ft.	5,000 sq. ft.**

** = Excluding J1 and H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-992

Sec. 78-992. - Permitted uses.

(11) J1 Visa Holders Housing

(12) H-2B Visa Holders Housing

CHAPTER 78, ARTICLE VI, SECTION 78-994

Sec. 78-994. Space and bulk requirements.

Space and bulk requirements in the beachfront resort district (BRD) are as follows:

Zoning Standard	All Uses
Minimum lot size	10,000 sq. ft./NDD*/**
Minimum lot area per family unit	3,750 sq. ft.**
Minimum lot area per lodging establishment	1,000 sq. ft.**

** = Excluding J1 and H-2B Visa Holders Housing

AMENDMENTS TO CHAPTER 78, ARTICLE VIII – PERFORMANCE STANDARDS

CHAPTER 78, ARTICLE VIII, DIVISION 14

DIVISION 14. – J1 AND H-2B VISA HOLDERS HOUSING

Sec. 78-2128. – Standards

J1 and H-2B Visa Holders Housing shall comply with all of the following standards:

(1) Purpose. The purpose of this division is to increase housing options for J1 and H-2B Visa Holders.

(2) Applicability. The regulations in this division shall apply to any persons or entities operating or proposing to operate J1 Visa Holders Housing or H-2B Visa Holders Housing within existing lodging uses or buildings with

three (3) or more dwelling units in the following zoning districts: Downtown District 1 (DD1), Downtown District 2 (DD2), General Business District 1 (GB1), General Business District 2 (GB2), and Beachfront Resort District (BRD).

(3) Definitions. As used in this division the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in the Town of Old Orchard Beach Code of Ordinances. Terms not listed below have the same meanings as in applicable Old Orchard Beach Code of Ordinances Chapters including Chapter 78, Section 78-1 and Chapter 30, Section 34-26. If terms conflict, the terms in this division prevail.

Battery Operated Personal Transportation Vehicle means a device for one person, powered solely by a rechargeable battery and an electric motor, designed to be lightweight and typically used at speeds below 25 km/h (16 mph). Examples include electric scooters, skateboards, and hoverboards. For the purposes of this definition, electric cars and motorcycles are not Battery Operated Personal Transportation Vehicles.

H-2B Visa Holders means persons who have nonimmigrant H-2B visa approved by the U.S. Department of State.

H-2B Visa Holders Housing means the use of existing lodging establishments or buildings with three (3) or more dwelling units for the purpose of accommodating H-2B Visa Holders under a federally approved sponsor agreement.

J1 Visa Holders means persons who have nonimmigrant J1 visa under the Summer Work Travel Program approved by the U.S. Department of State.

J1 Visa Holders Housing means the temporary use of existing lodging establishments or buildings with three (3) or more dwelling units for the purpose of accommodating J1 Visa Holders under a federally approved sponsor agreement. For the purposes of this definition, *temporary* shall mean no more than 180 calendar days each calendar year.

Project Property means the real property on or for which the J1 Visa Holders Housing or H-2B Visa Holders Housing is located.

(4) Use Restriction. Establishment of the J1 Visa Holders Housing or H-2B Visa Holders Housing use under this division is for the sole purpose of housing J1 Visa Holders or H-2B Visa Holders as defined in this division. Any change from the J1 Visa Holders Housing or H-2B Visa Holders Housing use to another new use shall not qualify the new use for any exemptions identified in this division and shall be in conformance with the standards applicable to the new use. The J1 Visa Holders Housing and H-2B Visa Holders Housing uses shall not be used as justification for any lot, use, density, parking, or structure “grandfathering” purposes on the project property.

(5) Use Expansion, Use Discontinuance. If a property owner with a J1 Visa Holders Housing or H-2B Visa Holders Housing use approved under this division proposes an expansion of the use (including additional square footage) or change in location of the use, such expansion or change shall be reviewed and approved by the town planner and the code enforcement officer for compliance with this division. Discontinuation of the J1 Visa Holders Housing or H-2B Visa Holders Housing use shall require the property owner to use the space in a manner that conforms with applicable Old Orchard Beach Code of Ordinances.

(6) Performance Standards. Establishment of J1 Visa Holders Housing or H-2B Visa Holders Housing requires administrative site plan approval prior to the issuance of any business license, building permit or certificate of

occupancy. In addition to the standards in this division, the property owner is responsible for demonstrating compliance with the following performance standards to the satisfaction of the town planner.

- (a) Accessory Use. J1 Visa Holder Housing and H-2B Visa Holders Housing shall be an accessory use to an existing lodging use or building with three (3) or more dwelling units.
- (b) J1 and H-2B Visa Holders Limitation. The property owner shall demonstrate to the town planner occupancy is limited to J1 Visa Holders or H-2B Visa Holders only. At a minimum, the property owner shall submit a signed document certifying this occupancy limitation.
- (c) Sponsor Documentation. The property owner shall annually submit to the Old Orchard Beach License Administrator a valid J1 Visa Holders or H-2B Visa Holders housing contract from a U.S. Department of State sponsor.
- (d) Battery Operated Personal Transportation Vehicle Storage. Battery Operated Personal Transportation Vehicle storage shall be in locations approved by the code enforcement officer and fire department. Storage location shall be identified on a site plan or floor plan submitted by the property owner.
- (e) Vehicle Parking and Storage. Excepting Battery Operated Personal Transportation Vehicles, J1 Visa Holders shall not park or store any vehicle on the project property.
- (f) Floor Plan. The property owner shall submit a floor plan showing all space occupied and utilized by J1 Visa Holders or H-2B Visa Holders. The plan shall include path of egress and egress locations.
- (g) Temporary Occupancy. J1 Visa Holders Housing shall not exceed one hundred and eighty (180) calendar days each calendar year. H-2B Visa Holders are exempt from this standard.
- (h) Operations Plan. Submission of an operations plan including, at a minimum, the following:
 - 1. Total number of J1 Visa Holder or H-2B Visa Holder occupants.
 - 2. Management and supervision plan.
 - 3. Explanation of interior use of space.
 - 4. Emergency contact information.
 - 5. Duration of occupancy.
 - 6. Transition plan for J1 Visa Holders Housing or H-2B Visa Holders Housing use discontinuance.
- (i) Occupancy Inspection. Occupancy of use is contingent upon passing inspection by the code enforcement officer and fire department. This shall be a condition attached to administrative site plan approval.
- (j) Licensing. J1 Visa Holders Housing and H-2B Visa Holders Housing approved under this division shall include a condition that requires the property owner to secure town licensing approval before occupancy is allowed. J1 Visa Holders Housing and H-2B Visa Holders Housing licensing shall be have its own licensing classification and shall not be combined with other licenses on the project property.
- (k) Other Regulations Remain Applicable. J1 Visa Holders Housing and H-2B Visa Holders shall meet all applicable requirements of federal, state, and local law and regulation.

(7) Ordinance Exemptions. J1 Visa Holders Housing approved under this division shall be exempted from Town of Old Orchard Beach space and bulk and parking requirements as follows:

- (a) Minimum lot area, minimum lot area per unit, minimum lot area per family unit, minimum net lot area per family unit, minimum net lot area per lodging establishment unit, and minimum lot area per lodging establishment in the DD1, DD2, GB1, GB2, BRD zoning districts.
- (b) Parking requirements in Chapter 78, Sections 78-689, 78-806 (a), 78-836 (a), 78-995 (b), and 78-1566.

(8) Ordinance Exemptions. H-2B Visa Holders Housing approved under this division shall be exempted from Town of Old Orchard Beach space and bulk and parking requirements as follows:

- (a) Minimum lot area, minimum lot area per unit, minimum lot area per family unit, minimum net lot area per family unit, minimum net lot area per lodging establishment unit, and minimum lot area per lodging establishment in the DD1, DD2, GB1, GB2, BRD zoning districts.
- (b) Parking requirements in Chapter 78, Sections 78-689, 78-806 (a), 78-836 (a), 78-995 (b), and 78-1566, only if the property owner provides signed documentation stating the H-2B Visa Holder(s) shall not have a vehicle parked on premises for the duration of their residency.

Per Order of the Municipal Officers this 3rd day of February, 2026.

A True Copy

Attest:

s/Kim M. McLaughlin _____ Kim M. McLaughlin, Town Clerk