

## Existing Land Use Chapter **DRAFT**

### Purpose

This section discusses existing land use patterns in Ogunquit. Understanding land use patterns, the history of how land has been modified for human activity and used to date, and recent trends is important for determining the town's ability to absorb future growth. The Growth Management Act of the late 1980s was the catalyst for a more technical examination of how Maine cities and towns should manage their growth and was the result of a decade of extremely strong residential growth. The major emphasis of the law then, and now, was how to provide for growth in specific areas (growth areas) served by public infrastructure (particularly water and sewer), close to municipal services while also maintaining rural areas able to support natural resource-based industries, wildlife habitat, and conservation of natural features. The State of Maine considers the Land Use Section of any comprehensive plan to be the essential part of the plan. Specifically, this section:

- a. Summarizes the breakdown of developed and undeveloped land in terms of estimated acreage and location
- b. Discusses the regulatory regime that facilitates land development activities within the Town
- c. Provides an overview of land use trends, issues, and the general trajectory of how land is likely to be used in the future

### Community Engagement Results

PLACEHOLDER

### Background & Land Use History

Ogunquit is a unique coastal community with a history steeped in appreciation of nature, the ocean, and the arts. As is the case throughout Maine, the land on which the town sits was once occupied by the Wabanaki indigenous people. The community has long been a haven of the arts within southern Maine and was formally incorporated as a standalone jurisdiction in 1980. The town consists of approximately 2,675 acres of land (4.18 square miles), includes a 3.5-mile-long barrier beach and dune system, and is bisected north-south by the Maine Turnpike (Interstate 95). The overwhelming majority of developed land is located on the eastern side of town and includes sandy beaches and dunes, restaurants, and the town's central business district, which includes dozens of small-scale retail storefronts. Each day during the summer high tourism season, tens of thousands of people per day visit the town to enjoy its world class beaches, independent restaurants, and small retail establishments. West of the Maine Turnpike, settlement patterns are rural, primarily consisting of conservation areas interspersed with a small number of homes. Between these two divergent areas lie a vibrant commercial community centered on Route 1 and housing located on small lots, with single family homes interspersed with larger buildings.

Development in Ogunquit predates the establishment of the zoning and land use regulations that are in use today; in Maine, the first local zoning and subdivision ordinances were adopted in the 1920s, and by that time, the village of Ogunquit was already a mature community with development patterns that had been in place for decades. Today, the town consists of 1,578 parcels of land split into 16 zoning districts, each with a specific regulatory purpose designed to facilitate the orderly growth of the community and to maintain a high quality of life for residents, businesses, and visitors.

Throughout Maine, zoning is intended to serve as the vehicle for implementing the goals, strategies, and policies of the comprehensive plan, serving as the blueprint and framework for the preservation and development of inhabited land. In Ogunquit, the last Comprehensive Plan was adopted in 2003, with the current zoning ordinance adopted into law in 1998 in compliance with the statutory requirements of the Growth Management Act and most recently amended in 2018. Market forces, especially post-pandemic, and the desire of new residents to own land in a rural, scenic setting was and is a constant battle for a desirable coastal Maine community such as Ogunquit, and this inventory section seeks to provide a clear picture as to how land in the community is inhabited today to aid in decision-making as to where growth should be directed in the future to help meet regional housing needs as well as how to best preserve undisturbed natural areas for the foreseeable future.

## Existing Land Use Analysis

Data provided by the Town Assessor’s office has been utilized to create an analysis of how land in the town is used today. Below is a table that breaks down the land uses into six categories:

- Residential (includes single family, two family, and multifamily housing of all types)
- Commercial (includes retail businesses, offices, hotels and other lodging and related hospitality uses, commercial parking lots, and related uses)
- Industrial (includes areas with light manufacturing uses, and in certain cases, utility-oriented uses if privately owned and operated)
- Vacant (includes both undisturbed land and land that may have previously contained a structure that has since been demolished)
- Public (includes Town-owned land, land owned by other government entities, land held by churches, in trusts, or other non-private entities)

For the purposes of this analysis, the above categories are mutually exclusive; in other words, a parcel cannot be coded as both vacant and public/tax exempt; if owned by a church, for example, the parcel would be coded as public/tax exempt, but if privately owned and vacant, it would likely contain a vacant code.

<b>Land Use Category</b>	<b>Total Acres</b>	<b>Share of Total Acreage</b>	<b>Parcel Count</b>	<b>Share of Total Parcels</b>	<b>Average Parcel Size (acres)</b>	<b>Median Parcel Size (acres)</b>
Residential	1092.96	44.74%	1221	77.38%	0.90	0.31
Commercial	130.43	5.34%	157	9.95%	0.83	0.34
Industrial	15.91	0.65%	4	0.25%	3.98	0.38
Vacant	652.49	26.71%	137	8.68%	4.76	0.46
Public/Tax Exempt	551.10	22.56%	59	3.74%	9.34	0.90
<b>Total</b>	<b>2442.89</b>	<b>100.00%</b>	<b>1578</b>	<b>100.00%</b>	<b>1.55</b>	<b>0.34</b>

As the table and accompanying land use map show, residential uses constitute the overwhelming majority of parcels, at 77.4%, as well as the largest single aggregation of acreage by use type, at 44.7% of town acreage. Commercial land represents just under 10% of parcels in the town and 5% of town acreage. Vacant land constitutes nearly 27% of town acreage; the hundreds of acres of undeveloped land flanking both sides of Interstate 95 and between Berwick Road to the south and Captain Thomas Road to the north fall into this category, as does much of the Public/Tax Exempt land (22.6% of town acreage) and some beachfront parcels; at between approximately five and nine acres in size on average, these constitute the largest parcels of land in the town, while residential and commercial parcels are the smallest, at 0.9 and 0.83 acres, respectively. Regarding parcel sizes, in Maine, beachfront parcel boundaries extend to the low water mark; this means that beachfront parcels may be quite large, but have an actual land area that is significantly less.

Residential Land Uses

The below table provides a breakdown of where residential uses are located within the Town, and the analysis reveals that the R (Residential) district contains the greatest share of these uses, at 26.2% of residential land in the town. The Farm (F) zoning district, located west of the Maine Turnpike, contains the second largest number of parcels coded as residential, at 24.4% of the total share of residential land in the town. As expected, the Downtown Business zone, which prohibits almost all residential uses, has less than 1% of land coded for residential uses. The Shoreland General Development zones, which prohibit most residential with the exception of single and two family residences and upper story accessory dwellings in commercial buildings, also has a miniscule share of this land use type. For the purposes of this analysis, percentages below 0.1% appear as rounded to 0.0%.

<b>Zone</b>	<b>Acres Coded for Residential Use</b>	<b>Share of Acres Coded for Residential Use</b>
DB - Downtown Business	0.19	0.0%
F - Farm	256.72	24.4%
GB1 - General Business 1	11.26	1.1%
GB2 - General Business 2	25.47	2.4%
LB - Limited Business	14.59	1.4%
OFR - 1 Family Residential	51.08	4.9%
R - Residential	275.83	26.2%
RR1 - Rural Residential 1	206.11	19.6%
RR2 - Rural Residential 2	62.75	6.0%
SG1 - Shoreland Gen. Develop 1	0.00	0.0%
SG2 - Shoreland Gen. Develop 2	0.26	0.0%
SG3 - Shoreland Gen. Develop 3	0.00	0.0%
SLC - Shoreland Limited Comm.	2.14	0.2%
SLR - Shoreland Limited Res.	97.54	9.3%
SP - Stream Protection	10.47	1.0%

RP - Resource Protection	37.91	3.6%
Total	1014.40	96.4%
Shoreland Zone Subtotal	110.40	10.5%

Residential Development Analysis

In 2010, Ogunquit had approximately 2,009 total housing units. That increased to 2,104 by 2020 (4.7%); this is less than the housing growth in neighboring Wells as well as that of York County, but greater than the growth in housing stock within the Town of York and the state at large.

	2010	2020	2010-2020 Change
<b>Ogunquit</b>	2,009	2,104	4.7%
<b>Wells</b>	8,557	9,336	9.5%
<b>York (Town)</b>	8,649	9,049	4.6%
<b>Maine</b>	721,830	739,072	2.4%
<b>York County</b>	105,773	112,198	6.1%

As of this writing, Ogunquit has 97 multi-unit structures with a total of 2,089 dwelling units. Multifamily residential structures have become more popular and accepted development in recent years, especially in southern York County, with further development of this type expected to increase statewide pursuant to the state LD 2003 mandate.

The below table breaks down the allocation of residential units by zoning district. The Residential (R) zoning district that flanks the Route 1 corridor has the greatest share of units among all of the zones, at 34.5%, followed by Shoreland Limited Residential (SLR) at 21.4%. Interestingly, nearly all of the zoning districts, even those with purpose statements that emphasize nonresidential uses, contain at least one dwelling unit, with the exception of the Shoreland General Development 1 (SG1) district.

Zone	Dwelling Units	Share of Total Dwellings
DB Downtown Business	8	0.5%
F Farm	59	3.7%
GB1 General Business 1	65	4.0%
GB2 General Business 2	76	4.7%
LB Limited Business	99	6.1%
OFR One Family Residential	151	9.4%
R Residential	555	34.5%
RP Resource Protection	55	3.4%
RR1 Rural Residential -1	121	7.5%
RR2 Rural Residential - 2	49	3.0%
SG1 Shoreland General Development - 1	0	0.0%

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SG2 - Shoreland General Development - 2	1	0.1%
SG3 - Shoreland General Development - 3	1	0.1%
SLC Shoreland Limited Commercial	8	0.5%
SLR Shoreland Limited Residential	345	21.4%
SP Stream Protection	17	1.1%
Total	1610	100.0%
Shoreland Zone Subtotal	372	23.1%

The below table includes a breakdown of the number of detached single-family homes that received a building permit during the year in question. As the table shows, 2021 represented a peak in permits issued, with numbers fluctuating between a low of seven in 2018 and 2021's 17 issuances. As of this writing, the 2023 starts are on track to exceed 2022's, with 13 as of July 2023.

<b>Single Family Home Starts 2015-2022</b>	
<b>Year</b>	<b>Number of Starts</b>
2022	13
2021	17
2020	10
2019	12
2018	7
2017	12
2016	14
2015	14

Commercial Land Uses

Below is a table that breaks out commercial land uses by zoning district (herein also referred to as “zones”). The data shows that the General Business 2 zone that extends north-south along the Route 1 corridor contains the largest share of these uses, with the many hotels, inns, and other hospitality-related uses within the Shoreland Limited Commercial containing another 24.9% of these uses. The General Business 1 zone, which contains the core of downtown Ogunquit, holds 9.6% of commercial land uses within just 12.6 acres of land, which is indicative of the small commercial lots that are home to retail storefronts and restaurants within the densest part of the town. The presence of a small (<1%) amount of commercial uses in the One Family Residential zone, which prohibits all commercial uses, indicates that pockets of nonconforming commercial uses exist there, as is the case for the Residential zone, which contains 3.2% of town land with commercial uses within 4.1 acres. The commercial uses in these areas likely predate the establishment of Ogunquit’s current zoning ordinance.

Zone	Acres Coded for Commercial Use	Share of Acres for Commercial Use
DB - Downtown Business	5.08	3.9%
F - Farm	0.00	0.0%
GB1 - General Business 1	12.60	9.6%
GB2 - General Business 2	40.43	30.9%
LB - Limited Business	9.01	6.9%
OFR - 1 Family Residential	0.93	0.7%
R - Residential	4.14	3.2%
RR1 - Rural Residential 1	0.00	0.0%
RR2 - Rural Residential 2	0.00	0.0%
SG1 - Shoreland Gen. Develop 1	1.90	1.5%
SG2 - Shoreland Gen. Develop 2	2.67	2.0%
SG3 - Shoreland Gen. Develop 3	2.44	1.9%
SLC - Shoreland Limited Comm.	32.48	24.9%
SLR - Shoreland Limited Res.	18.06	13.8%
SP - Stream Protection	0.40	0.3%
RP - Resource Protection	0.53	0.4%
Total	130.14	99.6%
Shoreland Zone Subtotal	57.94	44.3%



Industrial/Manufacturing Land Use

As shown in the below table, very few industrial uses are located in the Town; two sites coded as industrial include a CMP substation at 23 Main St, and a building owned and operated by Consolidated Communications at 684 Main Street; while coded as industrial within Assessor’s data, both are functionally utility-oriented uses.

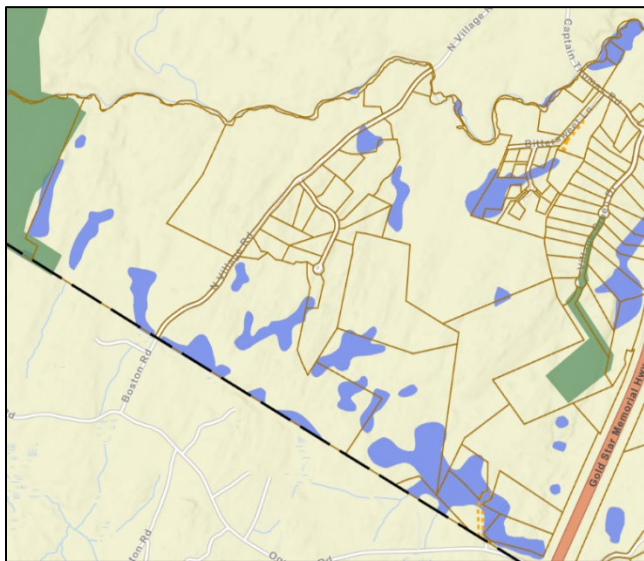
Zone	Acres Coded for Industrial Use	Share of Acres for Industrial Use
DB - Downtown Business	0.00	0.0%
F - Farm	0.00	0.0%
GB1 - General Business 1	0.00	0.0%
GB2 - General Business 2	1.03	6.4%
LB - Limited Business	0.00	0.0%
OFR - 1 Family Residential	0.00	0.0%
R - Residential	0.00	0.0%
RR1 - Rural Residential 1	0.00	0.0%
RR2 - Rural Residential 2	13.90	86.4%
SG1 - Shoreland Gen. Develop 1	0.00	0.0%
SG2 - Shoreland Gen. Develop 2	0.00	0.0%
SG3 - Shoreland Gen. Develop 3	0.00	0.0%
SLC - Shoreland Limited Comm.	0.00	0.0%
SLR - Shoreland Limited Res.	0.00	0.0%
SP - Stream Protection	0.00	0.0%
RP - Resource Protection	1.16	7.2%
Total	14.92	92.8%
Shoreland Zone Subtotal	0.00	0.0%



Vacant Land Use

59 percent of vacant land lies within the Farm zoning district, west of the Maine Turnpike; this 354 acre assemblage of land, most of which are landlocked, undeveloped parcels without access to street frontage, public sewers, or other infrastructure, appear as one contiguous wooded area that extend to the Wells and South Berwick town lines. However, vacant land can also

be found in other districts, most notable the Rural Residential 1 district (17.8%), the Residential District (12.1%), and the Resource Protection district (4.6%). Given their distance from Route 1, the very high cost of economic and political capital that would be needed to build a new Maine Turnpike interchange, and the need to build out a new street network (likely through the subdivision process) to allow access to these parcels, they are highly likely to stay in an undeveloped state for the foreseeable future. Additionally, a significant share of land in this area has mapped wetlands, as shown in blue below.



Zone	Acres Coded as Vacant	Share of Acres Coded as Vacant
DB - Downtown Business	0.00	0.0%
F - Farm	354.24	59.0%

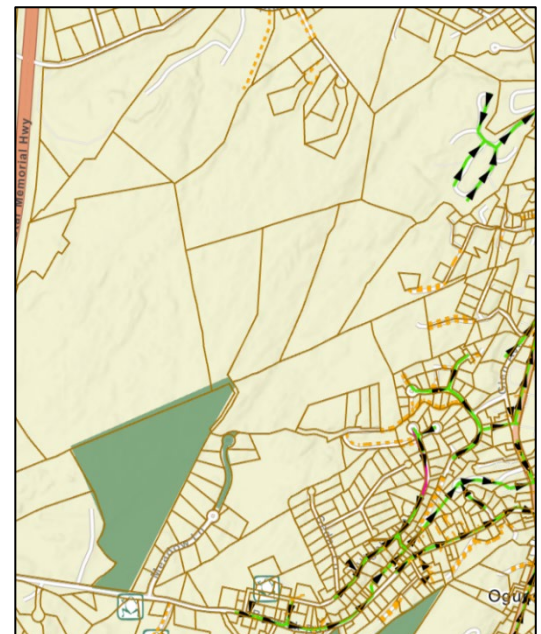


Public/Tax Exempt Land Use

Much of the town’s share of public and tax exempt land located east of the Maine Turnpike, in the Rural Residential 1 zone (50.2%). Based upon observed signage, a portion of this is Maine Tree Farm land, while other lands lie in trusts for the expressed purpose of maintaining these parcels as undisturbed land. Like the vacant lands west of the Maine Turnpike, these parcels, some of which are quite large with an average parcel size of more than nine acres, lack access to street frontage and below grade utilities, which presents an obstacle to any future development. The image below shows where the existing municipal sewer systems are located (in green), well east of these parcels:

GB1 - General Business 1	0.00	0.0%
GB2 - General Business 2	2.83	0.5%
LB - Limited Business	0.36	0.1%
OFR - 1 Family Residential	3.69	0.6%
R - Residential	72.59	12.1%
RR1 - Rural Residential 1	107.00	17.8%
RR2 - Rural Residential 2	6.99	1.2%
SG1 - Shoreland Gen. Develop 1	0.00	0.0%
SG2 - Shoreland Gen. Develop 2	0.09	0.0%
SG3 - Shoreland Gen. Develop 3	4.05	0.7%
SLC - Shoreland Limited Comm.	0.85	0.1%
SLR - Shoreland Limited Res.	19.80	3.3%
SP - Stream Protection	0.58	0.1%
RP - Resource Protection	27.53	4.6%
Total	573.08	95.4%
Shoreland Zone Subtotal	25.37	4.2%

Zone	Acres Coded for Public & Tax-Exempt Use	Share of Acres Coded for Public & Tax-Exempt Use
DB - Downtown Business	0.72	0.1%
F - Farm	9.84	2.0%
GB1 - General Business 1	0.44	0.1%
GB2 - General Business 2	0.00	0.0%
LB - Limited Business	1.82	0.4%
OFR - 1 Family Residential	3.09	0.6%
R - Residential	12.31	2.5%
RR1 - Rural Residential 1	250.04	50.2%
RR2 - Rural Residential 2	3.61	0.7%
SG1 - Shoreland Gen. Develop 1	8.18	1.6%
SG2 - Shoreland Gen. Develop 2	0.33	0.1%





SG3 - Shoreland Gen. Develop 3	5.53	1.1%
SLC - Shoreland Limited Comm.	0.86	0.2%
SLR - Shoreland Limited Res.	1.29	0.3%
SP - Stream Protection	0.80	0.2%
RP - Resource Protection	199.15	40.0%
Total	298.87	60.0%
Shoreland Zone Subtotal	17.00	3.4%

## Existing Zoning Districts

Zoning controls the land uses in a community by encumbering all zoned land with requirements as to what may be built, where it may be built, and how to do so in a manner that mitigates impacts to natural areas and reduces the potential for conflicts between abutting property owners. The ability for a community to enact local zoning is delegated from the state to local government, with communities generally having wide latitude to zone in a way that is consistent with the locally-adopted comprehensive plan as long as it doesn't contract state statute. While zoning cannot create a real estate market where it does not already exist, it does influence the market in powerful ways. Both the Town zoning map and zoning code (Chapter 225 of the Town Code) are legal documents in nature and thus changing them to facilitate different forms of development is a legislative act subject to a high degree of scrutiny. As zoning encourages certain uses within a given zoning district while discouraging other uses, it is a regulatory tool that provides a community with predictable parameters for how growth is likely to occur. When examining the current zoning regime in Ogunquit, it is important to recognize the residential development pattern in town as well as the commercial opportunities available in specific areas. Ogunquit has nine general districts and six shoreland zoning districts. The following is the list of zones, including the purpose statement for each, as described within the Ogunquit Zoning Ordinance:

### Residential Districts:

#### **One-Family Residential District (OFR)**

To preserve the physical aesthetic and social quality of Ogunquit's developed residential areas.

#### **Residential District (R)**

To provide for areas within the Town of Ogunquit for future residential growth consistent with anticipated growth demands.

#### **Rural Residential District 1 (RR1)**

To preserve the rural nature of large sections of the Town and to discourage large-scale development from occurring in areas of the Town of Ogunquit that cannot be readily serviced by public utilities.

#### **Rural Residential District 2 (RR2)**

To preserve the rural nature of large sections of the Town and to discourage large-scale development from occurring in areas of the Town that cannot be readily serviced by public utilities.

#### **Shoreland Limited Residential District (SLR)**

The Shoreland Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Shoreland Limited Commercial District or the Shoreland General Development Districts.

Business & Commercial Districts:

**Downtown Business District (DB)**

To provide general retail sales, services and business space within the downtown area of the Town of Ogunquit in locations capable of conveniently servicing community-wide and/or regional trade areas and oriented primarily to pedestrian access.

**General Business District 1 (GB1)**

To preserve the architectural character inherent in the district and to provide general retail sales, services and business space within the Town of Ogunquit in locations capable of conveniently servicing community-wide and/or regional trade areas and oriented to automobile and pedestrian access.

**General Business District 2 (GB2)**

To provide general retail sales, services and business space within the Town of Ogunquit in locations capable of conveniently servicing community-wide and/or regional trade areas and oriented primarily to automobile access.

**Limited Business District (LB)**

To preserve the architectural character inherent in the Limited Business District and thus to maintain the value of the property.

**Shoreland Limited Commercial District (SLC)**

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the Shoreland Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low-intensity business and commercial uses. Industrial uses are prohibited.

**Shoreland General Development Districts (SG1, SG2, SG3)**

Ogunquit Beach, Perkins Cove, and Ogunquit Playhouse. The General Development Districts include the following types of existing, intensively developed areas:

(a) Areas of two or more contiguous acres devoted to commercial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

[1] Areas devoted to lodging, restaurant, retail trade, nonprofit performing arts theaters, and service activities, or other commercial activities; and

[2] Areas devoted to intensive recreational development and activities, such as, but not limited to, trails and public beaches.

(b) Areas otherwise discernible as having patterns of intensive commercial or recreational uses.

Other Zoning Districts:

### **Farm District (F)**

To provide space for farming in the Town of Ogunquit in locations capable of conveniently servicing the needs of such establishments and preserving open space in rural areas of the community without impacting negatively the established character of the Town or adjoining zoning districts.

### **Stream Protection District (SP)**

The Stream Protection District includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, or river, or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

### **Resource Protection District (RP)**

The Resource Protection District shall include the following areas when they occur within the limits of any Shoreland Zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for Shoreland Limited Commercial or Shoreland General Development need not be included within the Resource Protection District:

- In nontidal shoreland areas, the land area below the upland edge or high-water line of any freshwater wetland, river, or stream.
- Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers
- Floodplains along rivers and floodplains along artificially formed great ponds along rivers
- Within the Shoreland Zones, areas of two or more contiguous acres with sustained slopes of 20% or greater.
- Within the Shoreland Zones, areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- Any significant wildlife habitat, including significant vernal pools, as defined in the Department of Environmental Protection, Chapter 335, Rules on Significant Wildlife Habitats, whether or not they are included on the Official Zoning Map.

## Land Use Regulatory Regime

### Town Codes and Planning staff

The Town's Codes and Planning office, comprised of the Director of Codes/Health Officer and Board Recording Secretary, serve as the professional staff charged with working with architects, developers, engineers, regulatory boards, and the public to ensure that growth and development within Ogunquit takes place in accordance with all applicable Town codes. Southern Maine Planning and Development Commission (SMPDC) for review of land use applications in coordination with the Planning Board. Codes and Planning staff have the ability to conduct staff approvals for certain categories of uses, such as single-family homes and other low impact uses, allowing them to proceed to a building permit application without review by the Planning Board.

### Regulatory Boards

- Planning Board – this five-member appointed body is tasked with administering the Town's zoning ordinance, site plan standards, and subdivision regulations. Actions carried out by the Planning Board include site plan review, subdivision review, design review, and recommendations on zoning applications.
- Zoning Board of Appeals: this six-member appointed body hears petitions for variances to the Town's land use regulatory standards by applicants.
- Historic Preservation Commission: Per Chapter 97 of the Town Code, the Ogunquit Historic Preservation Commission is requested to comment on applications filed with the Planning Board that affect buildings in the District constructed prior to December 31, 1930. As of this writing, the Commission is not constituted and no members are currently appointed to it; the Planning Board carries out its duties.
- Conservation Commission: this eight-member board, constituted per Chapter 49 of the Town Code, reviews development applications to ensure that impacts to natural resources and wildlife are minimal, to protect open space, and to implement policy recommendations in the Comprehensive Plan related to the natural environment.

**Design Review:** Preserving the architectural character and charm of the village of Ogunquit is important to the residents and visitors to the town. Through the Design Review process the Planning Board works to ensure that renovations to existing structures and new construction are designed in a manner compatible with the character of a given area.

The Town also maintains a map delineating floodplains, and the floodplain management ordinance is up to date, consistent with state and federal standards, and is consistently enforced. The flood plains are protected by the application of the shoreland zoning regulations, and the town also participates in the National Flood Insurance Program

## Overview of Land Use Factors Impacting Development

### Bodack vs Ogunquit case

As described within the Transportation section of the inventory, the 2006 Bodack vs Ogunquit case, which requires that any new development within one mile of the Berwick Road/Route 1 intersection show no net impacts to level of service on roadways, has resulted in the curtailment of development that would have otherwise taken place in the community. As land use and transportation are intimately tied together, and new land uses typically have a baseline increment of new vehicular trip generation associated with them, this threshold likely proves an impossible test for many projects to meet and thus halts most new development in the town within the one-mile intersection radius.

### Formula Restaurants

As set forth in Sec. 225-7.13 of the zoning code, Ogunquit does not allow formula restaurants within the community, along with any restaurants with a drive through window. Per the Zoning ordinance, the definition of a formula restaurant is as follows:

*Formula Restaurant shall mean a restaurant that stands alone as a principal use or with another use as an accessory use, and which prepares food or beverages on site for sale to the public, and which is required by contractual or other arrangements to maintain any one or more of the following standardized features, which causes it to be substantially identical to other restaurants, regardless of the ownership or location of those other restaurants: name, menu, food preparation and presentation format; decor, employee uniforms, architectural design, signage; or any other similar standardized features.*

This provision within the ordinance is designed to ensure that the Route 1 corridor in Ogunquit does not become a formula restaurant corridor with chain, franchised fast food restaurants as is frequently found in communities across the US. The Town's survey results also indicated a strong desire to restrict this type of formula development for other land use categories, such as retail and lodging.

### Short Term Home Rentals

Short-term home rentals (STRs) are currently an issue being confronted by every coastal community in southern Maine. Currently, Ogunquit requires owners who wish to rent their property on a short-term basis (a minimum of seven days) to register with the Town.

The issues that frequently arise in discussion regarding short term home rentals include:

- The number of individuals staying at a property at any one time
- The noise from overnight parties occurring on STR properties
- Implications of STRs on the local housing market

As of June 2023, there are 366 active STRs within the town per data provided by the AirDNA database; note this number does fluctuate significantly, generally peaking in the third quarter of the year. Please see Appendix A – Short Term Rental Data Analysis for a detailed breakdown of STR characteristics, including year on year comparison data.

## Projected Land Acreage Needed for Development

[Placeholder – this can be completed once the Population section is finished]



### Appendix A - STRs in Ogunquit as of July 2023

As of July 2023, there are 366 active short-term rentals in Ogunquit. 301 of these are entire home rentals, which make up 82% of this total. 65 private room rentals make up the remaining 18%.

Rental Type	Quantity	Percent of total
Entire home	301	82%
Private room	65	18%
Total active rentals	366	

One-bedroom, two-bedroom, and three-bedroom rentals each make up about a quarter of Ogunquit's short-term rentals, with the majority being one bedroom. 4-bedroom and 5-bedroom are less frequent at 13% and 10% respectively. With the exception of studios, which are the least common at 4%, the number of short-term rental units decrease as the number of rooms go up.

The average STR in Ogunquit is 2.5 bedrooms and receives an average of 6.3 guests.

Rental size	Quantity	Percent of total
studio	13	4%
1 bedroom	81	27%
2 bedroom	69	23%
3 bedroom	67	22%
4 bedroom	40	13%
5 bedroom	31	10%

Short-term rentals in Ogunquit follow a highly seasonal trend. The number of active rentals consistently reaches their lowest at the beginning of the year and typically comes to a peak around the third quarter. As of this publication it is too soon to say what 2023's peak number of Ogunquit's STRs will look like, although the 2023 second quarter total of 406 has already exceeded that of the highest quantity in 2022 during the third quarter. This total represents an increase of 4.4% from rates of the same season in 2022, and an increase of 35.8% from rates at the start of the COVID-19 pandemic in 2020.

	2020	2021	2022	2023
Q2 STR	299	322	389	406
Percent change from previous year		7.7	20.8	4.4
Percent change from 2020		7.7	30.1	35.8

	2020	2021	2022	2023
peak STR	347	367	404	TBD
Percent change from previous year		5.8	10.1	
Percent change from 2020		5.8	16.4	