



Town of Falmouth Town Council
271 Falmouth Road
Falmouth, ME 04105
www.town.falmouth.me.us

Memorandum

Date: April 22, 2010
To: Falmouth Town Council
From: Fred Chase, Councilor
Cc: Amanda Stearns, Community Development Director
Nathan Poore, Town Manager
Re: Possible Amendment to Section 3.13.5 C. Required Open
Space and Section 5.31.2 Minimum Suitable Building Area per lot

In preparation for the discussion at Monday's meeting staff and I have put together the following background information for your review.

Purpose – To decrease the amount of buildable land that needs to be set aside for resource conservation subdivisions and for individual lots

Current ordinance

The RCOD applies to all single-family development that requires Planning Board approval and is located within a residential district. Under Section 3.13, 50% of the buildable land in a subdivision or private way development must be set aside as part of the overall open space. For example, for a parcel of 100 acres with 28 acres of unbuildable area an amount of 28 acres plus 36 acres (half the buildable area), would be required to be set aside as open space, leaving 36 acres for development. The number of units allowed is based on the total buildable area. In this instance in the RB district with a minimum of 40,000 square feet per unit, the net residential density would be 78 units on 36 acres, with the ability to reduce lot sizes to 20,000 square feet.

Under Section 5.31.2 the ordinance requires lots to meet a percentage amount of buildable area regardless of the size of the lot created. In the case where large lots are created, the buildable area typically exceeds that of a lot that meets the minimum acreage area. For example, in the RA District where minimum lot size for a single family home is 20,000 square feet and the required amount of net buildable area is 75% of the lot:

- ◆ A lot of 20,000 square feet would be required to have 15,000 square feet of buildable area.
- ◆ A lot of 2 acres (87,120 square feet) would require 65,340 square feet of buildable area.

Current Ordinance language follows with the language recommended for amendment highlighted in yellow.

3.13.5 Standards for Conservation Subdivisions

C. Required Common Open Space – Common open space shall be designated as prescribed below: [Amended 12-17-07]

1. **Minimum Acreage Amount Required** – The acreage amount of common open space provided within the subdivision shall be equal to or greater than the sum of the following (rounded up to the nearest tenth of an acre):

a. fifty percent (50%) of the calculated Net Residential Area; plus,

b. the area equal to the total number of acres of unsuitable area that were deducted from the unsuitable area of the parcel that is deducted from the gross area of the site to determine the Net Residential Area under section 5.31.

5.31.2 Minimum Suitable Building Area Per Lot

a. At least fifty (50%) percent of any residential lot shall consist of land that does not fall within any of the categories of deductions in Subsection 1 above. [Adopted 8/26/96]

b. For residential planned developments, at least seventy-five (75%) percent of any lot shall consist of land that does not fall within the categories of Subsection 1. [Adopted 8/26/96] [Amended 7/24/2000; 12/22/05]

c. For lots in the Residential “A”, Mixed Use Cluster, and Village Mixed Use Districts, at least seventy-five (75%) percent of any residential lot shall consist of land that does not fall within the categories of Subsection 1. [Adopted July 24, 2000]

d. Land that is not suitable for development should be set aside as buffer and/or common open space areas. [Adopted July 24, 2000]

Considerations:

- ◆ Under Section 3.13.5 change the amount of buildable area to be preserved as open space to a lesser percentage, say 30%
- ◆ Under Section 5.31.2 change the amount of buildable area required to that required by a lot meeting the minimum area requirement in the underlying district or some lower number depending on the ability to locate appropriate water supply and wastewater treatment.