

Chapter 17.26 O-S OPEN SPACE DISTRICT

17.26.010 Purpose.

The purpose of the O-S district is to provide for the preservation, conservation and use of open space lands which form a part of the open space system of the city. It is the further purpose of the O-S district to limit the use of such lands to appropriate open space uses and related uses so long as the lands shall remain in the O-S district, and, in the event of an application for the reclassification of any such lands to other than open space zoning, to insure sufficient time prior to reclassification to enable the city or other responsible agency to negotiate for the purchase or other acceptable arrangement to continue the land in open space use. This section is not intended as authorizing the city to adopt or reclassify open space lands in any manner which will take or damage private property for public use without the payment of just compensation therefor. (Ord. 298 §4.11(A), 1984).

17.26.020 Lands to be included.

All lands designated as open space in the open space element of the Brisbane general plan may be included in the O-S district. Such lands may include but are not limited to the following:

- A. Public parks, playgrounds and school grounds;
- B. Private school grounds and church grounds of a predominantly open character;
- C. Golf course and country clubs;
- D. Privately and jointly-owned open spaces reserved for open space use as part of a planned development;
- E. Land which, because of steep slope, geotechnical hazard, or similar reason, is unsuitable for development;
- F. Any other publicly or privately owned open space which in the opinion of the planning commission functions as a part of the open space system of the city and is included in the open space element of the Brisbane general plan. (Ord. 298 §4.11(B), 1984).

17.26.030 Permitted principal uses.

Following are the principal uses permitted in the O-S district:

- A. Active and passive recreation including any structures incidental to such use existing at the time of inclusion in the O-S district;
- B. Educational and cultural uses including any structures incidental to such uses existing at the time of inclusion in the O-S district;
- C. Agriculture and horticulture including any structures incidental to such uses existing at the time of inclusion in the O-S district;
- D. Open space as a reserve for fire protection, seismic safety, water conservation, protection of view or similar appropriate purpose;
- E. Open space as conserved wildlife habitat. (Ord. 298 §4.11(C), 1984).

17.26.040 Permitted accessory uses.

Following are the accessory uses permitted in the O-S district:

- A. Uses and buildings normally incidental and accessory to a principal use. (Ord. 298 §4.11(D), 1984).

17.26.050 Conditional uses.

Following are the uses which may be permitted in an O-S district subject to securing of a use permit:

A. Any addition to an existing structure which will increase the coverage of the structure, or any new structure, except minor recreational or horticultural structures such as playground equipment, trellises, fences and the like;

B. Any commercial use which may be conducted on open space land without substantially detracting from its value as open space. (Ord. 298 §4.11(E), 1984).

17.26.060 Reclassification.

The procedure for the reclassification of land set forth in Chapter 17.50 shall apply to property in the O-S district subject to the following modifications:

A. Following a public hearing the planning commission shall determine whether it is in the public interest of the city to retain the subject property in open space use as against permitting its reclassification to the use applied for. The decision on this question shall be made by resolution and the decision of the planning commission shall be transmitted to the city council together with a report setting forth reasons for said decision.

B. Following receipt of the recommendation of the planning commission, the city council shall hold a public hearing. Following such hearing the council may decide by resolution either to:

1. Seek means to retain the property in question in open space, or
2. Permit a reclassification of the subject property.

C. Should the council's decision be the first alternative, all further proceedings for the reclassification of the property shall be halted for a period of not to exceed ninety (90) days from the date of council action, during which time the city council shall actively seek to negotiate arrangements, which may include purchase or other acceptable means, to retain the property in open space use. The period set forth herein may be extended by mutual agreement of the council and the applicant for reclassification. If, at the end of the ninety (90) days, or such longer period as may be agreed upon, no satisfactory arrangement has been concluded, the matter shall be remanded to the planning commission for consideration of the reclassification applied for. The commission shall thereafter proceed in accordance with the provisions of Chapter 17.50.

D. Should the council's decision be the second alternative as listed in subdivision 2 of subsection B of this section, the matter shall thereupon forthwith be returned to the planning commission which shall consider the reclassification applied for in accordance with the procedure set forth in Chapter 17.50. (Ord. 298 §4.11(F), 1984).