

## **ARTICLE 8: OS OPEN SPACE DISTRICT**

### **8.1 Intent:**

The OS District is intended to preserve natural resources, prevent erosion, pollution, and siltation, and to safeguard the health, safety, and welfare of persons and property by limiting development on excessive slopes, flood plains, poorly drained lands, or in other areas where protection against natural dangers to life and property or the lack of such protection would prove costly to members of the community. It is also intended to provide permanent open space for its natural beauty and recreational value. It is not intended to allow public access to private property.

### **8.2 Principal Permitted Buildings/Structures and Uses:**

The following buildings/structures and uses are permitted in the OS District:

- A. Outdoor recreational areas, which make extensive use of the natural environment, such as parks, playgrounds, playing fields, and hiking trails, but do not include permanent and enclosed buildings.
- B. Tree farms, botanical nurseries, and greenhouses, except that no new land shall be cleared for cultivation.
- C. Public/governmental buildings and properties which are cultural, recreational, administrative or public service in nature, including storage yards, warehouses, and garages.
- D. Single family dwellings, provided that:
  - 1. they are constructed on lots of record, as defined in Article 4;
  - 2. the lot meets the road frontage requirements of Section 5.7 of this Ordinance;
  - 3. there is no development of or disturbance to floodplain or wetland areas on the lot without a waiver or permit from regulating agencies;
  - 4. no more than thirty percent (30%) of the lot is disturbed;
  - 5. no areas containing slopes of thirty-five percent (35%) or greater are disturbed;
  - 6. a grading plan is reviewed and approved by the City engineer or other designated agencies for compliance with standards for storm water management and soil erosion and sediment control;
  - 7. public water and sewer service is provided to serve the lot at the expense of the property owner or as otherwise determined by the City of Brunswick.

### **8.3 Accessory Permitted Buildings/Structures and Uses:**

The following accessory buildings/structures and uses are permitted in the OS District:

- A. Those accessory buildings/structures and uses customarily accessory and incidental to the principal permitted uses and authorized special exceptions of the OS District, provided that they meet the requirements of Sections 8.2(D)3 and 8.2(D)4.
- B. Parking, in accordance with Article 23.
- C. Fences, in accordance with Section 5.10.
- D. Signs, in accordance with Article 22.
- E. Home Occupations and resident professional offices, in accordance with Section 5.11.
- F. Solar Collection Systems, in accordance with Section 21.12.
- G. Solar arrays, in accordance with Section 21.13.

(Ord. 487)

### **8.4 Special Exceptions:**

The following buildings, structures and uses are permitted in the OS District with Board of Appeals approval only. Conditions of approval may be imposed by the Board of Appeals.

- A. Recreational areas which make extensive use of the natural environment and have permanent and enclosed recreational structures, but not those for the purpose of allowing temporary or permanent dwellings, such as cabins or cottages, provided that such uses are set back at least two hundred feet (200') from any Residential District.
- B. Tent and trailer grounds for transient campers, provided that sanitary water and sewer facilities meet the approval of the State Health Department and that such uses are set back at least three hundred feet (300') from any Residential District.
- C. Fishing and hunting preserves and hatcheries, provided that such uses are set back at least one thousand feet (1000') from any Residential District.
- D. Public utilities, provided that tree cutting is held to an absolute minimum, that adequate screening techniques are utilized, that efforts are made to maintain harmony with the surrounding area, and that such uses are set back at least two hundred feet (200') from any Residential District.
- E. Principal permitted uses of the GC District, provided that:
  - 1. they are established on lots of record;

2. the use is determined to be compatible with the existing uses in the neighborhood and with the Master Plan;
  3. there is no development of or disturbance to floodplain or wetland areas on the lot without a waiver or permit from regulating agencies;
  4. no more than thirty percent (30%) of the lot is disturbed;
  5. a grading plan is reviewed and approved by the City Engineer or other designated agencies for compliance with standards for storm water management and soil erosion and sediment control;
  6. no areas containing slopes of thirty-five percent (35%) or greater are disturbed;
  7. public water and sewer service are provided to serve the lot at the expense of the property owner or as otherwise determined by the City of Brunswick;
  8. the property is located adjacent to an existing or planned arterial road that is or will be adequate to serve the proposed use; and
  9. the use is set back at least forty feet (40') from any residential use.
- F. Single-family dwellings (on lots created after the adoption of the Zoning Ordinance in October 1967), provided that:
1. the lot meets the road frontage requirements of Section 5.7 of this Ordinance;
  2. there is no development of or disturbance to floodplain or wetland areas on the lot without a waiver or permit from regulating agencies;
  3. no more than thirty percent (30%) of the lot is disturbed;
  4. no areas containing slopes of thirty-five percent (35%) or greater are disturbed;
  5. a grading plan is reviewed and approved by the City Engineer or other designated agencies for compliance with standards for storm water management and soil erosion and sediment control; and
  6. public water and sewer service is provided to serve the lot at the expense of the property owner or as otherwise determined by the City of Brunswick.

All Special Exceptions in the OS District must conform with the following conditions:

- A. Uses shall be permitted by the Board of Appeals only if care is taken in the conservation of the quality and quantity of trees, soils, water and other natural resources on the property and in the immediate vicinity; and
- B. Sufficient measures are taken to protect life and property.

## **8.5 Height Restrictions:**

No building/structure in the OS District shall exceed forty feet (40') in height, except as provided in Section 21.3 C.

**8.6 Lot Area, Width, and Setback Requirements for the OS District**

<b>PRINCIPAL PERMITTED AND SPECIAL EXCEPTION USES</b>	<b>MINIMUM LOT AREA (SQ. FT.)</b>	<b>MINIMUM LOT AREA PER DWELLING UNIT OR USE</b>	<b>MINIMUM LOT WIDTH (FT.)</b>	<b>FRONT YARD* SETBACK (FT.)</b>	<b>REAR YARD SETBACK (FT.)</b>	<b>SIDE YARD** SETBACK (FT.)</b>	<b>OTHER SETBACK REQUIREMENTS</b>
Single-family dwellings (on lots of record only)	6,000			25	30	5	
Single-family dwellings (on new lots only)	15,000			25	30	10	
Outdoor recreational areas							200' from any Residential District
Tent/trailer grounds							300' from any Residential District
Fishing/hunting preserves and hatcheries							1000' from any Residential District
Public utilities							200' from any Residential District
General Commercial uses (lots of record only)							40' from any Residential District
All others				40	100	100	

\*As measured from the lot line (does not include a portion of the right-of-way).

\*\*Corner lots shall provide two front yards and one side yard.