

DIVISION 9.3 OPEN SPACE CONTEXT (OS-A, OS-B, OS-C)

SECTION 9.3.1 OPEN SPACE CONTEXT DESCRIPTION



General Character: The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking.

Street, Block, and Access Patterns: The Open Space Context can be widely varied, ranging from active parks with extensive access to environmentally sensitive areas where only limited access is appropriate.

Building Placement and Location: Buildings in the Open Space Context are typically placed where access is highest, and are often located away from view of the general public.

Building Height: Buildings are typically low in scale, although some open space areas with active recreational uses support large-scale facilities.

Mobility: Priority is given to pedestrians and bicyclists. The automobile is accommodated through fringe parking areas. The Open Space Context has varying levels of access to the multi-modal transit system.

SECTION 9.3.4 USES AND REQUIRED MINIMUM PARKING

9.3.4.1 Uses in the OS-A Zone District

Permitted uses in the OS-A Zone District, and any applicable use limitations and standards, shall be determined by the manager of Parks and Recreation.

9.3.4.2 Generally Applicable Standards

A. Compliance with Section 9.3.4 Overview – Summary Use and Parking Table

1. ~~The This Section's~~ Summary Use and Parking Table ~~below~~ sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Open Space Context zone districts.
 - a. **Unlisted Uses (moved here)**
Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.
2. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each zone district. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.

B. Compliance with Other Code Provisions Required (moved here)

1. ~~The~~ Establishment of ~~all~~ uses ~~is subject to compliance shall comply~~ with all applicable design and development standards stated in this Code, including ~~but not limited to~~ the zone district building form and design standards found in this Article ~~3~~, and ~~the~~ standards ~~stated~~ in Article 10, General Design Standards.

Applicable Procedures Prior to Establishment of Use (moved here)

2. A Zoning Permit is required prior to establishment of any primary or temporary use permitted by this Code according to ~~See~~ Article 12, Zoning Procedures & Enforcement, ~~and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice. The development or establishment of a permitted use may also require and may also require~~ Site Development Plan Review prior to issuance of a ~~Z~~ zoning ~~P~~ permit: according to ~~Please refer to~~ Section 12.4.3, Site Development Plan Review, ~~to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review. Accessory uses may require a zoning permit, as indicated in the Summary Use and Parking Table.~~

C. Number of Uses Allowed per Zone Lot

There is no maximum on the number of primary, accessory, or temporary uses per zone lot.

9.3.4.3 Organization - Summary Use and Parking Table

A. Organized by Primary, Accessory and Temporary Uses

The Summary Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

B. Primary Use Classifications, Categories & Specific Use Types

1. Primary Use Classifications

All primary land uses in the Summary Use and Parking Table are organized into one of the following five general land use classifications:

- a. Residential Uses
- b. Civic, Public & Institutional Uses
- c. Commercial Sales, Service & Repair Uses
- d. Industrial, Manufacturing & Wholesale Uses
- e. Agriculture

2. Primary Use Categories & Specific Use Types

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Summary Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

3. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the Summary Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as “lodging accommodations,” cannot be classified in a different use category, such as “group living,” unless otherwise expressly allowed by this Code.

9.3.4.4 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations or standards apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry “L-ZPIN” means, first, the use is subject to use standards and limitations (the “L”), and, second, that the use is subject to zoning permit review with information notice (the “ZPIN”) prior to its establishment.

B. Permitted, Limited, Not Permitted

1. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations or standards.

2. Permitted Use - Subject to Use Limitations and Standards (“L”)

“L” in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations and standards referenced in the last column of the use table (“Applicable Use Limitations”).

a. **Applicable Use Limitations**

The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.

3. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific zone district.

C. Zoning Procedure

1. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

- 2. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)**
“ZPIN” in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table (“Applicable Use Limitations”), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.
- 3. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)**
“ZPSE” in a table cell indicates that use is generally appropriate in the neighborhood context and zoning district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zoning district. “ZPSE” uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustments the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table (“Applicable Use Limitations”), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.
- 4. Combinations**

Unlisted Uses

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

Compliance with Other Code Provisions Required

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the zone district building form and design standards found in this Article 9, and the standards stated in Article 10, General Design Standards. Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Development Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review
 ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	APPLICABLE USE LIMITATIONS AND STANDARDS			
		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit	See Section 9.3.4.1	NP	NP	
	Domestic Employee		NP	NP	
	Garden		NP	NP	
	Greenhouse		NP	NP	
	Keeping of Household Animals		NP	NP	
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles		NP	NP	
	Kennel or Exercise Run		NP	NP	
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use		NP	NP	
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot		NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use		NP	NP	
	Vehicle Storage, Repair and Maintenance		NP	NP	
	Yard or Garage Sales		NP	NP	
	Unlisted Accessory Uses		n/a		

KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review
 ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)				APPLICABLE USE LIMITATIONS AND STANDARDS
		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Nonresidential Uses	Amusement Devices Accessory to Eating/ Drinking Establishments, College/University and Theater Uses	See Section 9.3.4.1	NP	NP	
	Automobile Rental Services Accessory to Certain Retail Uses		NP	NP	
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities		L	NP	§ 11.7; § 11.10.4
	Car Wash Bay Accessory to Automobile Services		NP	NP	
	College accessory to a Place for Religious Assembly		NP	NP	
	Conference Facilities Accessory to Hotel Use		NP	NP	
	Drive Through Facility Accessory to Eating/ Drinking Establishments and to Retail Sales, Service, and Repair Uses		NP	NP	
	Garden		L	L	§11.7; §11.10.9
	Greenhouse		L	NP	§11.7
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>		<u>Not Applicable</u>		
	Occasional Sales, Services Accessory to Places of Religious Assembly*		L	NP	§11.7; §11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Retail Sale and Display*		NP	NP	
	Outdoor Storage*		NP	NP	
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use		NP	NP	
	Unlisted Accessory Uses		L - Applicable to all Zone Districts		§11.7; §11.10.1

KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review
 ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	APPLICABLE USE LIMITATIONS AND STANDARDS			
		OS-A	OS-B	OS-C	
HOME OCCUPATION CLASSIFICATION					
Home Occupations	Child Care Home, Large (7-12)	See Section 9.3.4.1	NP	NP	
	Home Occupations, All <u>Other</u> Types		NP	NP	
	<u>Unlisted Home Occupation Uses</u>		<u>NP</u>	<u>NP</u>	
TEMPORARY USE CLASSIFICATION					
Temporary Uses	Ambulance Service - Temporary	See Section 9.3.4.1	NP	NP	
	Amusement / Entertainment - Temporary*		NP	NP	
	Bazaar, Carnival, Circus or Special Event*		L-ZP	NP	§11.11.4
	Building or yard for construction materials*		L-ZP	NP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*		L-ZP	NP	§11.11.6
	Fence for Demolition or Construction Work		L-ZP	NP	§11.11.7
	Health Care Center			NP	§11.11.8
	Noncommercial Concrete Batching Plant*		L-ZP	NP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*		NP	NP	
	Outdoor Retail Sales*		L-ZP	NP	§11.11.11
	Outdoor Sales, Seasonal*		L-ZP	NP	§11.11.12
	Parking Lot Designated for a Special Event*		L-ZP	NP	§11.11.13
	Retail Food Establishment, Mobile*		L-ZP	NP	§11.11.14
	Temporary Construction Office		L-ZP	NP	§11.11.15
	Temporary Office - Real Estate Sales		NP	NP	
	Tent for Religious Services		L-ZP	NP	§11.11.17
	Unlisted Temporary Uses		L	L	§11.11.1

SECTION 9.3.5 APPLICABLE USE LIMITATIONS & STANDARDS

9.3.5.1 Cemetery

Cemeteries are allowed subject to compliance with the following standards:

- A. A cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.

9.3.5.2 Cultural/Special Purpose/Public Parks & Open Space Uses in the OS-B District

In the OS-B zone district, all permitted cultural/special purpose/public parks and open space uses shall comply with the following standards:

- A. Accessory uses and structures permitted by-right are limited to:
 - 1. Swimming pools and customary associated buildings;
 - 2. Tennis, basketball, or other similar playing courts;
 - 3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;
 - 4. Playground or picnic shelters/areas; and
 - 5. Water features and public art.
- B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10:00 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.
- C. No portion of any recreation facility that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) Zone District.
- D. Any other type of accessory structure or use may be allowed only if the Zoning Administrator finds the proposed structure or use meets the general criteria for Accessory Uses stated in Section 11.7 of this Code and finds that the proposed structure or use will not adversely affect properties adjoining the OS-B zone district. See Section 12.4.6 for the applicable procedure to determine unlisted uses.

9.3.5.3 Arts, Entertainment and Recreation Uses in the OS-B District

In the OS-B zone district, all permitted arts, entertainment and recreation uses shall comply with the following standards:

- A. Accessory uses and structures permitted by-right are limited to:
 - 1. Swimming pools and customary associated buildings;
 - 2. Tennis, basketball, or other similar playing court;
 - 3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;
 - 4. Playground or picnic shelters/areas; and
 - 5. Water features and public art.
- B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.

- C. No portion of any recreation facility that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.3.
- D. Any other type of accessory structure or use may be allowed only if the Zoning Administrator finds the proposed structure or use meets the general criteria for Accessory Uses stated in Section 11.2.1 of this Code and finds that the proposed structure or use will not adversely affect properties adjoining the Open Space zone district. See Section 12.4.6 for the applicable procedure to determine unlisted uses.

9.3.5.4 Sports and/or Entertainment Arena or Stadium

Sports and/or Entertainment Arena or Stadium uses shall comply with the following standards:

- A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.4.
- B. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

9.3.5.5 Agriculture, Limited

All agriculture, limited uses shall be located at least 500 feet from a Residential Zone District.

9.3.5.6 Husbandry, Plant or Animal

~~This use shall be located at least 500 feet from a Residential Zone District.~~

In the ~~Open Space OS-B~~ Zone Districts, this use is limited to:

- A. Plant husbandry, and
- B. Animal husbandry limited to the raising and/or grazing of livestock animals and any confinements for such animals, provided such use is located at least 500 feet from a Residential Zone District., ~~excluding the operation of a feed lot.~~

9.3.5.7 Nursery, Plant

- A. This use is limited to plant husbandry and/or the sale of produce and plants raised on the premises.
- B. This use shall be located at least 500 feet from a Residential Zone District.