

## SECTION 6

### OPEN SPACE DISTRICT

**PURPOSE:** TO PRESERVE OPEN SPACE IN ELSINORE.

**OPEN SPACE PRESERVATION:** ALL DEVELOPMENTS IN THIS ZONE SHALL BE SITED SO AS TO MAXIMIZE THE PROTECTION AND PRESERVATION OF OPEN SPACE. SUCH OPEN SPACE, INCLUDING, BUT NOT LIMITED TO, NON-BUILDABLE AREAS SHALL BE IDENTIFIED IN THE SITE PLAN AND MAINTAINED AS OPEN SPACE. SUCH OPEN SPACE AREAS SHALL BE MAINTAINED SO THAT THEIR USE AND ENJOYMENT AS OPEN SPACE ARE NOT DIMINISHED OR DESTROYED. OPEN SPACE AREAS MAY BE OWNED, PRESERVED AND MAINTAINED AS APPROVED AS PART OF THE SITE PLAN.

**USES TABLE:** IF A USE IS NOT SPECIFICALLY DESIGNATED THEN IT IS PROHIBITED WITHOUT A CONDITIONAL USE PERMIT. APPLICANTS FOR CONDITIONAL USE PERMITS REFER TO SECTION REGARDING CONDITIONAL USES.

TYPE	PERMITTED	CONDITIONAL USE	BUSINESS LICENSE REQUIRED
Open Space	X		
Agriculture (excluding processing or packing plants, fur farms etc.)	X		
Power Utilities Lines	X		
Water Utilities Pipes	X		
Communication Utilities Lines	X		
Gas, Oil, Petroleum, Etc.		X	

**REGULATIONS:**

POLES AND TOWERS SHALL BE SO ERECTED AS TO INTERFERE AS LITTLE AS POSSIBLE.

ALL UTILITY CONSTRUCTION AND LINES UNDER THIS GRANT SHALL BE CONSTRUCTED IN ACCORDANCE WITH ESTABLISHED PRACTICES WITH RESPECT TO UTILITY CONSTRUCTION. THE GRANTEE SHALL COMPLY WITH ALL TOWN ORDINANCES PRESENTLY EXISTING OR AS AMENDED FROM TIME TO TIME.

IF EXCAVATION IS REQUIRED, GRANTEE MUST OBTAIN AN EXCAVATION PERMIT AND ADHERE TO EXCAVATION PERMIT ORDINANCE REQUIREMENTS.

IT IS THE RESPONSIBILITY OF THE GRANTEE TO KNOW AND COMPLY WITH ALL TOWN ORDINANCES. THE TOWN SHALL IN NO WAY BE LIABLE OR RESPONSIBLE FOR ANY ACCIDENT OR DAMAGE THAT MAY OCCUR IN THE CONSTRUCTION, OPERATION, OR MAINTENANCE BY THE GRANTEE OF ITS UTILITIES AND APPURTENANCES HEREUNDER, AND THE ACCEPTANCE OF THIS UTILITY COMPANY SHALL BE DEEMED AN AGREEMENT ON THE PART OF SAID GRANTEE, ITS SUCCESSORS AND ASSIGNS, TO INDEMNIFY THE TOWN AND HOLD IT HARMLESS AGAINST ANY AND ALL LIABILITY, LOSS, COST, DAMAGE, OR EXPENSE WHICH MAY ACCRUE TO SAID TOWN BY REASON OF THE NEGLIGENCE, DEFAULT OR MISCONDUCT OF THE GRANTEE IN THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ITS LINES AND APPURTENANCES HEREUNDER.