

Sec. 3.12. - OS Old Seabrook district.

3.12.01. *Description:* This district is specifically designed to accommodate a select group of land use activities associated with that area in the community known as "Old Seabrook." In accordance with Comprehensive Master Plan 2030, the district is designed to enhance the special characteristics of Seabrook, the small town character, its waterfront, and to create a "unique" place. The land uses within this district are also intended to meet a portion of the community's tourism demand.

3.12.02. *Uses permitted by right and conditional uses:*

A. *Townhouses permitted by conditional use:*

1. *Density: One dwelling unit per lot.*
2. *Front yard setback:* All buildings must be set back from the street right-of-way lines a minimum depth of 20 feet.
3. *Rear yard setback:* Primary buildings must be set back at least 15 feet from the rear property line.
4. *Water-abutting yard setback:*
 - a. If there are two adjoining structures, the minimum waterfront yard setback shall be the greater of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.
 - b. If there is only one adjoining structure within 100 feet of the proposed structure, the minimum water-abutting yard setback shall be the greater of two-thirds of the adjoining property yard setback or 25 feet.
 - c. If there are no adjoining structures within 100 feet of the proposed structure, the minimum water-abutting yard setback requirement of 25 feet shall be met.
 - d. Impervious fences are not permitted in any required waterfront setbacks.
5. *Side yard setback:* Not less than ten feet between blocks of attached units, street rights-of-way or any property outside the townhouse development.
6. *Lot size:* Three thousand square feet above mean high tide. Project area shall not be less than 12,000 square feet.
7. *Building area:* Not more than 60 percent of total site area shall be covered by building mass.
8. *Height:* No building or structure shall exceed 40 feet in height.

B. *Other Uses.* All other listed uses (by right and conditional uses) allowed in this zone per Section 3.15. Please see the comprehensive land use regulation matrix at the end of this article of the ordinance. Mixed use projects shall be allowed. All building, fire, electrical, and other health and safety codes pertaining to commercial development and as stipulated by Seabrook codes and ordinances shall be met.

1. *Density:* Two primary buildings per lot; but not to exceed two (2) dwelling units per lot.
2. *Area regulations:*
 - A. *Front yard:* ~~None required.~~ **All buildings must be set back from the street right-of-way lines a minimum depth of 20 feet.**
 - B. *Rear yard:* A lot with a primary building located on it shall have a rear yard of not less than ten feet.
 - C. *Water-abutting yard:* All structures shall be set back from any water-abutting yard a distance of not less than 25 feet.

1. If there are two adjoining structures, the minimum waterfront setback shall be the greater of the average of the setbacks of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.
 2. If there is only one adjoining structure within 100 feet of the proposed structure, the minimum water-abutting yard setback shall be the greater of two-thirds of the adjoining property setback or 25 feet.
 3. If there are no adjoining structures within 100 feet of the proposed structure, the minimum water-abutting yard setback requirement of 25 feet shall be met.
 4. Impervious fences are not permitted in any required waterfront setback.
- D. *Side*: Not less than five feet on each side.
- E. *Lot size*: A minimum site of 6,000 feet shall be required.
- F. *Lot width*: Each lot shall have a minimum width of not less than 50 feet at the front building line.
- G. *Lot depth*: Each lot shall have a minimum depth of not less than 100 feet.
- H. *Height*: No building or structure may exceed 40 feet in height. The height limitations specified in this subsection do not apply to church steeples, spires, belfries, cupolas or other normal appurtenances usually required to be placed above the roof level and not intended for human occupancy.

3.12.03. The following regulations apply to townhouses and to all other uses by right and conditional uses allowed in this zoning district.

- A. *Accessory structures*: Accessory structures shall not occupy a required front or corner side yard or project beyond the front building line of the principal structure on a site. Accessory structures shall be set back at least five feet from interior side and rear property lines. A minimum distance of not less than five feet shall be maintained between the main structure and accessory buildings. Connecting breezeways shall not exceed eight feet in width from finish wall to finish wall. Buildings shall be separated by an approved firestop in the roof and walls. No accessory structures or other obstructions including decks, pools, paving, landscaping structures or trees and fountains may be erected on any utility easement.
- B. *Buffering and screening*: Any property classified in this zoning district which adjoins or abuts any property classified in the R-LD, R-1 or R-2 zoning district shall provide a front, side or rear setback as applicable that is at least as deep or wide as that required in such adjoining or abutting districts. Properties in the OS zone which are separated by a street from any R-LD, R-1 or R-2 zone shall also meet these requirements.
- C. *Outside storage and display*:
1. Outside display of merchandise is permitted except in any of the required parking areas or other restricted areas. No display shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.
 2. Plants/flowers and boats for sale or rent may be displayed at all times. All other merchandise may be displayed during business hours only.
 3. Temporary permits for outside display in parking areas or other private areas may be issued to a business by the building official. These temporary permits may be for a period of no more than 72 consecutive business hours.
 4. Outside storage shall be permitted only when incidental to the commercial use located on the same premises and provided that:
 - a. The storage area may not extend beyond the front line of the building.

- b. The storage area may not be located in any of the required parking areas.
 - c. All stored merchandise must be behind a screen fence which shall be 100-percent impervious to sight and a minimum of six feet in height. Plants/flowers and boats only are exempt from this requirement.
 - d. Merchandise shall not protrude above the height of the enclosed fence, walls or buildings. Plants/flowers and boats only are excluded from this requirement.
 5. No trailer or semitrailer may be used for the storage of retail or wholesale merchandise on any property in this district for a period exceeding 72 hours. Furthermore, no trailer, semitrailer or shipping container may be used for the display, vending or retailing of any merchandise at any time.
- D. *Animal control:* No farm fowl or farm animals shall be kept on the premises.
- E. *Parking:* Parking shall be in accordance with article 5 of this ordinance. Please see the comprehensive off-street parking regulation matrix. In addition, properties in the Old Seabrook district shall be given the following parking credits when applicable.
 1. For all existing buildings, either commercial or to be converted to commercial use:
 - a. Less than one 1,500 sq. ft.; parking may be reduced 20 percent.
 - b. Less than 2,000 sq. ft.; parking may be reduced ten percent.
 - c. Two thousand or more square feet; parking may not be reduced.
 2. In no case shall there be fewer than two parking spaces provided.
 3. For each additional tenant in any building which is 2,000 square feet or greater, add one additional space to the requirements listed above.
 4. All buildings constructed or expanded after passage of this ordinance must meet parking requirements as stipulated in article 5.
 5. Medical facilities with or without beds shall not be eligible for the above credits, but shall maintain parking in accordance with article 5.
 6. Commercial vehicles of business shall be parked at other than mandatory parking spaces during business hours.
 7. All fractional parking space calculations shall be counted as a full space.
 8. Special exception to parking density, off-street parking and design and standards as listed in article 5 may be permitted on appeal to the board of adjustment without consideration to hardship.
- F. *Landscaping:* Shall be in accordance with article 5 of this ordinance.
- G. *Reserved.*
- H. *Supplementary regulations:*
 1. *Lighting:* Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.
 2. Temporary structures for uses incidental to construction work on the premises which are removed upon completion or abandonment of construction work are allowed upon permit from the building official.
 3. No temporary structures, including recreational vehicles, construction trailers or travel trailers, may be used for on-site dwelling purposes.
 4. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

(Ord. No. 93-19, arts. 2, 4, 5, 9-7-1993; Ord. No. 2004-15, § 2, 10-5-2004; Ord. No. 2006-16, § 2, 10-17-2006; Ord. No. 2009-19, § 8, 10-6-2009)

