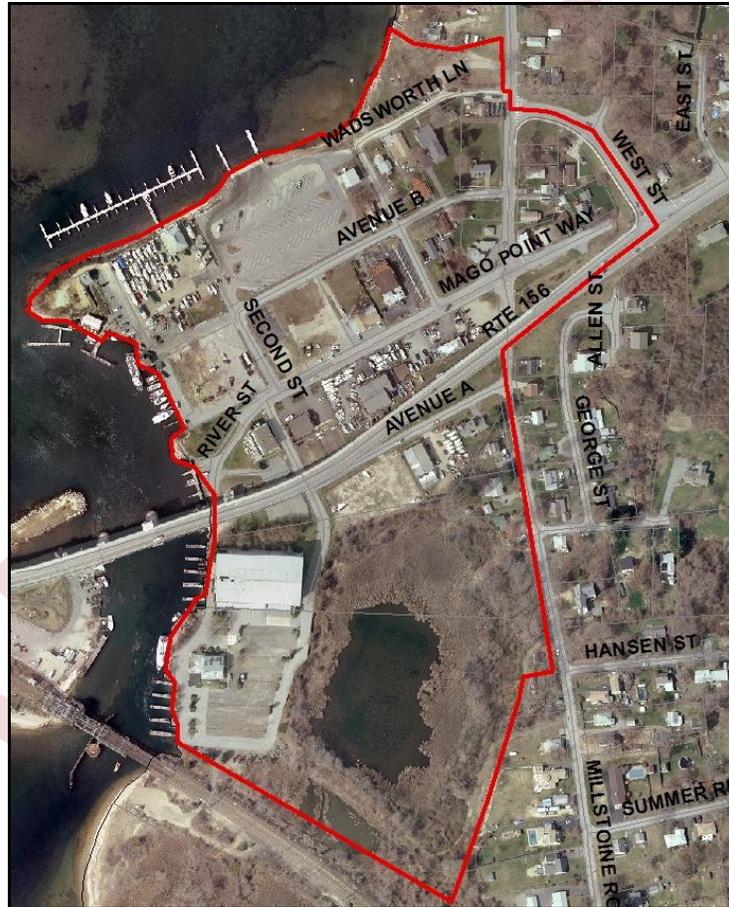


14a Mago Point District (MPD)

14a.1 Purpose

The purpose of the Mago Point District (MPD) is to allow a mixture of land uses which maintain a waterfront village ambiance, enhance the vitality of the district and attract visitors to the area in accordance with the Plan of Conservation and Development, with emphasis on waterfront access. The Mago Point District is designed to achieve the most appropriate use of land and structures in this waterfront area consistent with the Mago Point Design Guidelines and in plans adopted by the Planning and Zoning Commission.



Mago Point District Boundary

14a.2 Designation As Village District

As recommended in the Plan of Conservation and Development, the Mago Point District is hereby designated as a Village District as authorized by CGS Section 8-2j and any new construction, substantial reconstruction and rehabilitation of the exterior of a property shall be reviewed in accordance with these Regulations.

In addition, any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the Mago Point Design Guidelines.

14a.3 Permitted Principal Uses & Structures

To promote compatible uses without requiring the need for further subdivision of land, multiple uses and structures may be allowed on a single parcel, provided that the site is designed to meet all parking, stormwater, pedestrian and landscaping requirements of the Mago Point District. A Special Permit is required for the entire site when any of the proposed uses is permitted by Special Permit.

	Permitted (No Permit Required)	Permitted By Zoning Permit	Permitted By Site Plan Approval	Permitted By Special Permit
Open Space-Related Uses				
1. Public and private parks and playgrounds.		<input checked="" type="checkbox"/>		
Residential Uses				
2. Residential uses in existence as of <<effective date>> and any future additions or renovations thereto.		<input checked="" type="checkbox"/>		
3. Multifamily residential where no commercial uses are proposed, located on <u>secondary</u> , tertiary and other streets.			<input checked="" type="checkbox"/>	
Temporary Uses				
4. Mobile Food Vendors and Vendor Carts on site for a period of 30 consecutive days. No more than four Mobile Food Vendors and Vendor Carts may be located in the district at any given time, unless specifically authorized under section 14a.3.5 or as shown on an approved site plan. No mobile food vendor or vendor cart permitted as a temporary use may be located in the district for more than 120 calendar days per year.		<input checked="" type="checkbox"/>		
5. Carnivals / fairs or other special events authorized by the Town of Waterford that do not exceed 14 consecutive days per event.		<input checked="" type="checkbox"/>		
Retail / Service / Hospitality Uses				
6. Retail stores and service establishments.			<input checked="" type="checkbox"/>	
7. Restaurants and/or banquet halls (separation distances between establishments with liquor licenses shall not apply).			<input checked="" type="checkbox"/>	
8. Cafes (separation distances between establishments with liquor licenses shall not apply).			<input checked="" type="checkbox"/>	
9. Outdoor dining and/or outdoor entertainment, including seasonal facilities not associated with permanent structures.			<input checked="" type="checkbox"/>	
10. Offices.			<input checked="" type="checkbox"/>	
11. Bed and breakfast establishment.			<input checked="" type="checkbox"/>	

	Permitted (No Permit Required)	Permitted By Zoning Permit	Permitted By Site Plan Approval	Permitted By Special Permit
12. Hotels and motels.			<input checked="" type="checkbox"/>	

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	Permitted (No Permit Required)	Permitted By Zoning Permit	Permitted By Site Plan Approval	Permitted By Special Permit
Mixed Use Buildings				
13. Mixed use buildings are allowed anywhere in the Mago Point District. Along Mago Point Way west of Niantic River Road and along River Street, business uses are required, at a minimum, on the first floor.			<input checked="" type="checkbox"/>	
Other Uses				
14. Municipal facilities and other public uses including public restrooms.				<input checked="" type="checkbox"/>
15. Recreational uses such as arcades, miniature golf, pools, and similar facilities.				<input checked="" type="checkbox"/>
16. Art galleries, studios, performance spaces, and similar uses			<input checked="" type="checkbox"/>	
Maritime-Related Uses				
17. Boat docks, slips, piers, and wharves for boats including boats for hire carrying passengers on excursions, pleasure, or fishing trips.			<input checked="" type="checkbox"/>	
18. Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.			<input checked="" type="checkbox"/>	
19. Sales, display or storage of boats or marine engines and equipment inside a building.			<input checked="" type="checkbox"/>	
20. Outside sales, display, or storage of boats and trailers.			<input checked="" type="checkbox"/>	
21. A yard for building, repairing or servicing boats or marine equipment.				<input checked="" type="checkbox"/>
22. Base operations for fishing, shellfishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products. Base operations shall not include commercial processing of finfish or shellfish.			<input checked="" type="checkbox"/>	
23. Dockside facilities for dispensing fuel, restrooms, and laundry facilities to serve overnight patrons.				<input checked="" type="checkbox"/>

14a.4 Permitted Accessory Uses & Structures

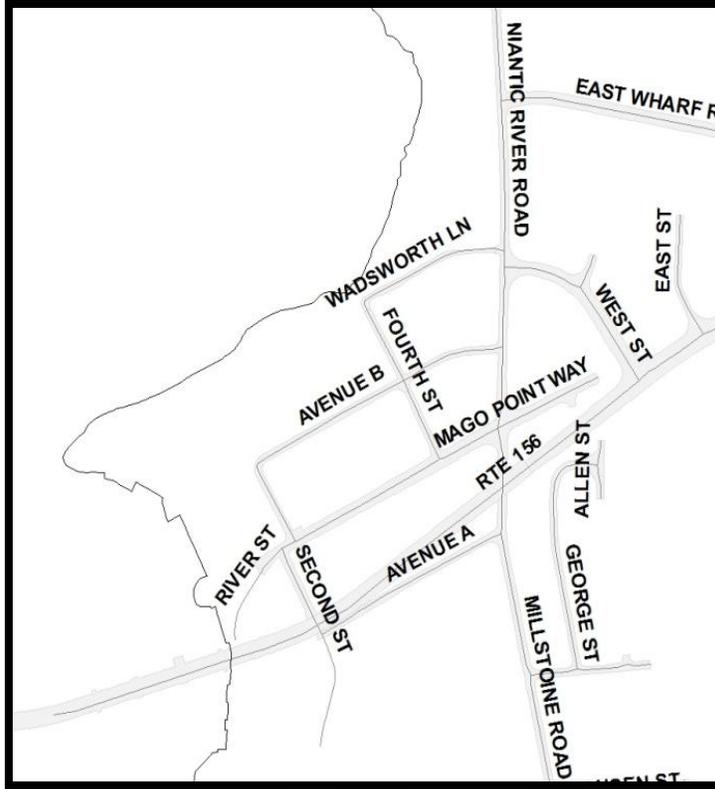
Uses and/or structures customarily incidental and subordinate to a permitted principal use are permitted by zoning permit provided that they do not alter approved parking or stormwater designs for the site. Such uses and structures shall be reviewed for consistency with the Mago Point Design Guidelines.

14a.5 Site and Bulk Requirements

Site plans shall conform to the requirements of Section 22 of the Waterford Zoning Regulations. Special Permits shall conform to the requirements of Section 23 of the Waterford Zoning Regulations.

For the purposes of this Section, streets within the Mago Point District shall be categorized as follows:

Primary Streets	<ul style="list-style-type: none">• Mago Point Way
Secondary Streets	<ul style="list-style-type: none">• Second Street• Avenue B• <u>River Street</u>• <u>Niantic River Road</u> (from Mago Point Way to the Rope Ferry Road overpass)
Tertiary Streets	<ul style="list-style-type: none">• Avenue A• Remainder of River Street• Fourth Street• Millstone Road
Other Streets	<ul style="list-style-type: none">• Streets not listed



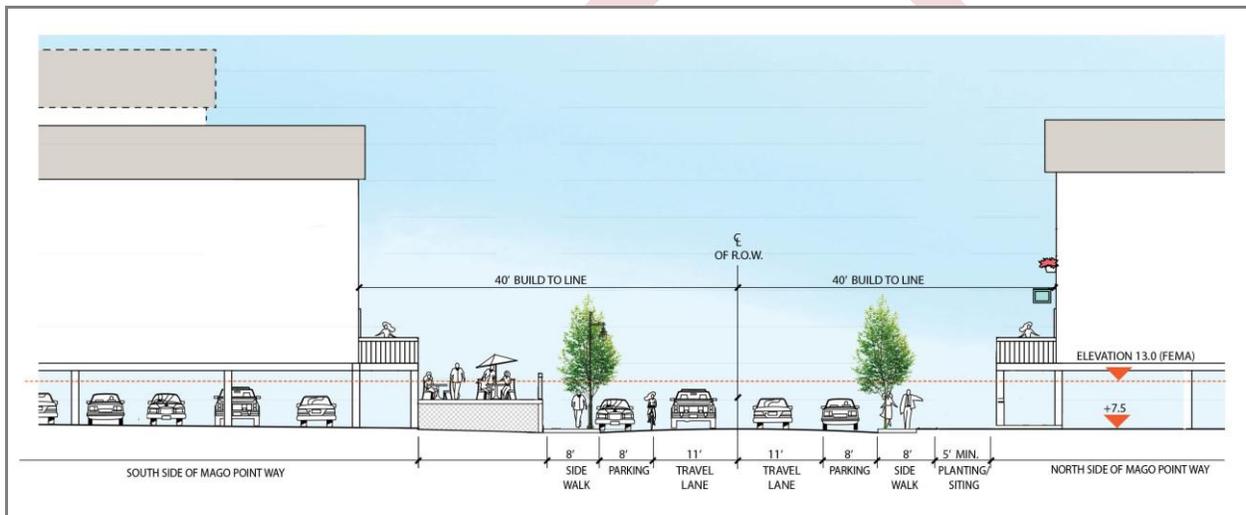
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1. **Minimum Lot Size** - The minimum lot size for any lot shall be 10,000 square feet or the area of that lot on <<effective date>>, whichever is less. The minimum lot size may be reduced to 56,000 square feet ~~by special permit when the~~ if the Commission finds that the following conditions are met:
 - a. Parking lot access, drive aisles that serve parking spaces and pedestrian amenities are designed to contribute to a functional communal approach to parking and circulation. This may be achieved by:
 - Parking lot access drives are shared between the subject property and one or more abutting properties.
 - Where the proposed lot abuts pedestrian ways, (including sidewalks, boardwalks or passages through parking lots or buildings), the lot shall be designed to connect pedestrian ways to abutting pedestrian ways.
 - b. Evidence shall be provided at the time of subdivision that the proposed lot(s) can support all other requirements of these regulations, including stormwater management, parking, dimensional requirements and landscaping.
2. **Minimum Lot Frontage** - No lot shall have less than 50 feet of frontage on a public street, or the frontage in existence on <<effective date>>. -
3. **Streetscape Configuration – South Side of Mago Point Way** - Any portion of a lot fronting on the south side of a “primary street” shall comply with the following requirements as measured from the street centerline:
 - a. 11’ wide travel lane and 8’ wide on-street parking lane to a granite curb to be installed by the developer.
 - b. 8’ wide concrete sidewalk to be installed by the developer.
 - c. For any new building to be constructed, at least 50% of the width of the property shall consist of a building façade built at the “build-to line” at 40 feet back from the centerline of the street.
 - d. The area between the sidewalk and the building façade may be used for any purpose approved by the Commission (including a deck, boardwalk or landscape area but excluding driveways or parking). To facilitate pedestrian connectivity between parcels, boardwalks may be constructed in this area at the elevation of FEMA minus two feet with such potential boardwalk capable of being connected to adjacent property(ies) in a location and configuration acceptable to the Commission.
 - e. Except for a Town or State parking facility, no new driveway shall be established to or from Mago Point Way for access or egress to any property. Sites shall be designed to prioritize rear vehicle entry to the parcel and to limit traffic entering and exiting directly onto Mago Point Way. Any existing driveway shall be removed unless otherwise approved by the Commission (such as an interim driveway until adjacent parcels are developed, or evidence provided by the applicant demonstrating that removal of the driveway would adversely affect safe access to and from the parcel). Driveways existing as of << effective date>> may remain until the parcel is redeveloped.
 - f. Each property may provide a side yard of zero feet (0’) provided a party wall agreement is executed by the adjacent property owners, and shall provide a rear yard setback of 15 feet.
4. **Streetscape Configuration – North Side of Mago Point Way** - Any portion of a lot fronting on the north side of a “primary street” shall comply with the following requirements as measured from the street centerline:
 - a. 11’ wide travel lane.
 - b. 8’ wide on-street parking lane to a granite curb to be installed by the developer.
 - c. 8’ wide concrete sidewalk to be installed by the developer.

Waterford Zoning Regulations – Mago Point District

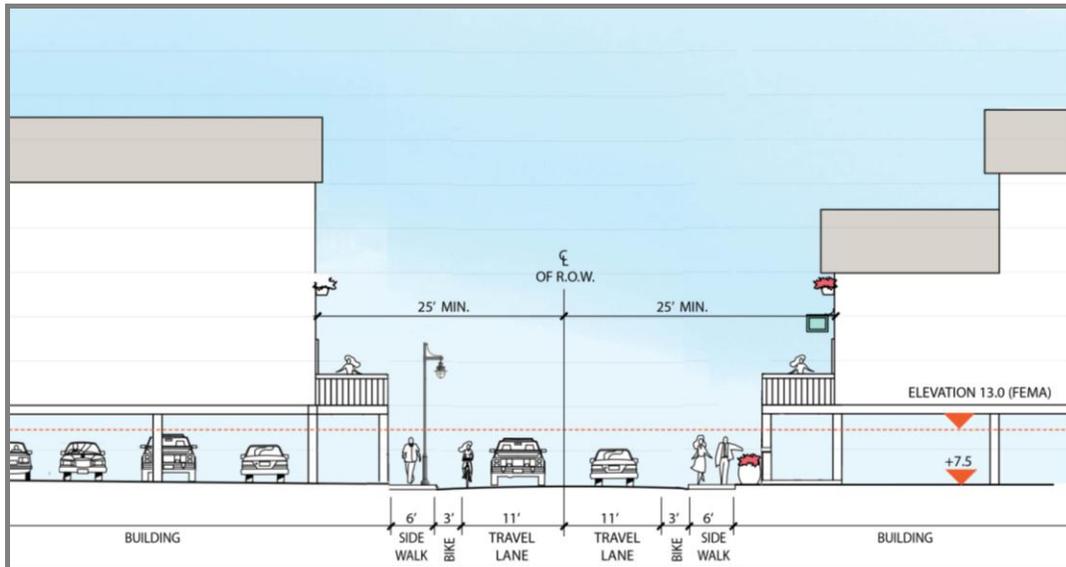
REVISED DRAFT – September 15, August 5, 2016

- d. A 5-foot wide planting area or equivalent designed to provide pedestrian amenities, such as benches and to screen any parking areas.
- e. Each property may provide a side yard of zero feet (0') provided a party wall agreement is executed by the adjacent property owners.
- f. Since the pedestrian experience is so important, new driveways on Mago Point Way are discouraged. The Commission may allow the use of an existing driveway or approve a new driveway when the following conditions are met:
 - i. The driveway will provide a significant benefit to the overall development of the area (such as providing access to multiple sites and/or parking areas or improving the flow of traffic).
 - ii. A 6' wide crosswalk installed in accordance with the Mago Point Design Guidelines is provided.
 - iii. Landscaping and lighting on the site does not obstruct pedestrians from the view of vehicles entering and exiting the site.

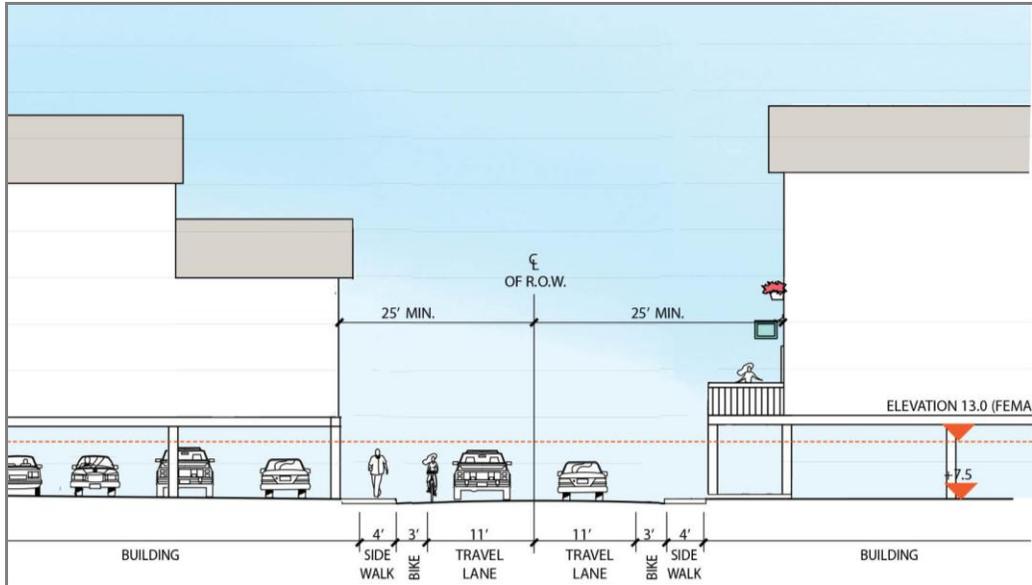


- 5. Streetscape Configuration – Secondary Street-** Any portion of a lot fronting on a “secondary street” shall comply with the following requirements as measured from the street centerline:
- a. 11' wide travel lane.
 - b. 3' wide on-street bike lane to a granite curb to be installed by the developer.
 - c. 6' wide concrete sidewalk to be installed by the developer.
 - d. Any remaining land in the public right-of-way shall be landscaped with grass except for a driveway in a location approved by the Commission. On-street parking is prohibited.
 - e. The building façade shall be setback at least 25 feet from the street centerline.
 - f. A developer may choose to build a wooden boardwalk on private property connecting to other boardwalks in the area provided that, for any boardwalks that connect, the owners of each parcel shall provide the Town with a pedestrian easement over the boardwalk which allows for public use of the boardwalk.
 - g. Each property shall provide a side yard of 10 feet and a rear yard setback of 15 feet. except that the Commission may, by Special Permit, allow a reduction in the side yard setback to zero feet (0') when:
 - i. A party wall agreement is executed by the adjacent property owners.

- ii. Such a reduction will achieve at least one of the following:
 - Preserve unobstructed views from a public way to the Niantic River.
 - Provide shared public space in the form of boardwalks, plazas, decks or other outdoor space that would not be possible without the reduction. Enable adjacent properties to achieve greater efficiency in shared parking, traffic circulation and stormwater management than would be possible without the reduction.



- 6. Streetscape Configuration – Tertiary Street-** Any portion of a lot fronting on a “tertiary street” shall comply with the following requirements as measured from the street centerline:
- a. 11’ wide travel lane.
 - b. 3’ wide on-street bike lane to a granite curb to be installed by the developer.
 - c. 4’ wide concrete sidewalk to be installed by the developer.
 - d. Any remaining land in the public right-of-way shall be landscaped with grass except for a driveway in a location approved by the Commission. On-street parking is prohibited.
 - e. The building façade shall be setback at least 25 feet from the street centerline.
 - f. A developer may choose to build a wooden boardwalk on private property connecting to other boardwalks in the area provided that, for any boardwalks that connect, the owners of each parcel shall provide the Town with a pedestrian easement over the boardwalk which allows for public use of the boardwalk.
 - g. Each property shall provide a side yard of 10 feet and a rear yard setback of 15 feet except that the Commission may, by Special Permit, allow a reduction in the side yard setback to zero feet (0’) when:
 - iii. A party wall agreement is executed by the adjacent property owners.
 - iv. Such a reduction will achieve at least one of the following:
 - Preserve unobstructed views from a public way to the Niantic River.
 - Provide shared public space in the form of boardwalks, plazas, decks or other outdoor space that would not be possible without the reduction.
 - Enable adjacent properties to achieve greater efficiency in shared parking, traffic circulation and stormwater management than would be possible without the reduction.



7. **Streetscape Configuration – Driveway Location-** Notwithstanding any other section of the regulations, a driveway or curb cut may be located within 40 feet of a street intersection provided:
 - a. such location is consistent with the purposes of the Mago Point regulations,
 - b. the establishment of a driveway or curb cut in that location will not substantially interfere with the primary objective of providing for a meaningful pedestrian environment in Mago Point, and
 - c. such location is approved by the Commission.

8. **Building Elevation Requirements –**
 - a. The bottom of the lowest structural member of the first occupied floor of the building shall be at the Base Flood Elevation on FEMA’s most recently adopted Flood Insurance Rate Maps plus 2 feet.
 - b. Parking areas under buildings shall provide at least 8’-2” of clear headroom to allow for handicapped vehicle access.

9. **Other Streets –**
 - a. Setbacks on other streets and properties shall be as follows:
 - i. Each property shall provide a front yard setback of 20 feet, a side yard of 10 feet and a rear yard setback of 15 feet.
 - ii. Each property may provide a side yard of zero feet (0’) provided a party wall agreement is executed by the adjacent property owners.
 - iii. The setback to the Rope Ferry Road overpass shall be 20 feet.

10. **Niantic River–** New buildings and parking shall be located at least 25 feet landward from the edge of the bulkhead, seawall, or other coastal structure or resource adjacent to the Niantic River ref. unless the improvements are associated with a water-dependent use.

11. **Pedestrian Ways -** Where a lot to be developed abuts pedestrian ways, (including sidewalks, boardwalks or other pedestrian access), the proposed lots shall be designed to connect proposed pedestrian amenities to abutting pedestrian ways.

12. **Access to Coastal Resources** -- Access, in the form of a permanent easement, shall be at least 12 feet wide from a public street to the waterfront and at least 8 feet wide along the width of the property landward and adjacent to the edge of the bulkhead, seawall, or other coastal structure or resource bordering the Niantic River. Access easements between the public street and the waterfront may be shared between properties.
13. **Maximum Building Coverage** - The aggregate building coverage on any lot in the Mago Point District shall not exceed 50% of the total area of said lot. Decks and boardwalks shall not count toward building coverage. The Commission may allow greater than 50% lot coverage if the following provisions are met:
 - a. Where multiple buildings or uses are proposed on a single parcel, a common pedestrian amenity is provided to connect said buildings or uses.
 - b. The lot is subject to the requirements of a Community Parking Agreement pursuant to section 14a.8.
14. **Maximum Floor Area Ratio** - The ratio of gross floor area of any building(s) and any lot in the Mago Point District shall not exceed 150% of the total area of said lot.
15. **Maximum Building Height**
 - a. Building height in the Mago Point District shall be measured from the average ground level around the perimeter of the structure or from the Base Flood Elevation on FEMA's most recently adopted Flood Insurance Rate Maps around the structure, whichever is higher.
 - b. No building in the Mago Point District shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum height in excess of 37 feet measured as indicated above.
 - c. Any floor level above two stories shall be located under a sloping roof or shall be set back from the front façade of the building by at least 10 feet.
16. **Maximum Building Width**
 - a. The total cumulative width of buildings, structures, fences, or walls more than 30 inches in height shall not occupy more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the edge of the bulkhead, seawall, or other coastal structure or resource adjacent to the Niantic River.
 - b. The Commission may, by Special Permit, allow a greater cumulative width if permanent public access to the river is provided. Such access, in the form of a permanent easement, shall be at least 12 feet wide from the street to the water and at least 12 feet along the width of the property landward and adjacent to the edge of the bulkhead, seawall, or other coastal structure or resource bordering the Niantic River.

14a.6 Design Guidelines

The Commission shall evaluate proposed development for consistency with the Mago Point Design Guidelines and the design principles outlined below. The Mago Point Design Guidelines are a separate document, approved by the Planning and Zoning Commission to address both design and the process for design review for new construction and exterior renovations of existing structures and sites. Structures and sites shall be compatible with the distinctive characteristics of the district identified in the Waterford Plan of Conservation and Development.

The following site and building design elements shall be evaluated as part of all required applications in Mago Point.

1. The quality and extent of views from the adjacent public streets through the property to the water.
2. The design and relationship of development to the waterfront as viewed from the water.
3. The degree to which traffic, parking, pedestrian circulation and any associated easements promote connectivity between separate uses and protect and enhance access to the Niantic River.

~~3.~~

Waterford Zoning Regulations – Mago Point District

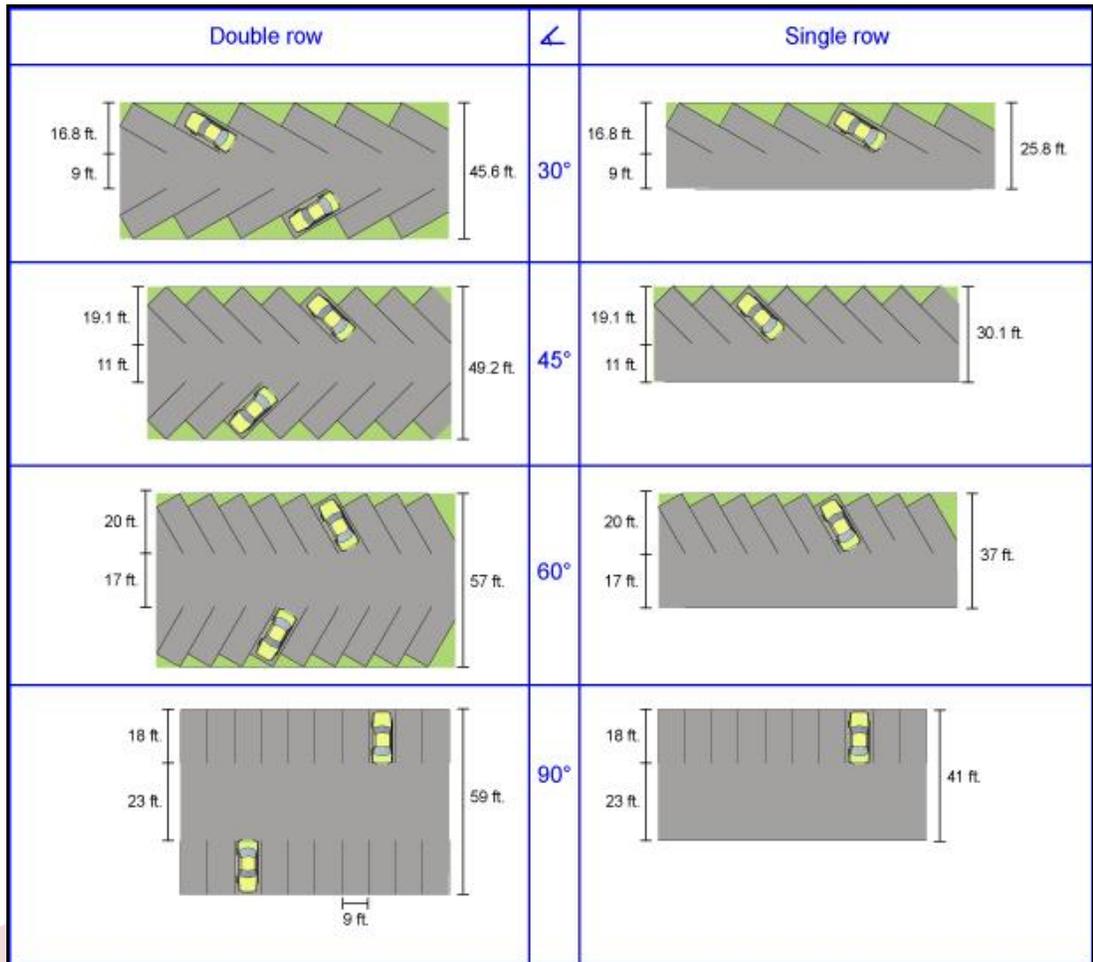
REVISED DRAFT – ~~August 5, 2016~~ September 15, 2016

4. Any service areas (delivery, refuse, utility meters, etc.) shall be:
 - a. located in the least visible areas of the property,
 - b. shielded from view from public streets by fencing, landscaping or a combination thereof, and
 - c. accessed from the rear of the property rather than directly from the street. Where properties front on multiple streets, service areas shall not be accessed from a primary street.

14a.7 Off-Street Parking

1. **Minimum Parking Space Requirements** - off-street parking spaces shall be provided in accordance with the following provisions:
 - a. A minimum of three (3.0) off-street parking spaces shall be provided per 1,000 square feet of gross commercial floor area.
 - b. A minimum of one space per bedroom for hotels, motels, bed and breakfasts.
 - c. A minimum of one space per boat slip.
 - d. A minimum of one space per bedroom for apartments and condominiums.
 - e. Off street parking may be provided on the same lot or may, with approval by the Commission, be located within 1,200 feet of the proposed use provided that pedestrian access is provided between the site and the parking that serves it. Parking located more than 1,200 feet from the proposed use may be allowed provided that a shuttle service, boat taxi or other means of transportation is provided between the parking area and the proposed use.
2. All off street parking shall meet the following provisions:
 - a. Where mixed uses are located on a single property, or on properties participating in a community parking agreement, the total number of required spaces for the combined uses may be reduced when the peak parking demand for uses occurs at different times of day.
 - b. Off-street parking shall comply with the following provisions of Section 20 of the Waterford Zoning Regulations:
 - i. Section 20.2,
 - ii. Section 20.4(b),
 - iii. Section 20.10,
 - iv. Section 20.11,
 - v. Section 20.12,
 - vi. Section 20.16.
 - c. Parking areas shall be surfaced and maintained with a durable, dustless all-weather material. Surfaces that promote stormwater infiltration are encouraged.
 - d. The arrangement of parking spaces shall provide for adequate width to provide for vehicle circulation and emergency access. Positive control of traffic direction is required for parking spaces angled at less than 90 degrees. Aisle widths shall be provided according to Diagram 1 below:

Diagram 1



14a.8 Community Parking Agreement

1. For the purpose of encouraging integrated development, any parcel may enter into a community parking agreement provided that
 - a. The owner of such lot shall provide easement(s), filed in the Office of the Town Clerk, that provide the right of vehicle and pedestrian entrance, exit, passage, parking and loading between the subject property and one or more contiguous properties. The physical dimensions of the easement area shall be clearly shown on the approved site plan and the site plan shall be filed as an appendix to the easement in the Office of the Town Clerk. An operations and maintenance plan for the parking lot, including snow and ice management, landscaping, lighting and repairs shall be included in the easement language. Draft easement language and the proposed easement area shall be provided at the time of application for a site plan or special permit.
 - b. The site is developed with an integrated plan of buildings and parking and other improvements that contribute to establishing a functional communal parking approach in Mago Point. The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid congestion.

14a.9 Stormwater Management

1. A minimum 15% of the total lot area shall be pervious surface; designed to accept and infiltrate on-site stormwater run-off [Based on 1 ft. of permeable substrate depth with an average porosity of 0.3].
2. A minimum 5% of the total lot area shall contain bio-retention measures such as rain gardens and/or bio-retention swales constructed with a graded minimum 6 inch depth depression to collect stormwater run-off and infiltrate it within a 72 hour period. The bio-retention area may be part of the required pervious surface area.
3. Other acceptable low impact development (LID) designs, capable of retaining the minimum run-off volume equivalent to the aforementioned bio-retention wet pool volume, (such as rain barrels, tree filters, green roof, or a combination thereof), may be used to meet the bio-retention volume requirement.
4. The design shall, at a minimum, capture and treat the water quality volume from the site with LID stormwater treatment practices in accordance with the CT DEEP Stormwater Manual.
5. The water quality improvement strategies identified in the Niantic River Watershed Protection Plan shall be addressed as part of any approval.

14a.10 Village District Procedures

Since the Planning and Zoning Commission has, as authorized by CGS Section 8-2j, designated the Mago Point District as a “village district,” the following procedures shall be utilized:

1. All applications within the Mago Point District shall be subject to review and recommendation by the Design Review Board in Waterford which shall serve as the village district consultant provided the composition of the Committee shall conform to statutory requirements.
2. The Design Review Board shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
3. Such report and any recommendations shall be entered into the record and considered by the Commission in making its decision.
4. Failure of the Design Review Board to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
5. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Waterford Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources and any reports or recommendations from such agencies or organizations shall be entered into the public record.

14a.11 Signs

Except as provided in this section, signs shall be erected in conformance with Section 21 of the Waterford Zoning Regulations. All signs shall be compatible with the Mago Point Design Guidelines.

1. Wall mounted signs shall not exceed 20% of the area of wall upon which they are to be placed up to a maximum of 100 square feet total for all signs. Directory signs may be permitted in multi-tenant structures up to a maximum of 18 square feet in addition to the maximum wall sign area allowed.
2. Freestanding signs shall not exceed 10 square feet. Freestanding signs installed by the Town of Waterford in a public right of way or easement for the purposes of wayfinding and/or public information are exempt from this provision.
3. Electronic message centers are prohibited.

14a.12 Utilities

All utilities shall be placed underground and shall, as appropriate, be sealed to protect them from flooding. Where locations for mobile food vendors or vendor carts are designated on an approved site plan, utility connections shall be provided to reduce the need for generators in the district.