

## **SECTION 14 - WATERFRONT DEVELOPMENT DISTRICT (WD)**

### **14.1 PURPOSE**

The purpose of the Waterfront Development District is to encourage a mixture of land uses, with emphasis on waterfront access and water dependent and related uses (defined by the State of Connecticut as “those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat facilities, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters”).

The Town of Waterford contains a number of valuable waterfront areas, which have potential for waterfront development. These areas include several of the Thames River peninsulas and portions of the Mago Point area on the Niantic River. The Waterfront Development District is designed to achieve the most appropriate use of land and structures in these waterfront areas consistent with the design guidelines included here and in special plans adopted by the Planning and Zoning Commission for Mago Point or any of the designated Thames River peninsulas.

### **14.2 PERMITTED USES**

The following water-oriented uses are permitted by right:

- 14.2.1 Public and private parks and playgrounds.
- 14.2.2 Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, and racquetball facilities.
- 14.2.3 Boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.
- 14.2.4 A yard for building, storing, repairing, selling, or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restrooms, and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- 14.2.5 Boat and marine engine sales and display, yacht broker, marine insurance broker.
- 14.2.6 The rental of boats.
- 14.2.7 Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- 14.2.8 A sail loft or ship’s chandlery.
- 14.2.9 Swimming pools and swimming clubs.
- 14.2.10 Museums with nautical themes.

### **14.3 USES PERMITTED SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT**

The following uses may be permitted in the WD District if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 14.3.1 Retail stores and service establishments.
- 14.3.2 Restaurants. (Revised 08/15/94)
- 14.3.3 Professional offices.
- 14.3.4 Residential uses up to a maximum density as provided for in Section 18 herein.
- 14.3.5 Hotels and motels.

- 14.3.6 Commercially-operated tennis courts and/or private tennis clubs and similar facilities for racquetball and paddle tennis.
- 14.3.7 Port facilities for bulk shipping and storage facilities, whether indoor or outdoor.
- 14.3.8 Radio or television antennas, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground.
- 14.3.9 Base operations for fishing 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, and/or the commercial bulk processing of fish and shellfish.

#### **14.4 LOT AND BUILDING REQUIREMENTS**

The following lot and building requirements shall be met except as provided for in Section 3.7 of these regulations or as otherwise provided in this section.

##### **14.4.1 Minimum Lot Size**

The minimum lot size shall be 20,000 square feet subject to the lot design standards of Section 3.34 of these regulations.

##### **14.4.2 Minimum Lot Frontage and Width**

No lot in this district shall have less than 50 feet of frontage on a public street and each lot shall be at least 50 feet wide at the building line.

Where the Commission deems it infeasible to create a public street because of physical limits, railroad, etc., it may approve a site plan for use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning and Zoning Commission.

##### **14.4.3 Minimum Setbacks**

Front Yard - 20 feet.

Side Yard - 10 feet; the Commission may permit a reduction in the side yard to "0" if, in its judgment, such a reduction will help to achieve the purposes of the district. If a side yard is provided, however, it must be at least 10 feet.

Rear yard - 20 feet.

In no case shall new construction at the foundation line be less than 25 feet from the Niantic River or Thames River at mean water level elevation.

##### **14.4.4 Building Coverage**

The aggregate building coverage on any lot in this district shall not exceed 50% of the total area of said lot.

#### **14.4.5 MAXIMUM BUILDING HEIGHT**

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum height in excess of 25 feet, except as provided in Section 3.6 of these regulations, and Section 14.8.2.1 below.

##### **14.4.6 Building Width**

The total cumulative width of buildings, structures, fences, or walls more than 30 inches in height which are located adjacent to the Niantic River or Thames River shall not occupy more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the river, except as provided for in 14.8.2.2 below.

## **14.5 OFF-STREET PARKING**

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations. Required parking facilities shall be located on the same lot as the building or other use which they serve except as follows:

- 14.5.1 Because the WD District is important to the Town's economy, provides a local service and employment base, and because its physical integrity must be enhanced, and further because it is desirable to utilize existing buildings as fully and as efficiently as possible, required parking for uses within the WD District may be provided on sites other than the site which they serve provided that:
- a. Said spaces are within 400 feet walking distance of the lot or use which they serve.
  - b. Said spaces are consistent with the guidelines as set forth in 14.8.1.
  - c. The parking lot or spaces shall conform to the provisions of the district in which they are located except that in the case of a privately owned lot if they are serving a primary use outside the district in which they are located, the parking area shall be classified as a permitted accessory use.
  - d. Such spaces shall be in the same ownership as the use which they serve and shall be subject to a deed restriction binding the owner and his heirs and assigns to maintain the required number of spaces either (1) through the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere.

## **14.6 SIGNS**

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

## **14.7 ENVIRONMENTAL PROTECTION**

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

## **14.8 SITE PLAN APPROVAL**

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

### **14.8.1 Guidelines**

In addition to the considerations set forth in Section 22 and Section 23, the Commission shall consider the purposes of this section and the specific design guidelines set forth in Master Plans for Mago Point or Thames River peninsulas that are adopted by the Planning and Zoning Commission as well as the following factors during their review:

- 14.8.1.1 The quality and extent of views from the adjacent public streets through the property to the water.
- 14.8.1.2 The design and relationship of development to the waterfront as viewed from the water.
- 14.8.1.3 The design and function of any easements or other access provided to the bulkhead, including new bulkheading or docking facilities.
- 14.8.1.4 The eligibility of proposed development to utilize any of the development incentives set forth below.
- 14.8.1.5 Traffic, parking, and pedestrian circulation recommendations contained in any plans for the area.

14.8.2 Modifications to Height and Width as Incentives to Achieve Purposes and Design Guidelines.

14.8.2.1 Height

- a. For every reduction of 10% in coverage below the maximum 50%, an additional 10 feet of height may be permitted up to a maximum of 45 feet.
- b. Maximum height may be increased by 10% up to a maximum of 45 feet 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 8 feet along the width of the property along the water.

14.8.2.2 Building Width

The total cumulative width of buildings, structures, fences, or walls more than 30 inches in height which are located on property directly on the river shall not occupy more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the river. Building width may be increased under the conditions set forth below:

- a. Maximum width may be increased to 50 percent if permanent public access to the Thames River is provided as set forth in Section 14.8.2.1(b) above.