City of Annapolis

DEPARTMENT OF PLANNING AND ZONING
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CHRISTOPHER N. JAKUBIAK, AICP
DIRECTOR

April 25, 2025

MEMORANDUM

To: **Planning Commission**

From: **Eric Leshinsky, Chief of Comprehensive Planning**

Via: **Christopher Jakubiak, Director**

Re: Ordinance O-9-25: Expanding Waterfront Uses in R4 General Residence (Zoning) Districts

Attachments:
- **O-9-25 First Reader**
- **O-9-25 Staffing Impact Report**
- **O-9-25 Fiscal Impact Note**
- **Map of R4 General Residence District**

SUMMARY

The purpose of O-9-25 is to expand the waterfront uses allowed in the R4 residential zoning districts to include boat rentals, charters, and charter services. The proposed legislation updates the use table for the R4 General Residence district to allow these uses by Special Exception, which requires applications to be reviewed and approved by the City's Board of Appeals.

ANALYSIS

Overview

The proposed legislation comes at a time when the City is significantly focused on improving and expanding opportunities for water access and maritime businesses. In 2020, the City Dock Action Committee submitted its final report after a two-year community-led planning process to revitalize and protect Annapolis' most important civic waterfront space. In 2021, the City

Council adopted a resolution to create the Maritime Task Force which ultimately produced a wide array of recommendations for zoning changes, economic policies, and water access investments. In 2022, City Council adopted O-25-21 which codified recommendations from the Maritime Task Force primarily focused on the City's Maritime zoning districts. In 2023, the City commenced its first-ever citywide Public Water Access Plan which was recommended by the Maritime Task Force and funded by the National Park Service. A final version of that Plan is forthcoming. In 2024, the City Council unanimously adopted the *Annapolis Ahead 2040* Comprehensive Plan which projects an ambitious vision for a greater access, investment, and economic opportunities on the City's waterfront. Also, in 2024, the Annapolis City Council adopted a Capital budget and Capital Improvement Program which included the most substantial funding for the waterfront in the City's history, a commitment which has continued through the proposed budget for FY2026. And most recently, the major site design plans for the City Dock revitalization have been approved by the Annapolis Planning Commission and Historic Preservation Commission.

O-9-25 represents another effort to improve and expand public water access and maritime opportunity in close proximity to where high concentrations of City residents live, particularly low and moderate income residents. The proposed legislation will formalize a process for allowing various low-intensity waterfront uses within the R4 General Residence district, which includes locations where these waterfront uses have previously existed informally. The R4 zoning district is just one of several residential zoning districts in the city, but it includes several large high-density developments on the waterfront. Notably, these include Nautilus Point, formerly Watergate Apartments, which is located on Back Creek and has recently begun to offer space to various maritime businesses in contravention to the zoning ordinance resulting in zoning enforcement actions. In 2024, a paddle rental business was found to be operating at Nautilus Point without a permit which triggered zoning enforcement actions. At the present moment, the Planning and Zoning Department has become aware of a motor boat rental business operating at the property in violation of the City Code.

In addition to Nautilus Point, the R4 zoning district also includes the city's largest public housing community, Eastport Terrace/Harbour House, which is located on Spa Creek with an unimproved and unrealized access to the water at Hawkins Cove. Since 2023, the City has committed substantial funding to restoring and revitalizing Hawkins Cove Park as part of a much larger revitalization of the entire public housing site. While a portion of the park site falls within the R3 zoning district, a substantial portion of it is within the R4 district.

The R4 district includes only two other waterfront areas that could reasonably support the waterfront uses proposed in the legislation. One area includes Northwest Street Park on College Creek which is in the City's Capital Improvement Program as a priority investment for expanding public water access in close proximity to the Old Fourth Ward and the Stanton Community Center; the other area is a private residential development on Weems Creek with an existing pier. College Creek and Weems Creek are the City's least accessible waterways for public access.

Impact of Legislation

The impact of zoning legislation is always difficult to predict because there are many other factors which determine land use change beyond what the zoning regulations allow. Economic viability, site constraints, and the support of both the property owner and the surrounding community will ultimately determine whether new waterfront uses happen or not. Based on historical precedent, one could reasonably assume that one or more of the proposed legislation's allowed waterfront uses will look to locate at the Nautilus Point property on Back Creek. One could also reasonably assume that the improvements to Hawkins Cove Park on Spa Creek and Northwest Street Park on College Creek, which are explicitly aimed at expanding public water access, would support one or more of the allowed waterfront uses. Should these uses happen, their impact would support citywide goals aimed at more equitable public water access, maritime business expansion, inclusive economic opportunities, mixed use development, and more efficient use of the City's waterfront. These waterfront uses would also provide economic returns to the city in the form of increased tax revenue, new jobs, tourism, and ultimately benefit the value of surrounding properties. Any potential for negative impacts is mitigated by the fact that any of the allowed waterfront uses would only happen by Special Exception approval which is designed to ensure compatibility.

An aspect of the permitting process that may pose challenges for potential waterfront uses is parking. The uses allowed by the proposed legislation have parking requirements set forth in Section 21.66 of the City Code. The allowed uses—*boat rentals, charters, and charter services*—fall under "Maritime Services" in the table of off-street parking requirements in section 21.66.130 which requires one parking space per two employees. If adequate parking does not exist on-site, the parking standards do allow for "Alternative Parking" (Section 21.66.040) and "Off-Site Parking Facilities" (Section21.66.060) which provide some flexibility to meet the parking requirements through an Administrative Adjustment. Because these waterfront uses proposed by O-9-25 could only be permitted by Special Exception approval, in the case of Nautilus Point, which is already developed in a multiple-family residential use, the operators of businesses would need to persuade the Board of Appeals that their parking demands can be met without unduly impacting area parking.

Another concern is the commercial use of residential waterfront property for boats that might generate noise or require supporting facilities and operations with the potential to adversely impact residential uses. The proposed waterfront uses "boat rentals, charters, and charter services" is actually quite broad, ranging from the rental of kayaks, paddle boards, daysailers, motor boats, and the operation of charter boats. A paddle board or kayak operator can operate with minimum impact to adjoining residential uses. A motor boat or heavily subscribed charter boat service company may be somewhat more impactful and care will need to be taken in site planning. The Special Exception process, at its fact finding public hearings and standards, provides the means for minimizing potential impacts by limiting the number of boats, the time of business operations, the location of operations within a site, and the nature of on-shore operations, if any.

Conclusion

O-9-25 is closely aligned with and would help advance a variety of City goals. The proposed legislation would also formalize a set of limited low-intensity waterfront uses in places where they have historically existed or where they could have a clear benefit to City residents and visitors. Further, by allowing the uses through the Special Exception approval process, immediate neighbors will have confidence that the uses, if implemented, will be compatible with adjacent residential uses.

CODE COMPLIANCE AND RECOMMENDATION

Based on the above analysis, the staff recommends approval of the proposed O-9-25.

Expanding Waterfront Uses in R4 General Residence (Zoning) Districts

For the purpose of changing the residential table of uses to allow for limited commercial waterfront activities, such as boat rentals, charters, and charter services, in R4 General Residence Districts; and requiring a special exception use reviewed and approved by the city's Board of Appeals.

..Body

City Council of the
City of Annapolis

Ordinance 9-25

Introduced by: Alderman Arnett
Co-sponsored by: Alderman Savidge

Referred to: Planning Commission; Maritime Advisory Board; and Rules and City Government Committee

AN ORDINANCE concerning

Expanding Waterfront Uses in R4 General Residence (Zoning) Districts

FOR the purpose of changing the residential table of uses to allow for limited commercial waterfront activities, such as boat rentals, charters, and charter services, in R4 General Residence Districts; and requiring a special exception use reviewed and approved by the city's Board of Appeals.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition:
21.48.010

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

City Code Title 21 - PLANNING AND ZONING
Division III - Base District Regulations

Chapter 21.48 - Use Tables

Section 21.48.010 - Tables of Uses—Residential Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record					S-Std								
Boat rentals, charters, and charter services										S			
Cemeteries	P	P	P	P	P								

SECTION II: AND BE IT FINALLY ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect upon passage.

STAFFING IMPACT REPORT ON PROPOSED LEGISLATION

To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: March 18,2025

Subject: O-9-25: Waterfront Uses in the R4 Zoning District

Purpose of legislation

The purpose of this legislation is to revise the residential table of uses and associated standards to allow for limited waterfront activities in the R4 District.

Impact of legislation on staffing

Should an entity file an application, staff would then devote time and resources to process the application, review the plan, and attend the required public hearing. If approved, staff would process the permits necessary, including a use and occupancy permit. During 2024, staff spent considerable time in enforcement related activities related to the unlawful use of the boat rental business in the R-4 district. This ordinance would prevent this from happening again.

Prepared by Christopher Jakubiak, Director, Department of Planning and Zoning

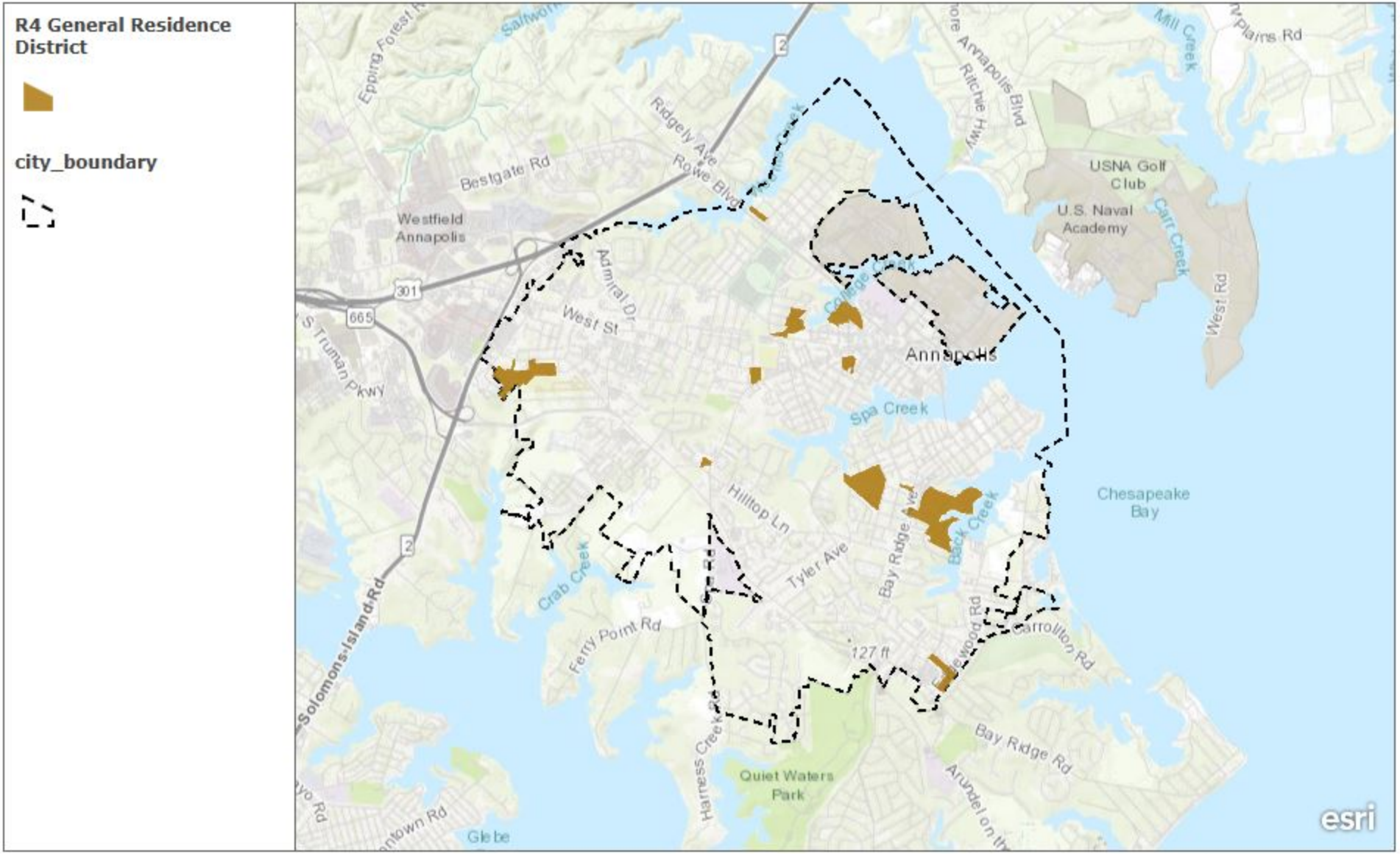
FISCAL IMPACT NOTE

Ordinance: O-9-25

Title: Expanding Waterfront Uses in R4 General Residential Districts

Date: April 9, 2025

This ordinance allows certain commercial waterfront activities in R4 Districts as special exception uses. It has no fiscal impact.

Prepared by Jake Trudeau, Budget Manager

R4 General Residence District