O-15-23

Building Height and Elevation Limits - Exception for FEMA Flood Zones in Annapolis

AMENDMENT 1 – ALD. TIERNEY

Amendment Summary:

O-15-23 creates a new subsection allowing exceptions to zoning code limits on how much builders can boost the elevation of their buildings. The purpose of the ordinance is to allow buildings in FEMA-defined flood zones to elevate above projected flood levels.

The amendment:

1) Clarifies the section of the FEMA Zone AE flood hazard zone impacting the Annapolis City Dock,

2) Changes the FEMA map referred to in this section of the City Code,

3) Bases the definition of "base flood elevation" in this section of the City Code on another section of the Code, Title 17 § 11.128 *(see below)*.

§ 17.11.128 (Base flood elevation) mentioned in #3 says:

"The water surface elevation of the base flood in relation to the datum specified on the Community's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four feet if the depth number is not specified."

On page 2, in lines 15-17, strike "the FEMA Zone AE flood hazard map covering Annapolis City Dock. (see FEMA Policy #204-078-1 and FEMA's National Flood Hazard Layer NFHL Viewer at https://www.fema.gov/flood-maps/national-flood-hazard-layer)" and insert "the FEMA Flood Insurance Rate Map (FIRM) which encompasses the site limits of the City Dock Resilience and Revitalization Project as defined in the City Dock Action Committee Final Report."

On page 2, in lines 18-19, strike " at the front setback line not to exceed the flood protection elevation" and before "plus one foot" insert ", otherwise known as the new base flood elevation, at the front setback. The resulting new elevation will be Base Flood Elevation, as defined in Title 17 § 11.129"

21.56.170 Height measurement.

The height of buildings shall be determined in the following manner:

A.   All measurements shall be taken from the center of the building at the front setback line; provided, however, that if the building is greater than forty-four feet wide, the massing shall conform to Section 21.56.210. In buildings greater than forty-four feet in width, the building height measurement shall be taken at the highest point of each building element at the front setback line.

B. Antennas and mechanical equipment up to thirty inches high shall not be counted in computing height, and penthouses, other structures and mechanical equipment thirty inches in height shall be used in computing height; chimneys are excluded.

C.   For the purpose of achieving a permanent height limit, the height of a building shall not be allowed to increase because of an increase in the elevation of the front setback line occurring after the effective date of this Zoning Code

1. **Exception**. Buildings that must comply with the Federal Emergency Management Agency (FEMA) Floodplain Management elevation requirement for AE flood zones are exempted from subsection C above. The area included is found in ~~the FEMA Zone AE flood hazard map covering Annapolis City Dock. (see FEMA Policy #204-078-1 and FEMA's National Flood Hazard Layer NFHL Viewer at https://www.fema.gov/flood-maps/national-flood-hazard-layer)~~ the FEMA Flood Insurance Rate Map (FIRM) which encompasses the site limits of the City Dock Resilience and Revitalization Project as defined in the City Dock Action Committee Final Report.

2. **Exception Criteria.** Exempted structures will be measured from the new grade ~~at the front setback line not to exceed the flood protection~~, otherwise known as the new base flood elevation, at the front setback. The resulting new elevation will be Base Flood Elevation, as defined in Title 17 § 11.128, plus one foot.

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Explanation:
~~Strikethrough~~ indicates matter stricken.
Underlining indicates an amendment (change).

Amendments:
Underlining & black - copyediting or reformatting of existing law
Underlining & red - new matter added to the code.
Underlining & blue - change to an amendment (amendment to an amendment)

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