

June 8, 2023

To: Annapolis City Council

From: Planning Commission

Re: Findings for Ordinance O-15-23: Building Height and Elevation Limit - Exception for FEMA Flood Zones in Annapolis – For the purpose of exempting building construction in Federal Emergency Management 3 Agency's AE flood zones including the Annapolis' City Dock area from certain elevation 4 restrictions; setting exception criteria; and generally related to Planning and Zoning height 5 measurement. ZTA2023-015

SUMMARY

This ordinance intends to refine the city's existing standards concerning the determination of edifice elevation within the AE flood zone area of the City Dock vicinity, ensuring they align with the criteria established by the Federal Emergency Management Agency (FEMA). The proposed change will apply to both new architectural endeavors and significant reconstructions within the designated zone. The realignment with FEMA's directives is instrumental in preserving our city's compliance with the stipulations associated with our participation in the National Flood Insurance Program (NFIP), a partnership upheld since 1981. This regulatory alignment will simultaneously facilitate the procurement of vital federal funding resources for the execution of the City Dock project, which is currently in its design phase, and is intended to meet the stringent standards set forth by FEMA.

- FEMA categorizes the AE flood zone as an area with a 1% annual chance of flooding, which rises to a 26% chance over the lifespan of a 30-year mortgage. The City Dock area in the AE zone currently experiences up to 50 days of flooding annually, projected to rise to 365 days by 2065 due to sea level increases. Over the past 50 years, minor flooding in Annapolis has surged by 925%.
- The City's Code of Ordinances, specifically section 21.56.170, sets the standards for determining building height in the City Dock area. Due to consistent flooding, the elevation here is being raised as a primary flood mitigation strategy, complying with FEMA requirements for new constructions to be built above the Base Flood Elevation (BFE).
- To comply with FEMA's National Flood Insurance Program, the first-floor elevation of all new constructions or substantial reconstructions should be set above the BFE in the AE zone. The City's standards for such areas surpass FEMA's BFE requirements, with non-residential and mixed-use structures requiring additional flood-proofing measures.
- The new ordinance proposes amending section 21.56.170 (C) to align with the City's flood protection and flood-proofing requirements. It proposes measuring building heights in the City Dock's AE zone from the base elevations set by FEMA and the City of Annapolis. The City Dock Resilience and Revitalization Project is designed to meet these requirements. This adjustment to the ordinance ensures accurate building height measurements in the City's most vulnerable flood hazard zone, adhering to FEMA's and the City's elevation requirements and thus unlocking vital federal funding.

A critical part of the City Dock project's flood management strategy is raising the public walkways' base

elevation. If future building heights next to these walkways aren't measured from this new base level, it could lead to limited design choices and disproportioned buildings that won't adequately meet the community's needs or align with the City Dock project's overall design.

Although the changes in this ordinance could apply to other flood-prone parts of the City, the City Dock area is unique and needs immediate attention. Nowhere else in the City, except the City Dock, has a funded plan to raise public walkways around existing or planned buildings. Also, a substantial part of the project's funding comes from FEMA and is tied to the City Dock's flood-resilient design, including the public waterfront and Maritime Welcome Center. The project's urgent need and reliance on the code change support the ordinance's specific focus. Once this ordinance is adopted, the City would endorse introducing a similar ordinance for other flood-prone areas in the City, including parts of Murray Hill, Eastport, and West Annapolis.

Mr. Leshinsky provided a comprehensive analysis and recommendation to the Planning Commission with a recommendation to approve with the following modifications:

- 1) "FEMA Zone AE flood hazard map covering Annapolis City Dock" should be replaced with "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) Strike the website link to the FEMA map as it is unnecessary and will likely change over time.

DISCUSSION

The commission had nothing but technical questions, and was convinced of the need for the ordinance and the urgency of passage.

RECOMMENDATION

On May 18 and June 8, 2023, the Planning Commission held a public hearing on O-15-23 and subsequently moved to recommend that the City Council ADOPT the Ordinance O-15-23: Building Height and Elevation Limit - Exception for FEMA Flood Zones in Annapolis by a vote of 5-0 (Ms. Butler abstained, and Mr. Pline was not present).

Adopted this 8th day of June 2023

Approved and submitted on behalf of the Planning Commission

Alex Pline, Chair

Teresa Pico, Vice-chair

Ben Sale, Member

David Iams, Member

Diane Butler, Member

Robert Waldman, Member

Thomas Sfaykanudis, Member