



Legislation Details (With Text)

**File #:** O-15-23      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 4/3/2023      **In control:** Planning Commission

**On agenda:** 7/10/2023      **Final action:** 7/10/2023

**Title:** Building Height and Elevation Limit - Exception for FEMA Flood Zones in Annapolis - For the purpose of exempting building construction in Federal Emergency Management Agency's AE flood zones including the Annapolis' City Dock area from certain elevation restrictions; setting exception criteria; and generally related to Planning and Zoning height measurement.

**Sponsors:** Gavin Buckley

**Indexes:** Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-15-23 First Reader, 2. O-15-23 Amendment 1 - Tierney, 3. O-15-23 Legislative Summary, 4. O-15-23 Fiscal Impact Note, 5. O-15-23 FEMA Flood Zone Map of Annapolis City Dock, 6. O-15-23 REVISED Historic Preservation Commission Action Report, 7. O-15-23 Historic Preservation Commission Action Report, 8. O-15-23 Staff Report to Planning Commission, 9. O-15-23 UPDATED Staff Report to Planning Commission, 10. O-15-23 Planning Commission Findings, 11. City Dock Resiliency Project Report - June 6, 2023, 12. 2018 City of Annapolis Hazard Mitigation Plan Update, 13. O-15-23 Newspaper Notice of Public Hearing, 14. O-15-23 Signed

Date	Ver.	Action By	Action	Result
7/10/2023	1	City Council	declare the public hearing closed	
7/10/2023	1	City Council	adopt on second reader	Pass
7/10/2023	1	City Council	amended	Pass
7/10/2023	1	City Council	adopt as amended	Pass
7/10/2023	1	City Council	adopt on third reader	Pass
6/6/2023	1	Rules & City Government Committee	no action taken	Pass
6/6/2023	1	Environmental Matters Committee		
4/10/2023	1	City Council	adopt on first reader	Pass
4/10/2023	1	City Council	refer	
4/10/2023	1	City Council	refer	
4/10/2023	1	City Council	refer	
4/10/2023	1	City Council	refer	
4/10/2023	1	City Council	refer	
4/10/2023	1	City Council	refer	

**Building Height and Elevation Limit - Exception for FEMA Flood Zones in Annapolis** - For the purpose of exempting building construction in Federal Emergency Management Agency's AE flood zones including the Annapolis' City Dock area from certain elevation restrictions; setting exception criteria; and generally related to Planning and Zoning height measurement.

CITY COUNCIL OF THE  
**City of Annapolis**

**Ordinance 15-23**

**Introduced by: Mayor Buckley**

**Co-sponsored by:**

**Referred to**

Planning Commission  
Rules and City Government Committee

**AN ORDINANCE** concerning

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

**FOR** the purpose of exempting building construction in the Federal Emergency Management Agency's AE flood zones including the Annapolis' City Dock area from certain elevation restrictions; setting exception criteria; and generally related to Planning and Zoning height measurement.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2022 Edition

**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:

**Title 21 - Planning and Zoning**  
**Division IV - Overlay District**  
**Article II - Height and Bulk Limits**  
**Section 21.56.170 - Height measurement**

**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.

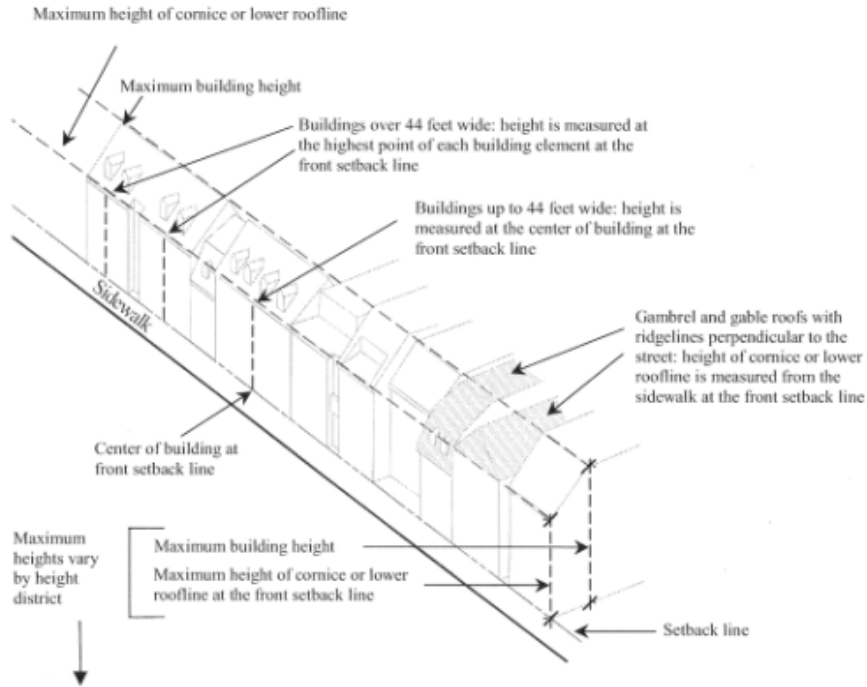
- C. For the purpose of achieving a permanent height limit, the height of a building shall not be allowed to increase because of an increase in the elevation of the front setback line occurring after the effective date of this Zoning Code

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>).
  
2. **Exception Criteria.** Exempted structures will be measured from the new grade at the front setback line not to exceed the flood protection elevation plus one foot.

- D. Height Measurement in Special Height Limit Districts.

1. Two limits are established for each height district:
  - a. The height of a building at its highest point.
  
  - b. The height of a cornice or lower roofline of the building at the front setback line.
  
2. The height of a building behind the front setback line may be increased provided it does not exceed a plane projected at an angle of forty-five degrees upward from the maximum allowable cornice or lower roofline height at the front setback line. The plane may contain roof dormers provided the sum of their widths does not exceed fifty percent of the street front linear dimensions of the building.
  
3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height of a cornice or lower roofline will be measured at the side wall at the front setback line, and the height of the building at its highest point will be measured at the ridge line.

### **Illustration for height measurement.**



Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'
2	28'	38'
3	35'	45'

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.