

## A RESOLUTION TO RECOMMEND APPROVAL OF THE FLOODPLAIN MANAGEMENT OVERLAY DISTRICT ORDINANCE AND CONSIDERATION OF STRENGTHENING THE ORDINANCE TO PROHIBIT NEW BUILDING IN FLOOD FRINGE AREAS

Whereas, FEMA encourages communities to limit development in flood fringe areas to the degree possible,

Whereas, The State of Michigan Law, Natural Resources and Environmental Protection Act (Act 451 of 1994, Part 31) regulates and prohibits human habitation (residential structures) in floodway areas that are greater than two square miles in area,

Whereas, The City of Ann Arbor is responsible for the regulation of buildings in floodway and flood fringe areas that are less than 2 square miles of area,

Whereas, The City of Ann Arbor has the authority to use higher regulatory standards on structures built or proposed in at risk floodplain areas within its jurisdiction,

Whereas, The responsibilities of the Environmental Commission include advising and making recommendations to the City Council and City Administrator on environmental policy, environmental issues and environmental implications of all City programs and proposals on the air, water, land and public health,

Whereas, The City of Ann Arbor has developed a proposed Floodplain Management Overlay Zoning District and Regulations and Revisions to the Unified Development Code to reflect requirements of state law that apply to floodway areas that prohibit new residential Buildings from being built in floodway areas,

Whereas, Flood fringe areas represent important opportunities for storm water management to allow absorption and slowing of water flow after storm events,

Whereas, Existing non-elevated or non-floodproofed structures located in flood fringe areas present risk to health and safety that would not be allowed by today's building standards,

Whereas, Climate change is presenting the city with challenges including more frequent and intense rain events,

Whereas, Open spaces in flood fringe areas can assist with mitigation of flood risk by providing spaces to slow and absorb stormwater,

Whereas, Open space preservation is recognized as the highest and best use of land for flood management,

Whereas, Open space preservation supports improved flood insurance ratings through the Community Rating System,

Whereas The Federal Department of Housing and Urban Development (HUD) restricts use of funds for construction in flood fringe areas because of the risk to health and safety,

Whereas, Avoiding new buildings in flood fringe areas can support and improve safety and storm water management in areas that are currently at risk, by providing permeable surfaces for floodwater absorption and to temporarily collect flood rise,

Resolved, The Environmental Commission supports the proposed Floodplain Management Overlay Zoning District and revisions to the Unified Development Code of the City of Ann Arbor,

Resolved, The Environmental Commission recommends that City Council approve the proposed Floodplain Management Overlay Zoning District and Regulations ordinance.

Resolved, The Environmental Commission recommends that City Council consider strengthening the Floodplain Management Overlay Zoning District to prohibit new Buildings in the flood fringe areas in order to protect the health and safety of the people of Ann Arbor.

Sponsored by: Commissioner Mitchell

**As amended and approved by the Ann Arbor Environmental Commission and passed unanimously by acclamation, 12/3/2020**