

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of October 20, 2020**

**SUBJECT: Amendments to Chapter 55 (Unified Development Code) Section 5.25  
Floodplain Overlay Zoning District and Related Sections**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code: Add Section 5.14.2 and modify Sections 5.18.4, 5.18.6.D.1.a, 5.23.4, 5.27, 5.29.1, 5.29.3.F.4, 5.29.12.D, and 5.37.2 to establish a Floodplain Overlay District and Regulations to effectively regulate Floodplains throughout the City.

### **STAFF RECOMMENDATION:**

Staff recommends that the amendments to the Unified Development Code be **approved**.

### **SUMMARY:**

Section 5.24.4 of the Unified Development Code (UDC) currently regulates 100 Year Floodplains. Throughout Ann Arbor, floodplain areas are approximately 10% of the total city land area. This set of proposed amendments is intended to both modify and expand floodplain regulations throughout the City to accomplish the following benefits:

- To improve safety and welfare of both people and property.
- To provide clear permitting and review expectations.
- To apply existing State-level floodplain regulations across all floodplains in the City.
- To lower flood insurance rates for City property owners.

The last benefit is achieved through incorporation of many Community Rating System best practice approaches into the proposed ordinance. There are numerous aspects to the proposed additions and modifications to the Unified Development Code here, including:

- Terminology updates – Shifting from past references in favor of current conventions that refer to risk factors by percentage (e.g. 1% Annual Chance vs. 100-year floodplain, 0.2% Annual Chance vs. 500-year floodplain).
- Extends State-level regulations to areas not currently regulated.
- Modifications to Floodway development:
  - Extends current prohibition of new residential buildings to no new buildings of any use.
  - No new parking where depth is greater than two feet.
  - Provides some exemption for redevelopment for parcels with existing buildings in a floodway.
  - No new accessory structures.

- Modifications to Flood Fringe development:
  - Adds prohibition of Critical Facilities from development in Flood Fringe.
  - Prohibits structures without foundations.
- For development in Floodplain, raises lowest floor/floodproofing requirement from one foot above 1% Annual Chance flood elevation to one foot above 0.2% Annual Chance flood elevation.
- Specifies required permit application materials.
- Adds and defines a series of related terms.

Since the initial presentation on September 1st, there have been a series of minor changes to the draft as follows:

- Removal of specific master plan references.
- The clarification that “Substantial Improvements” and the corresponding “Substantially Improved” definitions are based on existing definitions in the applicable building codes that regulate construction for any given property.
- The addition of mechanical equipment associated with residential structures when elevation is required.
- Other changes removing unnecessary references to the City, specific departments, or other provisions addressed elsewhere in the UDC.

On October 8, 2020, a second webinar was held to present a new online mapping tool to make it easier for property owners to view floodplain boundaries, and to answer additional questions on the proposed ordinance. A set of questions submitted by property owners has also been posted to the City’s website and provided to the Planning Commission for review.

### **Master Plan:**

The development of Floodplain Zoning Overlay District is supported by City policy documents.

### **2004 Natural Features Master Plan**

Floodways and Floodplains: The floodplain is land adjacent to lakes, streams, and rivers which is prone to flooding water levels rise and overflow the normal water channels during a 100-year frequency flood. The floodway is the sub-area of the floodplain needed to convey flood flows.

Implementation Summary: Review and modify City codes and policies to ensure that best management practices are implemented; restore city-owned wetlands; promote stewardship by educating the public on the identification and value of native plants and activities that can benefit floodplains. (p.4-5)

### **Floodways and Floodplains Implementation Strategies**

3. Review City codes to determine whether they reflect current best management practices to help prevent soil erosion and washout from storm events. Revise codes to implement best management practices, where appropriate.
8. Develop a policy that would restrict or prohibit new development within any floodway within the City unless the development is deemed to be of greater public interest than potential flooding hazards and damage. The policy should consider the location of the floodplain, proposed damage to or enhancement of natural features, and impacts to

floodplain capacity and value. The policy also should consider ways to actively remove structures in the floodway that do not conform to policy standards. (p. 19)

**2007, 2012, 2017 Flood Mitigation Plans**

Floodplain Overlay Zoning District

The City of Ann Arbor could pursue the creation of a Floodplain Overlay Zoning District to implement changes in the development patterns within the City's floodplain and floodway. Sometimes called a Special Zoning District, a Floodplain Overlay Zoning District would provide the City with an enforceable way to regulate land use within the floodplain. Undertaking a project of this kind would also provide residents, property owners and decision makers the opportunity to consider floodplain and floodway land use independently of other zoning decisions. . .

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c: City Attorney's Office