

AN ORDINANCE BY *Natalyn M. Archibong*
COUNCILMEMBER NATALYN M. ARCHIBONG

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 “ENVIRONMENT”, ARTICLE VI “FLOOD AREA REGULATIONS”, AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta was required to adopt and administer Metropolitan North Georgia Water Planning District’s *Model Floodplain Management/Flood Damage Prevention Ordinance* or an equally floodplain management ordinance; and

WHEREAS, various sections of Chapter 74 “Environment”, Article VI “Flood Area Regulations” were amended in the Code of Ordinances to comply with conditions necessary to participate in the National Flood Insurance Program as required by the Federal Emergency Management Agency per the Atlanta City Council adopting Ordinance 13-O-1021 on May 20, 2013; and

WHEREAS, Sections 74-206.1, 74-206.2, and 74-206.3 were created to permit construction and land development in historically modified floodplains in a manner that minimized the risk to life and property from flooding of homes and businesses by placing reasonable restrictions and limitations on such development; and

WHEREAS, Section 74-203 defines a historically modified floodplain as an area, in a combined sewershed, in which significant portions of the historic “natural” stream have been enclosed in a pipe; and

WHEREAS, the City’s requirement for placing fill in historically modified floodplain areas is more restrictive than those outlined in the Metropolitan North Georgia Water Planning District’s *Model Floodplain Management/Flood Damage Prevention Ordinance* and places hardship on many property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Chapter 74, Article VI, Section 74-206.1(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 74-206.1 – Single-family structures in a historically modified floodplain area.

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

SECTION 2: That Chapter 74, Article VI, Section 74-206.2(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 74-206.2 – Multifamily structures in a historically modified floodplain area.

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

SECTION 3: That Chapter 74, Article VI, Section 74-206.3(f) of the Code of Ordinances of the City of Atlanta is hereby amended such that it shall read as follows:

Sec. 74-206.3 – Non-residential structures in a historically modified floodplain area.

- (f) *Fill in Floodplain.* The placement of fill in the historically modified floodplain area may be allowed if it can be demonstrated that there will be no increase of flood elevation or adverse impacts on any upstream, downstream or adjacent property, ~~and results in no net loss in flood storage volume.~~

SECTION 4: That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed only to the extent of conflict.

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(Do Not Write Above This Line)	First Reading		FINAL COUNCIL ACTION
	Committee _____ Date _____ Chair _____ Referred To _____		<input type="checkbox"/> 2 nd <input type="checkbox"/> 1 st & 2 nd <input type="checkbox"/> 3 rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
<p>AN ORDINANCE BY <i>Natalyn M. Archibong</i> COUNCILMEMBER NATALYN M. ARCHIBONG</p> <p>AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, CHAPTER 74 "ENVIRONMENT", ARTICLE VI "FLOOD AREA REGULATIONS", AT SECTIONS 74-206.1, 74-206.2, AND 74-206.3 SO AS TO AMEND CERTAIN PROVISIONS IN SAID SECTIONS RELATIVE TO THE FILL IN FLOODPLAIN REQUIREMENTS FOR HISTORICALLY MODIFIED FLOODPLAIN AREAS; AND FOR OTHER PURPOSES.</p>	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ Refer To _____ _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ Refer To _____ _____	<p style="text-align: center;">CERTIFIED</p>
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1 ST ADOPT 2 ND READ & REFER <input checked="" type="checkbox"/> PERSONAL PAPER REFER Date Referred <i>4/20/15</i> Referred To: <i>City Utilities</i> Date Referred _____ Referred To: _____ Date Referred: _____ Referred To: _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ Refer To _____ _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ _____ _____ _____ Refer To _____ _____	<p style="text-align: center;">MAYOR'S ACTION</p>