

AN ORDINANCE BY  
CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 74 (ENVIRONMENT), ARTICLE VI (FLOOD AREA REGULATIONS), SECTIONS 74-204(E)(II) (FLOODPLAIN PROTECTION), 74-206.1 (SINGLE-FAMILY STRUCTURES IN A HISTORICALLY MODIFIED FLOODPLAIN AREAS), 74-206.2 (MULTIFAMILY STRUCTURES IN HISTORICALLY MODIFIED FLOODPLAIN AREAS), AND 74-206.3 (NONRESIDENTIAL STRUCTURES IN HISTORICALLY MODIFIED FLOODPLAIN AREA) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA; AND TO ADD A NEW SECTION TO BE CODIFIED AS SECTION 74-212 ENTITLED "PROPOSED CHANGE IN USE"; 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 effective 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 No. 13-O-1021 on May 20, 2013; and

**WHEREAS**, application of the Flood Area Regulations since the May 20, 2013 revisions has revealed some complications and technicalities that were not contemplated in Ordinance No. 13-O-1021 that have led to some unintended restrictions on certain properties.

**WHEREAS**, it is in the best interest of the City to amend Article VI (Flood Area Regulations) to provide additional clarity in regards to property development in the City of Atlanta's flood areas.

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

**SECTION 1:** That Chapter 74, Article VI, Section 74-204(e)(ii) (Floodplain protection), of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows:

**Sec. 74-204 – Permits required.**

- (ii) *Floodplain protection.* The commissioner shall not authorize the approval of any permit authorizing the placement of fill or stored materials, or the construction of any building or other structure within the floodplain. Earth-disturbing activities in the floodplain shall be permitted only when the resulting configuration shall allow stormwater to enter the floodway by sheet flow (not channelized flow) and results in no loss of existing flood volume. Any earth-disturbing activities within a floodplain shall be subject to requirements of stream bank buffer limits and should be constructed using best management practices for soil erosion and sedimentation control. The use of compensating excavation or contouring; procedures to modify flood hazard limits may ~~only~~ apply to install necessary



public roadway and utilities within the flood limits to support existing and new property(s) which are not within the flood limits; or to restore riparian buffer areas. Restoration of riparian buffer areas includes streambank stabilization projects that utilize natural channel design principles and the removal of a pipe or culvert to restore a stream channel with a minimum of a 25-foot vegetated buffer on each side of the channel.

All applications for permits issued by the commissioner which would allow any use or construction wholly or partly in a special flood hazard area shall include detailed plans and specifications which demonstrate that no expansion of a special flood hazard area would result from the work which would be authorized by any such permit. No such permit shall authorize any proposed use or construction which would have a finished elevation less than two feet higher than the nearest base flood elevation and that would be closer than 15 feet from the nearest base flood elevation, and no such permit shall be issued until the plans and specifications submitted are in compliance with this article and have been authorized by the commissioner. Any comments or requirements endorsed on such plans and specifications or on an addendum thereto, by the commissioner shall become a part of any permit issued for the work covered by the plans and specifications and shall be enforced as are all other requirements applicable to such permit.

**SECTION 2:** That Chapter 74, Article VI, Section 74-206.1(f) (Single-family structures in a historically modified floodplain areas), of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows:

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

- (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 74-206.2(f) (Multifamily structures in historically modified floodplain areas), of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows:

**Sec. 74-206.2 – Multifamily structures in historically modified floodplain areas.**

- (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 Chapter 74, Article VI, Section 74-206.3(f) (Nonresidential structures in historically modified floodplain area), of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows:

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**Sec. 74-206.3 – Nonresidential structures in 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 5:** That Chapter 74, Article VI, is amended by adding a new Section to be codified as Section 74-212, (Proposed Change in Use), which shall read as follows:


**Sec. 74-212 – Proposed Change in Use of Existing Encroachments.**

- (a) *Traditional Floodplain.* Existing structures in the traditional floodplain that are proposed for a redevelopment that will change the structure category (e.g., a multifamily structure redeveloped to a nonresidential structure) must comply with the following:

- (1) The proposed redeveloped structure shall be located not less than 15 feet horizontally and two feet vertically beyond the nearest base flood elevation.
- (2) If due to site conditions, the redeveloped structure cannot comply with the 15-foot horizontal requirement, in accordance with section 74-212(a)(1), the structure may be elevated in accordance with sections 74-205.5(a) and 74-205.5(c).
- (3) The proposed redeveloped structure must comply with the applicable requirements of section 74-205.1, 74-205.2 or 74-205.3.
- (4) The type or degree of occupancy of the replacement structure must be less than the type or degree of occupancy of the original structure. (i.e. Multi-family or single family occupancy may change to non-residential use but non-residential use may not change to residential).

- (b) *Historically Modified Floodplain.* Existing structures in the historically modified floodplain that are proposed for redevelopment that will change the structure category (e.g., a multifamily structure redeveloped to a nonresidential structure) must comply with the following:

- (1) The proposed redeveloped structure shall be located not less than 15 feet horizontally and two feet vertically beyond the nearest base flood elevation.
- (2) If due to site conditions, the redeveloped structure cannot comply with the 15-foot horizontal requirement, in accordance with section 74-212(b)(1), the structure may be elevated in accordance with sections 74-206.5(a) and 74-206.5(c)
- (3) The proposed redeveloped structure must comply with the applicable requirements of section 74-206.1, 74-206.2 or 74-206.3.



(4) The type or degree of occupancy of the replacement structure must be less than the type or degree of occupancy of the original structure. (i.e. Multi-family or single family occupancy may change to non-residential use but non-residential use may not change to residential).

**SECTION 6:** 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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A true copy,

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

JULY 17, 2017  
JULY 26, 2013

*Rhonda Daughin Johnson*  
Municipal Clerk