



AN ORDINANCE BY COUNCILMEMBERS CLAIR MULLER AND  
CATHY WOOLARD  
AS SUBSTITUTED BY FULL COUNCIL (5/21/01)

AN ORDINANCE TO AMEND CITY OF ATLANTA CODE OF  
ORDINANCES SECTION 74-43(3) BY INCREASING THE REQUIREMENT  
FOR A STREAM BANK BUFFER FROM 25 FEET TO 75 FEET.

WHEREAS, the City of Atlanta is committed to protecting the water quality in streams within its jurisdiction; and

WHEREAS, vegetated buffers along stream banks serve to reduce the velocity of storm water entering the stream, thus decreasing its erosive force; and

WHEREAS, vegetated buffers along stream banks serve as a filter for storm water, thus reducing the amount of suspended solids entering the stream and consequent siltation; and

WHEREAS, vegetated buffers along stream banks provide a shade canopy, thus improving the habitat for aquatic life; and

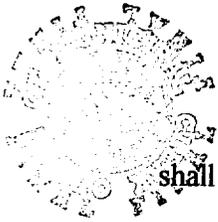
WHEREAS, in an effort to increase the benefits of vegetated buffers along stream banks, it is desired to increase the width of undisturbed stream bank buffers required within the city limits;

WHEREAS, this revision of the requirements of a stream bank buffer fulfills the requirements of the Metropolitan River Protection Act O.C.G.A. §12-5-440;

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

SECTION I: Section 74-43 (3) 0. of the City of Atlanta Code of Ordinances

*Land disturbing activities shall not be conducted within 25 feet of the top of the nearest bank of any state waters except where the EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD pursuant to O.C.G.A. §12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that buffers of at least 25 feet established pursuant to the Metropolitan River Protection Act shall remain in force unless a variance is granted by the EPD;*



shall be amended deleted in its entirety and substituted with

*Land disturbing activities shall not be conducted within 75 feet of the top of the nearest bank of any state waters except where the EPD grants a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD, where multi-use trails and associated secondary trails that are part of the City of Atlanta Comprehensive Development Plan (CDP) are constructed, where a drainage structure, or where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.*

*The requirements of this section shall not preclude any requirements of the State of Georgia, Metropolitan River Protection Act (MRPA) for activities within the 2000-foot Chattahoochee River Corridor.*

**SECTION II:** That Section 74-70(c)(9) of the City of Atlanta Code of Ordinances

*Delineate the 25-foot undisturbed vegetative buffer adjacent to state or city waters.*

shall be amended deleted in its entirety and substituted with

*Delineate the 75-foot undisturbed vegetative buffer adjacent to waters of the state.*

**SECTION III:** That the terms contained herein shall apply to any and all projects submitted for permit after the date of this ordinance. Projects for which valid permit applications have been received prior to the passage of this ordinance shall be permitted under the terms of the requirements in effect at the time of application.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 21, 2001  
MAY 25, 2001

RCS# 2880  
5/21/01  
3:13 PM

Atlanta City Council

Regular Session

01-O-0709

Amend Code by increasing stream bank  
buffer requirement from 25 ft. to 75 ft  
ADOPT ON SUB

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

01-O-0709

01-0-0709

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND CITY CODE OF ORDINANCES SECTION 74-43 (3) O. BY INCREASING THE REQUIREMENT FOR A STREAM BANK BUFFER FROM 25 FEET TO 75 FEET

5/21/01 - Substitute Brought Forward Without Objection

ADOPTED BY MAY 21 2001 Substitute COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 5/7/01

Referred To: Zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee Zoning

Date 5-15-01

Chair Deborah Stone

Action:

Fav, Adv, Hold (see rev. side)

Other: on substitute

Members

Clair Muller  
Clair Muller

Refer 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

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd Readings
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED MAY 21 2001

ATLANTA CITY COUNCIL PRESIDENT

Richard P. Pitts

CERTIFIED MAY 21 2001

Richard Davidson Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED MAY 25 2001

Mayor