CITY COUNCIL
ATLANTA, GEORGIA

01-O-0547

**AN ORDINANCE TO AMEND THE 1995 LAND DEVELOPMENT CODE OF THE CITY OF ATLANTA TO NAME PART 13. ENVIRONMENT; TO CREATE AND ADD CHAPTER 1. CWSW CHATTAHOOCHEE WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT REGULATIONS TO PART 13. ENVIRONMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta recognizes the critical roles of the physical environment in providing for the health, safety, and welfare of the people of the City of Atlanta; and

**WHEREAS**, the City of Atlanta recognizes the critical roles of water supply watersheds in providing for the health, safety, and welfare of the people of the City of Atlanta; and

**WHEREAS**, the viability of water supply watersheds could be threatened in some instances by the presence of certain types of land uses; and

**WHEREAS**, the purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of the City of Atlanta; to minimize the transport of pollutants to the water supply; and to maintain the yield of the water supply watershed; and

**WHEREAS**, the adopted 2001 Comprehensive Development Plan contains Appendix B, Exhibit B, Water Supply (Chattahoochee River) Watershed Protection Ordinance, in compliance with O.C.G.A. 12-2-8; and

**WHEREAS**, to better and more fully comply with O.C.G.A. 12-2-8, the Water Supply (Chattahoochee River) Watershed Protection Ordinance requires some corrections as well as formal adoption into the Land Development Code; and

**WHEREAS**, to better and more fully comply with O.C.G.A. 12-2-8, the City of Atlanta wishes to replace the existing Water Supply (Chattahoochee River) Watershed Protection Ordinance with this ordinance and adopt the same into the Land Development Code.

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

Section 1: That the 1995 Land Development Code of the City of Atlanta is hereby amended by naming PART 13. ENVIRONMENT.

Section 2: That the 1995 Land Development Code of the City of Atlanta is hereby amended by adding Chapter 1. CWSW CHATTAHOOCHEE WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT REGULATIONS to Part 13. ENVIRONMENT, which shall read as shown on the attached "Exhibit A."

Section 3: That the 1995 Land Development Code of the City of Atlanta is hereby amended by adding Chapter 1. CWSW CHATTAHOOCHEE WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT REGULATIONS: CHATTAHOOCHEE RIVER LARGE WATER SUPPLY WATERSHED map as shown on the attached "Exhibit B."

Section 4: That Chapter 1. CWSW CHATTACHOOCHEE WATER SUPPLY WTAERSHED PROTECTION OVERLAY DISTRICT REGULATIONS shall be included in the Comprehensive Development Plan as proof of compliance with O.C.G.A. 12-2-8 and shall replace the existing ordinance currently known as Appendix B, Exhibit B of the Comprehensive Development Plan, entitled, "Water Supply (Chattahoochee River) Watershed Protection Ordinance."

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Exhibit A**
**Z-01-**

# Chapter 1. CWSW CHATTAHOOCHEE WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT REGULATIONS

## Secs. 13-1001. Purpose and Intent.

The intent of this chapter is to regulate and restrict uses within areas of the City of Atlanta that drain to public drinking water supply intakes. The purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of the City of Atlanta; to minimize the transport of pollutants to the water supply; and to maintain the yield of the water supply watershed.

## Secs. 13-1002. District Designation.

The CWSW Chattahoochee Water Supply Watershed Protection Overlay District is hereby designated and shall comprise the land that drains to the City of Atlanta Water Supply Intake located on the Chattahoochee River just north of Peachtree Creek. The boundaries of this overlay district are defined by the ridgeline of the watershed, the boundary of a radius of seven (7) miles upstream of the public water supply intake (or the Atlanta City Limits). This overlay shall be further delineated and defined on the CWSW Chattachoochee Water Supply Watershed Protection Overlay District Map of the City of Atlanta. The Map is hereby incorporated into and made a part of this ordinance by reference.

## Secs. 13-1003. Definitions.

For purposes of interpreting this Chapter 1 of Part 13, the following definitions shall apply:

(a) *Impervious Surface* means a man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

(b) *Large water supply watershed* means a watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

(c) *Water supply watershed* means the area of land upstream of a governmentally owned public drinking water intake.

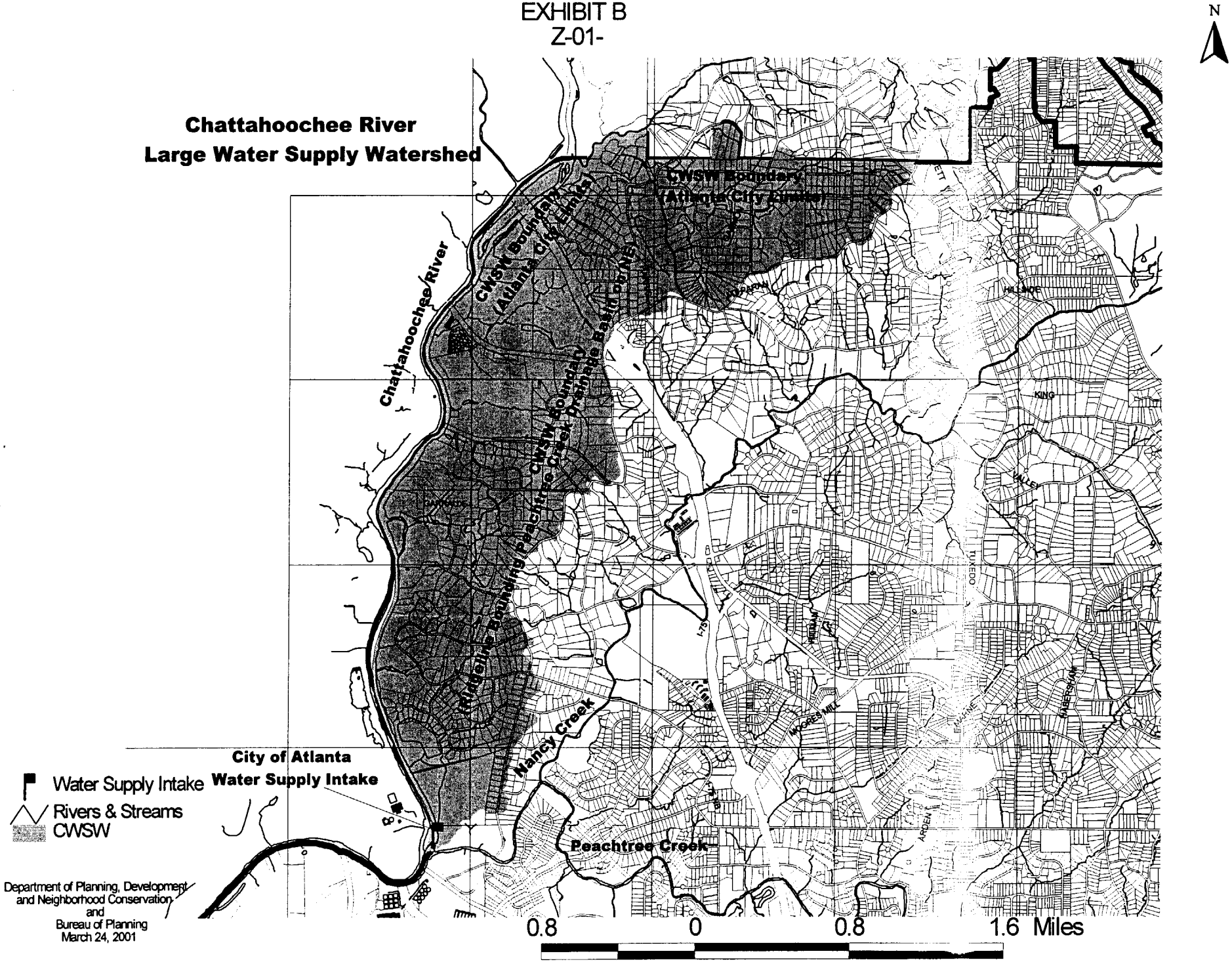
**Secs. 13-1004. General regulations.**

The following regulations shall apply to the CWSW Chattachoochee Water Supply Watershed Protection Overlay District as a large water supply watershed without a reservoir. New facilities, located within the CWSW, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Protection Code. Land uses existing prior to the adoption of this ordinance and mining activities permitted by the Department of Natural Resources under the Surface Mining Act shall be exempted from these general regulations.

**Secs. 13-1005. Administration and Enforcement.**

This ordinance shall be administered and enforced by the City of Atlanta's Bureau of Buildings.

EXHIBIT B
Z-01-



RCS# 3278
11/19/01
2:54 PM

Atlanta City Council

Regular Session

MULTIPLE

CU Items 1 through 14
Except #6, 00-O-1475
FILE

(1) 99-O-1415
(2) 99-O-1625
(3) ØØ-O-Ø19Ø
(4) ØØ-O-Ø976
(5) ØØ-O-1Ø85
(7) ØØ-O-1559
(8) ØØ-O-1964
(9) Ø1-O-Ø219
(10) Ø1-O-Ø546
(11) Ø1-O-Ø547
(12) Ø1-O-Ø625
(13) Ø1-O-Ø711
(14) Ø1-O-1115

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|---|---|
| YEAS: | 10 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 2 |
| EXCUSED: | 0 |
| ABSENT | 4 |

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

MULTIPLE

01-O -0547

(Do Not Write Above This Line)

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FILED BY
CITY COUNCIL

NOV 19 2001

☐ CONSENT REFER
☑ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred 4/2/01

Referred To: City Utilities

**First Reading**

Committee Zoning
Date 3-27-01
Chair Debi M Starnes

Committee City Utilities
Date 5-1-01
Chair
Action:
Fav, Adv, Held (see rev. side)
Other: For 4 wks
Members
Refer To

Committee
Date
Chair
Action:
Fav, Adv, Held (see rev. side)
Other:
Members
Refer To

Committee City Utilities
Date 11/13/01
Chair Clair Muller
Action:
Fav, Adv, Held (see rev. side)
Other:
Members
Debi M Starnes
Refer To

Committee
Date
Chair
Action:
Fav, Adv, Held (see rev. side)
Other:
Members
Refer To

**COUNCIL ACTION**

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

**CERTIFIED**

CERTIFIED
NOV 19 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert J Patton

CERTIFIED
NOV 19 2001
Rhonda Daughtin Johnson
MUNICIPAL CLERK

**MAYOR'S ACTION**