

#10

11-0-1840

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER JOYCE SHEPHERD

AN ORDINANCE AUTHORIZING THE COMMISSIONER OF WATERSHED MANAGEMENT TO ISSUE AN ENCROACHMENT AGREEMENT (STREAM BANK ORDINANCE) FOR PROPERTY LOCATED AT 345 ASHWOOD AVENUE, SW; AND AMEND SECTION 74-306(a) BY ADDING A NEW SUBPARAGRAPH (B) AND FOR OTHER PURPOSES. **ADOPTED BY**

JAN 17 2012

COUNCIL

As substituted

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee City Council  
 Date 1/13/2011  
 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  3rd  
 Readings  
 Consent  V Vote  RC Vote

CERTIFIED

**CERTIFIED**  
 JAN 17 2012  
 ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*  
 ATLANTA CITY COUNCIL PRESIDENT

**CERTIFIED**  
 JAN 17 2012  
*[Signature]*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 26 2012

WITHOUT SIGNATURE BY OPERATION OF LAW



AN ORDINANCE

11-O-1840

BY COUNCILMEMBER JOYCE M. SHEPERD

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

**AN ORDINANCE TO AMEND SECTIONS 302, 303, 306 AND 310 OF ARTICLE VII OF CHAPTER 74 ENTITLED “RIPARIAN BUFFER REQUIREMENTS” TO ENCOURAGE REDEVELOPMENT THAT IMPROVES STREAM BUFFERS ON LOTS OF RECORD CREATED BEFORE THE ADOPTION OF THE CITY OF ATLANTA’S FIRST ORDINANCE PROTECTING STREAM BUFFERS; AND TO ENCOURAGE USE OF GREEN INFRASTRUCTURE TO MITIGATE IMPACTS OF AUTHORIZED ENCROACHMENTS; AND FOR OTHER PURPOSES**

**WHEREAS**, in May 2001, the Atlanta City Council adopted and the Mayor approved the Riparian Buffer Ordinance in an effort to protect water quality and fulfill the requirements of the Metropolitan River Protection Act; and

**WHEREAS**, in December 2001, the Atlanta City Council rescinded the May 2001 ordinance and adopted a new Riparian Buffer Ordinance to provide variance procedures for the buffer requirements; and

**WHEREAS**, in April 2010, the Atlanta City Council adopted and the Mayor approved a comprehensive revision of the City of Atlanta Riparian Buffer Ordinance to provide a more efficient, transparent, clear and objective variance process among other reasons; and

**WHEREAS**, based upon the last several years of administering the City of Atlanta Riparian Buffer Ordinance (Buffer Ordinance), it has become apparent that it is in the best interests of the City of Atlanta to provide a clearer process for “Existing Lots” (as defined in the Buffer Ordinance) with encroachments into the buffer that existed before May 25, 2001, to be redeveloped in a manner that results in a net reduction of the buffer encroachment and overall improvement to the buffer’s ability to provide water quality and other environmental benefits; and

**WHEREAS**, it is in the best interests of the City to encourage the use of Green Infrastructure to mitigate the impacts of development and redevelopment on buffers;

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

**SECTION 1:** That subsection (a) of Atlanta City Code § 74-306 entitled “Authorized Encroachments” be amended as follows:



(a) *Existing lots of record.* In addition to the requirements set out in (c), (d) and (e) of this section, the Commissioner may grant an authorized encroachment subject to the requirements of this Article on existing lots of record (as defined herein):

(1) The Commissioner may grant an authorized encroachment subject to the requirements of this ordinance when literal enforcement of the required buffer would result in a hardship, and no reasonable alternative to an authorized encroachment exists; and

(2) No authorized encroachment shall be granted to an existing lot of record that allows for development less than or equal to 50 feet from a stream measured in accordance with section 74-303 of this Article unless it is a redevelopment that meets the requirements of subsection 74-306(a)(3) of this Article or a single- or two-family residential development; and

(3) No authorized encroachment shall be granted for redevelopment of an existing lot of record unless the redevelopment results in a net reduction of the buffer encroachment from the existing condition, the redevelopment is designed to minimize the degree and impact of the encroachment, and the result of redevelopment is an overall improvement of buffer's ability to provide water quality and other environmental benefits.

**SECTION 2:** That Atlanta City Code § 74-306 entitled “Authorized Encroachments” be further amended to add a new subsection (d)(7) as follows:

(7) Green Infrastructure or Low Impact Development practices designed in accordance with the Coastal Stormwater Supplement of the Georgia Stormwater Management Manual.

**SECTION 3:** That Atlanta City Code § 74-302 entitled “Definitions” be amended by inserting the following:

(20.1) *Redevelopment* means a development project on a previously developed site.

**SECTION 4:** That Atlanta City Code § 74-303 entitled “Buffer Requirements” is hereby amended to strike the word “butler” and replace it with the word “buffer” wherever the word “butler” currently appears.



**SECTION 5:** That Atlanta City Code §74-306 entitled “Authorized Encroachments” is hereby amended to strike the word “butler” and replace it with the word “buffer” wherever the word currently appears.

**SECTION 6:** That Atlanta City Code §74-310 entitled “Public Notice of Application, Public Comment, and Maintenance of Public Record” is hereby amended to strike the word “butler” and replace it with the word “buffer” wherever the word currently appears.

**SECTION 7:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

A true copy,

A handwritten signature in black ink, appearing to be "K. S. D.", written over the text "A true copy," and "Deputy Clerk".

Deputy Clerk

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

JAN 17, 2012  
JAN 26, 2012

RCS# 1701  
1/17/12  
4:47 PM

Atlanta City Council

11-O-1840

AMEND COA CODE SECS. 302, 303, 306 &  
310 "RIPARIAN BUFFER REQUIREMENTS"  
ADOPT ON SUB

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

B Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

11-O-1840