

ORDINANCE NO. 3370

An ordinance amending Chapter 25, Stormwater Management, Article III General Watershed Development Requirements, Sec. 25-304. – Basis for establishing the regulatory flood area, specifically incorporating the revised preliminary date of January 9, 2015, for the “Flood Insurance Study” which regulates the areas within FIRM Panel 40145C0085J; repealing all ordinances to the contrary; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. Broken Arrow Code Chapter 25, Stormwater Management, Article III General Watershed Development Requirements, Sec. 25-304. – Basis for establishing the regulatory flood area, is hereby amended to read as follows:

Sec. 25-304. - Basis for establishing the regulatory flood area.

- (a) The lands covered by the regulatory flood area are identified on a composite map or maps, known as the Regulatory Floodplain Map of Broken Arrow (RFMBA), prepared by the local administrator. The RFMBA utilizes the best available information for flood areas in each drainage basin. The RFMBA identifies both the base flood area and regulatory flood fringe area. The regulatory flood area will be identified as the following:
 - (1) Those areas identified by the scientific and engineering report entitled "Flood Insurance Study" for Tulsa County Oklahoma and Incorporated Areas, dated October 16, 2012; for Tulsa County and Incorporated Areas dated August 3, 2009 for FEMA floodplain areas not updated with the 2012 FIS; and Wagoner County Oklahoma and Incorporated Areas, dated April 17, 2012; except that areas identified by the scientific and engineering report entitled “Flood Insurance Study” Wagoner County Oklahoma and Incorporated Areas, with a revised preliminary date of January 9, 2015 shall be the regulatory flood area only for areas within FIRM Panel 40145C0085J.
 - (2) The areas identified by the city as regulatory ultimate urbanized floodplain in a scientific and engineering "master drainage plan" with accompanying maps and any revisions thereto. The above documents are hereby adopted and declared to be part of this chapter and are on file at the city engineer's office.
 - (3) The most restrictive floodplain will be used in identifying the regulatory flood area.

- (b) The regulatory flood area, at locations where the point in question have a drainage area of over one square mile upstream, may be divided into the base flood area and the regulatory flood fringe area. The regulatory flood fringe area shall extend up to an approximate 40-acre contributing watershed cutoff point. The regulatory flood area shall be reserved for flood-tolerant uses as defined in section 25-317. Encroachments may be permitted in the regulatory flood fringe area, provided a floodplain development permit is obtained in accordance with section 25-307.

- (c) Any property owner or developer seeking a floodplain development permit in accordance with section 25-307 in areas where the regulatory flood area has not been established by governmental entity or is in FEMA Zone A, shall provide regulatory flood elevations and associated engineering data calculated by a licensed professional engineer as required by the local administrator.
- (d) All studies performed under the direction of an owner or developer shall make use of the best available data, and shall specifically include:
 - (1) A determination of all elevations referenced to the North American Datum of 1983 for horizontal control and to the North American Vertical Datum of 1988 for vertical control;
 - (2) A determination of the elevation of historic flooding, if such a historic flooding is in excess of the regulatory flood area.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 17th day of November, 2015.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY