

ORDINANCE NO. 3451

An ordinance amending Section 25, Stormwater Management, Article IV, Floodplain Development Requirements, Section 25-304, Basis for establishing the Regulatory Flood Area, and specifically adopting Tulsa County, Oklahoma and Incorporated Areas and Wagoner County, Oklahoma and Incorporated Areas Flood Insurance Study (FIS) and Digital Flood Insurance Rate Map (DFIRM); and declaring an emergency.

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

SECTION I.

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) The areas of special flood hazard identified by FEMA in the scientific and engineering report entitled, "Flood Insurance Study for Tulsa County, Oklahoma and Incorporated Areas" dated October 16, 2012, with the accompanying Flood Insurance Rate Map (FIRM) including the following FIRM Panels;

40143CIND0C, 40143C0377L, 40143C0378L, 40143C0379L, 40143C0385L, 40143C0386L, 40143C0387L, 40143C0388L, 40143C0389L, 40143C0391K, 40143C0392K, 40143C0393L, 40143C0394L, 40143C0451L, 40143C0452L, 40143C0453L, 40143C0454L, 40143C0456L, 40143C0457L, 40143C0458K, 40143C0459K are hereby adopted by reference and declared to be a part of these regulations until September 30, 2016.

The areas of special flood hazard identified by FEMA in the scientific and engineering report entitled, "Flood Insurance Study for Tulsa County, Oklahoma and Incorporated Areas" dated September 30, 2016, with the accompanying Flood Insurance Rate Map (FIRM) including the following FIRM Panels;

40143CIND0D, 40143C0377L, 40143C0378L, 40143C0379L, 40143C0385M, 40143C0386L, 40143C0387L, 40143C0388L, 40143C0389L, 40143C0391L, 40143C0392L, 40143C0393M, 40143C0394M, 40143C0451L, 40143C0452L, 40143C0453L, 40143C0454L, 40143C0456M, 40143C0457M, 40143C0458L, 40143C0459L are hereby adopted by reference and declared to be a part of these regulations effective September 30, 2016.

The areas of special flood hazard identified by FEMA in the scientific and engineering report entitled, "The Flood Insurance Study for Wagoner County, Oklahoma and Incorporated Areas" dated April 17, 2012, with the accompanying Flood Insurance Rate Map (FIRM) including the following FIRM Panels; 40145CINC0A, 40145C0085H, 40145C0095H, 40145C0105H, 40145C0110H, 40145C0115H, 40145C0120H, 40145C0130H, 40145C0140H, 40145C0235H, 40145C0275H are hereby adopted by reference and declared to be a part of these regulations until September 30, 2016.

The areas of special flood hazard identified by FEMA in the scientific and engineering report entitled, "Flood Insurance Study for Wagoner County, Oklahoma and Incorporated Areas" dated September 30, 2016, with the accompanying Flood Insurance Rate Map (FIRM) including the following FIRM Panels; 40145CIND0B, 40145C0085J, 40145C0095J, 40145C0105J, 40145C0110J, 40145C0115J, 40145C0120H, 40145C0130H, 40145C0140H, 40145C0235J, 40145C0275H are hereby adopted by reference and declared to be a part of these regulations effective September 30, 2016.

- (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. The invalidity of any provision, clause or portion of this Chapter or the invalidity of the application thereof to any person or circumstance shall not affect the remainder of this Chapter or the validity of its application to other persons or circumstances.

SECTION III. Any Ordinance or parts of Ordinances found to be in conflict herewith are hereby repealed.

SECTION IV. 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 20th day of September, 2016.

MAYOR

ATTEST:

(SEAL) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY