

ORDINANCE NO.

1 **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT**
2 **801 BARTON SPRINGS ROAD FROM CERTAIN FLOODPLAIN**
3 **REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION**
4 **OF A MIXED-USE BUILDING AND PARKING IN THE 25- AND 100-YEAR**
5 **FLOODPLAINS; ESTABLISHING CONDITIONS FOR THE VARIANCES; AND**
6 **PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.**

7
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

9
10 **PART 1.** This ordinance applies to the construction of a mixed-use building and
11 associated parking at 801 Barton Springs Road within the 25- and 100-year floodplains as
12 described in Site Plan application number SP-2013-0210C.

13 **PART 2.** Council has considered the factors for granting a variance from floodplain
14 regulations prescribed by City Code Section 25-12-3, Building Code Appendix G,
15 Section G105.7 (*Conditions for Issuance*). Council finds that the variances granted by
16 this ordinance are the minimum necessary to afford relief, are based on good and
17 sufficient cause, and failure to grant the variance would result in exceptional hardship.
18 Council further finds that the variances granted in this ordinance will not result in
19 increased flood heights, additional threats to public safety, extraordinary public expense,
20 create a nuisance, cause fraud on or victimization of the public, or conflict with existing
21 local laws or ordinances.

22 **PART 3.** A variance is granted from:

- 23 (A) the restriction on construction in the 25-year and 100-year floodplains
24 prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain*
25 *Prohibited*);
- 26 (B) the easement requirements in City Code Section 25-7-152 (*Dedication of*
27 *Easements and Rights-of-Way*), to exclude the footprint of the building from
28 the requirement to dedicate an easement to the limits of the 100-year
29 floodplain; and
- 30 (C) the requirement that normal access to the building be by direct connection
31 with an area at least one foot above the design flood elevation, prescribed by
32 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*
33 *Egress*).

1
2
3 **PART 4.** The variances granted in this ordinance are effective only if the applicant
4 meets the following conditions:

5 (A) The applicant shall dedicate an easement to the City as required by City
6 Code Section 25-7-152 to the limits of the 100 year floodplain, excluding the
7 mixed-use building. The City may not issue a Certificate of Occupancy for
8 the development until the applicant submits all information and
9 documentation necessary for the easement, and the easement as approved by
10 the City Attorney is filed by the applicant in the Official Records of Travis
11 County, Texas.

12 (B) The applicant shall submit a completed Elevation Certificate certifying the
13 elevation of the finished floor of the mixed-use building, signed by a
14 professional land surveyor, engineer or architect authorized by law to certify
15 elevations, before the City may issue a Certificate of Occupancy for the
16 building.

17 (C) The applicant shall submit a certification by a registered design professional
18 certifying that the proposed development will withstand the flood forces
19 generated by the 100-year flood and that the design is in accordance with the
20 latest edition of the ASCE 24-05 before the City may issue building permits
21 for the mixed-use building and associated parking.

22 **PART 5.** This variance expires if the project for which this variance is granted does not
23 receive a Building Permit before _____, 2015.

24 **PART 6.** Approval of this variance does not constitute approval of zoning, subdivision,
25 a site plan, a building permit, or any other development permit, and it does not constitute
26 a commitment to any particular land use, intensity of land use, or utility services.
27 Approval of this variance does not constitute a guarantee of flood insurance availability,
28 rates, or requirements.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

PART 7. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014

§
§
§

Lee Leffingwell
Mayor

APPROVED: _____
Karen Kennard
City Attorney

ATTEST: _____
Jannette Goodall
City Clerk

