

ORDINANCE NO.

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 6109 OAKCLAIRE DRIVE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A SINGLE FAMILY RESIDENCE IN THE 25 AND 100-YEAR FLOODPLAINS; ESTABLISHING CONDITIONS FOR THE VARIANCES; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to the construction of a single family residence located at 6109 Oakclaire Drive within the 25 and 100-year floodplains as described in Building Permit application number 2014-115020 PR.

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

PART 3. A variance is granted from:

- (A) the requirement in City Code Section 25-7-31 (*Director Authorized to Require Drainage Studies*) that a development application may not be accepted until a required drainage study is received;
- (B) the requirement in City Code Section 25-7-61 (*Criteria for Approval of Development Applications*) that a proposed development not be approved unless it demonstrates that it will not result in additional adverse flooding impact on other property;
- (C) the restriction on construction in the 25-year and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- (D) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*), to exclude the footprint of the building from

the requirement to dedicate an easement to the limits of the 100-year floodplain;

- (E) the requirement prescribed by City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*), that normal access to the building be by direct connection with an area at least one foot above the design flood elevation;
- (F) the requirement prescribed by City Code Section 25-12-3, Building Code Section G103.4 (*Activities in Riverine Flood Hazard Areas*), that new construction not be permitted unless the applicant demonstrates the cumulative effect of the proposed development will not increase the design flood elevation at any point that results in adverse flooding impact on other property;
- (G) the requirement prescribed by City Code Section 25-12-3, Building Code Section G103.5 (*Floodway Encroachment*), that a Professional Engineer certify that the development will not cause any increase of the level of the design flood; and
- (H) the restriction on development in the floodway unless the applicant demonstrates that the development will not result in any increase in the level of the design flood prescribed by City Code Section 25-12-3, Building Code Section G401.1 (*Development in Floodways*).

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

- (A) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 to the limits of the 100 year floodplain, excluding the footprint of the single family residence. The City may not issue a Certificate of Occupancy for the building until the applicant submits all information and documentation necessary for the easement, and the easement as approved by the City Attorney is filed by the applicant in the Official Records of Travis County, Texas.
- (B) The applicant shall submit a completed Elevation Certificate certifying the elevation of the finished floor of the single family residence, signed by a professional land surveyor, engineer or architect authorized by law to certify elevations, before the City may issue a Certificate of Occupancy for the building.

PART 5. This variance expires if the single family residence for which this variance is granted does not receive an approved Building Permit before_____, 2016.

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

PART 7. This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

_____, 2015 §
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 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne Morgan
 Interim City Attorney

ATTEST: _____
 Jannette Goodall
 City Clerk