

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

ORDINANCE NO.

AN ORDINANCE GRANTING A VARIANCE FOR PROPERTY LOCATED AT 1301 WEST KEONIG LANE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE TO ALLOW CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL BUILDING AND ASSOCIATED PARKING WITHIN THE 25-YEAR AND 100-YEAR FLOODPLAINS; ESTABLISHING CONDITIONS FOR THE VARIANCE; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCE.

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

PART 1. This ordinance applies to the construction of a multi-family residential building located at 1301 West Koenig Lane within the 25-year and 100-year floodplains as described in Site Plan application number SP-2017-0343C.

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 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*), that normal access to a building be by direct connection with an area that is a minimum of one foot above the design flood elevation;
- (B) the requirement in City Code Section 25-7-92 (*Encroachment on Floodplain Prohibited*), that a development application may not be approved if a proposed building or parking area encroaches on the 25-year floodplain or the 100-year floodplain; and

- 35 (C) the requirement in City Code Section 25-12-3, Building Code Section G102.3
36 (*Nonconforming Uses*), that a nonconforming use not be expanded, changed,
37 enlarged, or altered in a way which increases its nonconformity.

38 **PART 4.** The variance granted in this ordinance is effective only if the applicant
39 meets the following conditions:

- 40 (A) Before the City may issue a Certificate of Occupancy for the building, the
41 applicant must submit a completed Elevation Certificate certifying the
42 elevation of the finished floor of the building as proposed by the approved site
43 plan application, signed by a professional land surveyor, engineer, or architect
44 authorized by law to certify elevations.
- 45 (B) Before the City may issue a Certificate of Occupancy for the building, the
46 applicant must submit to the City proof, in the form of a letter sent by certified
47 mail to the City's floodplain administrator, that the applicant has installed all
48 flood-related signage on the site as approved under the site plan.
- 49 (C) Before the City may issue a Certificate of Occupancy for the building, the
50 applicant must submit a Flood Safety Plan acceptable to the City's floodplain
51 administrator.

52 **PART 5.** This variance expires if the building for which this variance is granted does
53 not receive a released Site Plan and Building Permit within one year of the effective
54 date of this ordinance.

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

PASSED AND APPROVED

§§§

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk