ORDINANCE NO. 20210930-116

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1514 W. KOENIG LANE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY CITY CODE TO ALLOW AN OFFICE BUILDING AND ASSOCIATED PARKING AREA WITHIN 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 an office building and associated parking area located at 1514 W. Koenig Lane within the 25- and 100-year floodplains as described in Site Plan application number SP-2019-0027CT.

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 25-7-92 (*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;

(B) 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; and

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

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

(A) The applicant must dedicate an easement to the City as required by City Code Section 25-7-152 (*Dedication of Easements and Rights-of-way*) to the limits of the 100-year floodplain. Before the City may issue a Certificate of Occupancy for the building, the applicant shall submit all information and documentation necessary for the easement, and the easement as approved by the City Attorney shall be filed by the applicant in the Official Records of Travis County, Texas; and

(B) Before the City may issue a Certificate of Occupancy for the building, the applicant must submit a completed Elevation Certificate certifying the elevation of the finished floor of the building as proposed by the approved site plan application, signed by a professional land surveyor, engineer, or architect authorized by law to certify elevations.

PART 5. These variances expire if the building for which these variances are granted does not receive a released Site Plan and Building Permit within one year of the effective date of this ordinance.

PART 6. Approval of these variances 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 these variances does not constitute a guarantee of flood insurance availability, rates, or requirements.

PART 7. This ordinance takes effect on October 11, 2021.

PASSED AND APPROVED

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§ _____
Steve Adler
Mayor

September 30, 2021

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk