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

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by Subsection (F) of City Code Section 25-12-54 (*Flood Resistant Construction*). 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.

- (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 100-year floodplain;
- (B) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*), to exclude the footprints of the buildings from the requirement to dedicate an easement to the limits of the 100-year floodplain; and
- (C) the requirement in City Code Section 25-12-53 (*Flood Loads*), 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.

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

(A) The applicant shall 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, excluding the footprints of the buildings. The City may not issue a Certificate of Occupancy for the buildings 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.

PART 5. This variance expires if the buildings for which this variance is granted do not receive a released Building Permit within one year of the effective date of this ordinance.

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 _____, 2022.

PASSED AND APPROVED

_____, 2022 § _____
 § _____
 § _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk