

**Zoning and Platting Commission Resolution (King version 2)**  
Floodplain Commercial Redevelopment Exception Code Amendments

**Whereas** the new National Oceanic Atmospheric Association “NOAA” ATLAS 14 rainfall information indicated increased rainfall levels within the City of Austin and the city adopted new regulations in an effort to protect the residents from flooding based on a better understanding of flood risk with this new rainfall information; and,

**Whereas** the Austin City Council directed City staff, boards, and commissions to initiate public processes to consider proposed code amendments to City floodplain regulations based on Atlas 14 floodplain data; and

**Whereas** The City of Austin contacted more than 2,700 people at 110 different meetings and following that outreach on November 14, 2019 the City of Austin adopted new regulations with four basic elements:

- Floodplain definitions,
- Residential redevelopment exception,
- Colorado River exception,
- Increased Freeboard, and

**Whereas** A significant number of residential and commercial properties are in the floodplain and that number increased when the new Atlas 14 regulations were adopted; and

**Whereas** the key goals of the code amendments are to increase public safety and decrease flood risks; and,

**Whereas** the City Council and City of Austin are committed to equity in the development and implementation of land development policies and code amendments.

**Now, therefore, be it resolved** that the Zoning and Platting Commission encourages the City Council to consider the following recommendations regarding the proposed floodplain commercial redevelopment exception code amendments:

1. Direct the City Manager to provide annual public updates on the following recommendations from the Flood Mitigation Task Force:
  - a. City Council should conduct a periodic (e.g. every 5 years) financial and organizational audit of the Watershed Protection Department to evaluate staffing resource allocations, program effectiveness, and the successful implementation of master plan goals and objectives,
  - b. The City should not grant variances for development or redevelopment that may lead to future flooding or annex property that may already be a flood concern,
  - c. Work with city, state, and county authorities to continue to restrain development in 100-year floodplains,
2. Direct the City Manager to direct the Equity Office to review the proposed code amendments and provide recommendations for equitable implementation of the code amendments and equitable public safety protections for communities of color and low-income families,
3. Direct the City Manager to require City civil engineers and City public safety officials to certify all waivers of safe access requirements, and

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4. Direct the City Manager to provide annual public reports on the efficacy of floodplain redevelopment exceptions and the goals to increase public safety and decrease flood risks in floodplains, and
5. Provide clear and concise definitions and examples of “substantial improvement” and “no adverse flooding impact” in the proposed code amendments, and
6. Require 30-day public notice of redevelopment exception applications to adjacent property owners, renters, residents, tenants, and businesses; and,

**Be if further resolved** that the redevelopment exception for both residential and commercial should not be allowed for properties that were previously damaged by flood; and

**Be if further resolved** that properties that utilize the residential or commercial redevelopment exception will be ineligible for any future City of Austin buyout(s).

DRAFT