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COA Law Department

(iv) I (Institutional); and

(c) does not increase the flood level of parking spaces within the 100-year floodplain unless additional parking is required by another section of this title;

(4)[(3)] a building authorized by a waterway development permit issued under Chapter 9-10 before September 25, 1983; or

(5)[(4)] a building in the 100-year floodplain of:

(a) Lady Bird Lake;

(b) the Colorado River downstream from Longhorn Dam;

(c) Lake Austin; or

(d) Lake Travis.

(B) To be approved under this section, development must:

(1) be no lower than two feet above the 100-year floodplain, as measured from the lowest floor elevation of any proposed building;

(2) comply with the requirements in Chapter 25-12, Article 3 (*Flood Hazard Areas*);

(3) compensate for the floodplain volume displaced by the development; and

(4) result in no additional adverse flooding impact on other properties, as determined by the director.

PART 2. City Code Section 25-7-96 (*Requirements in the 25-Year Floodplain*) is amended to read as follows:

§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.

(A) This section establishes requirements that apply to development in the 25-year floodplain.

(B) A development application with a proposed building or parking area that is located on parkland, a golf course, or other public or recreational land and that encroaches on the 25-year floodplain may be approved if:

(1) the building, if any, is:

(a) a restroom or bath facility, concession stand, tool shed, or pump house, with an area of less than 1,000 square feet; or

(b) a dock that is located in the 25-year floodplain of Lady Bird Lake, Lake Walter E. Long, or Lake Austin and constructed, or proposed to be constructed, in compliance with the regulations of this title; and

(2) the parking area, if any, is smaller than 5,000 square feet.

(C) A development application for a proposed new building for residential use that replaces an existing legally constructed building for residential use may be approved if the building is:

(1) on the same property; and

(2) not increasing the number of legal dwelling units on the property.

(D) A development application for a proposed new building for commercial use that replaces an existing legally constructed building for commercial use may be approved if the building is:

(1) on the same property;

(2) not increasing the building square footage on the property;

(3) not including the following uses as they are defined in the International Building Code:

(i) E (Educational);

(ii) F (Factory);

(iii) H (High Hazard); or

(iv) I (Institutional); and

(4) not increasing the flood level of parking spaces within the 25-year floodplain unless additional parking is required by another section of this title.

(E)[(D)] To be approved under this section, development must:

- (1) be no lower than two feet above the 100-year floodplain, as measured from the lowest floor elevation of any proposed building;
- (2) comply with the requirements in Chapter 25-12, Article 3 (*Flood Hazard Areas*);
- (3) compensate for the floodplain volume displaced by the development;
- (4) result in no additional adverse flooding impact on other properties, as determined by the director; and
- (5) otherwise comply with the requirements of this title, as determined by the director.

PART 3. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk