ORDINANCE NO. 20220901-098

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-7 RELATING TO THE REGULATION OF DEVELOPMENT WITHIN THE 25-YEAR AND 100-YEAR FLOODPLAINS.

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

PART 1. City Code Section 25-7-93 (*General Exceptions*) is amended to read as follows:

§ 25-7-93 GENERAL EXCEPTIONS.

(A) A development application with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:

(1) a parking area that is smaller than 5,000 square feet or an unoccupied structure that has an area of less than 1,000 square feet, and the director determines that the proposed development:

(a) will not have an adverse effect on the 100-year floodplain or surrounding properties; and

(b) otherwise complies with the requirements of this title;

(2) a new building for residential use that replaces an existing legally constructed building for residential use on the same property and that does not increase the number of legal dwelling units on the property;

(3) a new building for commercial use that replaces an existing legally constructed building for commercial use on the same property and:

(a) does not increase the building square footage on the property;

(b) does not include 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

(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 September 12, 2022.

PASSED AND APPROVED

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September 1, 2022 §

Steve Adler
Mayor

APPROVED:

Anne L. Morgan
City Attorney

ATTEST: Stephanie Hall for

Myrna Rios
City Clerk