

1 **ORDINANCE NO. XXXXXXX**

2 **AN ORDINANCE CREATING THE BOARD OF ADJUSTMENT APPLICANT**  
3 **ASSISTANCE PROGRAM (BAAP) AND RELATED BAAP GUIDELINES; AND**  
4 **AUTHORIZING CERTAIN FEE WAIVERS PURSUANT TO THE BAAP.**

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

6 **PART 1.** The City Council finds:

- 7 (A) Under Article III, Section 52-a, Texas Constitution authorizes economic  
8 development programs.
- 9 (B) Under Section 380.001 of the Texas Local Government Code, a municipality may  
10 establish and provide for a program that achieves economic development through  
11 loans or grants of public money and by providing municipal personnel and services  
12 to promote economic development and to stimulate business and commercial  
13 activity in the municipality.
- 14 (C) Through certain program requirements, the City Council can ensure that the public  
15 purpose of the Constitution and state law will be met by this economic  
16 development program.
- 17 (D) The creation of the Board of Adjustment Applicant Assistance Program will:
- 18 (1) contribute to the economic development of the City; and
- 19 (2) assist the City in its objectives to preserve and create reasonably priced  
20 housing for City residents, to revitalize neighborhoods, and to build the  
21 City's tax base.

22 **PART 2.** The Board of Adjustment Applicant Assistance Program (BAAP) is created in  
23 accordance with Section 380.001 of the Texas Local Government Code. The BAAP  
24 Guidelines are attached to and incorporated into this ordinance as Exhibit "A".

25 **PART 3.** In accordance with BAAP Guidelines, the City Council authorizes the City  
26 Manager to waive fees associated with requests for the Board of Adjustment to grant  
27 residential zoning variances and special exceptions. The City Manager or their designee  
28 shall administer the BAAP and process fee waivers associated with residential zoning  
29 variances and special exceptions in accordance with the BAAP Guidelines. Fees waived  
30 pursuant to the BAAP shall be reimbursed through the General Fund as part of the annual  
31 reconciliation process.

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**PART 4.** This ordinance takes effect on \_\_\_\_\_, 2023.

**PASSED AND APPROVED**

\_\_\_\_\_, 2023      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_

Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Myrna Rios  
City Clerk

