

ORDINANCE NO. 20230601-004

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

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

PART 1. The City Council finds:

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


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

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


PART 4. This ordinance takes effect on June 12, 2023.

PASSED AND APPROVED

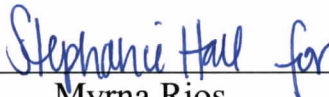
_____, June 1, 2023

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Kirk Watson
Mayor

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Myrna Rios
City Clerk

EXHIBIT A

Boards of Adjustment Applicant Assistance Program

Fee Waiver Program Guidelines

I. Purpose.

- A. The purpose of the Board of Adjustment Applicant Assistance Program is to provide an opportunity for low-income households to access residential zoning variances or special exceptions from the Board of Adjustment. These opportunities contribute to the economic development of the City; and assist the City in its objectives to preserve and create reasonably priced housing for City residents, to revitalize neighborhoods, and to build the City's tax base.
- B. The opportunity provided under this program does not guarantee a favorable decision from the Board of Adjustment.

II. General Provisions

A. Definitions

1. "Applicant" means an eligible household that applies to participate in the program.
2. "Assistance Program" means one of the following:
 - Medicaid;
 - Supplemental Nutrition Assistance Program (SNAP);
 - Children's Health Insurance Program (CHIP);
 - Telephone Lifeline Program;
 - Travis County Comprehensive Energy Assistance Program (CEAP);
 - Medical Access Program (MAP);
 - Supplemental Security Income (SSI); or
 - Veterans Affairs Supportive Housing (VASH).
3. "Director" means the director of the Development Services Department or their designee.
4. "Eligible Household" means a household with an income that is less than 200% of the Federal Poverty Level or that participates in an assistance program.
5. "Program" means the Boards of Adjustment Applicant Assistance Program.

B. Fee Waivers

1. The total amount of fee waivers allowed under this program is determined by City Council each fiscal year.
2. The maximum number of applications that can receive fee waivers under this program is based on the total amount of fee waivers allowed under this program divided by the amount of fees associated with applying for a residential zoning variance or special exception.
3. The fees associated with applying for a residential zoning variance or special exception include, at a minimum, variance or special exception application fees and notification fees.

C. Administration

1. The Development Services Department administer this program.

2. To participate in the program, an eligible household must be qualified through the City's utility bill discount program.
3. An applicant must provide evidence of their authority to apply for a residential zoning variance or special exception.

D. Decision.

1. If the director determines that program funds are available and the applicant is an eligible household, the director will approve the fee waivers and notify the applicant in writing.
2. Participation in the program does not guarantee a favorable decision on the residential zoning variance or special exception.