ORDINANCE NO. _____

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1213 FORT BRANCH BOULEVARD FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY CITY CODE FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY DWELLING UNITS IN THE 25-YEAR AND 100-YEAR FLOODPLAINS OF FORT BRANCH CREEK; ESTABLISHING THE CONDITIONS FOR THE VARIANCES; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.

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

PART 1. This ordinance applies to the construction of two single-family dwelling units at 1213 Fort Branch Boulevard within the 25-year and 100-year floodplains of Fort Branch Creek, as described in residential building permit application number 2025-091168 PR.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by Subsection (F) of City Code Section 25-12-54 (*Flood Resistant Construction*). Council finds that the variances granted by this ordinance are the minimum necessary to afford relief, are based on good and sufficient cause, and that failure to grant the variances would result in exceptional hardship. Council further finds that the variances granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, a nuisance, fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 3. Variances are granted from:

(A) the requirement in City Code Section 25-7-92 (*Encroachment on the Floodplain Prohibited*) that a development application may not be approved if a proposed building or parking area encroaches on the 100-year floodplain;

(B) the requirement in City Code Section 25-12-53 (*Flood Loads*) that normal access to a building be by direct connection with an area that is a minimum of one foot above the design flood elevation; and

(C) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the footprints of the converted building and primary single-family dwelling from the requirement to dedicate an easement to the limits of the 100-year floodplain.

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PART 4. The variances granted in this ordinance are effective only if the applicant meets the following conditions:

(A) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 (*Dedication of Easements and Rights-of Way*) to the limits of the 100-year floodplain, less the footprint of the buildings. The City shall not issue a certificate of occupancy for the buildings until the applicant submits all information and documentation necessary for the easement and the easement, as approved by the City Attorney, is filed by the applicant in the Official Records of Travis County, Texas.

(B) Before the City issues a certificate of occupancy for the buildings, the applicant must submit a completed Elevation Certification certifying the elevation of the finished floor of the buildings as proposed by the approved site plan or development permit application and signed by a professional land surveyor, engineer, or architect authorized by law to certify elevations.

PART 5. These variances expire if the building for which the variances are granted does not receive a residential building permit within one year of the effective date of this ordinance.

PART 6. Approval of these variances does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and does not constitute a commitment to any particular land use, intensity of land use, or utility services. Approval of these variances does not constitute a guarantee of flood insurance availability, rates, or requirements.

PART 7. This ordinance takes effect on _____, 2026.

PASSED AND APPROVED

§
§
_____, 2026 § _____
Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas
City Attorney

Erika Brady
City Clerk

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