

ORDINANCE NO.

1 **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT**
2 **4508 SPEEDWAY FROM CERTAIN FLOODPLAIN REGULATIONS**
3 **PRESCRIBED BY THE CITY CODE FOR REMODELING AND**
4 **CONSTRUCTION OF AN ADDITION TO A SINGLE FAMILY RESIDENCE IN**
5 **THE 25- AND 100-YEAR FLOODPLAINS; ESTABLISHING CONDITIONS FOR**
6 **THE VARIANCES; AND PROVIDING AN EXPIRATION DATE FOR THE**
7 **VARIANCES.**

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

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11 **PART 1.** This ordinance applies to the remodeling and construction of an addition to a
12 single family residence located at 4508 Speedway within the 25- and 100-year
13 floodplains as described in Building Permit application number 2013-088878 PR.

14 **PART 2.** Council has considered the factors for granting a variance from floodplain
15 regulations prescribed by City Code Section 25-12-3, Building Code Appendix G,
16 Section G105.7 (*Conditions for Issuance*). Council finds that the variances granted by
17 this ordinance are the minimum necessary to afford relief, are based on good and
18 sufficient cause, and failure to grant the variance would result in exceptional hardship.
19 Council further finds that the variances granted in this ordinance will not result in
20 increased flood heights, additional threats to public safety, extraordinary public expense,
21 create a nuisance, cause fraud on or victimization of the public, or conflict with existing
22 local laws or ordinances.

23 **PART 3.** A variance is granted from:

- 24 (A) the restriction on construction in the 25-year and 100-year floodplains
25 prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain*
26 *Prohibited*);
- 27 (B) the easement requirements in City Code Section 25-7-152 (*Dedication of*
28 *Easements and Rights-of-Way*), to exclude the footprint of the remodeled
29 house and addition, deck, and shed from the requirement to dedicate an
30 easement to the limits of the 100-year floodplain;
- 31 (C) the requirement that normal access to the building be by direct connection
32 with an area at least one foot above the design flood elevation, prescribed by
33 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*
34 *Egress*); and

- 1 (D) the requirement that a non-conforming use not be expanded, changed, or
2 altered in a way which increases its nonconformity, and the requirement that
3 a non-conforming use conform with floodplain regulations if substantial
4 improvement is made, prescribed by City Code Section 25-12-3, Building
5 Code Section G102.3 (*Nonconforming Uses*).

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

- 8 (A) The applicant shall dedicate an easement to the City as required by City
9 Code Section 25-7-152 to the limits of the 100 year floodplain, excluding the
10 remodeled house and addition, deck, and shed. The City may not issue a
11 Certificate of Occupancy for the building until the applicant submits all
12 information and documentation necessary for the easement, and the
13 easement as approved by the City Attorney is filed by the applicant in the
14 Official Records of Travis County, Texas.
- 15 (B) The applicant shall submit a completed Elevation Certificate certifying the
16 elevation of the finished floor of the building, signed by a professional land
17 surveyor, engineer or architect authorized by law to certify elevations,
18 before the City may issue a Certificate of Occupancy for the building.

19 **PART 5.** This variance expires if the project for which this variance is granted does not
20 receive a Building Permit before _____, 2014.

21 **PART 6.** Approval of this variance does not constitute approval of zoning, subdivision,
22 a site plan, a building permit, or any other development permit, and it does not constitute
23 a commitment to any particular land use, intensity of land use, or utility services.
24 Approval of this variance does not constitute a guarantee of flood insurance availability,
25 rates, or requirements.
26

PART 7. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013 §
 §
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen Kennard
 City Attorney

ATTEST: _____
 Jannette Goodall
 City Clerk

DRAFT