

Late Backup

pp'd to 6/22

Item No. 61

6/8/2017

Initiated by Watershed Protection Dept.

**ORDINANCE NO.**

**AN ORDINANCE GRANTING A VARIANCE FOR PROPERTY LOCATED AT 7604 FM 969 FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE TO ALLOW CONSTRUCTION OF A CHURCH BUILDING AND ASSOCIATED PARKING; ESTABLISHING CONDITIONS FOR THE VARIANCE; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCE.**

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

**PART 1.** This ordinance applies to the construction of a church building and associated parking located at 7604 FM 969 as described in Site Plan application number SP-2015-0372C.

**PART 2.** Council has considered the factors for granting a variance from floodplain regulations prescribed by City Code Section 25-12-3, Building Code Appendix G, Section G105.7 (*Conditions for Issuance*). Council finds that the variances granted by this ordinance are the minimum necessary to afford relief, are based on good and sufficient cause, and failure to grant the variance 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, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**PART 3.** A variance is granted from the requirement in City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*), 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.

**PART 4.** The variance granted in this ordinance is 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 to the limits of the 100-year floodplain. The City may not issue a Certificate of Occupancy for the building 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) The applicant shall submit a completed Elevation Certificate certifying the elevation of the finished floor of the building, signed by a professional land surveyor, engineer, or architect authorized by law to certify elevations, before the City may issue a Certificate of Occupancy for the building.~~

- (B) ~~(C)~~ Before the City may issue a Certificate of Occupancy for the building, the applicant shall submit to the City proof, in a form acceptable to the City, that the following conditions have been met:
- (1) The applicant has erected visible signs along the driveway in the vicinity of the floodplain to indicate that the driveway is located in the floodplain and is subject to flooding in rain events; and
  - (2) The applicant has prepared educational material that will be made readily available to occupants of the building describing the risks of flooding due to the lack of safe access to the facility.
- (C) ~~(D)~~ The applicant shall submit a certification by a registered design professional certifying that the proposed concrete driveway will withstand the flood forces generated by the 100-year flood and that the design is in accordance with the latest edition of the American Society of Civil Engineers, *Flood Resistant Design and Construction*, ASCE 24-14, before the City may issue building permits for the church building and associated parking.

**PART 5.** This variance expires if the building for which this variance is granted does not receive a released Site Plan and Building Permit within one year of the effective date of this ordinance.

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

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2017.

**PASSED AND APPROVED**

\_\_\_\_\_, 2017

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Steve Adler  
Mayor

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

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk