

ORDINANCE NO.

AN ORDINANCE GRANTING A VARIANCE FOR PROPERTY LOCATED AT 1200 BARTON SPRINGS ROAD FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE TO ALLOW THE REMODELING OF A COMMERCIAL BUILDING; 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 remodeling of a commercial building and associated parking located at 1200 Barton Springs Road as described in Building Permit application number 2017-155664 PR.

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:

- (A) the requirement in City Code Section 25-7-94 (*Requirements in Central Business Area*), that a development application may not be approved if the floor slab of a proposed building is not at least two feet above the 100-year floodplain;
- (B) 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;
- (C) the requirement in City Code Section 25-12-3, Building Code Section 1612.4.2 (*Provisions of Sage Refuge*), that certain buildings be provided with an enclosed refuge space one foot or more above the design flood elevation;

- (D) the requirement in City Code Section 25-12-3, Building Code Section G102.3 (*Nonconforming Uses*), that a nonconforming use not be expanded, changed, enlarged, or altered in a way which increases its nonconformity;
- (E) the easement requirements in City Code Section 25-7-152 (*Dedications of Easements and Rights-of-Way*), to exclude the footprint of the building from the requirement to dedicate an easement to the limits of the 100-year floodplain;

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

- (A) The applicant must 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) Before the City may issue a Certificate of Occupancy for the building, the applicant must submit to the City proof, in the form of a letter sent by certified mail to the City's floodplain administrator, that the applicant has installed all flood-related signage on the site as approved under the site plan exemption.

PART 5. This variance expires if the building for which this variance is granted does not receive a released 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 _____, 2018

PASSED AND APPROVED

_____, 2018 § _____
 § _____
 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk