



Atlas 14 – Commercial Redevelopment Exception

Floodplain Regulations Update

What floodplain rules did we update?

What floodplain rules do we recommend updating now?

What floodplain rules did we update?

Most significant update to our floodplain rules in their 36-year history

Goal of updated rules: Protect our residents from flooding based on a better understanding of flood risk with new rainfall information

Updated four basic elements of rules

- Floodplain definitions
- Residential redevelopment exception
- Colorado River exception
- Freeboard

Residential Redevelopment Exception

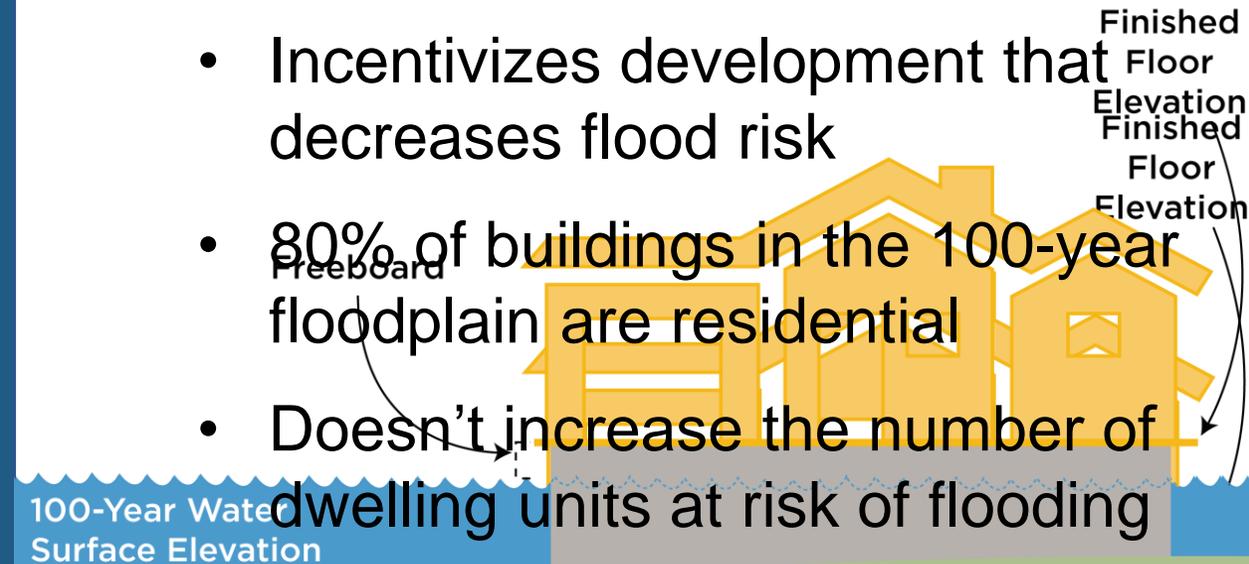
Administrative approval process floodplain if:

1. Replacement or modification of an existing residential building
2. Does not increase number of dwelling units
3. Finished floor elevation is at least 2 feet above the 100-year floodplain
4. No adverse flooding impact

If these 4 conditions are met, the safe access requirement is waived

Purpose

- Incentivizes development that decreases flood risk
- 80% of buildings in the 100-year floodplain are residential
- Doesn't increase the number of dwelling units at risk of flooding
- Opens up opportunity for grant funding Re-developed condition



Result of Collaborative Code Revision Process

Contacted more than 2,700 people at 110 different meetings

City Council approved the new rules on November 14, 2019

Staff pledged to develop draft rules regarding commercial redevelopment

What floodplain rules do we recommend updating now?

Commercial Redevelopment Exception

Commercial Redevelopment exception

Goal: Create an administrative approval process for commercial redevelopment that decreases flood risk compared to the existing conditions

Considerations: Building use; square footage; occupant load; parking flood risk; building height

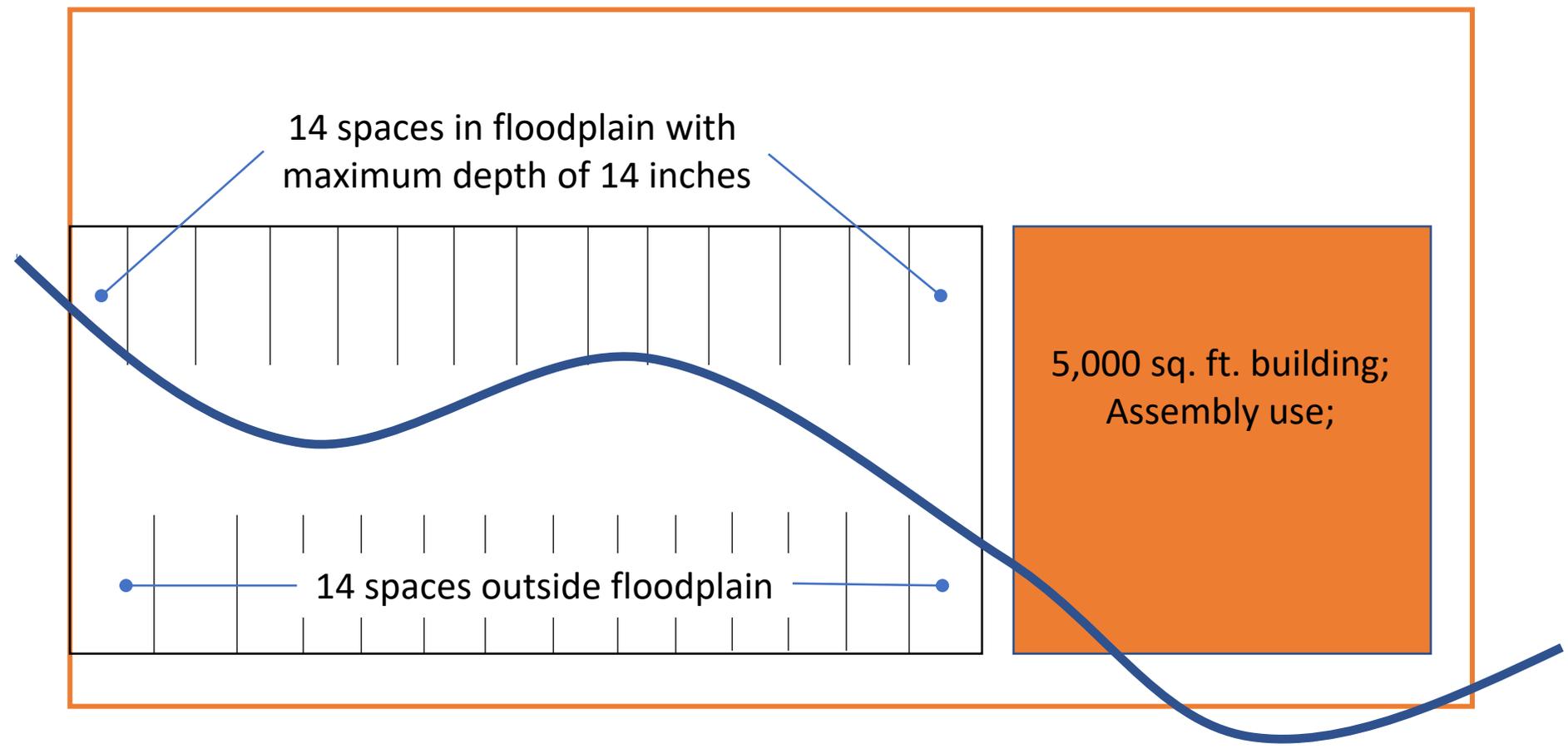
Proposed commercial redevelopment exception

Administrative approval process for a commercial building in the floodplain if:

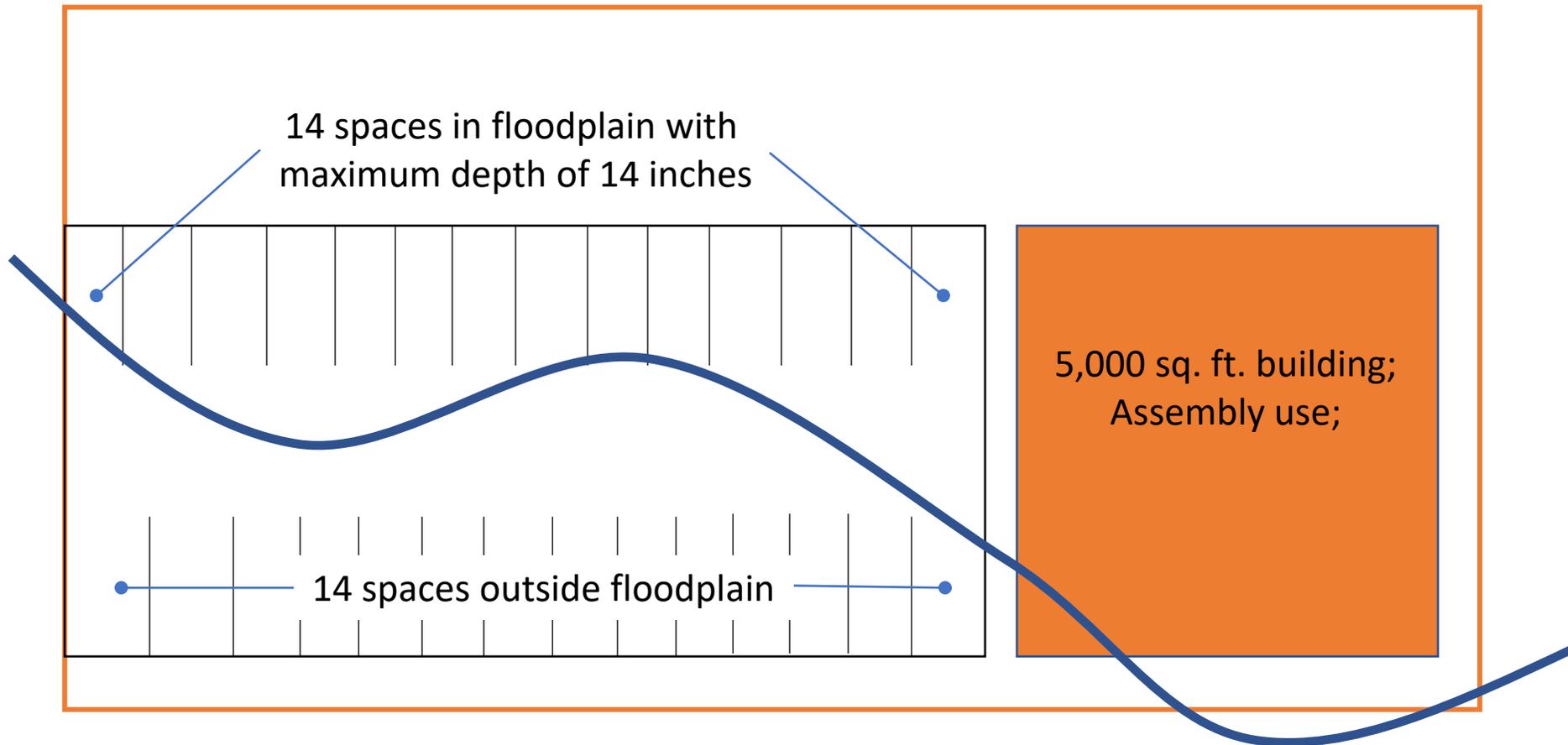
1. Replaces or modifies an existing commercial building
2. Finished floor elevation is at least 2 feet above the 100-year floodplain
3. Does not increase the building square footage on the property
4. Does not include the following uses: E (Educational); F (Factory); H (High Hazard); or I (Institutional)
5. Does not increase the number or flood level of parking spaces within the floodplain on the property unless otherwise required; and
6. No adverse flooding impact

If these conditions are met, the safe access requirement is waived

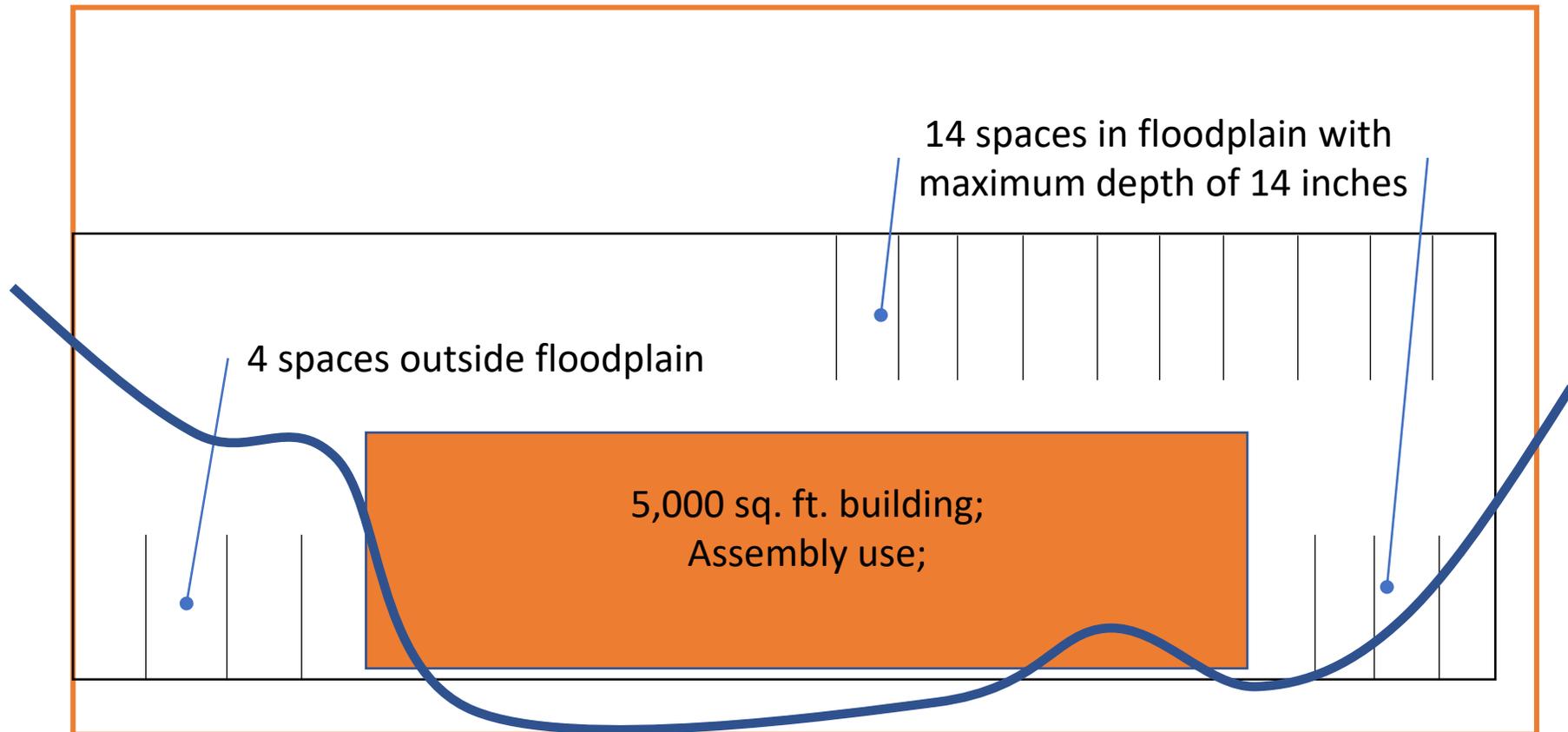
Proposed commercial redevelopment exception example: Existing conditions



Proposed commercial redevelopment exception example: Option 1: same configuration



Proposed commercial redevelopment exception example: Option 2: reconfiguration



Process to approval

- Codes and Ordinances Joint Committee
- Planning Commission
- Environmental Commission
- Building and Fire Code Board of Appeals
- Codes and Ordinances Joint Committee
- Zoning and Platting Commission
- Planning Commission
- City Council

An aerial photograph showing a residential neighborhood with numerous houses and trees. The area is heavily flooded with muddy brown water. In the foreground, a river flows rapidly over a rocky bed, creating white foam. The text 'Atlas 14 – Commercial Redevelopment Exception' is overlaid in large yellow font, enclosed in white brackets.

Atlas 14 – Commercial Redevelopment Exception

Floodplain Definitions

Regulatory 100-yr
floodplain = Current FEMA 500-yr
floodplain

Regulatory 25-yr
floodplain = Old COA 100-yr
floodplain

- Maintain the City's level of flood protection
- Limit construction of new buildings in areas with known flood risk during re-mapping process
- Interim definitions until floodplains are re-mapped in 2 - 3 years

Option for Minor Improvements to Residential Buildings

Administrative approval process for an addition to a residential building in the floodplain if:

1. Finished floor elevation of the addition is at least 2 feet above the 100-year floodplain
2. Not a substantial improvement
3. No adverse flooding impact

If these 3 conditions are met, the safe access requirement is waived



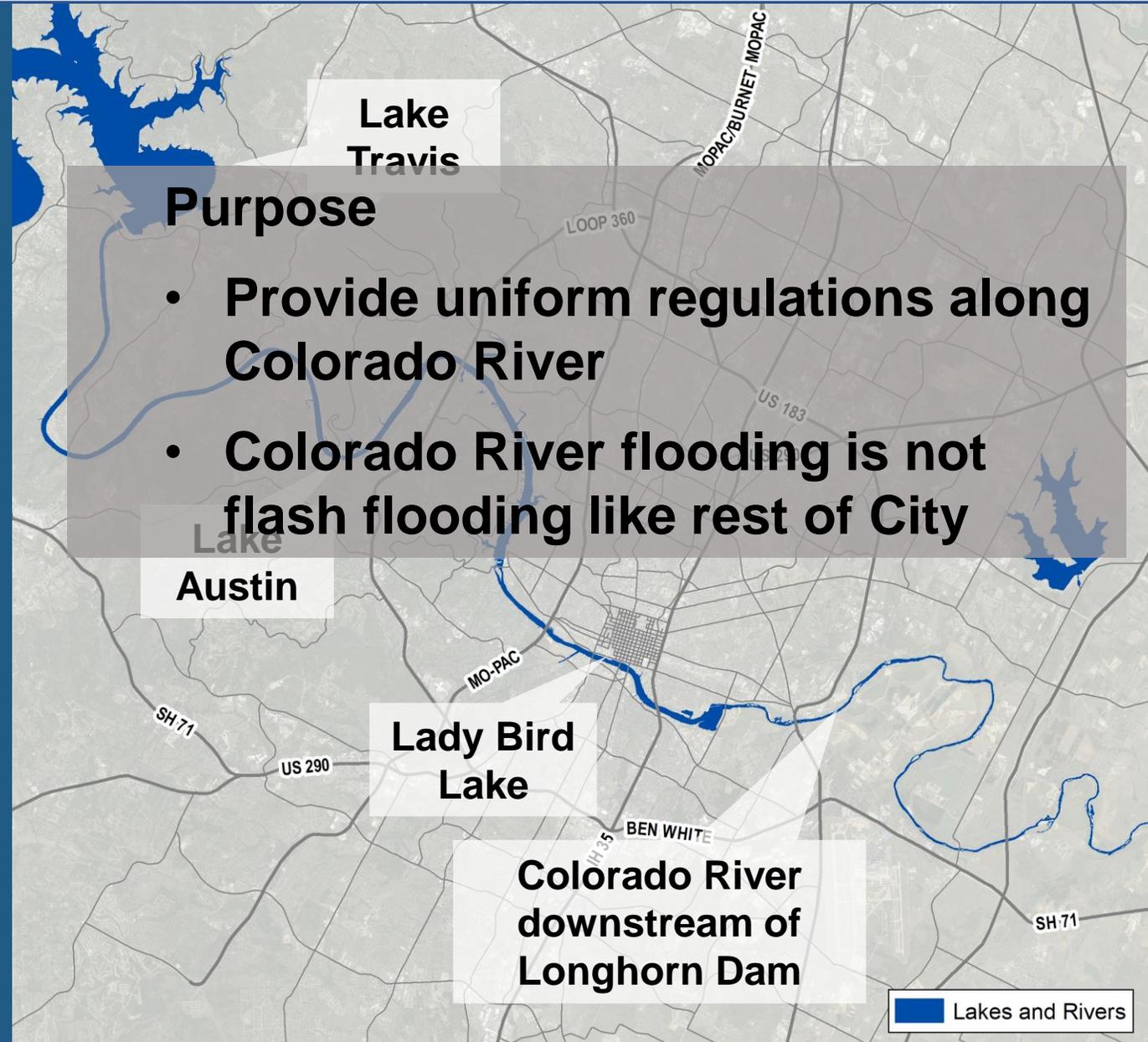
Colorado River Exception

The previous exception allowed for a building to encroach in the 100-year floodplain if it was:

- Downstream of Longhorn Dam
- Along Lady Bird Lake

New rule expands this exception to include:

- Lake Austin
- Lake Travis (within COA jurisdiction)

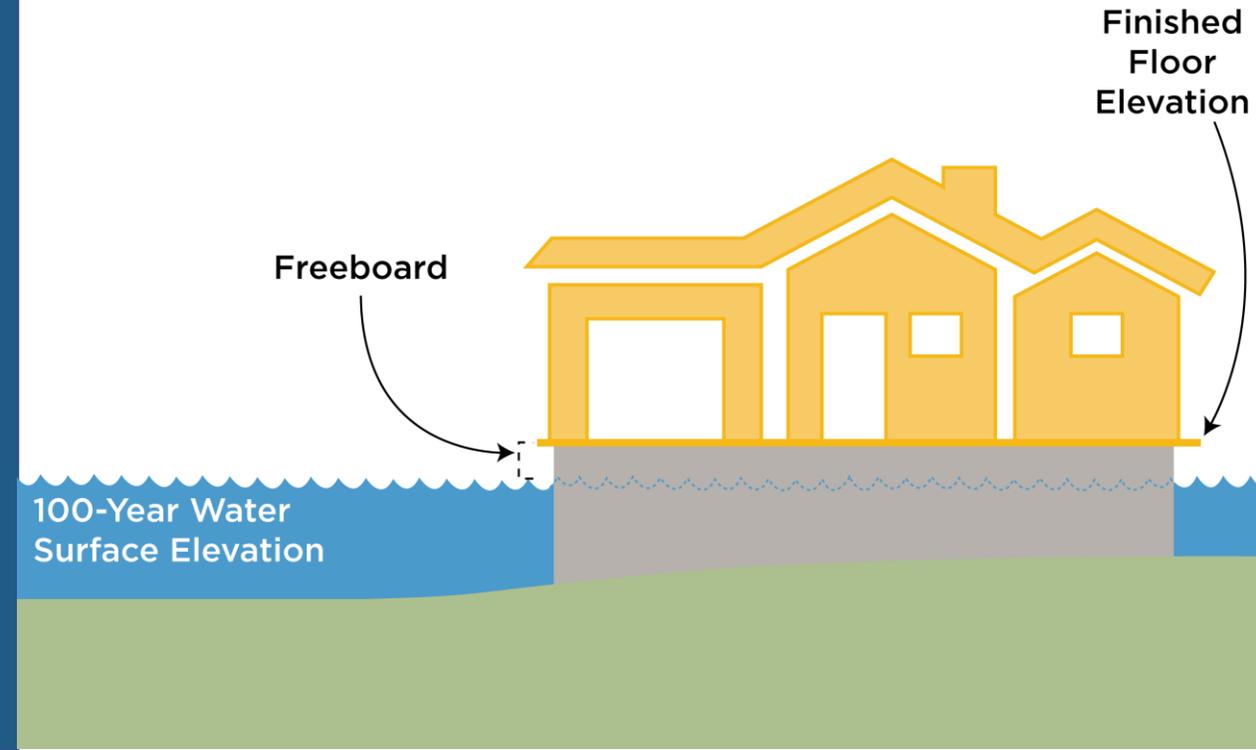


Freeboard

Increase the minimum height between a building's finished floor and the 100-year floodplain from 1 ft to 2 ft

Intent

- Freeboard is the single-most effective means for reducing flood risk to a building in the floodplain
- Reduces flood insurance premiums





AFFORDABILITY IMPACT STATEMENT
 NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT
 AMENDMENTS TO LDC SECTIONS 25-7-93 & 25-7-96 TO INCLUDE A COMMERCIAL
 RE-DEVELOPMENT EXCEPTION

<p>PROPOSED CODE AMENDMENT:</p>	<ul style="list-style-type: none"> • PROPOSED AMENDMENT ALLOWS FOR AN ADMINISTRATIVE PATH FOR APPROVAL OF COMMERCIAL RE-DEVELOPMENT THAT WOULD REDUCE FLOODING RISK COMPARED TO THE EXISTING DEVELOPMENT. • ALSO ALLOWS A SEVERELY DAMAGED COMMERCIAL BUILDING TO RE-ESTABLISH THE COMMERCIAL USE.
<p>IMPACT ON IMPLEMENTATION OF IMAGINE AUSTIN VISION, GOALS AND PRIORITIES</p>	<p><input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL</p>
<p>LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT</p>	<p><input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p> <p>THE EXCEPTION WOULD ALLOW STAFF ADMINISTRATIVE APPROVAL TO APPROVE A COMMERCIAL DEVELOPMENT WITHIN THE 25-YEAR OR 100-YEAR FLOODPLAIN PENDING MEET CERTAIN CRITERIA..</p>
<p>IMPACT ON COST OF DEVELOPMENT</p>	<p><input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p> <p>THE AMENDMENT WOULD ALLOW EXISTING COMMERCIAL DEVELOPMENTS TO REDEVELOP WITHOUT THE NEED OF A CITY COUNCIL VARIANCE. THIS WOULD SAVE DEVELOPMENT PROCESSING TIME AND COST.</p>
<p>IMPACT ON PRODUCTION OF AFFORDABLE HOUSING</p>	<p><input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p>
<p>PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:</p>	<p>NONE.</p>
<p>ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:</p>	<p>NONE.</p>
<p>OTHER HOUSING POLICY CONSIDERATIONS:</p>	<p>NONE.</p>
<p>DATE PREPARED:</p>	<p>04/30/2020</p>

MANAGER'S SIGNATURE: REGINA M COPIC

DRAFT HAS NOT RECEIVED FINAL REVIEW BY LAW DEPARTMENT

1 **PART 1.** City Code Section 25-7-93 (*General Exceptions*) is amended to read as
2 follows:

3 **§ 25-7-93 GENERAL EXCEPTIONS.**

4 (A) A development application with a proposed building or parking area that
5 encroaches on the 100-year floodplain may be approved if the
6 encroachment is:

7 (1) a parking area that is smaller than 5,000 square feet or an
8 unoccupied structure that has an area of less than 1,000 square feet,
9 and the director determines that the proposed development:

10 (a) will not have an adverse effect on the 100-year floodplain or
11 surrounding properties; and

12 (b) otherwise complies with the requirements of this title;

13 (2) a new building for residential use that replaces an existing legally
14 constructed building for residential use on the same property and
15 that does not increase the number of legal dwelling units on the
16 property;

17 (3) a new building for commercial use that replaces an existing legally
18 constructed building for commercial use on the same property and:

19 (a) does not increase the building square footage on the
20 property;

21 (b) does not include the following uses as they are defined in the
22 International Building Code:

23 (i) E (Educational);

24 (ii) F (Factory);

25 (iii) H (High Hazard); or

26 (iv) I (Institutional); and

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1 (c) does not increase the flood level of parking spaces within the
2 100-year floodplain unless additional parking is required by
3 another section of this title.

4 (4)[(3)] a building authorized by a waterway development permit
5 issued under Chapter 9-10 before September 25, 1983; or

6 (5)[(4)] a building in the 100-year floodplain of:

7 (a) Lady Bird Lake;

8 (b) the Colorado River downstream from Longhorn Dam;

9 (c) Lake Austin; or

10 (d) Lake Travis.

11 (B) To be approved under this section, development must:

12 (1) be no lower than two feet above the 100-year floodplain, as
13 measured from the lowest floor elevation of any proposed building;

14 (2) comply with the requirements in Chapter 25-12, Article 1,
15 Section 25-12-3 Appendix G (*Flood Resistant Construction*)
16 and Section 1612 (*Flood Loads*);

17 (3) compensate for the floodplain volume displaced by the
18 development; and

19 (4) result in no additional adverse flooding impact on other properties,
20 as determined by the director.

21 **PART 2.** City Code Section 25-7-96 (*Requirements in the 25-Year Floodplain*) is
22 amended to read as follows:

23 **§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.**

24 (A) This section establishes requirements that apply to development in the 25-
25 year floodplain.

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1 (B) A development application with a proposed building or parking area that is
2 located on parkland, a golf course, or other public or recreational land and
3 that encroaches on the 25-year floodplain may be approved if:

4 (1) the building, if any, is:

5 (a) a restroom or bath facility, concession stand, tool shed, or
6 pump house, with an area of less than 1,000 square feet; or

7 (b) a dock that is located in the 25-year floodplain of Lady Bird
8 Lake, Lake Walter E. Long, or Lake Austin and constructed,
9 or proposed to be constructed, in compliance with the
10 regulations of this title; and

11 (2) the parking area, if any, is smaller than 5,000 square feet.

12 (C) A development application for a proposed new building for residential use
13 that replaces an existing legally constructed building for residential use may
14 be approved if the building is:

15 (1) on the same property; and

16 (2) not increasing the number of legal dwelling units on the property.

17 (D) A development application for a proposed new building for commercial use
18 that replaces an existing legally constructed building for commercial use
19 may be approved if the building is:

20 (1) on the same property;

21 (2) not increasing the building square footage on the property;

22 (3) not including the following uses as they are defined in the
23 International Building Code:

24 (i) E (Educational);

25 (ii) F (Factory);

26 (iii) H (High Hazard); or

27 (iv) I (Institutional); and

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1 (4) not increasing the flood level of parking spaces within the 25-year
2 floodplain unless additional parking is required by another section
3 of this title.

4 (E)(D) To be approved under this section, development must:

- 5 (1) be no lower than two feet above the 100-year floodplain, as
6 measured from the lowest floor elevation of any proposed
7 building;
- 8 (2) comply with the requirements in Chapter 25-12, Article 1,
9 Section 25-12-3 Appendix G (*Flood Resistant Construction*)
10 and Section 1612 (*Flood Loads*);
- 11 (3) compensate for the floodplain volume displaced by the
12 development;
- 13 (4) result in no additional adverse flooding impact on other
14 properties, as determined by the director; and
- 15 (5) otherwise comply with the requirements of this title, as
16 determined by the director.