

**ORDINANCE NO. 040826-68**

**AN ORDINANCE AMENDING SECTIONS 25-7-92 AND 25-7-152 OF THE CITY CODE AND ADDING A NEW SECTION 25-7-96 TO THE CITY CODE RELATING TO ENCROACHMENTS ON THE 25-YEAR FLOODPLAIN.**

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

**PART 1.** Section 25-7-92(A) of the City Code is amended to read:

- (A) Except as provided in Section 25-7-96 (*Exceptions In The 25-year Floodplain*), a [A] site plan may not be approved if a proposed building or parking area encroaches on the 25-year floodplain.

**PART 2.** Chapter 25-7 of the City Code is amended to add a new Section 25-7-96 to read:

**§ 25-7-96    EXCEPTIONS IN THE 25-YEAR FLOODPLAIN.**

- (A) A site plan with a proposed building or parking area that encroaches on the 25-year floodplain may be approved if:

- (1) the building or parking area is located on parkland, a golf course, or other recreational land;
- (2) the building, if any, is a restroom or bath facility, concession stand, or pump house, with an area of less than 1,000 square feet;
- (3) the parking area, if any, is smaller than 5,000 square feet; and
- (4) the director determines that the proposed development:
  - (a) will not have an adverse effect on the 100-year floodplain or surrounding properties; and
  - (b) otherwise complies with the requirements of this title.

- (B) A site plan approved under this section must comply with the flood proofing requirements of Chapter 25-12, Article 1 (*Uniform Building Code*).

**PART 3.** Section 25-7-152(E) of the City Code is amended to read:

- (E) For property in the full-purpose limits of the city, the director may grant a variance to Subsection (A) if the director determines:

- (1) development with the variance does not result in additional adverse flooding of other property; and
- (2) the development:
- (a) is permitted by a variance granted under Section 25-7-92(C) (*Encroachment On Floodplain Prohibited*);
  - (b) is permitted in a floodplain under Section 25-7-93 (*General Exceptions*), Section 25-7-94 (*Exceptions In The Central Business District*), ~~[or]~~ Section 25-7-95 (*Exceptions For Parking Areas*), or Section 25-7-96 (*Exceptions In The 25-Year Floodplain*);
  - (c) is not a building or parking area; or
  - (d) is a nonconforming use, as defined by Chapter 25-12, Article 1, Appendix Chapter 59, Section 5903 (*Nonconforming Uses*).

**PART 4.** This ordinance takes effect on September 6, 2004.

**PASSED AND APPROVED**

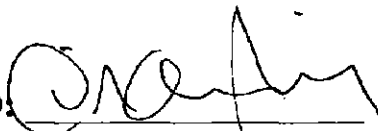
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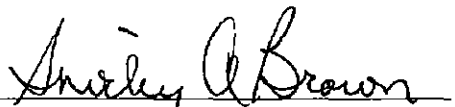
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk