

ORDINANCE NO. 20060622-125

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1605 HOUSTON STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A RESIDENTIAL CONDOMINIUM IN THE 25 AND 100-YEAR FLOODPLAINS; AND PROVIDING AN EXPIRATION FOR THE VARIANCES.

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

PART 1. This ordinance applies to the construction of a residential condominium at 1605 Houston Street within the 25 and 100-year floodplains, subject to Site Plan Permit No. SP-04-0019C.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by City Code Section 25-12-3 (*Local Amendments to the Building Code*), Appendix G, Section G105.7 (*Conditions for Issuance*). Council finds that the variance granted by this ordinance is the minimum necessary to afford relief, is based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variance granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, 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 restriction on construction in the 25 and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*); and
- (B) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the condominium from the requirement to dedicate an easement to the limits of the 100-year floodplain; provided that the applicant dedicate an easement as required under Section 25-7-152 for that portion of the property on which the condominium does not lie.

PART 4. The variance granted in this ordinance is effective only upon the satisfaction of the following conditions:

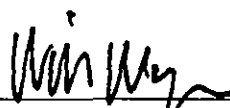
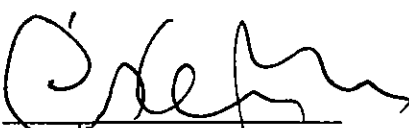
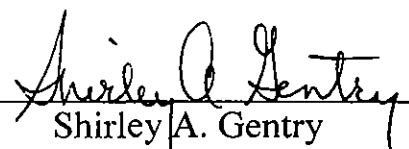
- (A) The applicant shall submit a complete application for Letter of Map Revision (LOMR) to the Federal Emergency Management Agency (FEMA) prior to final acceptance of the proposed improvements.
- (B) The applicant shall complete all actions necessary to respond to any review comments by FEMA and to obtain final approval by FEMA of the LOMR application including but not limited to:
 - (1) Creation of a channel to convey flow through the site, fill to raise the proposed buildings above the 100-year floodplain, and on-site excavation within a privately-maintained, landscaped area to compensate for fill and loss of floodplain storage due to the construction.
 - (2) Decreased flood elevations on one other existing apartment complex and other single family lots immediately downstream of Houston Street. The floodplain will increase by 0.6 feet at one location immediately downstream of the site. The area of increased floodplain elevation will remain within the existing channel banks and will not impact any existing buildings or public rights-of-way.
- (C) The applicant shall obtain written permission for the channel modifications in a form approved by the City Attorney from each property owner adversely affected by an increase in floodplain elevations.
- (D) The applicant shall submit a completed Elevation Certificate certifying the elevation of the finished structure, signed by a Texas registered professional land surveyor, before the City may issue a Certificate of Occupancy for the proposed structure.

PART 5. If the project for which this variance is granted does not receive all necessary building permits on or before June 22, 2007, this variance expires.

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 July 3, 2006.

PASSED AND APPROVED

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<u>June 22</u> , 2006		 _____ Will Wynn Mayor
APPROVED:  _____ David Allan Smith City Attorney	ATTEST:	 _____ Shirley A. Gentry City Clerk