ORDINANCE NO.

AN ORDINANCE GRANTING A VARIANCE FOR PROPERTY LOCATED AT
1301 WEST KEONIG LANE FROM CERTAIN FLOODPLAIN REGULATIONS
PRESCRIBED BY THE CITY CODE TO ALLOW CONSTRUCTION OF A
MULTI-FAMILY RESIDENTIAL BUILDING AND ASSOCIATED PARKING
WITHIN THE 25-YEAR AND 100-YEAR FLOODPLAINS; 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 multi-family residential
building located at 1301 West Koenig Lane within the 25-year and 100-year
floodplains as described in Site Plan application number SP-2017-0343C.

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 25-12-3, 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;

(B) the requirement in City Code Section 25-7-92 (Encroachment on Floodplain
Prohibited), that a development application may not be approved if a
proposed building or parking area encroaches on the 25-year floodplain or the
100-year floodplain; and
(C) 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.

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

(A) Before the City may issue a Certificate of Occupancy for the building, the applicant must submit a completed Elevation Certificate certifying the elevation of the finished floor of the building as proposed by the approved site plan application, signed by a professional land surveyor, engineer, or architect authorized by law to certify elevations.

(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.

(C) Before the City may issue a Certificate of Occupancy for the building, the applicant must submit a Flood Safety Plan acceptable to the City’s floodplain administrator.

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 ______________________, 2018

PASSED AND APPROVED

_____________________________ 2018

APPROVED: Anne L. Morgan
City Attorney

ATTEST: Jannette S. Goodall
City Clerk

Steve Adler
Mayor