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

**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.

- (A) 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;
- (B) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*), to exclude the footprint of the commercial building from the requirement to dedicate an easement to the limits of 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 variances granted in this ordinance are 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 (*Dedication of Easements and Rights-of-way*) to the limits of the 100-year floodplain, excluding the footprint of the commercial building. Before the City may issue a Certificate of Occupancy for the building, the applicant shall submit all information and documentation necessary for the easement, and the easement as approved by the City Attorney shall be filed by the applicant in the Official Records of Travis County, Texas; and
- (B) 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.

**PART 5.** These variances expire if the building for which these variances are 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 these variances 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 these variances does not constitute a guarantee of flood insurance availability, rates, or requirements.

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2021.

**PASSED AND APPROVED**

\_\_\_\_\_, 2021      § \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk