

**ORDINANCE NO. 20050901-069**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT LOTS 1, 2 AND 3, BLOCK A OF THE PROPOSED Z-LOFTS SUBDIVISION AT THE SOUTHEAST CORNER OF MARTIN LUTHER KING JR. BOULEVARD AND CLIFFORD AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF SINGLE-FAMILY RESIDENCES 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 single-family residences at Lots 1, 2, and 3, Block A of the proposed Z-Lofts Subdivision, located at the southeast corner of Martin Luther King Jr. Boulevard and Clifford Avenue within the 100-year floodplain, subject to Subdivision Case File No. C8-05-0056.OA.

**PART 2.** Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 (*Local Amendments to the Building Code*), Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. 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 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 floodplain prescribed by Section 25-7-92 (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the residences from the requirement to dedicate an easement to the limits of the 100-year floodplain; and

**PART 4.** The variances granted in this ordinance are effective only upon the satisfaction of the following conditions:

- (A) The applicant shall include in the plat for the proposed Z Lofts Subdivision, file no. C8-05-0056.OA, 7.5 feet wide access easements along the rear

property lines of Lots 1, 2, 3 and 4 to allow evacuation by occupants and emergency responder access.

- (B) The applicant shall include in the plat for the proposed Z Lofts Subdivision, file no. C8-05-0056.OA, a plat note requiring the finished floor elevation of any structure built on Lots 1, 2 or 3 be at least one foot above the 100 year floodplain.
- (C) The applicant shall provide restrictive covenants in a form approved by the City Attorney, requiring that any structure built on Lots 1, 2 and 3 have a finished floor elevation of at least one foot above the 100 year floodplain.

**PART 5.** If the final plat for the proposed Z Lofts Subdivision is not approved and filed of record in the official records of Travis County, on or before October 20, 2006, 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 September 12, 2005.

**PASSED AND APPROVED**

<u>September 1</u> , 2005	§ § § _____ Will Wynn Mayor
<b>APPROVED:</b> _____ David Allan Smith City Attorney	<b>ATTEST:</b> _____ Shirley A. Brown City Clerk