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AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 506 WEST AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCIBED BY THE CITY CODE FOR CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL BUILDING IN THE 25-YEAR AND 100-YEAR FLOODPLAINS: ESTABLISHING THE CONDITIONS FOR THE VARIANCES; AND PROVIDING AN EXPIRATION DATE 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 multi-family residential building located at 506 West Avenue within the 25-year and 100-year floodplains as described in site plan application number SP-2023-0437C.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by Subsection (F) of City Code Section 25-12-54 (Flood Resistant Construction). 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 variances 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, a nuisance, fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 3. Variances are granted from:

- the requirement in City Code Section 25-7-92 (Encroachment on the (A) 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;
- the requirement in City Code Section 25-12-53 (Flood Loads), that normal (B) access to a building be by direct connection with an area that is a minimum one foot above the design flood elevation; and
- (C) the easement requirements in City Code Section 25-7-152 (Dedication of Easements and Rights-of-Way), to exclude the footprints of the building from the requirement to dedicate an easement to the limits of the 100-year floodplain.

1	PART 4. The variances granted in this ordinance are effective only if the applicant meets the following conditions:					
3 4 5 6 7 8 9	(A) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 (<i>Dedication of Easements and Rights-of-Way</i>) to the limits of the 100-year floodplain less the footprint of the building. The City may not issue a Certificate of Occupancy for the building until the applicant submits all information and documentation necessary for the easement and the easement, as approved by the City Attorney, is filed by the applicant in the Official Records					
10 11 12 13 14	applicant must submit a completed Elevation Certification 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					
15 16						
17 18 19 20 21	a site plan, a building permit, or any other development permit, and 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					
22	PART 7. This	s ordinance takes effect on		_, 2024.		
23 24 25 26 27	PASSED ANI	D APPROVED	§ § §			
28 29 30		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	0	Kirk Watson Mayor		
3132333435	APPROVED:	Deborah Thomas Acting City Attorney	ATTEST:	Myrna Rios City Clerk		
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