

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2025-009 City of Austin parkland drainage easements LDC 25-7 code amendment

**Description:** Amends [25-7-152 \(E\)](#) as related to parkland drainage easements. The proposed amendment would allow an administrative variance to not require drainage easements associated with development projects on City of Austin parkland.

**Proposed Language:** Conduct a public hearing and consider an ordinance amending City Code Section Title 25 (Land Development) to allow for an administrative variance to the drainage easement dedication requirement for park improvements on City of Austin parkland. Funding: This item has no fiscal impact.

**Background:**

Current code requires that property owners dedicate a public drainage easement to the limits of the 100-year floodplain as a part of the site development permit approval process. Additionally, [25-7-152 \(E\)](#) includes provisions allowing the Director to grant an administrative variance under certain circumstances as described in that section. The purpose of the drainage easement is to alert present and future property owners that there is flood risk on the property. There are limitations on the use of the drainage easement and floodplain areas on the property. These uses are regulated by the floodplain regulations.

Importantly, an approved administrative variance waiving the drainage easement requirement does not waive or alter existing restrictions or development requirements within the 100-year floodplain. The proposed amendment would only apply to the dedication of a drainage easement on City of Austin parkland. Additionally, if parkland is later sold through the Chapter 26 process and voter approval, the new property owner would be required to dedicate a drainage easement as part of any future site plan application. The process for the sale of public parkland must follow the requirements outlined in Chapter 26 of the Texas statutes which serve as a protection for public parks and recreational lands from programs or projects that would change their use or require taking of public land.

A benefit of this proposed code change is to reduce the fiscal and administrative burden on new parkland projects by improving efficiency during the permit review process. Austin Parks and Recreation and Austin Watershed Protection are in agreement that this change is appropriate and beneficial. Currently, each parkland development project must apply for a variance and be approved on a case-by-case basis. Codifying this exception will streamline the process and reduce unnecessary administrative work for both departments. Additionally, there will be no impact or change on maintenance or operational responsibilities as a result of the code amendment.

**Staff Recommendation:**

Staff supports the amendment to [25-7-152 \(E\)](#): to allow for an administrative variance process to remove the requirement to dedicate a drainage easement associated with development projects on City of Austin parkland.

### **Board and Commission Actions**

**July 16, 2025**, Code amendment initiation recommended by Codes and Ordinances Joint Committee, 6 – 0.

**August 12, 2025**, Code amendment initiated by Planning Commission, 9-0.

**September 5, 2025**, Code amendment notification memo sent to the Parks and Recreation Board

**October 15, 2025**, Recommended by Environmental Commission with a condition to present to the Austin Parks and Recreation Board, 8-1.

**October 27, 2025**, Recommended by Parks and Recreation Board, 8-1-1.

**November 19, 2025**, Recommended by the Codes and Ordinances Joint Committee, 4-0.

**December 9, 2025**, Recommended by Planning Commission, 10-0.

### **Council Action**

**January 22, 2026**: A public hearing will be scheduled.

### **Ordinance Number:** C20-2025-009

#### **City Staff:**

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## **Attachment A: Proposed Code Language**

### **§ 25-7-152 - DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.**

- (A) The owner of real property proposed to be developed shall dedicate to the public an easement or right-of way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain, as prescribed in the Drainage Criteria Manual.
- (B) An easement or right-of-way required by Subsection (A) must be of sufficient width to provide continuous access for the operation, maintenance, or repair of a drainage facility as prescribed in the Drainage Criteria Manual.
- (C) The owner of the property shall dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.
- (D) A part of a lot or tract of land that is located in an easement or right-of-way required by this section may be included as part of the area of the lot or tract of land in the calculation of density or impervious cover.
- (E) For property in the full-purpose limits of the city, the director may grant a variance to Subsection (A) if the director determines:
  - (1) development with the variance does not result in additional adverse flooding of other property; and
  - (2) the development:
    - (a) is permitted by a variance granted under Section 25-7-92(C) (Encroachments on Floodplain Prohibited);
    - (b) is permitted in a floodplain under Section 25-7-93 (General Exceptions), Section 25-7-94 (Exceptions in Central Business Area), Section 25-7-95 (Exceptions for Parking Areas), or Section 25-7-96 (Exceptions in the 25-Year Floodplain);
    - (c) is not a building or parking area;
    - (d) is a non-conforming use, as defined by Chapter 25-12, Article 3 (Flood Hazard Areas); or
  - (e) is for park improvements on City of Austin parkland.