

## **ORDINANCE NO.**

### **AN ORDINANCE GRANTING A VARIANCE FOR PROPERTY LOCATED AT 835 WEST 6<sup>TH</sup> STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR A COMMERCIAL PARKING LOT LOCATED IN THE 25 AND 100-YEAR FLOODPLAIN.**

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

**PART 1.** This ordinance applies to a commercial parking lot located at 835 West 6<sup>th</sup> Street within the 25 and 100-year floodplain, described in Site Plan Application No. SP-2011-0035C.

**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, or extraordinary public expense, or 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 the restriction on construction in the 25 and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment on Floodplain Prohibited*).

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

- (1) construct a structural bollard fence along the boundary of the parking lot to hold back vehicles during a 100-year flood event, based on the 100-year floodplain established in the City of Austin Shoal Creek floodplain study anticipated to be complete in February 2012;
- (2) provide structural certification for the bollard fence indicating it is designed and constructed to withstand the forces of the floodwaters during a 100-year flood event, based on the 100-year floodplain established in the City of Austin Shoal Creek floodplain study anticipated to be complete in February 2012;

- (3) install street-end barricades (Standard No. 803S-1) at the two fence openings currently giving vehicular access to the parking lot on the creek side of the bollard fence;
- (4) provide and implement a flood warning plan;
- (5) restrict the parking lot to reserved parking only, no general public parking;
- (6) erect signs on the parking lot advising the public that the parking lot is in the floodplain; and
- (7) submit to the City proof in a form acceptable to the City that all the conditions listed in this ordinance have been implemented not later than 60 days after the City of Austin approves the Shoal Creek floodplain study, anticipated to be February 2012. The City will provide notice to the applicant of the Shoal Creek floodplain study approval date.

**PART 5.** 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 6.** This ordinance takes effect on \_\_\_\_\_, 2011.

**PASSED AND APPROVED**

_____, 2011	§ § §	_____ Lee Leffingwell Mayor
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**APPROVED:** \_\_\_\_\_  
 Karen Kennard  
 City Attorney

**ATTEST:** \_\_\_\_\_  
 Shirley A. Gentry  
 City Clerk