

ORDINANCE NO.

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1000 NORTH LAMAR BOULEVARD FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE TO ALLOW A PARKING AREA WITHIN THE 25- AND 100-YEAR FLOODPLAINS 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 parking area located at 1000 North Lamar Boulevard within the 25- and 100-year floodplains as described in Site Plan application number SP-2016-0067C, Correction 6.

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.

PART 3. A variance is granted from:

- (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; and
- (B) 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. This variance expires if Correction 6 to Site Plan application number SP-2016-0067C is not approved within one year of the effective date of this ordinance.

PART 5. The variance granted by this ordinance is in addition to the variance and conditions approved by Council in Ordinance No. 20161215-098.

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 _____, 2020.

PASSED AND APPROVED

_____, 2020 §
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Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne Morgan Jannette Goodall
City Attorney City Clerk