

**ATTACHMENT 2**

*Proposed Code Modifications*

<b>CHAPTER 25-1 MODIFICATIONS</b>		
<b>CODE SECTIONS TO BE MODIFIED</b>	<b>CURRENT CODE LANGUAGE</b>	<b>PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD</b>
1. <i>Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211</i>	25-1-602(A) “A subdivider or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable parkland for park and recreational purposes under this article.”	“A subdivider or site plan applicant shall provide for the parkland needs of the residents by providing suitable parkland for park and recreational purposes under the terms of The Grove at Shoal Creek Planned Unit Development Ordinance No. _____. The requirements of Article 14, Chapter 25-1 of the Austin City Code shall not apply to the property.”
2. <i>Impervious Cover Measurement, 25-1-23</i>	“(A) Except as otherwise provided in this section, impervious cover means the total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete, and buildings.  (B) Impervious cover shall be calculated in accordance with the Environmental Criteria Manual and Section 25-8-63 ( <i>Impervious Cover Calculations</i> ).”	“In determining compliance with the impervious cover limitations, impervious cover on any given site within a particular Tract may exceed the amount provided in the Site Development Regulations Table as long as (i) the total amount of impervious cover allowed on the Tract on an overall basis is not exceeded, and (ii) the total amount of impervious cover on all of the property on overall basis does not exceed 65%.”
<b>CHAPTER 25-2 MODIFICATIONS</b>		
<b>CODE SECTIONS TO BE MODIFIED</b>	<b>CURRENT CODE LANGUAGE</b>	<b>PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD</b>

3. <i>Site Development Regulations, 25-2-492</i>	Not applicable.	The Applicant proposes that the site development regulations applicable to the Property be as shown on the Land Use Plan
4. <i>Site Development Regulations, 25-2-492 and Height, 25-1-21(47)</i>	City staff interprets a parking level to be a “story” for the purposes of determining compliance with site development regulations.	“In determining compliance with the applicable height limitations, a parking level shall not be and is not considered a ‘story’.”
5. <i>Compatibility Standards, 25-2-1063(C)(2)and (3)</i>	“(2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property: (a) in an SF-5 or more restrictive zoning district; or (b) on which a use permitted in an SF-5 or more restrictive zoning district is located; (3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive;”	“In the rectangular area of land in Tract B that is bounded by (i) the property line adjacent to Bull Creek Road on the west, (ii) a line 240 feet east from the property line adjacent to Bull Creek Road on the east, (iii) a line that is 200 feet south of the northern property line on the north, and (iv) a line that is 630 feet south of the northern property line on the south, Section 25-2-1063(C) (2) of the Austin City Code shall not apply, and Section 25-2-1063(C)(3) is modified to read to provide that for a structure more than 50 feet but not more than 300 feet from the property zoned SF-5 or more restrictive, height may is limited to 60’.”
6. <i>Compatibility Standards, 25-2-1067(G) and (H)</i>	“(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.”	“Section 25-2-1067(G) and (H) of the Austin City Code shall not apply to Tract A only, with respect to the construction of an alley, public road, trails and/or sidewalks.”

7. <i>Restaurant (Limited), 25-2-809(B)</i>	“(B) in a general office (GO), commercial recreation (CR), or neighborhood commercial (LR) district, the outdoor seating area, if any, for a restaurant (limited) use may not exceed 50 percent of the indoor seating area. Seating area is measured in square feet.”	“Section 25-2-809(B) of the Austin City Code shall not apply to the property.”
8. <i>Commercial Design Standards, Subchapter E, Chapter 25-2</i>	Chapter 25-2, Subchapter E, Design Standards and Mixed Use	“The Grove at Shoal Creek Design Guidelines generally addresses the physical relationship between commercial and other nonresidential development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a more attractive, efficient, and livable community. The requirements of Chapter 25-2, Subchapter E of the Austin City Code shall not apply to the property.”
9. <i>Condominium Residential Use, 25-2-776</i>	Section 25-2-776 containing provisions related to Condominium Residential Use	“Section 25-2-776 of the Austin City Code shall not apply to the property. Condominium residential use shall be subject to the site development regulations set forth in the Land Use Plan.”
<b>CHAPTER 25-4 MODIFICATIONS</b>		
<b>CODE SECTIONS TO BE MODIFIED</b>	<b>CURRENT CODE LANGUAGE</b>	<b>PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD</b>
10. <i>Alleys, 25-4-132(B)</i>	“(B) Off-street loading and unloading facilities shall be provided on all commercial and industrial lots, except in the area described in Subsection (C). The subdivider shall note this requirement on	“Off-street loading and unloading shall be provided on all commercial lots, except that loading and unloading may also occur in any alley that also serves as a fire lane. The subdivider shall note this requirement

	a preliminary plan and a plat.”	on a preliminary plan and a plat.”
11. <i>Secondary Street Access, 25-4-157</i>	Section 25-4-157 – Subdivision Access Streets	“Section 25-4-157 of the Austin City Code shall not apply to the property.”
12. <i>Lots on Private Streets, 25-4-171(A)</i>	“(A) Each lot in a subdivision shall abut a dedicated public street.”	“(A) Each lot in a subdivision shall abut a public street, private street or private drive subject to a permanent access easement.”
13. <i>Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211</i>  [NOTE: this is the same as No. 1 above]	25-4-211 “The platting requirement for parkland dedication is governed by Chapter 25-1, Article 14 (Parkland Dedication).”	“The platting requirement for parkland dedication is governed by the terms of The Grove at Shoal Creek Planned Unit Development Ordinance No. _____. The requirements of Article 14, Chapter 25-1 of the Austin City Code shall not apply to the property.”
14. <i>Preliminary Plan Expiration, 25-4-62</i>	25-4-62 “An approved preliminary plan expires five years after the date the application for approval of the preliminary plan is submitted.”	“An approved preliminary plan expires ten years after the date the application for approval of the preliminary plan is approved.”
15. <i>Public Street Alignment, 25-4-151</i>	25-4-151 “Streets of a new subdivision shall be aligned with and connect to existing streets on adjoining property unless the Land Use Commission determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment or connection.”	“Notwithstanding Section 25-4-151 of the Austin City Code, the private drives and/ or private streets within the property may be aligned with and connect to existing or future streets on adjoining property.”
16. <i>Dead-End Streets, 25-4-152(A)</i>	“(A) A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street.”	“A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street, or may terminate in a connection with the private drives and/ or private streets within the property.”

<b>CHAPTER 25-5 MODIFICATIONS</b>		
<b>CODE SECTIONS TO BE MODIFIED</b>	<b>CURRENT CODE LANGUAGE</b>	<b>PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD</b>
17. <i>Site Plan Expiration, 25-5-81(B) and (D)</i>	<p>“(B) Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires three years after the date of its approval.”</p> <p>“(D) A phase of a phased site plan expires on the expiration date determined under Section 25-5-21 (Phased Site Plan) unless: ...”</p>	<p>“Except as provided in Subsections (C), (D), and (E) of Section 25-5-81 of the Austin City Code, a site plan expires ten years after the date of its approval. A phase of a phased site plan expires on the expiration date determined in The Grove at Shoal Creek Planned Unit Development Ordinance No. _____ unless ...”</p>
18. <i>Site Plan Phasing, 25-5-21(B)</i>	<p>“(B) The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than three years after the approval date of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than three years after the approval date of the site plan.”</p>	<p>“(B) The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than ten years after the approval date of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than ten years after the approval date of the site plan.”</p>
<b>CHAPTER 25-6 MODIFICATIONS</b>		
<b>CODE SECTIONS TO BE MODIFIED</b>	<b>CURRENT CODE LANGUAGE</b>	<b>PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD</b>
19. <i>Street Design, 25-6-171(A)</i>	<p>“(A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications.</p>	<p>“A roadway, street or alley must be designed and constructed in accordance with The Grove at Shoal Creek Design Guidelines. The Transportation Criteria Manual and City of Austin Standards and Standard Specifications shall apply to the extent they do not conflict with The Grove</p>

		at Shoal Creek Design Guidelines.”
<b>CHAPTER 25-8 MODIFICATIONS</b>		
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20. <i>Heritage Trees, 25-8-641(B)</i>	“(B) A permit to remove a heritage tree may be issued only if a variance is approved under Section 25-8-642 ( <i>Administrative Variance</i> ) or 25-8-643 ( <i>Land Use Commission Variance</i> ).”	<p>“A permit to remove a heritage tree may be issued only if:</p> <p>(1) a variance is approved under Section 25-8-642 (<i>Administrative Variance</i>) or (25-8-643) <i>Land Use Commission Variance</i>, or</p> <p>(2) the tree is indicated as "Trees that May Be Removed" on The Grove at Shoal Creek Tree Survey and Disposition Plan as attached to The Grove at Shoal Creek Planned Unit Development Ordinance No. _____ . Sections 25-8-642 and 25-8-643 shall not apply to the trees indicated as "Trees that May Be Removed" on The Grove at Shoal Creek Tree Survey and Disposition Plan.</p> <p>A permit issued under 25-8-642 (A) (2) shall require mitigation at the rates prescribed on The Grove at Shoal Creek Tree Survey and Disposition Plan.”</p>