

EXHIBIT E

ATTACHMENT 2
Proposed Code Modifications
October 2016

CHAPTER 25-1 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>1. Definitions, Article 2, Chapter 25-1-21</i>	“SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.”	“SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may cross a public street or right-of-way if that public street or right-of-way is within the boundaries of The Grove at Shoal Creek PUD.”
<i>2. 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.”	“Section 25-1-602 (Dedication of Parkland Required) is modified to provide that 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 Parks Plan and Parkland Improvement Agreement attached as exhibits to Planned Unit Development Ordinance No. ”
<i>3. Gross Floor Area, 25-2-21(44)</i>	25-1-21 “(44) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls.	“(44) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace,

	The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.”	parking facilities, parking structures, driveways, and enclosed loading berths and off-street maneuvering areas.”
CHAPTER 25-2 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
4. <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
5. <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’.”
6. <i>Visual Screening, 25-2-1006</i>	25-2-1006 Visual Screening of certain features	“Section 25-2-1006 (A) shall not apply to any water quality and/ or storm water drainage facility that serves as an amenity or to any Green Storm Water Quality Infrastructure as defined in the Environmental Criteria Manual, except that any green infrastructure hardened outfalls and control structures should still be buffered from public ROW. Section 25-2-1006 (C) shall not apply between uses or sites that are both located within the PUD boundaries. This section shall still apply at the boundaries of the PUD.”
7. <i>Planned Unit Development Regulations, Chapter 25-2, Subchapter B, Article 2, Division 5, Section 3.2.3.D.1</i>	“D. the minimum front yard and street side yard setbacks, which must be not less than the greater of:	“Chapter 25-2, Subchapter B, Article 2, Division 5, Section 3.2.3.D.1 shall not apply to the PUD. Notwithstanding the foregoing the remainder of that section

	1. 25 feet for a front yard, and 15 feet for a street side yard; or”	shall apply to the PUD.”
<p>8. <i>Compatibility Standards, Chapter 25-2, Article 10</i></p> <p><i>NOTE: This Code modification only applies where the triggering property is located within the PUD. This Code modification does not apply where the triggering property is located outside the PUD. This Code modification is identical to the one granted in the Mueller PUD</i></p>	Chapter 25-2, Article 10, Compatibility Standards applied to triggering property within the PUD only	“Chapter 25-2, Article 10 (Compatibility Standards) does not apply only where development within the PUD triggers such compatibility standards. Notwithstanding the foregoing, Chapter 25-2, Article 10 (Compatibility Standards) shall apply, except as provided herein, where development outside of the PUD triggers such compatibility standards.”
<p>9. <i>Compatibility Standards, 25-2-1063(C)(2)and (3)</i></p>	<p>25-2-1063(C) “(2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property:</p> <p>(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;</p> <p>(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;”</p>	“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’.”
<p>10. <i>Compatibility Standards, 25-2-1067(G) and (H)</i></p>	25-2-1067 “(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	“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.”

	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.”	
11. <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 address 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. All requirements in the Austin City Code that reference Chapter 25-2, Subchapter E shall be modified to refer to such Design Guidelines.”
CHAPTER 25-4 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
12. <i>Alleys, 25-4-132(B)</i>	25-4-132 “(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 a preliminary plan and a plat.”	“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 on a preliminary plan and a plat.”
13. <i>Block Length, 25-4-153</i>	25-4-153 Block Length requirements	“Section 25-4-153 of the Austin City Code shall not apply to the property.”
14. <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.”

<i>15. 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.”
<i>16. Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211</i> <i>[NOTE: this is the same as No. 1 above]</i>	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 modified to provide that such requirement is governed by the terms of The Grove at Shoal Creek Planned Unit Parks Plan and Parkland Improvement Agreement attached as exhibits to Development Ordinance No. _____.”
<i>17. 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.”
<i>18. Dead-End Streets, 25-4-152(A)</i>	25-4-152 “(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.”
CHAPTER 25-6 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>19. Street Design, 25-6-171(A)</i>	“(A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation	“A roadway, private drive, 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.	Criteria Manual and City of Austin Standards and Standard Specifications shall apply to the extent they do not conflict with The Grove at Shoal Creek Design Guidelines.”
CHAPTER 25-8 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
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. Specifically, the Heritage Trees that may be removed under this paragraph are identified as tag numbers 3076, 3077, 3078, 3079, 3080, 3201, 3202, 3203, 3204, 3207, and 3232.</p> <p>A permit issued under 25-8-642 (A) (2) shall require mitigation at the rates prescribed on The Grove at Shoal Creek</p>

		<p>Tree Survey and Disposition Plan.</p> <p>(3) Administrative variances under 25-8-642 for trees indicated to be saved on The Grove at Shoal Creek Tree Survey and Disposition Plan may be granted only for trees that are dead, diseased, or hazardous under paragraph (A) of that section. Variances for removal under Paragraph (C) for reasonable use shall not be allowed for these trees.”</p>
CHAPTER 25-10 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>21. 25-10-1 - Applicability</i>	25-10-1 – Applicability	“(D) To the extent they are in conflict, the signage standards set forth in the Design Guidelines for The Grove at Shoal Creek shall supersede this chapter.”
<i>22. 25-10-103 – Signs Prohibited in the Public Right-of-Way.</i>	25-10-103 – Signs Prohibited in the Public Right-of-Way.	“Section 25-10-103 of the Austin City Code shall not apply to the public Right-of-Way dedicated for the Jackson Avenue Extension within the boundaries of The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan.”
<i>23. 25-10-191 – Sign Setback Requirements.</i>	25-10-191 – Sign Setback Requirements.	“Section 25-10-191 of the Austin City Code shall not apply for setbacks from the public Right-of-Way dedicated for the Jackson Avenue Extension within the boundaries of The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan.”
DRAINAGE CRITERIA MANUAL MODIFICATIONS		

DCM SECTIONS TO BE MODIFIED	CURRENT DCM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<p>24. <i>Fencing Requirements for Drainage Facilities, Section 1.2.4.E.1(a)</i></p>	<p>DCM Section 1.2.4.E “1. (a) Where a portion of the stormwater facility either has an interior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding one (1) foot, or, an exterior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding three (3) feet above adjacent ground, barrier-type fences at least six (6) feet high, and/or steel grating are required for all single-family or duplex residential development, City maintained stormwater facilities, and/or for any privately maintained stormwater facilities located within 500 feet of a residential structure. Barrier type fences include, but are not limited to chain link, solid wood, masonry, stone or wrought iron.”</p>	<p>“1. (a) Where a portion of the stormwater facility either has an interior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding one (1) foot, or, an exterior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding three (3) feet above adjacent ground, steel grating is required for all single-family or duplex residential development, City maintained stormwater facilities, and/or for any privately maintained stormwater facilities located within 500 feet of a residential structure.</p>
ENVIRONMENTAL CRITERIA MANUAL MODIFICATIONS		
ECM SECTIONS TO BE MODIFIED	CURRENT ECM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<p>25. <i>Maintenance Responsibilities for Water Quality Control Facilities, Section 1.6.3.A.4</i></p>	<p>4. obtain final warranty release approval from the Watershed Protection Department. The City will also maintain water</p>	<p>“4. obtain final warranty release approval from the Watershed Protection Department. Water quality control facilities at The Grove at Shoal Creek</p>

	quality control facilities designed to service primarily publicly owned roads and facilities. These water quality control facilities must be designed and built according to the appropriate city standards.	PUD that treat publicly owned roads and facilities within and adjacent to The Grove at Shoal Creek PUD may be privately maintained.”
TRANSPORTATION CRITERIA MANUAL MODIFICATIONS		
TCM SECTIONS TO BE MODIFIED	CURRENT TCM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<i>26. Classification Design Criteria, Section 1.3.2.B.2</i>	<p>2. Collector, Neighborhood.</p> <p>A neighborhood collector street is characterized by serving several districts or subdivisions. Neighborhood collector streets provide limited access to abutting property and may provide on-street parking, except where bus routes can be expected. Typically multifamily developments, schools, local retail developments and public facilities are located adjacent to neighborhood collectors. Direct driveway access for detached houses should be discouraged (see Figure 1-28 in Appendix H of this manual for design criteria).</p>	<p>2. Collector, Neighborhood.</p> <p>The Extension of Jackson Avenue in The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan shall be considered a Neighborhood Collector and shall be designed per The Grove at Shoal Creek Design Guidelines. The cross section and any other design information contained in those design guidelines shall supersede any requirements of the Transportation Criteria Manual. All other circulation routes within The Grove including internal circulation routes and alleys shall be considered as private driveways and intersections with these driveways shall be subject to the 50’ minimum spacing for Neighborhood Collectors.</p>
<i>27. Classification Design Criteria, Section 1.3.2.F</i>	F. Single Outlet Streets	“The Jackson Avenue Extension shall not be considered a Single Outlet Street upon

		<p>the construction of any publicly accessible private street, drive, or internal circulation route that is open to the public and connects Jackson Avenue to Bull Creek Road.”</p>
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