



PETITION FOR SUBDIVISION WAIVER APPLICATION CHECKLIST

APPLICANT AND PROJECT INFORMATION

Applicant Name: _____

Applicant Phone #: _____

Project Name: _____

Project Location: _____

This checklist is intended to provide information and data needed to constitute a complete application. A request for a petition for subdivision waiver requires review by staff and approval by the Planning and Zoning Commission (See UDC Section 2.6.1). Incomplete applications will not be accepted.

SUBMISSION REQUIREMENTS

Petitions for Subdivision Waivers must be filed with the associated Plat or Subdivision Construction Plan Letter of Certification Application, please refer also to the applicable Letter of Certification Application Checklist. If a Plat or Subdivision Construction Plan requires a Subdivision Waiver to a standard or requirement under UDC Sec. 2.5 Subdivision Design Standards, the status of the waiver (approval or disapproval) must be determined prior to issuance of the associated Letter of Certification.

APPLICATION FEES

All application fees shall be paid in full according to the adopted Fee Schedule. The adopted Fee Schedule is available on the City Website: <http://www.BeeCaveTexas.gov/>

PETITION FOR SUBDIVISION WAIVER PROCESS

The process for a Petition for a Subdivision Waiver involves the following steps:

- 1. Pre-Application Conference (See UDC Sec. 2.6.1 D ii.).** Prior to submitting an application, the owner may consult with the Planning Director, City Engineer, and other City staff concerning the waiver request. As well as the Planning Director or City Engineer may require that a pre-application meeting take place prior to accepting a petition for subdivision waiver.
- 2. Submittal of Application and Completeness Check.** The applicant will provide all required documents and fees as part of the application for a Letter of Certification*. Staff will review the Petition for completeness of items listed on this checklist and provide feedback about any additional information or documents required from the applicant. Staff will perform a completeness check within 10 business days. **If the application is deemed incomplete, the applicant will have 45 calendar days to resubmit the incomplete items, or the application will expire.**
- 3. Application Filing.** Upon determination of application completeness, the application will be considered filed with the Planning and Development Department.



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4. **Technical Review.** City staff will review the application for applicability pursuant to **UDC Sec. 2.6.1.C.** and merit based on the criteria outlined in **UDC Sec. 2.6.1.E.** Staff will forward the Petition for Subdivision Waiver for the consideration of the Planning and Zoning Commission within 30 calendar days of receipt of a complete Petition. **New information submitted after property owner notification will not be included in the agenda packets for the Planning & Zoning Commission's consideration.**
5. **Required Property Owner Notice.** All Subdivision Waivers require Public Hearings with property owner notification. Written notice of all public hearings before the Planning and Zoning Commission and City Council on a proposed zoning change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested not fewer than eleven (11) calendar days before the date of the Planning & Zoning Commission and City Council Public Hearings.
6. **Action.** After review and recommendation from the Planning Director, the City Engineer, and the Planning and Zoning Commission, City Council shall consider the Subdivision Waiver request within 30 calendar days of the Planning and Zoning Commission's recommendation. City Council shall approve, deny, or approve with modifications or conditions the request for a subdivision waiver. The decision of City Council is final. **See UDC Sec. 2.6.1.G** for additional information. The applicant shall be notified of Council's decision on the waiver within 14 calendar days following the decision.
7. **Effect of Subdivision Waiver.** Following approval of a Subdivision Waiver, the City will continue the processing of a Plat or Subdivision Construction Plans, as applicable. The City will not issue a Certificate of Completeness for any application considered under Article 2 of the UDC with a pending Petition for Subdivision Waiver.

**If the City and Applicant determine there is a need for a waiver following the issuance of a Certificate of Completeness, and no Waiver of Right to 30-Day Action has been submitted, the associated application will automatically be forwarded to the Planning and Zoning Commission with a recommendation for denial. The application cannot be approved until the Petition for Subdivision Waiver is granted*

REQUIRED ITEMS FOR SUBMITTAL OF A COMPLETE APPLICATION

The following is grouped into the electronic documents that will be required for submittal. Below each document heading are the individual items that are to be combined to form a single PDF document. Please review the Detailed Information section of this form for help in preparing each of these items. Please, flatten all PDF before submittal and rename documents for easy readability.

- Petition for Subdivision Waiver(s)**
 - Petition for Subdivision Waiver form (attached)
 - Sketch and/or graphics that provides a visual representation of the circumstances necessitating the waiver, each sketch or graphic shall reference the associated Petition number.
 - A signed copy of this Subdivision Waiver Checklist
- Supporting Documents** – See 'Burden of Proof' section below. Supporting documents for each request shall be compiled in a single PDF and titled as follows: "Support Documents for Subdivision Waiver Petition insert #"



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BURDEN OF PROOF FOR SUBDIVISION WAIVER

The applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden. Proof must be submitted with the petition for the Petition to be considered complete.

No Subdivision Waiver will be granted unless the Planning and Zoning Commission and City Council make the following findings (Section 2.6.1.E.3):

- (i) That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of the UDC would deprive the applicant of the reasonable use of the land; and
- (ii) That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right; and
- (iii) That the granting of the Subdivision Waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the immediate vicinity; and
- (iv) That the granting of the Subdivision Waiver will not prevent the orderly subdivision of other lands in the immediate vicinity in accordance with the provisions of the UDC.

CERTIFICATION OF APPLICATION

I hereby attest that I prepared this application and that all information shown hereon is correct and complete to the best of my knowledge:

Signature

Name (printed)

Title

Date



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PETITION FOR SUBDIVISION WAIVER FORM

Instructions:

1. Fill out the form with all sections of code that the applicant requests a waiver from. All column headings must be addressed; failure to address each will result in an incomplete application. Attach additional sheets as necessary
2. A Petition for Subdivision Waiver must relate to a specific standard or requirement of **UDC Sec. 2.5 Subdivision Design Standards** applicable to a Plat or Subdivision Construction Plans. Each request represents a separate Petition, cross reference as necessary.
3. Note, financial hardship does not constitute undue hardship.
4. Supporting Narrative. The applicant must state the grounds for the request and the facts relied upon to make the request. The 'Findings' of **UDC Sec. 2.6.1.E.3** should be addressed.

Petition #	Section Reference	Summary of Code Requirement	Waiver Request	Explanation of Undue Hardship*	Supporting Narrative



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(include additional sheets as necessary)