



VESTED RIGHTS PETITION APPLICATION CHECKLIST

APPLICANT INFO

Applicant Name: _____
 Applicant Phone #: _____
 Applicant Email: _____
 Project Name: _____
 Project Location: _____

VESTED RIGHT GENERAL INFORMATION

What Are Vested Rights?

Under certain conditions, state law affords a permit applicant a “vested right” to have an application reviewed under older regulations that are no longer in effect. Vested rights, sometimes referred to as “grandfathering,” apply only to a project, not to a property. Vested rights claims are generally based on one or more prior applications that provided fair notice of a continuing development project that began before the adoption of current regulations.

What Is the Process for Claiming Vested Rights?

To claim vested rights for a development application, such as a subdivision, site plan, or building permit, an applicant must submit a *Vested Rights Petition* jointly with or prior to submitting an application for which a vested right is claimed. If a Letter of Certification is required for the application type, the *Petition* should be submitted prior to or with the Letter of Certification application. The City will not issue a Certificate of Completeness for any application considered under this UDC affected by a Vested Rights Petition for the subject property until the Vested Rights Petition is decided.

Summary of Key Steps – Refer to **UDC Section 1.5.1** for more information

- A Vested Rights Petition shall be submitted to the Planning Director and shall be in accordance with **TLGC Chapter 245** or successor statute, or **TLG Section 43.002** or successor statute.
- The Responsible Official for a Vested Rights Petition is the same as that for reviewing the application with which the petition is associated.
- The Responsible Official will decide the petition according to the criteria listed in **UDC Subsection 1.5.1.G**, whether the relief requested in the Vested Rights Petition should be granted in whole or in part, and shall formulate a written report summarizing the decision along with reasons for approval or denial of the petition;
- The applicant shall be notified of the Responsible Official’s determination or decision to defer the application to the Planning and Zoning Commission within forty-five (45) business days following the date the Vested Rights Petition was filed.
- An applicant may appeal the decision of the Responsible Official or Commission, as applicable, by submitting written notice of appeal to the Responsible Official within ten (10) business days following the date of the decision.
- Relief granted on a Vested Rights Petition will expire if an application consistent with the relief granted is not submitted within in sixty (60) days following the final decision on the petition.



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MY GOVERNMENT ONLINE SUBMISSION REQUIREMENTS

The City of Bee Cave utilizes a digital review system called MyGovernmentOnline, which requires certain digital submittal standards. For more detailed information and troubleshooting, please review the separate MyGovernmentOnline User Guide available at <http://www.MyGovernmentOnline.org/>

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/> Note: the applicant is responsible for all legal costs related to review of a Vested Rights Petition, which must be paid in full prior to issuance of a Vested Rights decision.

REQUIRED ITEMS FOR SUBMITTAL OF A COMPLETE APPLICATION

This Information Will Be Retained for the Vested Rights File

The following is grouped into the electronic documents that will be required for submittal. The list below each document heading shows the individual items that are to be combined to form the 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.

- Vested Rights Petition (i.e. a Summary Letter)**
See table below for required information.

- Copy of the Original Application** that is the basis of the vested rights claim. *This may be one of the following:*
 - Site Plan
 - Preliminary Plat
 - Subdivision Construction Plans
 - Final Plat
 - Amending Plat

- Supporting Documentation**
A Vested Rights Petition must, at a minimum, include:
 - Copies of annexation and zoning ordinances applicable to the subject property, both before and after the date for which vested rights are claimed
 - Copies of all covenants, conditions, or restrictions recorded in the deed records for the property
 - Supporting documentation for any progress towards completion of the project that was made after the first application for the project was submittedOther documentation may be provided and reviewed by staff if applicable



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REQUIRED PETITION FOR VESTED RIGHTS INFORMATION	
1) A narrative description	<ul style="list-style-type: none"> a. The grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project b. A narrative description of how the application of current standards affect proposed landscaping or park dedication, shown on the application for which the petition is filed
2) Basis for Vested Rights Claim per Texas Local Government Code	Choose from: Type 1: Chapter 245 (general vested rights statute); or Type 2: Section 43.002 (continuation of land use after annexation)
3) Date for which Vested Rights are claimed	The Official Vesting Date of the application for which vested rights are claimed
4) Identification of standards	<ul style="list-style-type: none"> a. Identification of all standards from which relief is sought; and b. Identification of any current standards that the applicant asserts can be applied to the application at issue.
5) Chronological history of development	<ul style="list-style-type: none"> a. All prior permits issued for the property, application date, approval date; and b. Describe any development—<i>permitted or unpermitted</i>—that has occurred on the property, including after the date for which vested rights are claimed, and whether or not development exists today; and c. List all annexation dates (including ETJ) and zoning changes that have occurred on the property, before and after the date for which vested rights are claimed (provide copies of ordinances); and d. List covenants, conditions, or restrictions recorded in the deed records for the property (provide copies of each); e. Please describe any progress towards completion of the project that was made after the first application for the project was submitted (provide supporting documentation)
6) Additional information	<ul style="list-style-type: none"> a. Has the prior permit for which vested rights are claimed expired? (Y or N) If Y, when? b. Is the Proposed Project the same as the original project for which vested rights are claimed? (Y or N) - If No, please describe any differences between the two, including but not limited to changes in use, land area, or intensity of development



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APPLICATIONS WILL NOT BE CONSIDERED COMPLETE WITHOUT THIS SIGNED CHECKLIST CERTIFICATION

CERTIFICATION OF APPLICATION CHECKLIST

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

Signature

Name (printed)

Title

Date