



CITY PLAN COMMISSION APPLICATION FOR AMENDING SUBDIVISION APPROVAL

DATE: \_\_\_\_\_ FILE NO. \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

2. Property Land Uses:
Table with columns for ACRES and SITES for various land uses including Single-family, Duplex, Apartment, Mobile Home, P.U.D., Park, School, Commercial, Industrial, Office, Street & Alley, Ponding & Drainage, Institutional, Other (specify below), Total No. Sites, and Total (Gross) Acreage.

3. What is existing zoning of the above described property? \_\_\_\_\_ Proposed zoning? \_\_\_\_\_

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes \_\_\_\_\_ No \_\_\_\_\_

5. What type of utility easements are proposed: Underground \_\_\_\_\_ Overhead \_\_\_\_\_ Combination of Both \_\_\_\_\_

6. What type of drainage is proposed? (If applicable, list more than one)
\_\_\_\_\_
\_\_\_\_\_

7. Are special public improvements proposed in connection with development? Yes \_\_\_\_\_ No \_\_\_\_\_

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes \_\_\_\_\_ No \_\_\_\_\_
If answer is "Yes", please explain the nature of the modification or exception \_\_\_\_\_
\_\_\_\_\_

9. Remarks and/or explanation of special circumstances: \_\_\_\_\_
\_\_\_\_\_

10. Improvement Plans submitted? Yes \_\_\_\_\_ No \_\_\_\_\_

11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please submit a vested \_\_\_\_\_ rights petition in accordance with Section 19.47- Vested Rights (See Attached).

12. Owner of record \_\_\_\_\_  
(Name & Address) (Zip) (Phone)
13. Developer \_\_\_\_\_  
(Name & Address) (Zip) (Phone)
14. Engineer \_\_\_\_\_  
(Name & Address) (Zip) (Phone)

**CASHIER'S VALIDATION**  
**FEE: \$631.00**

OWNER SIGNATURE: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_

**NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.**

## **Chapter 19.47 VESTED RIGHTS**

### **19.47.010 Appeals, purpose, applicability and effect.**

A. Purpose. The purpose of a vested rights petition is to determine whether one or more standards of this subdivision ordinance should not be applied to an application as defined by state law, or whether certain permits are subject to expiration.

B. Applicability. A vested rights petition may be filed for an application, permit, plan or plat authorized under this subdivision ordinance, filed in accordance with the Texas Local Government Code, Chapter 245 or successor statute.

1. A vested rights petition also may be filed prior to expiration of certain permits pursuant to Section 19.41.060.

2. A vested rights petition may not be filed with a petition for a text amendment, a zoning map amendment or any other request for a legislative decision by the city council.

C. Effect. Upon granting of a vested rights petition in whole or in part, the responsible official shall process the application and the decision-maker shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards, or extend the permit that would otherwise be subject to expiration pursuant to Section 19.41.060. (Ord. 16882 § 2 (part), 2008)

### **19.47.020 Petition requirements.**

A. Who May Petition. A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with any application identified in this title or by the holder of a permit subject to expiration pursuant to Section 19.41.060.

B. Form of Petition. The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the city to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

1. A narrative description of the grounds for the petition;

2. A copy of each approved or pending application which is the basis for the contention that the city may not apply current standards to the application which is the subject of the petition;

3. The date of submittal of the application for the permit, or of a development plan pursuant to which the permit was subsequently filed, if different from the official filing date;

4. The date the project for which the application for the permit was submitted was commenced;

5. Identification of all standards otherwise applicable to the application from which relief is sought;

6. Identification of any current standards which petitioner agrees can be applied to the application at issue;

7. A narrative description of how the application of current standards affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size shown on the application for which the petition is filed;

8. A copy of any prior vested rights determination involving the same land; and

9. Whenever the petitioner alleges that a permit subject to expiration under Section 19.41.060 should not be terminated, a description of the events constituting progress toward completion of the project for which the permit subject to expiration was approved.

C. Time for Filing Petition. A vested rights petition shall be filed with an application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any permit when filed pursuant to Section 19.41.060. Where more than one application is authorized to be filed by this subdivision ordinance, the petition may be filed simultaneously for each application. (Ord. 16882 § 2 (part), 2008)

### **19.47.030 Processing of petitions and decision.**

A. Responsible Official. The responsible official for a vested rights petition is the director for development services, except where a petition is submitted pursuant to Section 19.41.060. The responsible official shall promptly forward a copy of the vested rights petition to the city attorney following acceptance.

B. Initial Decision. The responsible official is the decision-maker on the application, and shall determine 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 official's reasoning and setting forth the decision on the petition, which shall be delivered to the applicant within ten business days of the date the vested rights petition is accepted for filing.

C. Appeal of Decision on Petition. The petitioner may appeal the responsible official's decision on the vested rights petition within ten business days of the date of such decision to the city council in accordance with the procedures in Chapter 19.45. The city council shall decide the petition within thirty business days of receipt of the notice of appeal.

D. Effect on Related Applications. A final decision on the vested rights petition or appeal under this chapter is an application requirement for any related application. No related application shall be deemed complete without such decision having been made. (Ord. 16882 § 2 (part), 2008)

#### **19.47.040 Action on petition and order.**

A. Action on the Petition. The decision-maker on the vested rights petition may take any of the following actions:

1. Deny the relief requested in the petition, and direct that the application shall be reviewed and decided under currently applicable standards;
2. Grant the relief requested in the petition, and direct that the application be reviewed and decided in accordance with the standards contained in identified prior regulations;
3. Grant the relief requested in part, and direct that certain identified current standards be applied to the application, while standards contained in identified prior regulations also shall be applied; or
4. For petitions filed pursuant to Section 19.41.060, specify the expiration date or the conditions of expiration for the permit(s).

B. Order on Petition. The responsible official's report and each decision on the vested rights petition shall be recorded in writing in an order identifying the following:

1. The nature of the relief granted, if any;
2. The approved or filed application(s) upon which relief is premised under the petition;
3. Current standards which shall apply to the application for which relief is sought;
4. Prior standards which shall apply to the application for which relief is sought, including any procedural standards;
5. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;
6. To the extent feasible, subordinate applications that are subject to the same relief granted on the petition; and
7. For petitions filed pursuant to Section 19.41.060, the date of expiration of the permit or permits. (Ord. 16882 § 2 (part), 2008)

#### **19.47.050 Criteria for approval.**

A. Factors. The decision-maker shall decide the vested rights petition based upon the following factors:

1. The nature and extent of prior applications filed for the land subject to the petition;
2. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
4. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed application;
5. Whether any statutory exception applies to the standards in the current subdivision ordinance from which the applicant seeks relief;
6. Whether any prior approved applications relied upon by the petitioner have expired;
7. For petitions submitted pursuant to Section 19.41.060 whether any of the events in Section 19.47.080 have occurred;
8. Any other provisions outlined in the Texas Local Government Code Chapter 245 or successor statute.

B. Conditions. If the claim of vested rights under a petition is based upon a pending application subject to standards that have been superseded by current standards under this subdivision ordinance, the decision-maker may condition any relief granted on the petition on the approval of the application under such prior standards. (Ord. 16882 § 2 (part), 2008)