



## 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state law affords a permit applicant a “vested right” to have an application reviewed under older regulations that are no longer in effect.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?

In order 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* as part of the “Completeness Check” submittal required for the application. The purpose of a *Vested Rights Petition* is to make sure the director has all the information necessary to determine whether the application is entitled to vested rights.

Within 10 business days of submitting a Completeness Check, the director issues a Vested Rights Determination approving or denying the petition. The applicant must then provide all additional information necessary to complete the permit application within 45 days from the date of the Completeness Check application.

### Summary of Key Steps

- Applicant completes the *Project Review Form*, stating request for vested rights to older city regulations, and submits it to Intake along with Permit Application and a *Vested Rights Petition*;
- Director makes a Vested Rights Determination, then routes application to review staff for other elements of Completeness Check;
- Within 10 business days of application, applicant is provided Vested Rights Determination along with a report listing any missing items needed to complete the application;
- Application must be complete within 45 calendar days of the Completeness Check application in order to clear Completeness Check and formally submit plans for review. Otherwise, application expires.

# Vested Rights Petition – Application Checklist

## This Information Will Be Retained For the Vested Rights File

*Required for all projects requesting to be reviewed under regulations other than those currently in effect.*

### Project Application

May be either:

1. **One of the following Development Plans: DP-01 (Site Plan), or DP-02 (Subdivision), or Building Permit.** Development plans provide sufficient information regarding a project for purposes of vested rights review. **DP-01 and DP-02 can be used to get a Chapter 245 review.** Additional items identified during Completeness Check review must be submitted within the 45-day life of Completeness Check application.

OR

2. **Standard Permit Application.** An applicant may choose to submit a standard application, such as a site plan or subdivision, with a full plan set in lieu of a Development Plan and must provide all Completeness Check requirements within the 45-day life of Completeness Check application.

### Vested Rights Petition

Begins on next page; may require additional sheets as needed.

### Supporting Documentation

A Vested Rights Petition must, at a minimum, include:

— **Copy of the Original Application** that is the basis of the vested rights claim. *This should be the same application that's listed in Item No. 3 of the Vested Rights Petition, and may be one of the following:*

- Site Plan
- Preliminary Plan
- Final Plat
- Zoning Site Plan
- Waterway Development Permit
- Service Extension Request
- Other



# Vested Rights Petition Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

## Vested Rights Petition

### For Office Use Only

|                    |                       |               |
|--------------------|-----------------------|---------------|
| Case Number: _____ | Submittal Date: _____ | Row ID: _____ |
|--------------------|-----------------------|---------------|

***Download document before entering information.***

The following information is required for a *Vested Rights Petition* under City of Austin Land Development Code § 25-1-534. ***Please attach additional sheets if necessary.***

Proposed Project Name: \_\_\_\_\_

1. Type of development permit:
  - Site plan
  - Subdivision – Please designate type of subdivision:
    - Preliminary Plan     Final Plat     Amended plat     Resubdivision
2. Basis for Vested Rights Claim per Texas Local Government Code:
  - Type 1: Chapter 245 (general vested rights statute)
  - Type 2: Section 43.002 (applies only if vested rights claim is based on uses begun outside the city limits which are not allowed under current zoning)
3. Date for which Vested Rights are claimed: \_\_\_\_\_ Permit: \_\_\_\_\_
4. Chronological History of Development:
  - a) List all prior permits issued for the property, including the one for which vested rights are claimed. Provide a copy of each permit listed below.

| Case Number | Application Date | Approval Date |
|-------------|------------------|---------------|
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b) Describe any development—*permitted or unpermitted*—that has occurred on the property, including after the date for which vested rights are claimed, and whether or not development exists today:

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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*):

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d) List covenants, conditions, or restrictions recorded in the deed records for the property (*provide copies of each*):

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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*):

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5. Additional Information:

a) Has the prior permit for which vested rights are claimed expired?  Yes  No

If Yes, when? \_\_\_\_\_

b) Is the Proposed Project the same as the original project for which vested rights are claimed?

Yes  No

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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