

VESTED RIGHTS ORDINANCE

Background & Summary of Key Provisions

**Austin City Council
August 22, 2013**



Background

- On March 28, 2013, the City Council initiated code amendments to establish criteria and procedures for review of grandfathering claims.
- Staff developed proposed ordinance based on review of other procedures used by other cities and consultation with legal counsel.



Background (cont'd)

- “Vested rights” refers generally to legal protections available to landowners against changes in regulations after a project has begun.
- The term is used here in reference to *statutory* rights provided under Chapter 245 and Section 43.002 of the Local Government Code.



Background (cont'd)

- The City's process for reviewing vested rights claims is currently uncoded and implemented solely at an administrative level.
- Many other Texas cities have ordinances addressing the review and evaluation process for vested rights claims.



Summary of Key Provisions

- Distinguishes rights provided under Chapter 245 and Section 43.002 of the Local Government Code.
- Establishes review and evaluation criteria for vested rights claims, with an emphasis on information relevant to the nature of the project (e.g., development history, scale & intensity, etc).



Summary (cont'd)

- Provides general criteria for reviewing applications and explains key factors that affect vested rights (e.g., whether a project has changed or been completed).
- Authorizes administrative guidelines to address common questions that arise in reviewing vesting rights claims.



Summary (cont'd)

- Amends dormancy requirements that apply to projects that do not have an expiration date.
- Adopts new expiration dates that apply prospectively, to projects started after adoption of ordinance. Allows more time than project duration ordinance and avoids conflicts with site plan expiration periods.



Summary (cont'd)

- Authorizes council to approve “project consent agreements,” on the director’s recommendation or at council’s own initiation.
- Agreements could provide site-specific relief for cases that raise unique issues or present opportunities for achieving compliance.



Timeline for Public Process

- Codes & Ordinance Subcommittee
September 17, 2013
- Planning Commission
September 24, 2013
- City Council
October 3, 2013

