

ATTACHMENT "F"

Vested Rights Ordinances: A Comparison Chart of Texas City Codes

City	Application Requirements	Review Criteria	Procedures for Administrative Relief	Expirations
Austin - Staff Proposed Ordinance	• Vested rights application reviewed concurrent with permit application. • Applicant must include project history and identify basis for vested rights claim. • Application expires in 45 days if incomplete. Vested rights decision due 10 days from date of complete application.	• Specifies general criteria for determining whether a project has changed or been completed. • Authorizes director to adopt administrative guidelines. • Distinguishes rights under Chapter 245 and Sec. 43.002.	• No appeal of vested rights decision. • For difficult cases, council may approve consent agreement if recommended by director or on council's own initiation.	• Dormancy under Chapter 245 applies if permit lacks an expiration date. • Projects begun after adoption of new ordinance subject to expiration periods established by the ordinance. Clock starts to run with first permit in the series and allows longer time than prior "project duration" ordinance. • Project expires if all permits for the project expire.
Bee Cave	• Vested rights application reviewed separately from permit application. • Applicant must include project history and identify basis for vested rights claim. • Application expires in 45 days if incomplete. Vested rights decision due 45 days from date of complete application.	• States that modifications to "land uses, densities or intensities" constitute a "new project," but does not specify criteria. • States that burden is on applicant to establish vested rights.	• Administrative denial of vested rights may be appealed to city council. • City may approve consent agreement based on assessment of legal exposure and outcome of potential litigation.	• Dormancy under Chapter 245 applies if permit lacks an expiration date. • Other projects expire if no "progress towards completion" is made within 5 years from the date of any permit in the series. (Similar to Dormancy, but requires progress to be made more frequently).

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Buda	• Vested rights application reviewed separately from permit application. • Vested rights decision due 30-days from date of complete application.	• No specified criteria for determining whether a project has changed or been completed. • Distinguishes Chapter 245, Sec. 43.002, and common law vested rights.	• Denial of vested rights may be appealed to city council. • Consent agreements authorized if applicant agrees to limitations on project.	• Dormancy under Chapter 245 applies if permit lacks expiration date. • Vested rights expire when permit expires, which (for permits subject to current code) is typically 24 months unless a variance from expiration period is approved.
Lakeway	• Vested rights application reviewed separately from permit application. • Vested rights decision due 20-days from date of complete application.	• Specifies general criteria for what constitutes a "new project" (i.e., increases in land area, uses that require rezoning, construction already completed etc.)	• Denial of vested rights may be appealed to city council.	• Dormancy under Chapter 245 applies if permit lacks an expiration date.
Round Rock	• Vested rights application reviewed separately from permit application. • Vested rights decision, or request for additional information, due 20 days from date of application.	• No specified criteria for determining whether project has changed or been completed. • Distinguishes Chapter 245, Sec. 43.002, and common law vested rights.	• No administrative appeals or consent agreements.	• Requires applicant for Chapter 245 rights to show that project is not Dormant. • Provides that vested rights do not extend beyond the time periods prescribed for validity of underlying permit.

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San Antonio	• Vested rights application reviewed separately from permit application. • Applicant must include project history and identify basis for vested rights claim. • Vested rights decision, or request for additional information, due 20 days from date of application.	• Specifies detailed criteria for determining whether project has changed or been completed. • Distinguishes Chapter 245 and common law vested rights.	• Denial of vested rights may be appealed to planning commission and city council. • Consent agreements authorized to resolve disputes, subject to limitations.	• Dormancy under Chapter 245 applies if permit lacks expiration date, but “progress towards completion” required to be met every 5 years. • Other projects expire if specified benchmarks are not met within timeframes established by ordinance, which begin to run following first permit for a project.
San Marcos	• Vested rights application reviewed concurrently with permit application. • Applicant must include project history and identify basis for vested rights claim. • Decision-maker for permit (i.e., staff, commission, or council) also reviews and decides vested rights application. • Vested rights decision due 10 days from date of complete application.	• Specifies general criteria for determining whether a project has changed or been completed.	• Decisions on vested rights application may be appealed to city council. (Unlike other codes, appeal rights granted to interested parties other than landowner).	• Dormancy under Chapter 245 applies if permit lacks expiration date, but “progress towards completion” criteria applied differently depending on date of approval. • Vested rights decision expires when permit application expires.

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West Lake Hills	• Vested rights may be reviewed concurrent with or prior to submission of permit application. Code establishes inter-departmental review committee. • Application must describe basis for vested rights claim and include detailed information regarding project history. • Decision on vested rights application due 14 days from date of complete application, unless extended by planning commission secretary. Code provides for pre-decision conferences.	• Specifies criteria for determining what constitutes a "new project" or a "substantial change." • Places burden on applicant to establish vested rights and declares a policy favoring compliance with current code.	• Administrative denial of vested rights may be appealed from review committee to city administrator, then to board of adjustment. • No consent agreements, but specifies that development agreements and special zoning districts to modify applicable regulations.	• Dormancy under Chapter 245 applies to permits that lack an expiration date and to all projects where no progress towards completion is made within 5 years from the date the first application is filed.