

Vested Rights Petition Form

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state law affords a permit applicant a “vested right” to have an application reviewed under older regulations that are no longer in effect.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 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 Review” submittal required for the application. The purpose of a *Vested Rights Petition* is to make sure the City Manager has all the information necessary to determine whether the application is entitled to vested rights.

Not later than 30 days after the petition is deemed complete, the City Manager issues a Vested Rights Determination approving or denying the petition.

Summary of Key Steps

1. Applicant completes a Vested Rights Determination Form to provide the City with sufficient information to determine that a particular project is entitled to vested rights to older city regulations under state law and submits it to the City (Community Development Department).
2. A petition for vested rights shall be submitted by a landowner or a landowner's agent in order to request that an application for a permit be reviewed under ordinances, regulations, or rules other than those in effect on the date the application is filed.
3. The City Manager (or designee) may request a pre-determination conference with the applicant to discuss the nature of the petition and the project in question. The City Manager shall consult with the City Attorney prior to rendering a decision on a vested rights petition and shall render the decision not later than 30 days after the petition is deemed complete.
4. Not later than 30 days after the petition is deemed complete, applicant is provided a written determination whether the petition is approved or denied, in whole or in part, and the basis for the decision, findings of fact in support of the decision and information sufficient to identify the permit or fair notice application on which the petition is based.

FOR OFFICE USE ONLY	
Date Received: _____	Filing Fee: _____
Received by: _____	Approved by: _____

**Planning and
Community
Development**
 116 W. Bridge St.
 Granbury, TX 76048
 817-573-1114
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Vested Rights Determination Request

The following information is required for a *Vested Rights Petition* under City of Granbury City Code. ***Please attach additional sheets if necessary.***

Property Owner: _____
 Applicant (if different than owner): _____
 Address: _____
 Phone: _____ Office: _____ Email: _____
 Project Name: _____

1. Type of development permit:
 Site plan Construction Permit Plat _____ (type)
 Use prior to Annexation Other _____ (describe)
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.

Type	Application Date	Approval Date

a) Identification of all pertinent City regulations in effect at the time the original application for the first permit was filed, which the Petitioner contends control the approval, disapproval, or conditional approval of the application(s) for a permit for which relief is sought, pursuant to Chapter 245 at § 245.002(a) and (b)

b) Identification of all current City regulations that the petitioner contends do not apply to the project due to the vested rights provided the person by Chapter 245 or other applicable vested rights laws. Global references to an ordinance, statute or set of criteria, may be deemed insufficient and the City may consider the request for vested rights to be incomplete and, hence, not subject to a staff determination at that time:

c) Identification of any exemptions under the City Code Ordinances to which the petitioner believes are applicable to the project defined.

d) Please describe any progress towards completion of the project that was made after the first application for the project was submitted (*provide supporting documentation*):

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:

I Certify that the preceding information provided is accurate:

Signature: _____
Property Owner*

Date: _____

Signature: _____
Applicant/Agent*

Date: _____