

**STAFF REPORT**

<b>Planning &amp; Zoning:</b>	6/5/2023	<b>Staff Contact:</b>	Robyn Miga, Assistant Director
<b>City Council:</b>	6/27/2023	<b>E-mail:</b>	robym@pflugervilletx.gov
<b>Case No.:</b>	NA	<b>Phone:</b>	512-990-6303

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**SUBJECT:** To receive public comment and consider action regarding a text amendment to Subchapter 3, Procedures, of the Unified Development Code related to permits, projects, and vested rights.

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**SUMMARY**

Texas Local Government Code §245 includes provisions that relate to the development regulations that govern a project over its lifetime, commonly referred to as vested rights, and when a project is considered expired. The purpose of this Unified Development Code amendment is to remove language that exists in Subchapter 3.10.5, Permit Expiration, by creating Subchapter 3.18, Permits, Projects, and Vested Rights to establish a process for a project to receive a determination of vested rights status. Additionally, the amendment provides a process for the expiration of dormant projects or permits as allowed by state law.

Vested Rights is defined through the proposed ordinance as, *“the issuance of local permits, commonly referred to as the State’s “Vested Rights Law”, provides an opportunity for landowners or developers to “grandfather” or “vest” government regulations that apply to the development at the time of the filing of a permit application.”*

All regulations that are being incorporated into the newly created Subchapter 3.18 of the Unified Development Code are specifically prescribed through Texas Local Government Code §245, however, in order for a municipality to enforce those provisions of law, they are required to be adopted in their development code. If approved, the proposed amendment would satisfy this requirement.

**STAFF RECOMMENDATION:**

Staff recommends approval as presented.

**NOTIFICATION:**

Notification was published in the Pflag. At time of staff report, no inquiries were received.

**ATTACHMENTS:**

- Draft Ordinance