



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	ORD-0721	<b>Version:</b>	3	<b>Name:</b>	Vested Rights Ordinance
<b>Type:</b>	Ordinance	<b>Status:</b>	Approved		
<b>File created:</b>	6/1/2023	<b>In control:</b>	Planning and Zoning Commission		
<b>On agenda:</b>	7/25/2023	<b>Final action:</b>			
<b>Title:</b>	Approving an ordinance on second reading: An Ordinance of the City Council of the City of Pflugerville, Texas amending the City of Pflugerville's Unified Development Code; Providing for expiration dates of permits and projects; providing for permit application; providing for process for determining vested rights.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Ordinance				

Date	Ver.	Action By	Action	Result
7/25/2023	3	City Council	Approved on Second Reading	Pass
7/11/2023	2	City Council	Approved on First Reading	Pass
6/5/2023	1	Planning and Zoning Commission		

Approving an ordinance on second reading: An Ordinance of the City Council of the City of Pflugerville, Texas amending the City of Pflugerville's Unified Development Code; Providing for expiration dates of permits and projects; providing for permit application; providing for process for determining vested rights.

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 recommends approval as presented.

City Attorney approved the ordinance as to form.

**Planning & Zoning Commission Action**

On June 5, 2023 the Planning & Zoning Commission conducted a public hearing and recommended approval of the ordinance with a vote of 5-0.

**Prior City Council Action**

The City Council held a public hearing and approved the ordinance on first reading on July 11, 2023.

**Funding Expected:** Revenue ☐ Expenditure ☐ N/A ☒

**Budgeted Item:** Yes ☐ No ☐ N/A ☒

**Amount:** \_\_\_\_\_

**1295 Form Required?** Yes ☐ No ☒

**Legal Review Required:** ☐ Required ☐ Date Completed: April 6, 2023

**Supporting documents attached:**

1. Staff Report
2. Ordinance

**Recommended Actions**

1. Approve on second reading.