

ZONING SPECIAL EXCEPTION APPLICATION CHECKLIST



APPLICANT AND PROJECT INFORMATION

Applicant Name: _____

Applicant Phone / Email: _____

Property Owner (if different): _____

Project Name: _____

Project Location / Legal Description: _____

Travis CAD Property ID(s): _____

Current Zoning District: _____

Nonconforming Use: _____

This checklist identifies the information and documents required for a complete application for a special exception for a nonconforming use. A special exception is reviewed by staff and decided by the Zoning Board of Adjustment following a public hearing. Applications that are not accompanied by all documents required by the UDC and prepared in accordance with the UDC will not be accepted for processing.

APPLICATION TYPE

	Type	UDC	Notes
☐	Re-establishment of an abandoned nonconforming use	§ 3.4.11.E.2(i)	Must be applied for within six (6) months after the use is deemed abandoned by the Planning Director
☐	Expansion of a nonconforming use	§ 3.4.11.E.2(ii)	Up to fifteen percent (15%) of the extent or size of the use at the time it became nonconforming

Abandonment. A nonconforming use that is abandoned or ceases for longer than one hundred eighty (180) consecutive days is considered permanently abandoned. An owner who disputes that the use was abandoned may instead submit proof to the Planning Director, such as utility bills showing water and electricity usage, business expense invoices, and sales receipts for the period in question (UDC § 3.4.11.E.1).

Only legally established uses qualify. A use that was illegal when established is not entitled to continuance or relief (UDC § 3.4.11.B).

SUBMITTAL, FEES, AND DIGITAL STANDARDS

Submittal calendar. New applications are accepted only on the official submittal dates shown on the City's published Development Schedule.

Digital submittal. The City uses MyGovernmentOnline (MGO). Combine documents under the headings shown in this checklist, flatten all PDFs, and name files for easy readability.

Fees. Upon acceptance, the application is converted to a project, a case number is assigned, and fees are assessed in MGO according to the adopted Fee Schedule, including publication and notification fees. All fees must be paid in full (UDC § 1.4.2.C.1). An application is not complete until the required fees have been paid.

Indebtedness. The City will not accept or review for completeness an application from a property owner owing delinquent taxes, assessments, fees, or other debt related to the subject property until the amount is paid or payment arrangements are made (UDC § 1.4.2.D).

SPECIAL EXCEPTION PROCESS

- 1. Pre-Application Meeting (UDC § 1.3).** Before filing, the owner may consult with the Planning Director and other City staff.
- 2. Submittal and Completeness Review (UDC § 3.5.1.C).** The Responsible Official will not accept an application for processing unless it is accompanied by all documents required by the UDC and prepared in accordance with the UDC. Upon acceptance, a case number is assigned and fees are assessed in MGO. If the application is incomplete, the City will provide written notice specifying the necessary documents or information and the date the application will expire, issued not later than the tenth (10th) business day following the Official Vesting Date. Issuance of a Certificate of Completeness certifies only that the application is administratively complete. It is not a determination that the application complies with the UDC and does not imply that the City will approve the application.
- 3. Expiration of an Incomplete Application (UDC § 3.5.1.D).** An application automatically expires at the close of business on the forty-fifth (45th) calendar day after the Official Vesting Date if the applicant fails to provide the documents or information specified in the City's written notice. The expiration date runs from the Official Vesting Date, not from the date of the deficiency notice. After expiration, a new application and new fees are required.
- 4. Staff Review.** Staff reviews the application and prepares a report to the Zoning Board of Adjustment. Resubmittals or new information submitted after property owner notification will not be included in the agenda packet.
- 5. Public Notice (UDC § 1.4.3).** Mailed notice to owners of real property within two hundred (200) feet, published notice, and a posted sign on the property are provided not fewer than eleven (11) calendar days before the Board hearing.
- 6. Board Public Hearing and Decision (UDC § 3.4.11.E.2).** The Board may re-establish an abandoned nonconforming use only if the application was filed within six (6) months of the abandonment determination, no conforming use has been established in the area vacated by the abandoned use, and inability to resume the use would deprive the owner of all economic value of the land. The Board may authorize expansion of a nonconforming use by up to fifteen percent (15%), and may require outdoor expansion to meet screening requirements and building expansion to meet parking, landscaping, and design standards. A nonconforming residential use may not be expanded to increase the number of units. The Board may impose conditions to protect adjacent property owners and the public, including a period during which the nonconforming use may continue before it must conform to the UDC.
- 7. Finality.** The decision of the Board is final, subject to judicial review as provided by state law.

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REQUIRED ITEMS FOR A COMPLETE APPLICATION

Required Item	UDC Citation
A. Application Information	
☐ Signed application form and signed copy of this checklist	§ 3.5.1.C; § 1.4.2.B
☐ Deed showing current ownership	Checklist
☐ Ownership Verification and Agent Authorization form executed by all persons or entities with an ownership interest	§ 1.4.2.A.2(ii); Checklist
☐ Current title commitment (dated within one year), title opinion letter, or other Proof of Ownership. If the title commitment is older than one year, submit a property report and nothing further certificate.	Checklist
☐ Original tax certificate showing no taxes due, and evidence of payment of any other indebtedness to the City related to the property	§ 1.4.2.D
☐ Written consent to the application from each lienholder on the property (if applicable)	Checklist
☐ Covenants and deed restrictions, newly applicable and previously recorded	Checklist
☐ Survey (boundary survey or plat, including metes and bounds, sealed by a licensed surveyor)	Checklist
B. Re-establishment of an Abandoned Nonconforming Use	
☐ Date the nonconforming use was legally established, with supporting documentation	§ 3.4.11.B
☐ Date the Planning Director deemed the use abandoned, showing the application is filed within six (6) months of that date	§ 3.4.11.E.2(i)(1)
☐ Evidence that no conforming use has been established in the area vacated by the abandoned use	§ 3.4.11.E.2(i)(2)
☐ Evidence that inability to resume the use would deprive the owner of all economic value of the land	§ 3.4.11.E.2(i)(3)
C. Expansion of a Nonconforming Use	
☐ Date the nonconforming use was legally established, with supporting documentation	§ 3.4.11.B
☐ Size or extent (square feet) of the use at the time it became nonconforming, and of the proposed expansion, showing the expansion does not exceed fifteen percent (15%)	§ 3.4.11.E.2(ii)
☐ For a residential use: the number of units at the time the use became nonconforming and confirmation the expansion will not increase it	§ 3.4.11.E.2(ii)(1)
☐ For an outdoor expansion: how applicable screening requirements will be met	§ 3.4.11.E.2(ii); Article 5
☐ For expansion of a building or structure: how parking, landscaping, and applicable design standards will be met	§ 3.4.11.E.3–E.4; § 3.4.3–3.4.5
D. Exhibits	
☐ Site plan or survey showing the existing use and any proposed expansion, with dimensions	Checklist
☐ Photographs, documents, maps, or plans supporting the request	Checklist
E. Fees and Digital Standards	
☐ Application fees paid in full per the adopted Fee Schedule, assessed in MGO upon acceptance	§ 1.4.2.C.1
☐ PDF flattening, file naming, and document grouping in accordance with the MGO submittal standards and the headings of this checklist	Checklist

Items marked "Checklist" are administrative submittal requirements adopted by the Planning Director under UDC § 1.4.2.B.

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CERTIFICATION OF APPLICATION CHECKLIST

I hereby attest that I prepared this application and checklist and that all information shown hereon is correct and complete to the best of my knowledge. I acknowledge that an incomplete application will expire at the close of business on the forty-fifth (45th) calendar day after the application's Official Vesting Date if the deficiencies identified in the City's written notice are not addressed by that date.

Signature

Name (printed)

Title

Date