

Chapter 2 – Vested Rights

Nonconforming Lots, Uses, Structures, & Signs

11-2-1 ~~What is the purpose of this chapter?~~Purpose This chapter governs the transition from the previous regulations and future transitions, when these regulations are revised, by providing for vested rights and nonconforming uses. In doing so, it strives to prevent community blight by permitting reasonable continuing investment in nonconforming uses and structures.

11-2-2 ~~What happened to the previous regulations?~~ Previous Zoning Ordinance All zoning and subdivision regulations previously adopted by the City of Three Forks are hereby repealed and replaced. The previous regulations may, however, continue to apply in the specific circumstances explained in 11-2-3.

11-2-3 ~~What if my development was approved before the regulations changed, but has not been completed?~~Vested Rights

- A. You have a vested right to complete your development in compliance with the regulations that were in effect on the date your application for a permit was approved, if that permit has not expired.
- B. Vested rights cannot be established by filing a request for pre-application review, filing an incomplete application, filing an application that was not approved, or by receiving approval of an application for which the required fees were not paid.
- C. Lots in subdivisions that are completed in reliance on a vested right may be conveyed even if they have become nonconforming. The development of such lots must, however, comply with these regulations or obtain a variance using their nonconforming status as a basis for the findings required by 11-8-?.
- D. Uses and structures completed in reliance on a vested right may be occupied even if they have become nonconforming, but subject to the limitations on nonconforming uses and structures established in 11-2-6-8.
- E. Any substantial change in the approved plans for a development voids its vested rights. Staff may approve minor changes, as provided by 11-4-?.

11-2-4 ~~What is a noneonforming lot?~~ Nonconforming Lots ~~A noneonforming lot is an existing lot that could not be created in compliance with these regulations because it is too small to accommodate any of the uses permitted in its zoning district or because it has no;~~ A nonconforming lot is an existing lot that cannot be created in compliance with these regulations because it is too small to accommodate any of the uses permitted in its zoning district or because it lacks legal access to a street or utilities.

11-2-5 ~~How can a noneonforming lot be used?~~ Use of Nonconforming Lots Vacant nonconforming lots that are in separate ownership may be developed for any of the uses permitted in ~~their-its~~ zoning district, provided that the development complies with all other requirements of these regulations. If compliance is not reasonably possible, a variance may

be approved using the nonconformity as a basis for the findings required by 11-8-?. For occupied nonconforming lots, please see 11-2-6-7.

There are additional limitations on nonconforming lots, uses, and structures in the floodplain.

11-2-6 ~~What is a nonconforming use, building, or structure?~~Nonconforming Uses, Buildings, and Structures A nonconforming use, building, or structure is one that complied with the previous regulations, but that does not comply (a permit could not be approved for it) with these regulations.

11-2-7 ~~How can a nonconforming use, building, or structure be used?~~Use of Nonconforming Uses, Buildings, and Structures

- A. Nonconforming uses, buildings, and structures must be maintained as provided by



At some point, after we've made more progress on zoning districts, we need to talk about how these regulations interact with (or possibly can replace) the city's existing ordinances that govern abandoned buildings and nuisances.

- B. Nonconforming uses, buildings, and structures may be expanded, replaced, or changed where the PBZC Planning Board approves a Conditional Use Permit (CUP) based on its finding that the proposed expansion, replacement, or change will be consistent with the safety and character of the neighborhood, and that any potentially adverse impacts of the proposed expansion, replacement, or change can be mitigated by reasonable conditions. Please see **Chapter 11-6** for the CUP procedure.

- C. If a nonconforming use, building, or structure is essentially abandoned for more than two years, it may be replaced only with a conforming use or structure.

'Essentially' is used so that the period of abandonment would not be interrupted by occasional use of the property for parking, storage, staging, or other temporary activities.

11-2-8 ~~What is a nonconforming sign?~~ Nonconforming Signs A nonconforming sign is an existing sign that complied with the previous regulations, but that does not comply (a permit could not be approved for it) with Chapter **11-? – Signs**.

11-2-9 ~~How can a nonconforming sign be used?~~Use of Nonconforming Signs

- A. Nonconforming signs may continue in use as long as they are properly maintained, as required by Chapter **11-?-Signs**.
- B. A nonconforming sign may be replaced only with a conforming sign.