

CITY OF THREE FORKS, MONTANA

ORDINANCE #408-2025

**AN ORDINANCE OF THE THREE FORKS CITY COUNCIL ADOPTING THE
REWRITTEN TITLE 11 ZONING REGULATIONS, CHAPTER 2: VESTED RIGHTS –
NONCONFORMING LOTS, USES, STRUCTURES**

WHEREAS, §76-2-301, MCA authorizes the City to establish zoning regulations, which include promoting health, safety, morals and general welfare as well as regulating height, number of stories, size of buildings and other structures, percentage of lot occupied, size of yards/courts or other open spaces, density, and uses.

WHEREAS, the City of Three Forks completed an update to its Growth Policy in September 2022. The Three Forks Zoning & Planning Board repeatedly expresses the need to update the zoning based on the policies in the revised Growth Policy.

WHEREAS, the City of Three Forks put a Request for Proposals out in 2024 to revise the City's Zoning Code. Lee Nellis was retained to work in conjunction with the City's already-appointed City Planner Randy Carpenter to propose revisions to the existing zoning. Together they began working with the Zoning & Planning Board to draft new regulations.

WHEREAS, the Zoning & Planning Board held meetings open to the public to discuss Title 11 Zoning Regulations, Chapter 2, on 9/19/2024, 10/17/2024, and 6/18/2025 to refine the draft, and finally on 8/27/2025 to forward a final draft to the City Council to be heard as an ordinance.

WHEREAS, all these meetings were advertised on the City's website, the City's Facebook page, emails sent directly from those who have signed to receive news on the City's website and MailChimp subscriptions, posted around town at various locations as is City policy.

WHEREAS, pursuant to §7-1-4127 and -4131, MCA the City Clerk published notice for the first reading of this ordinance in the Bozeman Daily Chronicle on 9/30/2025, in the Belgrade News on 9/25/2025, and in the Three Forks Voice on 10/1/2025, as well as posted on the City's Facebook page, website, and around town at various physical locations as is City policy.

WHEREAS, the existing City Code as codified, is not being rescinded until the "Zoning Code Rewrite Project" is complete to ensure the newly discussed and accepted chapters are enacted as a whole reducing the potential for conflict or leave gaps between the existing and new regulations during the enactment process. As each new chapter is adopted, they will be held until the entire Title 11, Chapters 1 - 21 are complete. Pursuant to §7-5-105, MCA an ordinance becomes effective 30 days after its second reading. It is the intention of the City of Three Forks to conduct the second reading for Title 11, Chapters 1-21 at the same meeting. In order to maintain clarity in the Three Forks Title 11 Zoning Code, these ordinances will take effect and become law 30 days after the final chapter is adopted by the City Council.

NOW THEREFORE BE IT ORDAINED by the Three Forks City Council that Title 11, Chapter 2 is adopted as follows:

CHAPTER 2 – VESTED RIGHTS - NONCONFORMING LOTS, USES, AND STRUCTURES

11-2-1: 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 continuing investment in nonconforming uses and structures.

11-2-2: PREVIOUS REGULATIONS REPEALED:

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 Section 11-2-3.

11-2-3: 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 was subsequently issued and the permit has not expired.
- B.** Vested rights cannot be established by filing a request for pre-application review, filing an incomplete application, or filing an application that was not approved.
- 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 Section 11-7-5.C.
- D.** Uses and structures that are completed in reliance on a vested right may be occupied even if they have become nonconforming, but are subject to the limitations on nonconforming uses and structures established in this chapter.
- E.** Any SUBSTANTIAL CHANGE in the approved plans for a development void its vested rights. Staff may approve minor changes, as provided by Section 11-5-8.

11-2-4: NONCONFORMING LOT DEFINED:

A nonconforming 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 legal access to a street or utilities.

11-2-5: USE OF NONCONFORMING LOTS:

Vacant nonconforming lots or parcels that are in separate ownership may be developed for any of the uses permitted in its zoning district, provided that the development complies with all other requirements of these regulations. If compliance is not possible, they can apply for a permit for a variance using the nonconformity as a basis for the findings required by Section 11-7-5.C. For occupied nonconforming lots or parcels, please see Sections 11-2-6 and 7.

11-2-6: NONCONFORMING USE, BUILDING, OR STRUCTURE DEFINED:

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: USE OF NONCONFORMING USES, BUILDINGS, OR STRUCTURES:

- A.** Nonconforming uses, buildings, and structures must be maintained as provided by this code.
- B.** Nonconforming uses, buildings, and structures may be expanded, replaced, or changed where the PLANNING BOARD/ZONING COMMISSION (PBZC) 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.

- C. If a nonconforming use, building, or structure is essentially ABANDONED for more than one year it may be replaced only with a conforming use or structure. Applicant may apply for an extension for extenuating circumstances. The adverb “essentially” is used here so that the period of abandonment is not interrupted by the occasional use of a lot or parcel for parking, storage, staging, or other temporary activities.

11-2-8: IN THE FLOODPLAIN:

There are additional regulations for nonconforming lots, uses, buildings, and structures in the flood hazard areas established by Title 12 (Flood Control) of this code.

1st Reading and Approval: DATED this 14th day of October 2025.

Mayor Randy Johnston

Attest: Crystal Turner, City Clerk

2nd Reading and Approval: DATED this _____ day of _____.

Mayor Randy Johnston

Attest: Crystal Turner, City Clerk