

Section 35-913. – **Vested Rights and Non-conforming Uses**

- (a) **Generally.** Vested rights and Non-conforming Uses in the ETJ Military Protection Areas shall be consistent with Article VII of this Chapter.
- (b) **Continuation of Land Use Rights.** The following continuation of land use rights are recognized in the ETJ Military Protection Areas:
- (1) Any plat application in the ETJ Military Protection Area which has been assigned a plat identification number before plat identification number XXXXXX.
 - i. Continuation of Land Use Rights under this subsection shall be limited to the density of units per acre as depicted on the plat.
 - (2) Legal land uses in existence on or before [effective date] may continue to be used in the same manner in which the land was being used prior to the establishment of the ETJ Military Protection Area.
 - (3) Legal land uses that were planned for the land before the 90th day before [effective date], if:
 - i. One or more licenses, certificates, permits, approvals, or other forms or authorization by a governmental entity were required by law for the planned land use; and
 - ii. ~~The initial authorization for one or more licenses, certificates, permits, approvals, or other forms or authorization by a governmental entity was granted or approved by a governmental entity~~ a completed application for the initial authorization was filed with the governmental entity before the effective date of this ordinance.
 - iii. For purposes of this section, a completed application is filed if the application includes all documents and information designated as required by the governmental entity in a written notice to the applicant.
 - (4) Legally constructed structures in which legal land uses were occurring pursuant to subsection 1 or 2 above may continue to be operated or expanded provided that any applicable permits are granted.
 - (5) This subsection shall not apply to the following land uses or regulations:
 - i. A regulation relating to the location of a sexually oriented business;
 - ii. A regulation relating to preventing imminent destruction of property or injury to persons;
 - iii. A regulation relating to public nuisances;
 - iv. A regulation relating to flood control;
 - v. A regulation relating to the storage and use of hazardous substances; or
 - vi. A regulation relating to the sale and use of fireworks.