

Nonconformities and Vested Rights

Dorothy Palumbo
Of Counsel
Bojorquez Law Firm



2018 Land Use Fundamentals
March 2018

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Vesting

❑ Occurs when property owners:

- Make significant steps
- *Prior* to the enactment of statutes or local regulations that prohibit or limit
- *City of University Park v. Benners*

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Equitable Estoppel

- ❑ **Property owner relying in good faith**
(some act or omission of the government)
 - Substantial change in position or incurred extensive obligations and expenses
 - Would be inequitable and unjust to destroy the rights
- ❑ **General Rule in Texas - municipality is not estopped**
 - Unless detrimentally relied upon

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Estoppel Continued...

- ❑ **Justice – no interference with the exercise of its governmental functions**
 - *City of Dallas v. Rosenthal*
- ❑ **Building inspector's statements**
- ❑ **City's failure to timely object**
- ❑ **Substantial funds were spent**

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Rules Change

- ❑ Generally, the right to develop property is subject to intervening regulations or regulatory changes
 - *Connor v. City of University Park*
- ❑ 1987 – Texas Legislature significantly altered this rule

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Chapter 245

- ❑ 1999 – legislature reinstated Chapter 245
- ❑ Requires a city to consider each application for a permit on the basis of the ordinances that existed at the time of the original application for the permit is filed for review
- ❑ Fair Notice

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First appeared as part of the conference materials for the
2018 Land Use Fundamentals session

"Non-Conformities and Chapter 245"