

## SECTION 1

### PURPOSE, AUTHORITY AND GENERAL PROVISIONS

What This Section Does. This section establishes the purpose of this Code, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, establishes vested rights for certain developments initiated prior to its adoptions, and establishes rules for its interpretation.

- A. Purpose. The purpose of this code is to promote the health, safety, and general welfare of the people of the City by fulfilling the purposes and requirements of the Local Planning Act of 1975, as amended, and implementing the Comprehensive Plan for the City of Irwin/City of Swan Valley.
- B. Authority. This Code is adopted pursuant to the authority granted by the Local Planning Act of 1975, as amended. It includes the zoning ordinance required by IC 67-6511 and the subdivision ordinance required by IC 67-6513. It also fulfills the other requirements of the Local Planning Act, including the provision for variances required by IC 67-6516, the adoption of procedures for processing permits required by IC 6519, and the adoption of a hearing procedure required by IC 67-6534.
- C. Applicability. All development activity shall comply with this code.
- D. Conflicting Ordinances Repealed. All prior ordinances are repealed to the full extent of their inconsistency with this Code.
- E. Relationship to Other Laws. When future city ordinances, or state or federal law, impose additional standards on the activities regulated by this code, the most restrictive standard shall apply.
- F. Private Agreements. This code does not nullify easements, covenants, deed restrictions, or similar private agreements, but where any such private agreement imposes standards that are less restrictive than those of this Code, the Code shall apply.
- G. Burden of Proof. The burden of proof in all proceedings pursuant to this Code rests with the developer.
- H. Interpretation. All Code provisions shall be interpreted as being the minimum requirements necessary to protect the public health, safety, and general welfare, and to implement the Local Planning Act and Comprehensive Plan. This Code is designed to be consistent with the Comprehensive Plan and should be liberally construed to achieve its purposes and intent.
- I. Nonconforming Uses, Buildings, Lots and Signs. A use, building, platted lot or sign that was legally existing on the effective date of this code, but does not comply with one or more of the requirements of this code is deemed legally nonconforming. They may continue, and under certain circumstances be modified, in compliance with the standards in Section 7, Nonconformities.
- J. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the

Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

- K. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant or deed restriction conflict or overly, whichever imposes the more stringent restrictions shall prevail.
- L. Effective Date. This Ordinance shall become effective from and after the date of its approval and adoption by the City Council of the City of Swan Valley, Idaho, as amended or provided by law