

176.07 GENERAL PROVISIONS.

1. Applicability of Regulations.
 - A. Territorial Application. This Ordinance shall apply to all structures, land, and uses within the corporate limits of the City.
 - B. General Application. All buildings and structures erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements of, additions to, changes in, and relocation of existing uses occurring hereafter shall be subject to all the regulations of this Ordinance which are applicable to the districts in which such buildings, structures, uses, or land are located. Existing buildings, structures, and uses which do not comply with the regulations of this Ordinance shall be allowed to continue subject to the provisions of Section 176.33 of this Ordinance relating to nonconformities.
 - C. Conversion or Use of Building. The conversion of any use or building either to another use or to increase the size or area of the existing use, including the conversion of any building into a dwelling or the conversion of any dwellings to accommodate an increased number of dwelling units, families, or residents, shall be permitted only within a zoning district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, dimension of yards and other open spaces, height, off-street parking, and other applicable requirements.
2. General Prohibitions. No building or structure; no use of any building, structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, altered, moved, divided, maintained, or otherwise used in any manner except in accordance with the provisions of this Ordinance.
3. Building Permits Issued Prior to Effective Date of Ordinance. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use

for which originally designated even if said building or structure is nonconforming under the terms of this Ordinance.

4. Interpretations of Regulations.

A. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, morals, comfort, convenience, prosperity, and general welfare.

B. Greater Restrictions. Where conditions imposed by any provisions of this Ordinance upon use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

C. Private Agreements. This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easements, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements or legal relationships, the regulations of this Ordinance shall prevail.

D. Unlawful Existing Uses. Any building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent or manner that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

5. Prior Ordinances In Effect. The provisions of this Ordinance are deemed to be of a general statute nature and in the event of conflicts with a prior specific ordinance providing for rezoning of specific property which was passed after the effective date of the ordinance repealed by this Ordinance, the ordinances shall be construed, if possible, so that the effect is given to both. If conflict between the two is irreconcilable, the prior special ordinance shall prevail as an exception to this Ordinance. This Ordinance shall not be construed as to repeal or otherwise affect prior resolutions, memorandums of agreement or other official actions taken by the City with respect to regulation of subdivisions as provided

in Chapter 175 of this Code of Ordinances. This ordinance does not repeal prior ordinances providing for rezoning of specific property which were passed after the effective date of the zoning ordinance repealed by this Ordinance, except to the extent that the classification of said premises shall be as set forth on the Zoning District Map adopted by the Ordinance, any other conflict shall be determined in a manner set forth herein.

6. Determination and Interpretation of District Boundaries. Where uncertainty exists as to the exact boundaries of any district as shown on the official Zoning District Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

C. Boundaries indicated as approximately following corporate limits shall be construed to follow such corporate limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shore lines and in the event of change in the shore line, such boundaries shall be construed to move with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

F. Boundaries are indicated as parallel to or extensions of features indicated in subsections A through E above shall be construed. Distances not specifically indicated on the official Zoning District Map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.

G. All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such alleys, streets, public ways, and railroad rights-of-way. The centerline of a street, alley, public way, or railroad right-of-way, unless otherwise specifically designated, shall be deemed to be the zoning district boundary.

H. In the case of further uncertainty, the Zoning Board of Adjustment shall interpret the intent of the Zoning District Map as

to the location of the boundary in question, and the scale of the Zoning District Map shall be referred to in this question.

7. Annexed or Vacated Areas.

A. Annexed Areas. Any territory hereafter annexed shall, upon annexation, automatically retain the zoning classification and regulations pertaining to such territory prior to the annexation. If within sixty (60) days after annexation, no application for rezoning or reclassification of the property has been received by the City, the Commission shall schedule a public hearing on the advisability of the zoning classification of the property and thereafter make recommendation to the Council as to the zoning classification of such property. The Council shall then consider such matter in accordance with the provisions of this Ordinance respecting amendment of the Zoning District Map.

B. Vacated Areas. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by property authority, the zoning districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended district. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.

8. Underwater Areas. All areas which are underwater and not shown as included within a zoning district shall be subject to all of the regulations of the zoning district which immediately adjoins the area.