

Chapter 1.1 — General Administration

Sections:

1.1.100 - Severability

1.1.200 - Compliance and Scope

1.1.300 - Consistency with Plan and Laws

1.1.400 - Use of a Development

1.1.500 - Pre-Existing Approvals

1.1.600 - Building Permit and Certificate of Occupancy

1.1.700 - Official Action

1.1.100 Severability

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

1.1.200 Compliance and Scope

- A. Compliance with the provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most restrictive regulations apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- E. Transfer of development standards prohibited.** No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.1.300 Consistency With Plan and Laws

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Boardman as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

1.1.400 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.1.500 Pre-Existing Approvals

- A. **Legality of pre-existing approvals.** Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. **Subsequent development applications.** All development proposals and applications received by the City Manager after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.1.600 Building Permit and Certificate of Occupancy

- A. **Building permit.** A building permit shall not be issued until the City Manager or his/her designee has issued a development permit in accordance with the provisions of Chapter 5 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.
- B. **Certificate of occupancy required.** To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the *[building official]* has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. **Prior to final completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.1.700 Official Action

- A. **Official Action.** All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. **Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.
- C. **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.