

## Chapter 1.2 — General Administration

### Sections:

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

### **1.2.200 Compliance and Scope**

- A. Compliance with the provisions in the Development Code.** Land and structures may be used or developed 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 recent regulations apply.** Where this Code imposes restrictions that are different than those imposed or required by other rules or regulations, the most recently adopted 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, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.
- F. Violations.** No permits or approvals shall be granted through the provisions of this Code for a property where a notice of violation or stop work order has been issued for a violation of either this Code or Building Codes, unless the permit or approval requested is part of remedying the violation.

**1.2.300 Consistency with Plan and Laws.** This Development Code is designed to implement the Baker City Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

**1.2.400 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.

**1.2.500 Pre-Existing Approvals**

- A. **Legality of pre-existing approvals.** Developments and uses for which approvals were granted prior to the effective date of this Code may occur pursuant to such approvals; except that modifications to those approvals shall comply with Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval.
- B. **Subsequent development applications.** All developments and uses begun on or after October 21, 2009 shall conform to the provisions of this Code.

**1.2.600 Building Permit and Certificate of Occupancy**

- A. **Building permit.** A building permit shall not be issued until the Planning Director or his or her designee has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required.
- B. **Certificate of occupancy required.** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Baker City Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable approvals and permits.
- C. **Prior to final completion.** Prior to the final completion of all work, the Building Official, at his or her discretion, may issue a certificate of occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

**1.2.700 Official Action**

- A. **Official Action.** All officials, departments, employees (including contractor-officials) of the City are vested with authority to issue permits or grant approvals in 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, unless it is modified to conform to the Code. The City Manager shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to the Code.
- 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, provided a good faith effort was made to notify all parties entitled to notice.