

Chapter 17.56

FALLOUT SHELTERS

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17.56.010 DEFINITIONS.

- A. **"Board of Zoning Adjustment"** means the Board of Zoning Adjustment of the City.
- B. **"Building Official"** means the Chief Building Inspector of the City.
- C. **"Fallout shelter"** means a structure designed and used exclusively for the purpose of protecting human life from the effects of nuclear weapons.
- D. **"Yard area"** means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title surrounding a building.

17.56.020 PERMIT REQUIRED.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any fallout shelter in the City or cause the same to be done, without first obtaining a permit from the Building Official of the City.

17.56.030 ZONING.

A fallout shelter may be constructed in and shall be a permissible accessory use in any land use zone within the City, provided, that the structure is built in compliance with all regulations and restrictions applicable to such zoned area under Title 17 of this code entitled "Zoning," including but not limited to front yard, side yard and setback regulations, with the exception of those zoning regulations or restrictions which have been waived by the Board of Zoning Adjustment or the City Council as provided in Section 17.56.040.

17.56.040 WAIVER OF RESTRICTIONS.

- A. When special circumstances exist which are applicable to a parcel of property upon which any interested person desires to construct a fallout shelter such as size, shape, topography, location, surroundings, access or similar physical factors which make it impossible for the applicant to comply with all zoning regulations or restrictions which would otherwise be applicable to such property, the applicant may file a verified application with the Board of Zoning Adjustment requesting that such regulations or restrictions be modified or waived.

- B. The Board of Zoning Adjustment shall hold a public hearing on said application within 10 days after the application is filed at which time the Board may either grant or deny the application.
- C. In granting any such application the Board may impose such conditions as it may deem necessary or desirable to protect the neighborhood or adjoining properties.

17.56.050 SHELTERS WITHIN FRONT AND SIDE YARD AREAS.

Notwithstanding any provision in Section 17.56.040 to the contrary, a fallout shelter shall not be permitted by the Board of Zoning Adjustment in any front yard or any side yard as defined in Title 17 of this code unless the following conditions are satisfied:

- A. The fallout shelter will not protrude above the existing grade of the lot, with the exception of ventilators and entrance ways;
- B. The entrance ways will not exceed 24 inches in height above the existing grade of the lot;
- C. Projecting vents will not exceed more than 36 inches above the existing grade of the lot;
- D. The structure will not be located closer than 5 feet to the front property line, the official plan line or the future street line as defined on official master plans.

17.56.060 APPEAL.

- A. Any person who is dissatisfied with the decision of the Board of Zoning Adjustment concerning any matter affecting his application for the installation of a fallout shelter may appeal to the City Council.
- B. All decisions of the Board of Zoning Adjustment acting under the authority of this chapter shall be final and conclusive upon the expiration of 10 days following the decision of the Board unless a written appeal is filed with the City Council within said 10 day period.
- C. The Secretary of the Board of Zoning Adjustment shall cause a written notice of the decision to be mailed to the applicant.

17.56.070 STRUCTURAL STANDARDS.

Each fallout shelter must conform to the requirements of Chapter 15.12.

**17.56.080 TIME LIMIT FOR CONSTRUCTION PURSUANT
TO WAIVER OF RESTRICTIONS.**

Any waiver of restrictions granted pursuant to Section 17.56.040 shall be null and void if the applicant does not exercise the privilege of constructing a fallout shelter within 6 months following the date the application is granted by the Board of Zoning Adjustment or by the City Council.

17.56.090 USE RESTRICTED.

- A. Any fallout shelter which has been constructed in a front or side yard area pursuant to Section 17.56.040 shall not be used for any purposes other than protection from nuclear fallout and the storage of emergency supplies.

- B. The use of such a shelter for purposes other than those referred to in this section shall constitute a public nuisance.

17.56.100 COVENANT TO REMOVE.

Whenever any application for a waiver of restrictions is granted pursuant to Section 17.56.040 the owner of the property upon which the fallout shelter is to be constructed shall record a covenant in the chain of title for the benefit of the City stating that the owner and his successors in interest will remove said fallout shelter within 6 months after the adoption by the City Council of a resolution declaring that such shelters are no longer necessary for the protection of human life.