

officer makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this title and other health building laws, and in accordance with the building permit.

B. Certificate of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alterations of such buildings have been satisfactorily completed.

C. A record of all certificates shall be kept on file in the city hall and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. (Ord. 471 §15.3, 1976).

17.56.040 Permit and certificate not required under certain conditions. No building permit or certificate of compliance is required for routine maintenance or repairs of buildings, structures or equipment, such as painting, re-roofing or replacing broken or deteriorated parts; or construction or alterations costing less than four hundred dollars. (Ord. 471 §15.4, 1976).

17.56.050 Continuance of existing uses. Nothing in this chapter shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property. (Ord. 471 §15.6, 1976).

17.56.060 Use permit. No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the zoning enforcing officer. No such use permit shall be issued to make such change unless it is in conformity with the provisions of this title or amendments hereto, hereafter duly enacted. (Ord. 471 §15.5, 1976).

Chapter 17.60

BOARD OF ZONING APPEALS

Sections:

- 17.60.010 Established.
- 17.60.020 Meetings.
- 17.60.030 Powers.
- 17.60.040 Variations--Authorized under certain conditions.
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Sections: (Continued)

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17.60.010 Established. There is established a board of zoning appeals. Said board shall consist of seven members to be appointed by the city council to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years, the successor to each member so appointed to serve for a term of five years. One of the members so appointed shall be named as chairman at the time of his appointment. (Ord. 471 §16.1, 1976).

17.60.020 Meetings. All meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public, and no hearing shall be conducted without a quorum of the board being present which shall consist of a majority of all the members. The board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule and regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall immediately be filed in the office of the board and shall be a public record. (Ord. 471 §16.2, 1976).

17.60.030 Powers. The board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this title and any zoning ordinance. The board shall also hear and decide all matters referred to it upon which it is required to pass under this title. The concurring vote of four members of the board is necessary to reverse any order, requirement, decision or to decide in favor of the applicant any matter upon which it is required to pass under such ordinance or this title, or to effect any variance in the ordinance or this title, or to recommend any variation in the ordinance or this title, or to recommend any variation or modification in the ordinance or this title to the corporate authorities. (Ord. 471 §16.3, 1976).

17.60.040 Variations--Authorized under certain conditions. The city council, by motion duly made, seconded and passed, may authorize, in the manner provided by law,

variations from the provisions of this title where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions of this title relating to the use, construction or alteration of buildings or structures or the use of land. The city council may attach conditions to the granting of variations and, in the event the conditions are not complied with during the existence of the variation, the variation shall be deemed automatically revoked. Any such conditions shall be stated in the motion for granting of the variance and the motion, together with such conditions, if any, shall be noted in the minutes of the city council meeting and made a part of the permanent record thereof. However, no such variation shall be made, except in a specific case and after a public hearing before the board of appeals, pursuant to notice, and after a report with a finding of fact of the board of zoning appeals, as provided by the laws of the state. (Ord. 492 (part), 1976; Ord. 471 §16.4, 1976).

17.60.050 Variations--Restrictions. No variation shall be allowed to permit:

- A. A nonconforming use which will materially interfere with the use of adjoining premises in conformity with the regulations applicable to the use district in which it is located;
- B. A billboard to be erected or maintained;
- C. A nonconforming manufacturing district use in a business district, unless:
 - 1. It is an extension of a permitted nonconforming use by enlarging a building or erecting additional buildings as part of one establishment upon a lot or lots adjoining a lot on which such nonconforming use exists; or
 - 2. A separate tract, the title to which was of record on the effective date of the ordinance codified in this title is divided by a district boundary line, but such variation shall be limited to the use permitted in the adjoining district and shall not be extended more than twenty-five feet beyond the district boundary lines;
- D. A nonconforming use in any residence district, excepting that, when there are two or more similar nonconforming uses in the same block, a variation may be allowed:
 - 1. To alter or remodel a family residence, so as to provide for two dwelling units therein, (such a variation may also be permitted as provided by Sections 17.16.100 and 17.20.110);
 - 2. To erect a two-family dwelling in a one-family district; and
 - 3. To erect, reconstruct, alter or remodel a building in a two-family district for an apartment house. (Ord. 526 (part), 1979; Ord. 471 §16.5, 1976).

17.60.060 Public hearing and notice. Decisions and recommendations of the board of zoning appeals shall be reached only after a public hearing and after notice has been given by registered mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the city not less than fifteen days nor more than thirty days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the board is sought, as well as a brief description of the nature of the application. (Ord. 471 §16.6, 1976).

17.60.070 Fees. Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations and appeals to the board of zoning appeals shall be established by action of the council from time to time. Such fees shall be paid to the clerk, who shall give a receipt therefor. (Ord. 471 §16.7, 1976).