Chapter 17.01 Development Program

17.01.01	**Title**	**17.01.05**	**Enforcement**
17.01.02	**Purpose**	**17.01.06**	**Amendments**
17.01.03	**Applicability and Severability**	**17.01.07**	**Violations**
17.01.04	**Building Codes**	**17.01.08**	**Schedule of Fees**

17.01.01 Title: This title shall be known as the "Zoning Code of the City of Burlington, Iowa."

17.01.02 Purpose: The purpose of the Zoning Code is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, morals, comfort, convenience and general welfare in the City of Burlington in conjunction with the current Comprehensive Plan for the City of Burlington and all other plans adopted by the Burlington City Council.

The Development Program herein provides regulations based on the type of use of structures and land. Each chapter and section of this Zoning Code work in conformance with one another to ensure orderly development in the City of Burlington. Should any section or chapter conflict or be found less restrictive than another section or chapter of this Zoning Code, the section or chapter that is more restrictive shall control.

17.01.03 Applicability and Severability: The regulations set forth in this chapter shall govern each section and chapter set forth in this Zoning Code.

If any section or provision of this Zoning Code is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provision of this Zoning Code which can be given effect without the invalid portion or portions, and each section and provision of this Zoning Code is severable.

For the purpose of this Zoning Code, certain words or terms shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

3. The word "shall" is mandatory; the word "may" is permissive.

4. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied."

5. The word "lot" includes the words "plot" or "parcel."

17.01.04 Building Codes: Construction of any structure on land lying within the City of Burlington shall comply with all applicable codes and requirements of the City of Burlington, State of Iowa and agencies of the U.S. Government.

17.01.05 Enforcement: All regulations listed in this Zoning Code shall be enforced by the Development Department. All appeals shall be presented to the Zoning Board of Adjustment, and any recourse thereof shall be made to the courts as provided by law and particularly by Chapter 414 of the Code of Iowa.

17.01.06 Amendments: In accordance to Chapter 414, Code of Iowa, the City Council may, from time to time, amend, supplement, change, modify, or repeal the regulations, restrictions, and

boundaries, provided such action shall first be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall, within thirty (30) days, provide the City Council with a report and/or recommendations for approval or disapproval of the action.

A property owner, developer and/or option holder may petition the Council for an amendment to the text or district map of this Zoning Code, provided that before such action is taken by the Commission or City Council, an application and filing fee shall be deposited with the Development Department.

Public hearings shall be held by both the City Council and the Planning and Zoning Commission, provided that notice of the time and place of the public hearings shall be given by a one time publication thereof in a legal newspaper having general circulation within the City at least seven (7) and no more than twenty (20) days before the date of the hearing, unless otherwise provided by law. The Commission and Council may recess their required public hearings in order to obtain additional information or testimony, or to serve further notice upon other property owners or persons they decide may be interested in the proposed change.

In the case of a written protest against the proposed change or repeal submitted to the City Clerk prior to the public hearing by owners of twenty percent (20%) of the area of the lots included or twenty percent (20%) of the property owners located within two hundred (200) feet of the exterior boundaries of the property for which the change or appeal is proposed, the change or repeal shall not become effective without a favorable vote of at least three-fourths (¾) of all members of the City Council.

17.01.07 Violations: Any person or corporation who shall violate any of the provisions of this Zoning Code or fail to comply therewith or with any of the conditions, agreements or requirements thereof, or who shall build, or alter any building shall be deemed guilty of a municipal infraction as provided under Chapter 4 of the City's Code of Ordinances. The owner or owners, corporations, or individuals involved in the construction of any building or any interest holder of property or part thereof where anything in violation of this Zoning Code shall be placed or shall exist shall be deemed guilty of a separate offense.

17.01.08 Schedule of Fees: The City Council shall establish a schedule of fees for all applications required by this Zoning Code. No action shall be taken on any application or appeal until such time that all applicable charges and/or expenses have been paid in full.

Chapter 17.10 General Provisions and Definitions

17.10.01 Purpose
17.10.02 Application of District Regulations
17.10.03 Establishment of Zoning Districts
17.10.04 Rules for Interpretation
17.10.05 Definitions

17.10.01 Purpose: The purpose of this Zoning Code is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, morals, comfort, convenience and general welfare in the City of Burlington in conjunction with the current Comprehensive Plan for the City of Burlington and all other plans adopted by the Burlington City Council.

17.10.02 Application of District Regulations: The provisions of these regulations shall be construed to be the minimum requirements and shall apply uniformly to each class or kind of structure or land, except as herein provided.

1. No building, structure, or land shall hereafter be used or occupied, no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this Zoning Code shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other principal building except as herein provided.
3. No yard or lot existing at the time of adoption of the Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established herein.
4. Whenever the requirements of the Zoning Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

17.10.03 Establishment of Zoning Districts; Official Zoning Map:

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, shall be adopted by ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the City Clerk and bearing the Seal of the City, under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 17.10.03 of the Code of Ordinances of the City of Burlington, Iowa” together with the date of adoption shall be filed in the office of the City Clerk. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: “By official action of the City Council, the following changes were made on the Official Zoning Map.” (Indicating the changes by ordinance numbers and date of publication.) (See Editor’s Note at end of this chapter for ordinances amending the zoning map.)

2. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

17.10.04 Rules for Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following the platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the City limits shall be construed as following such City limits.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances that are not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Annexed territory. All territory, which may hereafter be annexed to the City, shall be in the R-1 single-family residential district unless otherwise specified by the adopting ordinance of the City Council, annexing the territory.

17.10.05 Definitions: For purposes of this chapter, certain terms or words used herein shall be interpreted as follows (definitions may also be included in other chapters):

1. Abandonment - The relinquishment of property or use of the property, by the owner or lessee without any intention, mental or physical, of transferring rights to the property to another owner or of resuming the use of the property.

2. Abutting - Having common property or district lines.

3. Access - A way of approaching or entering a property from a public or private street.

4. Accessory Structure - A structure detached from a principal building located on the same lot and customarily incidental and/or subordinate to the principal building or use. All setbacks and distances required for an accessory structure are measured from the furthest architectural projection.

5. Accessory Use - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

6. Adult Entertainment Facilities – See table 17.20.02

7. Airport - An area where aircraft can land and take off; usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

8. Airport Facilities – See table 17.20.02

9. Alley - A public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

10. Alteration - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as

any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

11. Annexation - The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

12. Architectural Projections – Sills, belt courses, cornices, window features, overhangs and/or other ornamental features, excluding rain gutters, that are not required for the structural support of the principal and accessory structures. See also Structural Projections.

13. Assisted Living Facilities - A residence for two (2) or more persons that provides rooms, meals, personal care and supervision of self-administered medication. These facilities may provide other services, such as recreational activities, financial services, and transportation.

14. Automotive and Marine Craft – See table 17.20.02

15. Bar - Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption not including a restaurant or similar establishment where the main purpose is to serve food.

16. Base Zone – The underlying zoning district for a property or area of land. The base (underlying) zoning district regulations shall apply unless expressly superseded by overlay district provisions.

17. Basic Utilities – See table 17.20.02

18. Basement – See adopted Building Code definition for the City of Burlington.

19. Bed and Breakfast Houses - A house or portion thereof where short-term lodging, rooms, and meals are provided. The owner shall live on the premises. (See section 17.30.305).

20. Board - The Zoning Board of Adjustment.

21. Boarding Houses - See “Lodging House.”

22. Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

23. Building, Height of - The vertical distance from the average natural grade at the building line to the highest point of the roof.

24. Building, Principal - The building on a lot in which the Principal Use of the lot is conducted. All setbacks required for principal buildings are measured from the furthest structural projection. The ten-foot distance separation from accessory structures is measured from the furthest architectural projection on both structures.

25. Bulk Regulations - Standards and controls that establish the maximum size of buildings and structures on a lot; and the buildable area within which the building can be located, including coverage, setbacks, height, and yard requirements.

26. Carport – A roofed structure for the shade and shelter of private vehicles, having one or more sides open. May be an accessory structure or attached to the main building. A carport must follow all applicable zoning and building regulations.

27. Cemetery - Property used for the interring of the dead.

28. Church - A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses as permitted in Section 17.30.202.

29. City – City of Burlington.

30. Clinic - A building designed and used for medical, osteopathic, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.

31. Clear Zone – An area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision or exceed a height of 2 ½ feet above street grade, measured from the point of intersection of the public street, 25 feet in either direction along the street (curb) lines.

32. Club - Any building, structure, portion thereof, or land used for social, educational, or recreational purposes, but not primarily for profit or to render a service that is customarily carried on as a business. "Club" shall include country club, civic club, social club and similar voluntary associations.

33. Community Outdoor Recreation – See table 17.20.02.

34. Community Facilities – See table 17.20.02.

35. Contiguous - Next to, abutting, or touching and having a boundary in common with one another.

36. Day Care Facilities – See table 17.20.02.

37. District – See “Zoning District.”

38. Dormitory - A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

39. Dwelling - Any building, or portion thereof, designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

40. Dwelling, Multiple - A building or portion thereof designed for or occupied exclusively for residential purposes by three (3) or more families. A structure that is designed to contain three or more independent dwelling units may include a tri-plex or greater, condo or town-home.

41. Dwelling, Single-family - A building designed for or occupied exclusively for residential purposes by one (1) family. A detached structure that contains only one dwelling unit.

42. Dwelling, Two-Family - Any building consisting of two (2) dwelling units, each designed for separate and independent occupancy. A structure that contains only two dwelling units may include a duplex or duplex condo.

43. Elder Home - Any residential facility that meets the definition of an elder home as defined in Section 414.29 and referenced sections of the Code of Iowa.

44. Enlargement - An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

45. Entertainment, Restaurant – See table 17.20.02.

46. Family - One or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include four (4), but not more than four (4), persons not related by blood, marriage or adoption. Domestic employees employed on the premises may be housed on the premises without being counted as family or families. When facilities for dwelling purposes are rented to other occupants of a building, these occupants shall not be considered part of the same family under these regulations.

47. Family Home - A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 of the Code of Iowa.

48. Fence - An artificially constructed barrier of any non-vegetative material or combination of materials erected to enclose, screen, or separate areas.

49. Funeral Facilities – See table 17.20.02.

50. Garage - A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

51. Garage, Private - A building or part thereof accessory to a main building and providing for the storage of motor vehicles owned and used by the occupants of the residence to which it is an accessory. .

52. Garage, Public or Storage - A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

53. Golf Course - A tract of land laid out for playing the game of golf and all incidental landscaping and structures associated with the game. Golf course shall not include miniature golf or driving ranges operated for commercial purposes.

54. Grade - The average elevation of the finished ground at the exterior walls of the main building.

55. Group Living – See table 17.20.02.

56. Heavy Industrial Use – See table 17.20.02.

57. Home Occupations - An occupation carried on in a dwelling unit provided that the use is limited in extent and compatible with the surrounding properties, and which meets the requirements for home occupations which are located in the Section 17.30.40 of this Zoning Code.

58. Hospital - A building or group of buildings having room facilities for one or more abiding patients, used for providing services for in-patient medical and surgical care of sick or injured humans and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

59. Hotel - Any number of buildings or portions thereof providing lodging or rooming to transient members of the public. "Hotel" shall include any automobile courts, inns, motels, motor inns, motor lodges, tourist cabins, tourist courts, or similar uses.

60. Household Living – See table 17.20.02.

61. Incidental - Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

62. Industrial Use – See table 17.20.02.

63. Institutional Use - A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

64. Junk Yard - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations. A junkyard shall also include auto wrecking and salvage operations.

65. Kennel (Commercial) - An establishment in which dogs or domestic animals more than six (6) months old are housed, groomed, bred, boarded, trained, or sold for commercial purposes and where animals of any age are not owned by the owner or occupant of the premises. See Chapter 65, Animal Protection and Control.

66. Land Use Plan - The most recently adopted comprehensive (strategic) plan for the City of Burlington, Iowa.

67. Lodging House - A building that contains lodging rooms or rooming units, which accommodate persons and where lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house, dormitories and other similar uses not otherwise defined as a bed and breakfast.

68. Lot - A parcel of land intended for separate ownership, development or other use and that is described or platted in a subdivision recorded pursuant to the Subdivision Regulations or otherwise recorded with the office of the Des Moines County Recorder.

69. Lot Coverage – Includes the perimeter area of all structures covered by a roof, including garages, sheds, carports, porches, and other primary and accessory buildings. This does not apply to paving or uncovered decks and patios.

70. Lot Frontage - The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. The principal building on a lot shall front on a street or a public place.

71. Lot Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line.

72. Lot Depth - The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

73. Lot of Record - A lot which is part of a subdivision recorded in the office of the Des Moines County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

74. Lot Types - Chart A illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots and "through" lots as follows:
    a. "corner" lot - a lot located at the intersection of two (2) or more streets.
    b. "interior" lot - a lot other than a corner lot with only one (1) frontage on a street other than an alley.
    c. "through" lot - a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) non-intersecting streets may be referred to as "through" lots. On through lots the required front yard shall be provided on both streets.

75. Major Event Entertainment – See table 17.20.02.

76. Manufactured Home - A factory built structure that is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, and is to be used as a place for human habitation; but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have, permanently attached to its body or frame, any wheels or axles.

77. Manufacturing - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

78. Medical Centers – See table 17.20.02.

79. Mobile Home - Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

80. Modular Home - A factory built structure which is manufactured or constructed to be used as a place for human habitation but which is not constructed or equipped with apermanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles, is constructed to comply with the Iowa state building code for modular factory built structures, and must display the seal issued by the State Building Code Commissioner.

81. Motel - See “Hotel.”

82. Night Club - Premises established and operated for the sale and/or dispensing of alcoholic beverages by the drink for on-site consumption, and may include supplying entertainment, music and/or similar use.

83. Nonconforming Structure - A structure, or portion thereof, that does not conform to the current site area, coverage, setback, height, or other bulk regulations or requirements of these regulations.

84. Nonconforming Use - A use that does not conform to the use regulations of the district in which it is located.

85. Nonconformity - Lot, structure, use of land and structures, or characteristics of uses, which are prohibited under the terms of this chapter but were lawful prior to the date of enactment of these regulations.

86. Nursing Home - Any building or portion thereof used for providing residential care for two or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not

including insane or other mental cases, inebriate, or contagious cases. These facilities shall not contain equipment for surgery or for the treatment of serious injury.

87. Nursery School - A private establishment enrolling children, where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a childcare center and which requires more than one attendant.

88. Official Zoning Map - The Official Zoning Map for the City, as adopted June 2, 2003 and as subsequently amended.

89. Office Commercial Use – See table 17.20.02.

90. Owner – Any person, lien holder, mortgage holder or other entity that holds a legal or equitable interest of record in the property.

91. Outdoor Storage - The keeping, in an unenclosed area, any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

92. Overlay Zone - A mapped area to which a uniform set of regulations serving a particular purpose applies as a supplement to Base Zone regulations.

93. Parking Lot - An off-street, surfaced, open area used for the temporary storage of five (5) or more motor vehicles. Such lot is available to the public, whether residents, visitors or employees, for compensation or for free.

94. Parking Space - Any area designed and used for temporary location of a vehicle. "Parking space" shall not include any vehicular storage areas. See Sec. 17.30.50 for parking regulations.

95. Parks and Open Areas – See table 17.20.02.

96. Permitted Use - A use by right, which is specifically authorized in a particular zoning district.

97. Porch - A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

98. Principal Use - The primary permitted use of land or structures on a lot, tract, or parcel.

99. Projections (into yards) - Parts of buildings such as architectural features that extend beyond the building's exterior wall.

100. Recreational Vehicle - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition also includes boats and appurtenant trailers.

101. Religious Institutions – See table 17.20.02.

102. Restaurant - A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income.

103. Retail Sales and Service (general) – See table 17.20.02.

104. Retail Personal, Business, and Repair – See “retail sales and service.”

105. Rooming House - See “Lodging House.”

106. Roadside Stand - A structure and/or use which is accessory to the principal use or structure for the purpose of selling products grown or raised on the premises.

107. Schools – See table 17.20.02.

108. Service Station (Gas Station) - A building or premises used for dispensing or offering for sale at retail any automotive fuels, oils, or having pumps and storage tanks, or where batteries, tires or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale, and where no major repair work is conducted on site.

109. Setback - The distance that is required by this Zoning Code to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located.

110. Short-Term Lodging – See table 17.20.02.

111. Signs - See Chapter 17.75.

112. Site Plan - A plan showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land in such detail as may be required by the applicable provisions of this Zoning Code. (See Section 17.40.103.)

113. Social Service Providers – See table 17.20.02.

114. Specified Anatomical Area - (1) less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, or female breasts below a point above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

115. Specified Sexual Activities - (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast, (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) of this definition.

116. Sports and Recreation Arena - A large enclosed or unenclosed building and/or structure with tiers of seats for spectators at sporting or other recreational events.

117. Story – See adopted Building Code definition for the City of Burlington.

118. Story, Half - see adopted Building Code definition for the City of Burlington.

119. Street - All property dedicated or intended for public or private use designed and used for the passage of vehicles.

120. Street Line - The right-of-way line of a street.

121. Structure - Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including signs and billboards, but not including fences or walls used as fences.

122. Structural Projections – Any portion of a building or of the supporting members of a building or structure containing walls, columns, beams, arches, girders, floor joists, roof joists or roof trusses required for the structural support of the principal and accessory structures. See also Architectural Projections.

123. Transitional Living Facilities - Residences for the physically disabled, mentally retarded, or emotionally disturbed which do not meet the definition of “family home.”

124. Terrace - A level, landscaped, and/or surfaced area, also referred to as a deck or patio, directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

125. Title – Refers to “Title 17” Zoning and Subdivision Regulations of the City of Burlington.

126. Unenclosed – Refers to a structure that may or may not be covered, but is not surrounded by or covered by walls or other material on more than three sides (no more than 25% solid on three sides).

127. Use - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

128. Vehicle Service Facilities – See table 17.20.02.

129. Warehousing - Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

130. Wholesale Trade – See table 17.20.02.

131. Yard - An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein.

132. Yard, Front – An open space on a yard across the full width of the lot, extending from the front line of any building , except as herein provided, to the front property line of the lot. On corner lots, the front yard shall be observed on all of the yards having street frontage, provided that the front yard that is parallel to the street in which the lot has its greatest dimension may be allowed to decrease to a distance no less than ten (10) feet. (See Chart A)

133. Yard, Rear – An open space on a yard extending the full width of the lot between a principal building and/or structure and the rear lot line. For the purpose of determining the rear yard on corner lots; the rear yard shall be the opposite end of the front yard that is parallel to the street in which the lot has its least dimension. (See Chart A)

134. Yard, Side - A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See Chart A)

135. Zero Lot Line - The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

136. Zoning District - A section the City designated in the text of the zoning regulations and delineated on the Zoning Map in which requirements for the use of land, the building, and development standards are prescribed. Within each district, all requirements are uniform.

CHART A

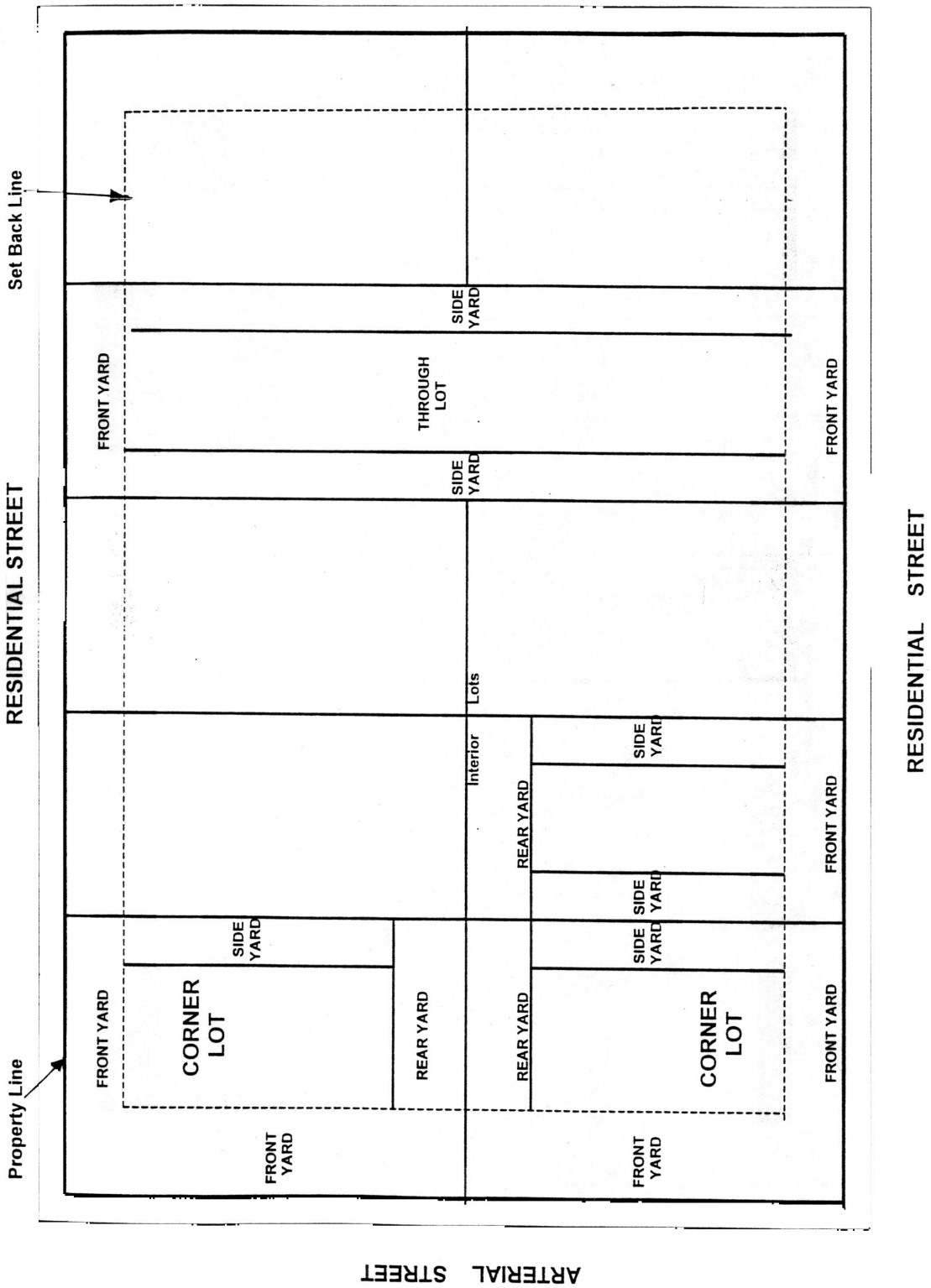
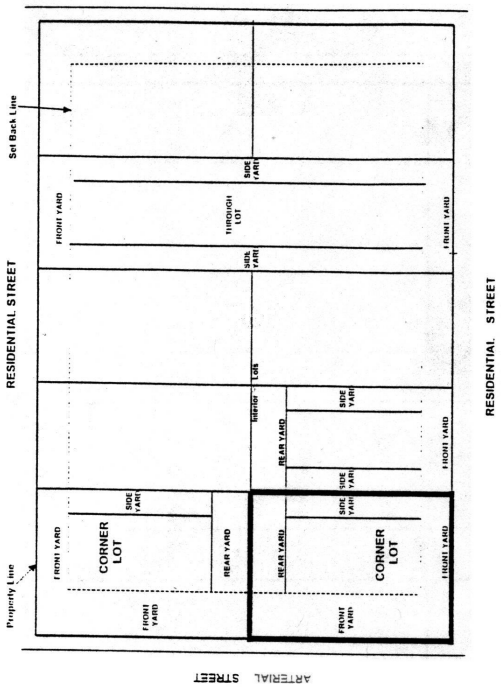
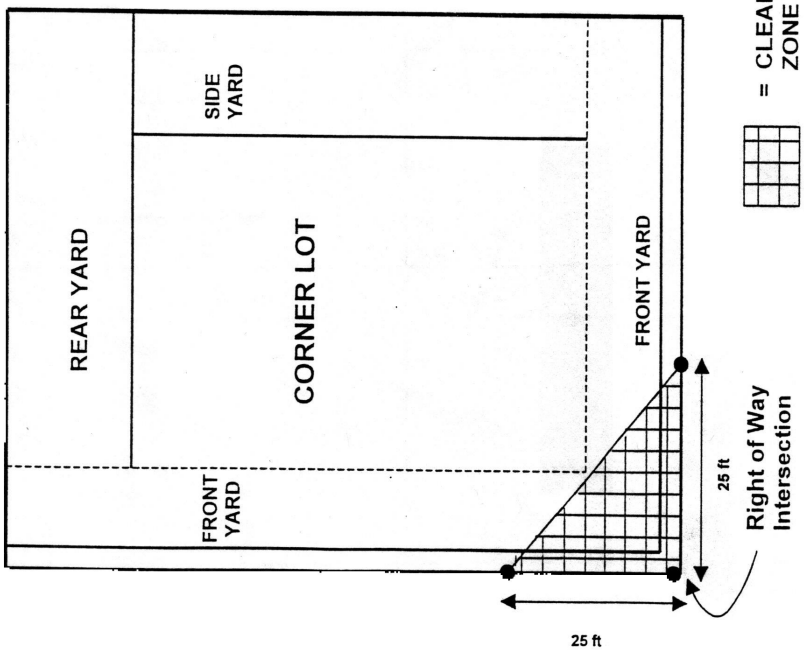

Property Line
Set Back Line
RESIDENTIAL STREET
FRONT YARD
CORNER LOT
SIDE YARD
REAR YARD
FRONT YARD
Interior Lots
REAR YARD
SIDE YARD
SIDE YARD
REAR YARD
CORNER LOT
SIDE YARD
FRONT YARD
FRONT YARD
FRONT YARD
SIDE YARD
THROUGH LOT
SIDE YARD
FRONT YARD
FRONT YARD
RESIDENTIAL STREET
ARTERIAL STREET

CHART B


Property Line
Set Back Line
RESIDENTIAL STREET
FRONT YARD
CORNER LOT
SIDE YARD
REAR YARD
THROUGH LOT
LOT
RESIDENTIAL STREET
ARTERIAL STREET


REAR YARD
SIDE YARD
CORNER LOT
FRONT YARD
FRONT YARD
25 ft
25 ft
Right of Way Intersection
= CLEAR ZONE

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map (adopted by Ordinance 3179 on June 2, 2003) described in Section 17.10.03 of this chapter and have not been codified herein, but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
3194	3-15-04	3322	7-16-12
3199	9-20-04	3324	8-20-12
3204	2-7-05	3329	2-4-13
3207	6-6-05	3346	6-17-13
3208	6-20-05	3348	8-5-13
3210	8-15-05	3354	11-18-13
3213	9-19-05	3360	4-21-14
3217	3-6-06	3361	4-21-14
3219	4-3-06	3362	5-5-14
3220	4-3-06	3366	6-2-14
3223	6-5-06	3371	9-2-14
3229	12-4-06	3376	11-17-14
3233	2-5-07	3378	1-5-15
3234	2-20-07	3379	1-5-15
3245	7-16-07	3380	5-4-15
3249	10-1-07	3383	6-15-15
3250	10-1-07		
3252	12-3-07		
3254	4-21-08		
3257	6-2-08		
3258	7-21-08		
3263	9-15-08		
3266	10-20-08		
3268	1-19-09		
3270	4-20-09		
3272	6-15-09		
3273	8-17-09		
3274	11-2-09		
3275	11-2-09		
3283	6-7-10		
3285	9-7-10		
3286	9-20-10		
3291	3-7-11		
3292	4-4-11		
3305	8-1-11		
3309	11-21-11		
3310	11-21-11		
3313	1-3-12		
3314	1-16-12		
3316	4-16-12		
3318	5-21-12		

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED

Chapter 17.20 District Regulations

17.20.01	**Zoning Districts**	**17.20.09**	**C-3 Central Business District**
17.20.02	**Table of Uses**	**17.20.10**	**M-1 Light Industrial**
17.20.03	**R-1 Single-family Residential**	**17.20.20**	**M-2 Heavy Industrial**
17.20.04	**R-2 Single-family (Transitional)**	**17.20.30**	**A-1 Airport**
17.20.05	**R-3 Two Family Residential**	**17.20.40**	**P-1 Planned Unit Development**
17.20.06	**R-4 Multi-family Residential**	**17.20.50**	**H-1 Historical Preservation**
17.20.07	**C-1 Limited Commercial**	**17.20.60**	**T-1 Mobile Home (M.P.D)**
17.20.08	**C-2 General Commercial**		

17.20.01 Zoning Districts:

Districts Designated. In order to classify and regulate the location and use of all buildings; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards and other open spaces surrounding such buildings, the City is divided into ten classes of districts. Located throughout the City of Burlington are pockets of development that contain unique characteristics, therefore they must meet added requirements known as overlay districts. The use and area regulations are uniform in each district, and the districts shall be known as:

Base Zones

R-1 Single-family Residential District
R-2 Single-family Residential (Transitional) District
R-3 Two-family Residential District
R-4 Multi-family Residential District
C-1 Limited Commercial District
C-2 General Commercial District
C-3 Central Business District
M-1 Light Industrial District
M-2 Heavy Industrial District
A-1 Airport Zone

Overlay Zones

H-1 Historical Preservation Zone
P-1 Planned Unit Development (P.U.D)
T-1 Mobile Home Planned Development (M.P.D)

Table 17.20.02 is broken down into various use categories and lists the permitted and special uses for the City of Burlington. When a situation arises that a particular use is not listed under one of the categories in table 17.20.02, the Department of Development has the following three options available in the commercial and industrial districts:

1. The Department of Development may determine that the proposed use be allowed in the same category as a similar use listed. The proposed use then becomes subject to the same criteria as the listed use.

2. If the Department of Development determines that the proposed use is not similar to a use listed in table 17.20.02, then the applicant can request that the proposed use be submitted to the City of Burlington Zoning Board of Adjustment as a special use permit application. The proposed use will then be subject, upon approval, to all requirements set forth in the Section 17.30.30 and 17.50 of these regulations along with all other pertinent regulations.

3. Any industrial use considered to have high health and/or environmental risks as determined by the City of Burlington Development Department, shall be considered a special use and will follow all applicable requirements of the City of Burlington, State of Iowa, and agencies of the U.S. Government.

All uses listed must comply with all applicable zoning regulations, building codes, and licensing requirements of the City of Burlington, State of Iowa, and agencies of the U.S. Government.

17.20.02 Table of Uses

Residential Use Categories

Group Living

Definition:
Residential occupancy of a structure by a group of people who do not meet the Household Living classification or are otherwise permitted by these regulations. The size is typically larger than the average household size and the average length of stay is typically 60 days or longer. Structures generally have a common eating area.

Uses Included:

Boarding, rooming or lodging houses	Nursing and /or assisted living facilities
Dormitories, fraternity house, or sorority house	Transitional Living Facilities

Household Living

Definition:
Residential occupancy of a dwelling unit by a family (by definition of this ordinance), where the average length of stay is typically 60 days or longer.

Uses Included:

Single family dwellings	Multiple-family dwellings
Two family dwellings	Home occupations (see Section 17.30.40)

Short-Term Lodging

Definitions:
Facilities offering transient lodging accommodations to the general public, where the average length of stay is typically less than 60 days.

Uses Included:
Bed and breakfasts
Hotels
Motels

Limited Commercial Use Categories

Commercial Office

Definition: Activities conducted in an office setting and primarily focusing on administrative, business, government, professional, medical, or financial services. Contractors and others who perform services off-site are included in this Use Category if equipment and materials are not stored on site and fabrication, services, or similar work is not carried on at the site. Uses are deemed compatible with residential and are often operated in established neighborhood commercial areas. Only commercial office uses that occupy building spaces of less than or equal to 10,000 square feet in area shall be classified as Limited Commercial Uses; those greater shall be General Commercial Uses.

Uses Included: Office uses such as:

Data processing centers	Sales offices
Government offices	General office uses
Insurance services	Medical and dental clinics, laboratories and offices
Public utility offices	Professional service offices (engineers, lawyers, etc.)
Real estate and related services	Financial institutions and/or ATM's (up to two drive-through lanes)

Limited Commercial Use Categories

General Retail Sales and Services

Definition: Uses that involve the sale, lease, or rental of new and used consumer products to the general public and uses providing services involving predominately personal or business services, including repair of consumer and business goods. Uses are more intensive than limited commercial and create additional traffic concerns and may have some negative effects on residential uses. Only retail sales and service uses that occupy building spaces of less than or equal to 20,000 square feet in area and only grocery stores that that occupy building spaces of less than or equal to 30,000 square feet in area shall be classified as Limited Commercial Uses. Businesses above these size requirements shall be classified as General Commercial Uses.
Uses Included: Stores selling, leasing, or renting consumer, home, and business goods including:

Antiques
Appliances
Art Stores
Bicycles
Books and printed material
Clothing and sporting goods
Convenience Store (Gas station)
Electronic equipment
Fabric, furniture, and upholstery
Garden supplies
Home improvements
Jewelry
Music supplies
Newspaper distribution
Office supplies, printing, and blueprinting
Liquor & tobacco products
Pet supplies
Pharmaceuticals
Stationery
Toys
Videos
Food preparation and sales

Retail, Personal, Business and Repair Services

Definition: See Definition of General Retail Sales and Services
Uses Included:

Business and commercial trade schools
Business and management consulting services
Dry cleaning and Laundromats
Employment agencies
Hair, tanning, and personal care services
Health clubs and gyms
Locksmiths
Photographic studios & development
Recycling drop-off
Scientific and professional instrument repair
Tailors
Tattoo and piercing
Television, clock, electric motor, watch, shoe, gun

Light Assembly, Entertainment, & Restaurant

Definitions: Facilities providing entertainment and gathering services; eating and drinking establishments. Only uses below that occupy building spaces of less than or equal to 10,000 square feet in area shall be classified as light assembly, entertainment and restaurant (individually or combined with other uses in this category).
Uses Included:

Bars and taverns
Billiards and pool halls
Cafes, bakery shop, and delicatessens
Catering establishments
Game arcades
Lodges and social clubs
Restaurants

General Commercial Use Categories

General Assembly, Entertainment, & Restaurant

Definitions: Facilities providing entertainment and gathering services; eating and drinking establishments.

Uses Included:

Bars and taverns
Banquet and reception establishments
Bowling alleys
Exhibition and meeting areas
Lodges and social clubs
Night clubs
Restaurants
Theaters

Automotive and Marine Craft

Definitions: Retail sale, rental, and leasing of motorized vehicles, including cars and trucks, marine craft, recreational equipment, and farm and road machinery, including all types of boats.

Uses Included: Sales or leasing of consumer vehicles, including:

Trucks
Trailers
Motor vehicles and Motorcycles
Passenger vehicles
Auto and marine craft supplies and accessories
Implement dealerships
Other recreational vehicles
Other vehicles, equipment, and machinery

General Commercial

Definition: Commercial uses that are considered to have an impact on the surrounding properties, especially on residential areas.

Uses Included:

Animal grooming salons
Animal kennels, boarding, and veterinarians
Dance or music schools
Financial institution and/or ATM's (exceeding two drive-through lanes)
Indoor storage facilities
Martial arts instruction
Pet stores (selling animals)
Sign making
Radio or television broadcasting stations

Wholesale Trade

Definition: Uses that involve the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. Uses emphasize on-site sales or order taking and often include indoor display areas. Businesses may or may not be open to the general public and may be picked up on-site or delivered.

Uses Included:

Mail order houses
Construction materials (electric, heating, plumbing, welding supplies)
Janitorial supplies
Machinery & parts
Packaging liquor and tobacco products
Restaurant equipment
Wholesale establishments (clothing, electronic, food, etc.)

Light Industrial Use Categories

Definition:
Facilities that are light industrial in nature and include businesses that can be considered compatible with certain commercial uses stated above.
Industrial uses listed below allow for the assembly, storage, distribution and compounding of products that generally have minor health and/or environmental risks to surrounding properties.

Chemical and Allied Products

Uses Included:
Cosmetics and toiletries (compounding only)
Ice manufacture, including dry ice
Ink manufacture (Mixing only)
Perfumes and perfumed soup (compounding only)
Pharmaceutical products
Soap, washing or cleaning, powder or soda (compounding only)

Food and Beverage Products

Uses Included:
Chewing gum manufacture
Chocolate, cocoa and cocoa products, processing and packaging only
Coffee, tea and spices, processing and packaging only
Condensed and evaporate milk, processing and canning only
Fruit and vegetable processing (including canning, preserving, drying and freezing)
Macaroni and noodle manufacture
Oleomargarine (compounding and packaging only)
Fresh baked good/products (bread, donuts, pastries)

Metals and Metal Products

Uses Included:
Light machinery assembly (prefabricated parts)
Container and fastener manufacture (metal)
Iron fabrication (ornamental)
Plating, electrolytic process
Sheet metal products manufacture
Silverware and plated ware, and ornamental iron fabrication
Vitreous enameled products
Aluminum rolling, fabrication, and forming

Textiles, Bedding and Fibers

Uses Included:
Hat bodies of fur and wool felt (including men's hats) manufacture
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods
Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing)
Cloth manufacture

Wood and Paper Products

Uses Included:
Basket and hamper (wood, teed, rattan)
Pencil manufacture
Shipping container (corrugated board, fiber or wire bound)
Veneer manufacture
Printing/Binding

Light Industrial Use Categories

Unclassified Uses

Uses Included:
Animal pound
Animal, poultry and bird raising, commercial
Bulk storage of petroleum products for a local distribution as distinguished from a petroleum product terminal for extensive storage and regional distributing purposes
Button manufacture
Cigar and cigarette manufacture
Coal and coke storage and sales
Contractor's shop and storage yard
Fur finishing (not including a tanning operation)
Industrial vocational training school, including internal combustion engines
Leather goods manufacture, but not including tanning operations
Tire retreading and vulcanizing
Assembly of products from finished materials/products
Computer manufacturing / electronic assembly
Processing / assembly of engineering, lab, scientific, or research instruments and associated equipment

Heavy Industrial Use Categories

Definition:
Facilities that are generally located separate from other uses in this regulation. Heavy Industrial uses listed below are associated with businesses that have a higher potential to be considered a nuisance due to the above normal noise, chemicals, outdoor storage of materials, and use of heavy machinery associated with finished product assembly.

Chemical, Petroleum, Coal and Allied Products

Uses Included:
Adhesives
Alcohol, industrial
Bleaching
Candles and essential oils
Cleaning and polishing preparation (nonsoap) dressing and blacking
Dyestuff
Exterminating agents and poisons
Fertilizers (nonorganic)
Fuel briquettes
Glue and size (vegetable)
Ink manufacture from primary raw materials (including colors and pigments)
Soap and soap products

Heavy Industrial Use Categories

Clay, Stone and Glass Products

Uses Included:
Abrasive wheels, stones, paper, cloth and related products
Brick, fire brick, and clay products
Concrete products or central mixing and proportioning plant
Glass and glass products
Graphite and graphite products
Monument and architectural stone
Pottery and porcelain products (coal fired)
Refractories (other than coal fired)
Stone and sand-lime products
Wallboard and plaster, building, insulation and composition flooring

Food and Beverage

Uses Included:
Chocolate and cocoa
Cider and vinegar
Distilleries (alcoholic), breweries and alcoholic spirits
Flour, feed and grain milling or storage
Gelatin
Glucose or dextrine
Malt extracts and yeast manufacture
Meat packing
Molasses and sugar refining
Oil, shortenings, and fats (including oleomargarine)
Poultry (including slaughter)

Metal and Metal Products

Uses Included:
Aluminum extrusion, rolling, fabrication and forming
Boiler manufacture (other than welded)
Culvert manufacture
Firearms manufacture
Forge plant, pneumatic, drop and forging hammering
Foundries
Galvanizing or plating (hot dip)
Heating, ventilation, and appliance manufacture
Heavy and light machinery manufacture
Motor testing (internal combustion motors)
Nails, brads, tacks, spikes and staples manufacture
Safe and vault manufacture
Ship yard
Structural iron and steel fabrication and manufacture
Tool, die, gauge and machine shops
Tools, plumbing and hardware products
Wire rope and cable

Heavy Industrial Use Categories

Textiles, Fibers and Bedding

Uses Included:
Bedding (mattress, pillow and quilt) manufacture
Bleachery
Floor covering manufacture
Hair and felt products washing, curling and dyeing
Hosiery mill
Jute, hemp and sisal products
Nylon, cordage, and rope
Oilcloth, oil-treated products and artificial leather
Rayon
Wool pulling or scouring

Wood and Paper Products

Uses Included:
Barrels, pallets, and box and crate manufacture
Charcoal and pulverizing
Cooperage works
Furniture
Paper and paperboard products (planing and millwork)
Pulp goods, pressed or molded (including papier mâché products)
Sawmill (including cooperage stock mill)
Wood preserving treatment

Miscellaneous Industries

Uses Included:
Carbon papers and ribbons
Chewing tobacco
Leather tanning and curing
Rubber (natural and synthetic), gutta-percha, chicle and balata processing
Rubber tire and tube
Shell grinding

Other Uses

Uses Included:
Railroad yard, roundhouse, repair and overhaul shops
Oils, vegetable and animal (nonedible) and storage
Paint, lacquer, shellac and varnish (including colors and pigments, thinners and removers)
Roofing materials, building paper, and felt (including asphalt and composition)
Salt tanning materials and allied products
Tar products (except distillation)

Heavy Industrial Use Categories

Controlled Uses (SUP required)

Definition:
Facilities or uses listed below require a Special Use Permit in the M-2 District due to the potential to cause higher health and/or environmental risks.

Uses Included:
Acid manufacture
Automobile wrecking, parts for storage and sale
Cement, lime, gypsum, or plaster of paris manufacture
Distillation, manufacture or refining of bones, coal, or tar asphalt
Explosives, manufacture or storage
Fat, grease, lard, or tallow rendering or refining
Fertilizer manufacture (organic and inorganic)
Glue manufacture
Garbage; offal or dead animal reduction or dumping
Junk and salvage storage, treatment, baling
Lead oxide
Paper manufacture
Refining, terminal, or storage depots for petroleum and asphalt
Smelting of tin, copper, zinc, or iron ores
Storage or processing rawhides or fur
Stockyards or slaughter of animals (except chickens)
Storage battery manufacture

Institutional Use Categories

Schools

Definition:
Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Uses Included:
Administration buildings
Public and private schools
Community & private colleges, Universities
Nursing and medical schools not accessory to a hospital
Seminaries

Community Facilities

Definition: Uses generally provide a service to the people of the community. Services are generally provided on the site or employees are at the site on a regular basis.
Community centers or facilities that have membership provisions are open to the general public to join at any time, and the services are ongoing, not just for special events. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.

Uses Included:
City and County Service Stations and Offices
Community centers
Detention buildings
Libraries
Museums
Post Offices
Senior centers
Vocational training for the handicapped
Youth club facilities

Institutional Use Categories

Day Care Facilities

Definition:
Uses where a program of supplementary care, protection, and supervision is regularly provided to children at least twice a week. The service is provided outside the home of the care recipients and covers only a portion of the day. Day care facilities uses include “group day care homes”, “ child care facilities” and “registered family day care homes” as those terms are defined in 237A.1 of the Iowa Code. Commercial day care uses permitted under this chapter do not include any unlicensed facilities for which a license is required by law.

Uses Included:
Child care center
Preschools and nursery schools
Group and family day care homes

Funeral Facilities

Definition:
Uses providing for the preparation of the deceased for burial or cremation, the display of the deceased and the rituals connected therewith before burial or cremation, or the storage of human bodies prior to burial or cremation.

Uses Included:
Funeral Homes
Mortuaries

Medical Centers

Definition:
Uses providing medical or surgical care to patients and offering overnight care, including usesthat provide in-patient care and planned treatment for psychiatric, alcohol, or drug problems.

Uses Included:
Drug, alcohol and psychiatric in-patient facilities
Hospitals (may have heliports if necessary)
Medical centers (may have heliports if necessary)

Religious Institutions

Definition:
A facility where people regularly attend religious services and affiliated meetings and activities. Religious institutions include buildings in which the religious services of any denomination are held.

Uses Included:
Churches
Synagogues
Mosques
Temples
Other houses of worship

Social Service Providers

Definition:
Social Service Provider uses are primarily engaged in providing on-site counseling, meals or shelter beds for free or significantly below market rates. Uses that provide on-site meals, counseling and shelter beds as an Accessory Use are not included if the service is provided fewer than 3 days a week. For example, a church that provides a free or low-cost meal once a week would not be classified as a social service provider use.

Uses Included:
Drug and alcoholic counseling centers
Rescue missions
Shelters, temporary or permanent
Surplus food distribution centers and soup kitchens

Transportation, Communications and Essential Services Use Categories

Basic Utilities

Definition:
Utility infrastructure that needs to be located in or near the area where services are provided. Basic utility uses generally do not have regular employees at the site and may be provided privately or publicly.

Uses Included:
Telephone relay towers
Private utility substations
Wind towers and/or Wind turbines for the purpose of harnessing energy

Airport Facilities

Definition:
Structures, uses, and landscaping located within or surrounding the two-mile jurisdiction of the Burlington Municipal Airport.

Uses Included:
Airport terminals
Hangers
Fuel tanks
Landing strips
Heliports
Fire stations and training facilities
Aeronautical research uses
Manufacturing establishments having required proximity to airports
Facilities for sale or maintenance of aircraft
Vehicle rental facilities
Taxi cab facilities
Storage facilities

Parks and Open Areas

Definition:
Land outdoors, open to the public, and reserved primarily as a natural area or an area consisting mostly of vegetative landscaping, outdoor recreation space, community gardens, or public square or plaza.

Uses Included:
Boat launching areas
Botanical gardens
Cemeteries
Golf Courses
Nature preserves
Parks & recreational trails
Plazas & public squares
Swimming pools
Tennis courts (open to the public)
Marinas
Campgrounds
Playgrounds

Miscellaneous Use Categories

Adult Entertainment Facilities

Definition:
Any establishments including, but not limited to bookstores, bars, restaurants, movie theaters, arcades, or retail stores where films are shown, where live performances take place, or where twenty-five percent or more of the materials that are rented, sold, or offered for customers including, but not limited to videos, magazines, books, or other materials or items are characterized by an emphasis upon the depiction or exposure of specified sexual activities or specified anatomical areas. For purposes of determining the twenty-five percent, the greater of either the floor area where items are displayed or the total number of items offered shall be calculated to determine the classification of the establishment.

Uses Included:

Adult motion picture arcades	Adult bookstores
Adult cabarets	Adult motion picture theaters
Adult theaters	Massage parlors

Bars featuring "topless" or "exotic" dancers or striptease performances

Agricultural and Farm Related Activities

Definition:
Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticulture services, veterinarian and other animal services, and farm labor and management services.

Uses Included:

Farms	Stables

Commercial Outdoor Recreation

Definition:
Large, generally commercial facilities, that provide continuous or seasonal recreation or entertainment-oriented activities. They generally take place outdoors or may take place in a number of structures that are arranged together in an outdoor setting, excluding special events, as determined by the Development Department; typically running less than (7) days.

Uses Included:

Amusement Parks	Beach clubs
Campgrounds (private)	Golf driving ranges
Miniature golf facilities	Zoos
Racetracks	Drag strips
Riding Stables	Recreation complexes

Major Event Entertainment

Definition:
Activities and structures that draw people as spectators or to participate at specific events or shows.

Uses Included:
Auditoriums
Bazaars and carnivals
Exhibition and meeting areas
Fairgrounds
Stadiums and sports arenas

Miscellaneous Use Categories

Vehicle Service Facilities

Definitions:

Vehicle service stations: Any use where gasoline and other petroleum products are sold and/or light maintenance activities such as light engine tune-ups, lubrication, minor repairs, and carburetor cleaning is conducted. Service station uses shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Vehicle repair facilities: Businesses servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles, including premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Vehicle parking facilities: Any area that is used or required for use for the parking of vehicles, but no vehicles are to be equipped, repaired, rented or sold.

Uses Included:

Vehicle Service Station Uses:

- Car Washes
- Publicly and privately owned vehicle emission test sites
- Gas stations
- Minor auto repair and tire sales
- Quick lubrication services

Vehicle Repair Facility Uses:

- Auto body shops
- Auto detailing shops
- Auto upholstery shops
- Tire sales and mounting shops
- Transmission or muffler shops
- Vehicle repair shops

Vehicle Parking Facility Uses

- Parking lots
- Parking garages

17.20.03 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

17.20.031 Purpose: This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and may further provide a transition area between residential growth and agriculture.

17.20.032 General Use: The regulations set forth in this chapter or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations in the R-1 single-family residential district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Household living			
Single family dwellings	Y	BP	Staff
Home Occupations/Business	Y	SP and/or SUP	Staff and/or ZBA
Mobile home parks	Y	MPD	See Section 17.20.60
Group Living			
Assisted Living Facility	Y	SUP	ZBA
Transitional living facilities	Y	SUP	ZBA
Short-term lodging			
Bed and breakfast	Y	SUP	ZBA
LIMITED COMMERCIAL USES	N	--	--
GENERAL COMMERCIAL USES	N		
Entertainment and restaurants			
Tea and coffee room	Y	SUP	ZBA
LIGHT INDUSTRIAL USES	N	--	--
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Community facilities	Y	BP and/or SUP	ZBA and/or Staff
Religious institutions	Y	BP	Staff
Social service providers	Y	SUP	ZBA
Schools	Y	BP	Staff
Medical centers			
Medical centers	Y	SUP	ZBA
Hospitals	Y	SUP	ZBA
Child day care facilities	Y	SUP	ZBA
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP, and/or BP	ZBA and/or Staff
Nature Preserve	Y	SP, and/or BP	Staff
Parks and recreational trails	Y	SP, and/or BP	Staff
Swimming Pools	Y	SP, and/or BP	ZBA and/or Staff
Boat Launching Areas	Y	SUP	ZBA

	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Cemeteries	Y	SUP	ZBA
Marinas	Y	SUP	ZBA
Playgrounds	Y	SP	Staff
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Agriculture and farm related activities	Y	BP	Staff
Commercial outdoor recreation	Y	SUP	ZBA
Parking Lot	Y	SUP	ZBA

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
HO = Home Occupation: subject to supplementary regulations
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted, special, and accessory uses of the R-1 District shall meet all of the requirements of this Title, including the following supplementary requirements, before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses see Section 17.30.10

17.20.04 R-2 SINGLE-FAMILY RESIDENTIAL (TRANSITIONAL) DISTRICT

17.20.041 Purpose: This district is intended to allow for development of single-family detached dwelling areas with larger and/or irregular shaped lots where construction may be limited to homes of larger dimensions. Certain adaptations **may** be allowed to accommodate alternative designs for streets and lot layouts.

17.20.042 General Regulations: The regulations set forth in this chapter or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations in the R-2 single-family residential district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Household living			
Single family dwellings	Y	BP	Staff
Two-family dwellings	Y, meeting R-3 or PUD standards	BP	Staff
Home Occupations/Business	Y	SP and/or SUP	Staff and/or ZBA
Mobile home parks	Y	MPD	See Section 17.20.60
Group Living			
Assisted Living Facility	Y	SUP	ZBA
Transitional living facilities	Y	SUP	ZBA
Short-term lodging			
Bed and breakfast	Y	SUP	ZBA
LIMITED COMMERCIAL USES	N	--	--
GENERAL COMMERCIAL USES	N		
Entertainment and restaurants			
Tea and coffee room	Y	SUP	ZBA
LIGHT INDUSTRIAL USES	N	--	--
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Community facilities	Y	BP	Staff
Religious institutions	Y	BP	Staff
Social service providers	Y	SUP	ZBA
Schools	Y	BP	Staff
Medical centers			
Medical centers	Y	SUP	ZBA
Hospitals	Y	SUP	ZBA
Child day care facilities	Y	SUP	ZBA
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP and/or BP	ZBA and/or Staff
Nature Preserve	Y	SP and/or BP	Staff
Parks and recreational trails	Y	SP and/or BP	Staff
Swimming Pools	Y	SP and/or BP	ZBA and/or Staff

	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Boat Launching Areas	Y	SUP	ZBA
Tennis Courts	Y	SP, and/or BP	ZBA and/or Staff
Cemeteries	Y	SUP	ZBA
Marinas	Y	SUP	ZBA
Playgrounds	Y	SP	Staff
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Parking Lot	Y	SUP	ZBA

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
HO = Home Occupation: subject to supplementary regulations
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted, special and accessory uses of the R-2 District shall meet all of the requirements of this Title, including the following supplementary requirements, before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses

see Section 17.30.10

17.20.05 R-3 TWO-FAMILY RESIDENTIAL DISTRICT

17.20.051 Purpose: This district is intended to allow for low and medium density neighborhoods by providing varying area requirements.

17.20.052 General Regulations: The regulations set forth in this chapter or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations in the R-3 two-family residential district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Household living			
Single family dwellings	Y	BP	Staff
Two-family dwellings	Y	BP	Staff
Home Occupations/Business	Y	SP and/or SUP	Staff and/or ZBA
Mobile home parks	Y	MPD	See Section 17.20.60
Group Living			
Assisted Living Facility	Y	SUP	ZBA
Transitional living facilities	Y	SUP	ZBA
Short-term lodging			
Bed and breakfast	Y	SUP	ZBA
LIMITED COMMERCIAL USES	N	--	--
GENERAL COMMERCIAL USES	N		
Entertainment and restaurants			
Tea and coffee room	Y	SUP	ZBA
LIGHT INDUSTRIAL USES	N	--	--
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Community facilities	Y	BP	Staff
Religious institutions	Y	BP	Staff
Social service providers	Y	SUP	ZBA
Schools	Y	BP	Staff
Medical centers			
Medical centers	Y	SUP	ZBA
Hospitals	Y	SUP	ZBA
Child day care facilities	Y	SUP	ZBA
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP, and/or BP	ZBA and/or Staff
Nature Preserve	Y	SP, and/or BP	Staff
Parks and recreational trails	Y	SP, and/or BP	Staff

	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Swimming Pools	Y	SP, and/or BP	ZBA and/or Staff
Boat Launching Areas	Y	SUP	ZBA
Tennis Courts	Y	SP, and/or BP	ZBA and/or Staff
Cemeteries	Y	SUP	ZBA
Marinas	Y	SUP	ZBA
Playgrounds	Y	SP	Staff
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Parking Lot	Y	SUP	ZBA

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
HO = Home Occupation: subject to supplementary regulations
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted, special and accessory uses of the R-3 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses see Section 17.30.10

17.20.06 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

17.20.061 Purpose: This district is intended to allow for medium and high-density neighborhoods by providing varying area requirements.

17.20.062 General Regulations: The regulations set forth in this chapter or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations in the R-4 apartment residential district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Household living			
Single family dwellings	Y	BP	Staff
Two-family dwellings	Y	BP	Staff
Multi-family dwellings	Y	BP	Staff
Home Occupations/Business	Y	SP and/or SUP	Staff and/or ZBA
Mobile home parks	Y	MPD	See Section 17.20.60
Group Living	Y	BP	Staff
Short-term lodging			
Bed and breakfast	Y	SUP	ZBA and/or Staff
LIMITED COMMERCIAL USES	N	--	--
GENERAL COMMERCIAL USES	N	--	--
LIGHT INDUSTRIAL USES	N	--	--
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Community facilities	Y	BP	Staff
Religious institutions	Y	BP	Staff
Social service providers	Y	SUP	ZBA
Schools	Y	BP	Staff
Medical centers			
Medical centers	Y	SUP	ZBA
Hospitals	Y	SUP	ZBA
Child day care facilities	Y	SUP	ZBA
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP, and/or BP	ZBA and/or Staff
Nature Preserve	Y	SP, and/or BP	Staff
Parks and recreational trails	Y	SP, and/or BP	Staff

	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Swimming Pools	Y	SP, and/or BP	ZBA and/or Staff
Boat Launching Areas	Y	SUP	ZBA
Tennis Courts	Y	SP, and/or BP	ZBA and/or Staff
Cemeteries	Y	SUP	ZBA
Marinas	Y	SUP	ZBA
Playgrounds	Y	SP	Staff
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Parking Lot	Y	SUP	ZBA

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
HO = Home Occupation: subject to supplementary regulations
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted, special and accessory uses of the R-4 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses see Section 17.30.10

17.20.07 C-1 LIMITED COMMERCIAL DISTRICT

17.20.071 Purpose: The intent of this district is to allow a transition area between limited commercial growth and residential neighborhoods.

17.20.072 General Regulations: The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the C-1 limited commercial district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Household living	Y *1	BP	Staff
Home Occupations/Business	Y *1	BP and/or SUP	Staff / ZBA
Group Living	Y	BP	Staff
Short-term Lodging			
Bed and breakfasts	Y	SUP	ZBA and/or Staff
LIMITED COMMERCIAL USES	Y	BP	Staff
GENERAL COMMERCIAL USES	Y *2	SUP	ZBA
LIGHT INDUSTRIAL USES	N	--	--
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES	Y	BP and/or SP	Staff
Community facilities	Y	BP	Staff
Religious institutions	Y	BP	Staff
Social service providers	Y	BP	Staff
Schools	Y	BP	Staff
Medical centers	Y	SP and BP	Staff
Child day care facilities	Y	SUP	ZBA and/or Staff
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP and/or BP	ZBA and/or Staff
Parks and recreational trails	Y	SP, and/or BP	Staff
Swimming Pools	Y	SP, and/or BP	ZBA and/or Staff
Tennis Courts	Y	SP, and/or BP	ZBA and/or Staff
Boat Launching Areas	Y	SUP	ZBA
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Cemeteries	Y	SUP	ZBA
Marinas	Y	SUP	ZBA
Playgrounds	Y	SP	Staff
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Ch. 17.70		
MISCELLANEOUS			
Vehicle service station uses	Y	BP and/or SP	Staff
Parking Lot	Y	BP and/or SP	Staff

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

Y *1 = Permitted as upper-story and/or in rear of building. Shall maintain commercial storefront along public streets and meet requirements of both commercial and residential uses.
New residential uses shall meet lot size and parking requirements based on the number of residential units. Lot coverage shall meet commercial requirements.

Y *2 = Permitted by Special Use Permit, see Chapter 17.30.30.

The above listed permitted, special and accessory uses of the C-1 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses see Section 17.30.10

17.20.08 C-2 GENERAL COMMERCIAL DISTRICT

17.20.081 Purpose: The intent of this District is to provide for commercial business activities of a more general retail and wholesale nature, where no manufacturing, assembling, or fabrication is involved without the intrusion of residential dwellings and heavy industry.

17.20.082 General Regulations: The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the C-2 general commercial district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES	N	--	--
Short-term Lodging			
Hotels and/or motels	Y	SP and BP	Staff
LIMITED COMMERCIAL USES	Y	BP and/or SP	Staff
GENERAL COMMERCIAL USES	Y	BP and/or SP	Staff
LIGHT INDUSTRIAL USES	N *1	BP and/or SP	Staff
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Funeral facilities	Y	BP	Staff
Religious institutions	Y	SUP and BP	ZBA and Staff
Social Service Providers	Y	BP	Staff
Medical centers	Y	BP	Staff
Community facilities	Y	BP	Staff
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP and/or BP	ZBA and/or Staff
Parks and recreational trails	Y	SP, and/or BP	Staff
Swimming Pools	Y	SP, and/or BP	ZBA and/or Staff
Plazas and public squares	Y	SP, and/or BP	Staff
Tennis Courts	Y	SP, and/or BP	ZBA and/or Staff
Boat Launching Areas	Y	SUP	ZBA
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Vehicle repair facility uses	Y	BP and/or SP	Staff
Vehicle service station uses	Y	BP and/or SP	Staff
Adult Entertainment facilities	Y	SUP	ZBA
Commercial outdoor recreation	Y	SUP	ZBA
Major event entertainment	Y	SUP	ZBA

MISCELLANEOUS	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Parking Lot	Y	BP and/or SP	Staff

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

N *1 = Warehousing of non-hazardous industrial products is permitted.

The above listed permitted, special and accessory uses of the C-2 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses see Section 17.30.10

17.20.09 C-3 CENTRAL BUSINESS DISTRICT (DOWNTOWN MIXED USE)

17.20.091 Purpose: The Central Business District, Downtown Mixed Use, is intended to provide appropriate development regulations for Downtown Burlington. The grouping of uses is designed to strengthen the downtown's role as a center for trade, service, housing, entertainment, and civic life. Mixed uses are allowed and encouraged within the CBD District.

17.20.092 General Regulations: The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the C-3 central business district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Household living	Y*1	BP	Staff
Group Living	Y	BP and/or SUP	Staff and/or ZBA
Short-term Lodging			
Hotels and/or motels	Y	SP and BP	Staff
LIMITED COMMERCIAL USES	Y	BP	Staff
GENERAL COMMERCIAL USES	Y	SP and BP	Staff
LIGHT INDUSTRIAL USES	N	--	--
Warehousing/assembly of non-hazardous industrial products	Y	SP and BP	Staff
Warehousing of hazardous industrial products	Y	SUP	ZBA
HEAVY INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Funeral facilities	Y	BP	Staff
Religious institutions	Y	BP	Staff
Social Service Providers	Y	BP	Staff
Medical centers	Y	BP	Staff
Community facilities	Y	BP	Staff
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Spaces			
Golf courses	Y	SP and/or BP	ZBA and/or Staff
Swimming Pools	Y	SP, and/or BP	ZBA and/or Staff
Plazas and public squares	Y	SP, and/or BP	Staff
Tennis Courts	Y	SP, and/or BP	ZBA and/or Staff
Boat Launching Areas	Y	SUP	ZBA
Parks and recreational trails	Y	SP, and/or BP	Staff
Marina	Y	SUP	ZBA
Basic Utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Vehicle repair facility uses	Y	BP and/or SP	Staff
Vehicle service station uses	Y	BP and/or SP	Staff
Commercial outdoor recreation	Y	SUP	ZBA
Major event entertainment	Y	SUP	ZBA
Parking Lot	Y	BP and/or SP	Staff

Y = Yes: permitted by required approval: subject to supplementary regulations
Y*1 = Permitted only as upperstory and/or in the rear of the ground floor for properties that are within the area bounded by Washington Street, 8th Street, railroad tracks and Front Street; excluding properties located adjacent to Washington Street from the alley between N. 6th St. and N. 7th St. to N. 8th St. Properties in the described area shall maintain a commercial storefront along public streets on the first floor of the building consisting of at least 50% of the depth of the building and entire width.
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted, special and accessory uses of the C-3 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses

see Section 17.30.10

17.20.10 M-1 LIGHT INDUSTRIAL DISTRICT

17.20.101 Purpose: The intent of this district is to allow development of industrial uses that are compatible with a close proximity to residential areas and an intermingling with commercial uses. These district regulations are designed to permit industrial uses that would not be hazardous, obnoxious, offensive, or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, air pollutants, and/or any other characteristics that would be detrimental to the surrounding area.

17.20.102 General Regulations: The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the M-1 light industrial district. Light Industrial operations shall: 1) be conducted entirely within an enclosed building; 2) not be associated with nuisances such as odor, noise, heat, vibration, or radiation which are detectable at the property line; and 3) not pose a significant safety hazard (such as danger of explosion).

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES	N	--	--
LIMITED COMMERCIAL USES	Y	BP and/or SP	Staff
GENERAL COMMERCIAL USES	Y	BP and/or SP	Staff
LIGHT INDUSTRIAL USES	Y	BP and/or SP	Staff
HEAVY INDUSTRIAL USES			
Clay, stone and glass products	Y	SUP	ZBA
Food and beverage	Y	SUP	ZBA
Textiles, fibers, and bedding	Y	SUP	ZBA
Wood, and paper products	Y	SUP	ZBA
Miscellaneous products	Y	SUP	ZBA
INSTITUTIONAL USES			
Medical centers	Y	BP	Staff
Community facilities	Y	BP	Staff
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and Open Areas			
Boat Launching Areas	Y	SUP	ZBA
Parks and recreational trails	Y	SP, and/or BP	Staff
Marinas	Y	SUP	ZBA
Basic utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Vehicle repair facility uses	Y	BP and/or SP	Staff
Vehicle service station uses	Y	BP and/or SP	Staff
Adult Entertainment facilities	Y	SUP	ZBA
Commercial outdoor recreation	Y	SUP	ZBA
Major event entertainment	Y	SUP	ZBA
Parking Lot	Y	BP and/or SP	Staff

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted, special, and accessory uses of the M-1 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Bulk Regulations (height and area): see Section 17.30.20
Parking regulations see Section 17.30.50
Accessory use regulations see Section 17.30.202
Sign regulations see Chapter 17.75
Special use regulations see Section 17.30.30
Tower and antenna regulations see Chapter 17.70
Nonconforming Uses

see Section 17.30.10

17.20.20 M-2 HEAVY INDUSTRIAL DISTRICT

17.20.201 Purpose: The intent of this district is to allow development of large-scale industrial uses. These district regulations are designed to permit industrial uses that are essential to the City, but may be known as having a nuisance potential.

17.20.202 General Regulations: The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the M-2 heavy industrial district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES	N	--	--
LIMITED COMMERCIAL USES	Y, as part of business park only	BP and/or SP	Staff
GENERAL COMMERCIAL USES	Y, as part of business park only	BP and/or SP	Staff
LIGHT INDUSTRIAL USES	Y	BP and/or SP	Staff
HEAVY INDUSTRIAL USES			
Chemical, coal, petroleum and allied products	Y	BP and/or SP	Staff
Clay, stone and glass products	Y	BP and/or SP	Staff
Food and beverage	Y	BP and/or SP	Staff
Metal and metal products	Y	BP and/or SP	Staff
Textiles, fibers, and bedding	Y	BP and/or SP	Staff
Wood and paper products	Y	BP and/or SP	Staff
Miscellaneous products	Y	BP and/or SP	Staff
Other uses	Y	SUP	ZBA
Controlled uses	Y	SUP	ZBA
INSTITUTIONAL USES	Y, as part of business park only	BP and/or SP	Staff
Religious institutions	N		
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Parks and recreational trails	Y	SP and/or BP	Staff
Basic utilities	Y	SUP	ZBA
Telephone Relay Towers	See Chapter 17.70		
MISCELLANEOUS			
Vehicle repair facility uses	Y	BP and/or SP	Staff
Vehicle service station uses	Y	BP and/or SP	Staff
Adult Entertainment facilities	Y	SUP	ZBA
Commercial outdoor recreation	Y	SUP	ZBA
Major event entertainment	Y	SUP	ZBA
Parking Lot	Y	BP and/or SP	Staff

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted uses of the M-2 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa.

Current Business Parks

1. Flint Ridge Business Park

Bulk Regulations (height and area):	see Section 17.30.20
Parking regulations	see Section 17.30.50
Accessory use regulations	see Section 17.30.202
Sign regulations	see Chapter 17.75
Special use regulations	see Section 17.30.30
Tower and antenna regulations	see Chapter 17.70
Nonconforming Uses	

see Section 17.30.10

17.20.30 A-1 AIRPORT DISTRICT

17.20.301 Purpose: The intent of this District is facilitating the safe and structured expansion of the Burlington Municipal Airport. In order to protect specified encroachment areas within the operational area of the Burlington Municipal Airport, the following regulations have been set forth to restrict height, location, and general use of structures.

17.20.302 General Regulations: The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code when referred to in this chapter, are the regulations in the A-1 airport district.

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES	N	--	--
LIMITED COMMERCIAL USES	N	--	--
GENERAL COMMERCIAL USES			
Automotive and Marine Craft			
Motor Vehicle rental	Y	BP and/or SP	Staff
LIGHT INDUSTRIAL USES	Y	BP and/or SP	Staff
HEAVY INDUSTRIAL USES	Y	SUP	ZBA
INSTITUTIONAL USES	N	--	--
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES			
Airport Facilities			
Airport terminals	Y	BP	Staff
Hangers/storage facilities	Y	BP	Staff
Fuel tanks	Y	BP	Staff
Landing strips	Y	SUP	SUP
Heliports	Y	SUP	SUP
Fire stations and training areas	Y	BP	Staff
Aeronautical research facilities	Y	BP	Staff
Manufacturing (specific to airports)	Y	BP	Staff
Sale and Maintenance	Y	BP	Staff
Parks and recreational trails	Y	SP and/or BP	Staff

Y = Yes: permitted by required approval: subject to supplementary regulations
N = No: prohibited in this district, unless otherwise specified
SUP = Special Use Permit: subject to supplementary regulations
BP = Building permit required: subject to supplementary regulations
SP = Site plan approval, accessory structures still require a building permit
ZBA = City of Burlington, Zoning Board of Adjustment
Staff = City of Burlington, Department of Development

The above listed permitted uses of the A-1 District shall meet all of the requirements of this Title, including the following supplementary requirements before permits will be issued, in order to ensure the health, safety, and general welfare in the City of Burlington, Iowa. These permits are also subject to all State and Federal regulations governing areas within the airport designation.

Bulk Regulations (height and area):	see Section 17.30.20
Parking regulations	see Section 17.30.50
Accessory use regulations	see Section 17.30.202
Sign regulations	see Chapter 17.75
Special use regulations	see Section 17.30.30
Tower and antenna regulations	see Chapter 17.70
Nonconforming Uses	see Section 17.30.10

17.20.40 PUD PLANNED UNIT DEVELOPMENT

17.20.401 Purpose: The planned unit development (PUD) is designed to allow comprehensively planned projects which would provide for innovative and imaginative approaches to urban design and land development.

17.20.402 Planned Unit Development (PUD): The PUD is a negotiated private/public contract for land development rather than development following a set of minimum requirements. It permits a flexibility of established land regulations as contained in the subdivision regulations and zoning districts.

When an area is developed under this article (PUD), parts of the plat and subdivision requirements may be waived; zoning districts requirements pertaining to area, height, and setbacks may be modified; and various land use mixtures may be permitted with appropriate screening, landscape buffers, and setback restrictions. However, in no case shall the purpose or intent of zoning and platting ordinances be violated.

17.20.403 Application: A PUD is an overlay zone working in conjunction with the established zoning district (base zone) and platting regulations. Such overlay zone places additional regulations and/or requirements on the PUD zoned area.

1. PUD approval shall be received for all large-scale projects generating traffic over two thousand vehicles per day.

2. PUD approval may be given for small scale projects over two acres in size.

3. PUD approval may be given for redevelopment projects of historically significant sites or buildings.

17.20.404 Design Standards: Planned unit developments (PUDs) shall be planned as integral units and may be residential, commercial, industrial, or a combination of land uses. When land uses are mixed, the PUD shall be designed to be compatible with adjacent areas and shall meet all zoning district requirements unless addressed in the approving ordinance.
In no case shall a PUD violate density of the zoning district in which it is located.

1. Density: Maximum density requirements shall comply with zoning regulations as designated by the PUD Agreement.

2. Environmental Design: Excessive site clearing of topsoil, trees and natural features will be discouraged. A site plan shall be required for all PUDs in order to preserve green space, historical buildings and other natural assets and scenic points.

3. Open Space:
   a. Open space is an important factor in the development of planned unit developments. No PUD shall be approved unless such development provides for permanent landscaped or natural opens space.
   b. Common open space shall comprise at least twenty percent (20%) of the gross area of the PUD, and is to be used for recreational, park, or environmental amenities, but shall not include public or private streets, driveways, buildings, parking lots, or loading areas.
   c. Open space requirements may be reduced to fifteen percent of the gross area of the PUD when open spaces are fully developed. Developed pedestrian malls, landscape buffer screens, and preserved historic sites and buildings may be included as open space.

4. Building Spacing. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers and landscaping shall be used for the protection and aesthetic enhancement of property and the privacy of its

occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings.

5. Traffic Circulation:
   a. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
   b. Minor streets within PUDs shall not be connected to local streets to encourage their use by through traffic.
   c. The pedestrian circulation system and its related walkways shall be separated from the vehicular street system unless specifically stated elsewhere in the approved development.
   d. All nonresidential land uses within a PUD should have direct access to a major street or frontage road.
   e. Standards of design and construction for roadways, within residential PUDs, may be modified as is deemed appropriate by City staff.

6. Community Services: PUD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the PUD.

17.20.405 Administration: A PUD involves the negotiating of a development contract representing private and public interests. PUDs should satisfy platting and zoning requirements of the City or address those conditions that are to modify adopted requirements.

17.20.406 Private Developer: The landowner or representative that is authorized to negotiate the terms of development on a specific parcel of land.

17.20.407 Review: After a developer has properly filed a complete PUD with the Development Department, the staff has ninety days to review the PUD in detail, analyze its impact, negotiate standards needed to maintain quality development in an urban environment, and convey their findings and recommendations in writing to the Commission, and start the public hearing process.

17.20.408 Commission: The Commission shall take the following action:

1. Determine if the proposed PUD is in conformance with adopted City plans and the intentof platting and zoning regulations;

2. Conduct a public hearing to receive citizen input and concerns;

3. Review staff recommendations and consider any differing viewpoints between developer, staff or citizens on the proposed PUD;

4. Make recommendation to Council based upon findings. Within thirty days after public hearing, Commission shall recommend either: approval as filed, approval subject to specific conditions as listed, or denial based upon findings.

17.20.409 City Council: The Burlington City Council has the authority for waiving Code requirements and adopting land development conditions to facilitate desirable PUDs. Approval of a PUD shall be by ordinance and shall include the plans, maps, reports and conditions that comprise the PUD.

If a developer fails to begin construction within two years of approval, the PUD approval shall be considered null and void.

17.20.410 Phase Development: PUDs may be designed to be developed as a single project or in phases.

If a developer does not complete the PUD within its scheduled time period, City Council shall review progress and may extend time schedules, amend the PUD, or revoke elements of the PUD that are not completed.

17.20.411 Construction: Project construction plans shall be reviewed by Staff to determine if they meet requirements and do not vary significantly from the approved PUD. The Development Director may authorize minor detail changes and interpretations. Significant changes must be approved as amendments to the PUD by City Council.

Building permits may be issued and construction may begin following Council acceptance of the necessary streets, easements, and public areas. A performance bond may be required by the Council for construction of all public improvements including streets, utilities, sidewalks, and public areas.

17.20.412 Filing: The developer shall initiate formal action on a PUD by filing with the Commission the following:

1. Major Site Plan and Supporting Drawings
2. Written Documents.
    a. A legal description of the development site, including a statement of ownership and proposed zoning;
    b. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
    c. When commercial uses are proposed, a market analysis may be required to be submitted justifying the type and size of the project which can be realistically supported in the community;
3. Filing Fee.

17.20.50 H-1 HISTORICAL PRESERVATION DISTRICT

17.20.501 Purpose: The intent of this District is to provide the City of Burlington the opportunity to preserve the historical nature of targeted areas within the City limits. These regulations are intended to allow for a mixture of commercial, industrial, and residential significant buildings, use, and properties; allowing such to exist without interfering or significantly affecting their historical significance.

17.20.502 General Regulations: The regulations set forth in this chapter or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations of the H-1 Historical Preservation District.

17.20.503 Use Regulations: A Historic Preservation District is an overlay zone working in conjunction with the established zoning district (base zone) and platting requirements. All historic preservation districts officially designated and adopted are subject to all uses and regulations set out in Chapter 25 Historic Preservation Commission, of the Code of Ordinances of the City of Burlington, Iowa.

17.20.60 T-1 MOBILE HOME PLANNED DEVELOPMENT

17.20.601 Purpose: The Mobile Home Planned Development (MPD) is designed to promote planned trailer court and mobile home projects that maintain a harmonious nature with the surrounding districts. These approaches allow for imaginative and innovative design characteristics.

17.20.602 Mobile Home Planned Development: The mobile home planned development (MPD) allows for flexibility of established land regulations as contained in the subdivision regulations and zoning districts.

When an area is developed under this article as a mobile home park or an area has been developed as a mobile home park prior to the adoption of this regulation, zoning district requirements pertaining to 17.20.603 Application and 17.20.604 Design Standards may be modified, provided that the purpose and intent of the zoning and platting requirements are not violated.

17.20.603 Application: The MPD is an overlay zone working in conjunction with the established zoning district (base zone) and platting requirements.

1. All major MPD developments shall require a minimum of five (5) acres for consideration.
2. All minor MPD developments containing less than five (5) acres shall meet the requirements of this section, provided the Development Department may waive or reduce these requirements based on the size of the development.
3. All MPD developments require a major site plan and a pre-submission meeting with the Development Department.
4. All MPD developments shall be limited to single-family dwellings, accessory uses, permitted and special home occupations, recreational parks and or any other use allowed during the application process.

17.20.604 Design Standards: Mobile Home Planned Developments (MPD) shall be planned as integral units and shall meet all of the minimum requirements set forth in this Section.

1. Density: Maximum density is limited to eight (8) homes per acre.
2. Environmental Design: Excessive site clearing of topsoil, trees and natural features will be discouraged.
3. Open Space:
   a. In all MPD areas, there shall be one (1) or more recreation areas accessible to all park residents.
   b. The size of recreation areas shall be based on a minimum of two hundred fifty (250) square feet for every lot.
   c. No such outdoor recreation area shall contain less than five thousand (5000) square feet, and shall not include public or private streets, driveways, buildings, parking lots or loading areas.
4. Building Spacing: Each development shall provide reasonable visual and acoustical privacy for dwelling units, including fences, insulation, walks, barriers and landscaping used for the protection and aesthetic enhancement of property and the privacy of its occupants.
5. Building Requirements: Minimum standards
   a. No home shall be located closer than twenty-five (25) feet to the front yard property line when located on a public right-of-way.
   b. No home shall be closer than fifteen (15) feet to the front yard property line when located on a private drive.

c. Rear yards shall be maintained at fifteen (15) feet.
d. Side yards shall be maintained at five (5) feet.

6. Traffic Circulation:
   a. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
   b. The pedestrian circulation system and its related walkways shall be separated from the vehicular street system unless specifically stated elsewhere in the approved development.
   c. Standards of design and construction for roadways, within residential MPDs, may be modified as is deemed appropriate by City staff, provided the following minimum requirements are maintained:

No parking on street	1 way	14 feet in width
2 way	20 feet in width	
Parallel parking on side	1 way	20 feet in width
2 way	30 feet in width	
Parallel parking on both sides	1 way	26 feet in width
2 way	31 feet in width	

   Two (2) off street parking spaces minimum per dwelling unit as required by City Code, provided a maximum of one (1) parking stall may be allowed in the required front yard.

7. Community Services: MPD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the MPD.

8. Storm Shelters: MPD developments shall provide adequate storm shelter facilities for occupants.

17.20.605 Administration: MPDs should satisfy platting and zoning requirements of the City or address those conditions that are to modify adopted requirements.

17.20.606 Private Developer: The landowner or representative that is authorized to negotiate the terms of development on a specific parcel of land.

17.20.607 Public Staff: A professional committee composed of City personnel and support persons as necessary to review proposed MPDs, analyze their impact, and negotiate standards needed to maintain quality development in an urban environment.

After a developer has properly filed a complete MPD with the Development Department, the staff has ninety days to review the MPD in detail, convey their findings and recommendations in writing to the Commission, and start the public hearing process.

17.20.608 Commission: The Commission shall take the following action:

1. Determine if proposed MPD is in conformance with adopted City plans and the intent of platting and zoning regulations;

2. Conduct a public hearing to receive citizen input and concerns;

3. Review staff recommendations and consider any differing viewpoints between developer, staff or citizens on the proposed MPD;

4. Make recommendation to Council based upon findings. Within thirty days after the public hearing, the Commission shall recommend either: approval as filed, approval subject to specific conditions as listed, or denial based upon findings.

17.20.609 City Council: The Burlington City Council is the authority for adopting land development conditions to facilitate desirable MPDs. Approval of a MPD shall be by ordinance and shall include the plans, maps, reports and conditions that comprise the MPD.

If a developer fails to begin construction within two years of approval, the MPD approval shall be considered null and void.

17.20.610 Construction: Project construction plans shall be reviewed by Public Staff to determine if they meet requirements and do not vary significantly from the approved MPD. The Development Director may authorize minor detail changes and interpretations. Significant changes must be approved as amendments to the MPD by City Council.

Building permits may be issued and construction begins following Council acceptance as necessary of streets, easements, and public areas. A performance bond may be required to insure proper installment of infrastructure.

17.20.611 Filing: The developer shall initiate formal action on a MPD by filing with the Commission the following:

1. Major Site Plan and Supporting Drawings
2. Written Documents.
    a. A legal description of the development site, including a statement of ownership and proposed zoning;
    b. A development schedule indicating the approximate date when construction of the MPD or stages of the MPD can be expected to begin and be completed;

Filing fee.

Chapter 17.30 Supplementary Regulations

17.30.10	**Nonconforming Uses**	**17.30.40**	**Home Occupations**
17.30.20	**Bulk Regulations**	**17.30.50**	**Parking Regulations**
17.30.30	**Special Use Permits**	**17.30.60**	**Airport Regulations**

17.30.10 NONCONFORMING USES

17.30.101 Purpose: Within the established districts set forth by this regulation or amendments that may be adopted at a later date, exist lots, uses of land, uses of structures, and structures that were lawful at the time of adoption of these regulations, but are now prohibited, restricted, and regulated under the terms of these regulations and/or future amendments. It is the intent of this regulation to allow these nonconformity's to continue until they are removed or fail to maintain their nonconforming status, but not to encourage their survival.

The objective of this regulation is to set the terms by which all nonconforming uses and lots will ultimately be brought into compliance with the terms of this title as it is adopted and amended. Such nonconformities have been found to be incompatible with permitted uses and structures within the zoning district in which they are found. However, single-family uses shall not, generally, be treated as nonconforming uses.

To avoid undue hardship, nothing in this regulation shall be deemed to require a change in plans, construction, or use of any building in which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations. Actual construction is hereby defined as placing or fastening materials in a permanent position, or where excavation, demolition, or removal in preparation for building has occurred, provided that work is carried on in a diligent manner.

17.30.102 Discontinuance: Any nonconforming use of land or nonconforming use of structure that is idle, unoccupied, or vacant for one year or more is conclusively deemed discontinued, abandoned, and terminated, and shall lose its nonconforming rights. Any future uses shall be in compliance with the use regulations of the district in which it exists.

Any nonconforming use or structure that is removed, unlawfully constructed, altered, or operated at any time shall not be allowed to continue existence or use as a nonconforming use or structure. Any such nonconforming use that comes into compliance with the land use and/or zoning regulations of the zoning district in which it is located at any time shall not be allowed to be constructed, altered, or operated as a nonconforming use or structure in the future.

Nothing in this Chapter shall be interpreted as authorization for the continuance of the use of a structure or lot established unlawfully or in violation of the Zoning and Subdivision Regulations in effect prior to the effective date hereof.

All variances or appeals of this regulation shall be submitted to the Zoning Board of Adjustment.

17.30.103 Single-family Uses: Nonconforming single-family uses may be rebuilt or restored if destroyed or damaged to any extent. This only applies to residential structures primarily utilized for housing purposes, including any attached structures. Such repair, reconstruction, or structural alteration shall not increase or extend the degree of nonconformity. Detached structures shall not be allowed to rebuild, except in conformance with all requirements of this Title. Nonconforming structures shall not be repaired, reconstructed, or structural altered except in compliance with all other provisions of this Title.

17.30.104 Nonconforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this regulation not

withstanding other provisions of this regulation. This regulation shall apply even though such lot fails to meet the requirements of area, width, or both, that are generally applicable in the district; provided that front yard dimensions and requirements other than those applying to area, width, or both of the lot shall conform to all other regulations for the district in which such lot is located.

17.30.105 Nonconforming Uses of Land: Where at the time of passage of these regulations a lawful use of land exists (preexisting), which would not be permitted by these regulations, the use may be continued as long as it remains lawful, provided:

1. No such nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the effective date of adoption of these regulations unless herein provided.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or amendment of this section.
3. No additional structures that do not conform to the requirements of this regulation shall be erected in connection with such nonconforming use of land unless herein provided.

17.30.106 Nonconforming Uses of Structures: If lawful use of a individual structure exists at the effective date of adoption or amendment of this regulation that would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any part of a building, which was designed for such use at the time of adoption or amendment of this regulation, but no such use shall be extended to occupy any land outside such building.
3. When any structure committed to a nonconforming use is superceded by a permitted use, it shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

17.30.107 Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restrictions on area, height, yards, location on lot, or other requirements concerning structures, such structures may be continued so long as it remains otherwise lawful, provided:

~~1.~~ Where a structural projection of the principal building is located closer to the lot line than allowed by this regulation, the nonconforming side of the structure may be increased provided that the following requirements are met:
   a. The existing structural projection that is being added onto is no less than 10 feet from the front lot line, 4 feet from the side lot line, and 25 feet from the rear lot line.
   b. The addition shall not extend beyond the further most structural projection of the nonconforming side.
   c. The addition shall not exceed 250 square feet in size.
   d. The addition shall meet all other requirements of this Title.

2. An addition to a principal structure that meets all setback, lot coverage, area, use, and all other applicable requirements of the district in which it is located and this Title may be greater than 250 square feet.

3. A non-conforming accessory structure shall not be increased in size, except to bring the entire structure into conformance with all requirements of this Title.
4. Should such nonconforming structure or nonconforming portion of the structure be destroyed or deteriorated by any means to an extent of more than sixty percent (60%) of its assessed value at time of destruction, such structure shall be allowed to be restored or reconstructed to its previous size, including area, height, and lot coverage; provided all other applicable building and zoning codes are met, including required setbacks. For the purpose of this regulation, the assessed value on record at the Des Moines County Assessors office shall be used as the assessed value of a structure at the time of destruction.

   Such reconstruction shall be commenced within one-year of the date of the destruction. An extension up to one-year may be granted by the Development Department upon valid request by the property owner.

Lot Layout

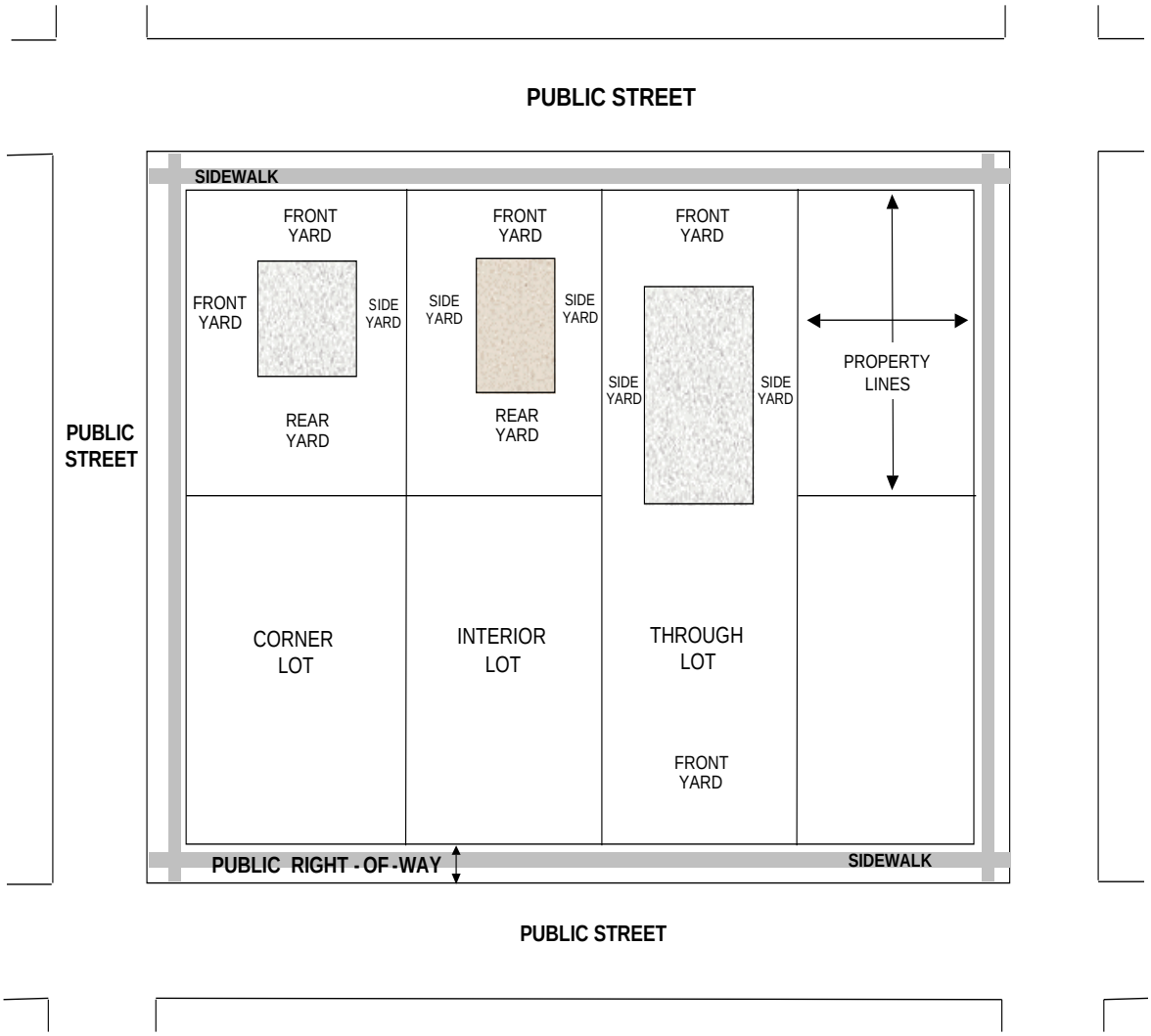

PUBLIC STREET
SIDEWALK
FRONT YARD
FRONT YARD
SIDE YARD
REAR YARD
FRONT YARD
SIDE YARD
SIDE YARD
REAR YARD
FRONT YARD
SIDE YARD
SIDE YARD
PROPERTY LINES
PUBLIC STREET
CORNER LOT
INTERIOR LOT
THROUGH LOT
FRONT YARD
PUBLIC RIGHT - OF - WAY
SIDEWALK
PUBLIC STREET

Table 17.30.20	M i mum		Min m I n of Fi nt Yard in Feet	Mi m h of le Yard in Feet	Mi m h of I ar Yard in Feet	Minimu t Area Per mily in Square Feet	Mi m Lot idth in Feet (h)	Minim n Lot Are n Square Feet	Maximu ot C by Pr al and A cessory Structures
District	**Stories**	**Feet**							
R-1 Single Fami Residential	2 ½	35	30	7	25	9,000	70	9,000	See 17.30.208
R-2 Single Fa (transitional) Residential	2 ½	35	25	5	25	6,000	50	6,000	See 17.30.208
R-3 Two Family Residential	2 ½	35	25	5	25	1-F 5,000 2-F 3,000	50	1-F 5,000 2-F 6,000	See 17.30.208
R-4 Multi Family Residential	3 (a)	45 (a)	25	5 (a)	25	1-F 5,000 2-F 0 M-F 2,500 (f)	50	1-F 5,000 2-F)00 M-F 7,000	See 17.30.208
C-1 Limited Commercial	2 ½ (a)	35 (a)	25	(b)	25	Same as R-4 (g)	Se 17.80.803	See 17.80.803	See 17.30.208
C-2 General Commercial	5	75	25	(b)	25	Same as R-4 (g)	Se 17.80.803	See 17.80.803	See 17.30.208
C-3 Central Business District	8	100	None	(c)	(e)	_____	_____	_____	See 17.30.208
M-1 Light Industrial	5	75	25	(d)	25	_____	Se 17.80.803	See 17.80.803	See 17.30.208
M-2 Heavy Industrial	8	100	25	(d)	25	_____	Se 17.80.803	See 17.80.803	See 17.30.208

FOOTNOTES FOR TABLE 17.30.20

Purpose: These footnotes are intended to act as supplements and/or additional requirements to the height and area requirements stated in Section 17.30.20. Other modifications of height and area regulations may be set forth in this and other chapters of this Code.

a. Building height levels for multi-family dwellings shall be adjusted as follows: For three-story buildings, each side yard shall not be less than ten feet. For buildings that are more than three-stories in height, the side yard requirement will be increased one (1)foot for each story above the third story.

b. No side yard is required for nonresidential buildings, except when abutting a residential district there will be a side yard of not less than five (5) feet. Side yards for existing or proposed residential dwellings shall maintain the five-foot setback.

c. No side yard is required for nonresidential buildings, except when abutting a residential district there will be a side yard of not less than twenty (20) feet. Side yards for existing or proposed residential dwellings shall maintain the five-foot setback.

d. No side yard is required for nonresidential buildings, except when abutting a residential district there will be a side yard of not less than forty (40) feet.

e. No rear yard is required for nonresidential buildings, except when abutting a residential district there will be a rear yard of not less than twenty (20) feet. Rear yards for existing or proposed residential dwellings shall maintain the twenty-five-foot setback.

f. When a proposed multiple family dwelling contains dwelling units with less than two bedrooms per dwelling unit, the required minimum lot area per family may be reduced to the following:

    1. One-bedroom dwelling units: 1,750 square feet per family:
    2. Dwelling units without a separate bedroom; efficiency apartments: 1500 square feet per family.

g. See lot area requirements, Section 17.30.204

h. The minimum required lot width may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall the lot width measured at the right-of-way line of a cul-de-sac or curved street be less than forty (40) feet.

17.30.20 BULK REGULATIONS

17.30.201 Purpose: In order to maintain the integrity of these regulations certain area exceptions have been allowed by the City of Burlington in order to maintain the health, safety and general welfare of the public.

17.30.202 Accessory Structures: The regulations set forth in this section apply to all accessory buildings unless noted otherwise below.

1. No accessory building and/or structure may be erected in any required front yard.

2. Any accessory structure erected, altered or constructed within ten (10) feet of the principal building and/or structure shall be considered part of and maintain the same setbacks as the principal building and/or structure. This distance is measured from the furthest architectural projection of each structure. These structures shall count towards the total number of allowed accessory structures in residential districts.

3. Accessory structures shall be considered along with the principal structure in regards to lot coverage. The square footage of the principal structure combined with the square footage of the accessory structure(s) shall not exceed the maximum lot coverage allowed by the District regulations.

4. In any residential district, there may be a maximum of three (3) accessory structures allowed per lot as long as the maximum lot coverage is not exceeded.

5. The total area of all accessory structures on a single residential lot or property shall not exceed a maximum of two thousand (2,000) square feet, except that lots in excess of two acres in size shall be allowed up to three thousand (3,000) square feet of accessory structures.

6. Accessory structures shall not exceed twenty (20) feet in height measured from the average surrounding grade to the highest peak of the roof, in any residential district.

7. Accessory structures that are erected, altered, or constructed further than ten (10) feet from the principal building and/or structure shall maintain a minimum setback of three (3) feet from any rear or side lot line, measured from the furthest architectural projection.

8. Where a garage is facing and being entered from the alley, it must be located a minimum of five (5) feet from the alley line, measured from the furthest architectural projection

9. No accessory structure shall be used or constructed upon a lot unless construction of the principal structure is scheduled to commence within three (3) months.

10. No accessory structure shall be occupied for dwelling purposes.

11. Gas pumps and associated canopies shall not be subject to the requirements in this section; however, in no case shall gas pumps, canopies and/or associated projections encroach into the clear zone and/or closer than five (5) feet to the property line.

17.30.203 Height Regulations: The regulation set forth in this section apply to all buildings unless noted otherwise in these regulations.

1. In any district, uses listed under schools, community facilities, and religious institutions may be erected to a height not to exceed eighty-five (85) feet, provided an additional one (1) foot of depth in the front and rear yards is allowed for every one foot above the district height regulations in which it is located.

2. The height regulations prescribed by these regulations shall not apply to grain elevators, church spires, belfries, monuments, tanks, water, fire, cooling, and ornamental towers and spires, chimneys, elevator bulkheads, smoke stacks, conveyors and flagpoles, however,

this regulation shall not include cellular towers disguised to look like the uses listed above as they are not essential to the principal structure and are subject to Chapter 17.70.

17.30.204 Area Exceptions and Modifications:

1. Where a lot or tract is used for educational, commercial, industrial, or airport purposes, more than one principal building may be erected upon the lot or tract, provided that all other requirements of this Title are met.

2. Only where a lot or tract is zoned for multi-family residential use (R-4) may more than one single-family, two-family, and/or multi-family principal building be erected upon such lot or tract; provided all other requirements of this Title are met.

3. Every part of the required open space per lot (Lot area minus the maximum lot coverage by structures), including the required yard setbacks shall be open to the sky, unobstructed by a structure. This regulation does not include decks, sidewalks, driveways, parking lots, landscaping, uncovered porches, terraces and/or accessory structures that are not covered by a roof.

4. Architectural projections may project into a required yard for the principal structure and will not be considered when determining the maximum lot coverage and building setback of the principal structure.

5. Where required by law, open or lattice enclosed fire escapes may project no more than five (5) feet into a required yard and ordinary projections of chimneys and pilasters shall be permitted by the Development Department as long as they do not obstruct light and ventilation.

6. Terraces, unenclosed porches, decks, and ornamental features that do not extend more than three (3) feet above the ground floor level, may project into a required yard provided that these structures do not extend closer than three (3) feet to a side property line, and project no further than ten (10) feet into the required front or rear yard. At no time shall such structure project closer than five (5) feet to a front property line. The required front yard is the district minimum depth or the established line, as allowed under Table 17.30.20 and Section 17.30.205.

7. Ramps required for ADA accessibility into residential structures shall not project into the City right-of-way unless an encroachment agreement has been granted.

17.30.205 Front Yards: These front yard regulations are supplement to the required distances for each district and may be adjusted as follows:

1. Where 40 percent or more of the frontage on one side of the street between two intersecting streets is developed with buildings that have not observed the front yard depth herein required, new structures shall not be erected closer to the street than the average front yard so established by the existing structures. The minimum front yard setback for any new structure shall be no less than ten (10) feet.

2. At no time will these regulations require a front yard that is greater than what is required for each district.

3. On corner lots, accessory structures may be allowed in the front yard that is parallel to the street upon which the lot has its greatest dimension, provided that the accessory use maintains the requirements of subsection 1, and no accessory structure shall be located less than ten (10) feet from any front yard property line.

4. On corner lots, the front yard shall be observed on all of the yards having street frontage, provided that the front yard that is parallel to the street in which the lot has its greatest dimension may be allowed to decrease to a distance no less than ten (10) feet. If the lot dimensions both along street frontages are within ten (10) feet of each other, the front yard may be decreased to ten (10) feet on one of either side, but not both sides.

5. Interior lots abutting two streets shall provide the required front yard on both streets.

6. In any zoning district except the C-3 (Central Business District), no fence, structure, or non-vegetative object shall be maintained within the required clear zone. No vegetation within the clear zone shall exceed 2½ feet in height.

7. Filling station pumps and pump islands may be located within a required yard provided that they are no less than fifty feet from any residential district, and no less than five (5) feet from the property line.

17.30.206 Side Yards: These side yard regulations are supplement to the required distances for each district and may be adjusted as follows:

1. Commercial or industrial structures used in part for dwelling purposes and or abutting a residentially zoned area shall maintain a side yard of no less than five (5) feet, except when located in the C-3 Central Business District.

2. Two-family and multiple family dwellings shall be considered as one principal structure on one lot for the purpose of the side yard requirements.

3. When a lot of record exists, according to these regulations, that is less than fifty (50) feet of width, the side yard requirements may be reduced to a distance of no less than four (4) feet.

17.30.207 Rear Yards: These rear yard regulations are supplement to the required distances for each district and may be adjusted as follows:

1. Where a lot abuts an alley, one half of the alley may be used as part of the required rear yard for the twenty-five (25) foot rear yard setback. This requirement only applies to accessory structures that require location closer than ten (10) feet to the principal structure.

17.30.208 Maximum Lot Coverage:

1. The maximum lot coverage (as defined by these regulations) by structures in single-family residential zoning districts (R-1 and R-2), or by single-family residential structures in any other district, shall not exceed forty percent (40%) of the total lot area.

2. The maximum lot coverage (as defined by these regulations) by structures in the two-family residential zoning districts (R-3), or by two-family residential structures in any other district, shall not exceed forty-five percent (45%) of the total lot area.

3. The maximum lot coverage (as defined by these regulations) by structures in the multi-family residential zoning districts (R-4), or by multi-family residential structures in any other district, shall not exceed fifty percent (50%) of the total lot area.

4. The C-3, Central Business District (Downtown Mixed Use) may cover one hundred percent (100%) of the total lot area, provided all other requirements of this Title are met.

5. The maximum lot coverage (as defined by these regulations) by structures in commercial and industrial zoning districts (C-1, C-2, M-1 and M-2) shall not exceed fifty percent (50%) of the total lot area, provided that the maximum lot coverage may be increased by the Development Department for commercial and industrial zones when landscaping is provided by the landowner in sufficient quantity and as stated in Section 17.35 Landscape Regulations.

a. In C-1, C-2, M-1, and M-2 zoning districts, an additional one percent (1%) of lot coverage may be allowed above fifty percent (50%) for each one hundred (100) square feet of additional landscaping that is provided in addition to that which is required in Chapter 17.35 Landscape Regulations. This total may increase to a maximum lot coverage of sixty percent (60%) in such zoning districts. All landscaping shall be in conformance with Chapter 17.35. All development shall meet all other requirements of this Title.

17.30.209 Fence Requirements: In order to maintain consistency in the application of this Code, the following provisions have been established to maintain safety standards for the general public.

1. Maximum height of rear and side yard fence lines is six (6) feet, and no fence line that extends beyond the front building line shall be constructed above four (4) feet, except if setback the minimum distance as required by code in Table 17.30.20. The front building line shall include the front portion of the principal building, including allowed enclosed porches, but shall not include those features listed under 17.30.204, # 6.

2. Corner posts and support posts may extend no more than six (6) inches above the allowed height of a fence.

3. No fence line shall be constructed in the front yard that is more than 75 percent solid or opaque. Clear vision must not be completely obstructed by such fence. It shall have a minimum height of thirty (30) inches and a maximum height of four (4) feet.

   a. Any fence located in a front yard area shall be of sturdy construction. A wire fence (not including chain link) or snow fence shall not be located in a front yard unless during winter months for snow protection or during active construction on site.

4. Corner lots with two front yards shall be allowed to have a six (6) foot high fence located in the front yard with the longest frontage. Such fence shall be set back a minimum of three (3) feet from the property line or adjacent sidewalk (if one exists); or in line with the home on the side with the longest street frontage and shall not extend beyond the front of the house on the shortest lot side. All other requirements of this section apply to such fence.

5. All fences may be constructed up to, but not over the property or lot line. At no time shall a fence be less than one foot inside a public sidewalk.

6. In any Zoning District, no fence shall be constructed within the clear zone.

7. All fences shall conform to the construction standards of the Building Code.

8. Fences constructed solely to protect a garden shall be allowed to be constructed up to eight (8) feet in height and shall only be located in the rear yard. Such fence shall only be located entirely in the rear yard and shall be set back a minimum of five (5) feet from side and rear property lines. Such fenced area shall not exceed 2,000 square feet and shall only be constructed of (open/non-privacy) chain-link fencing.

9. Fences constructed for protection on school grounds, parks, and playgrounds and for commercial or industrial properties located in M (Industrial) or C (Commercial) Districts may be constructed to a height of no more than eight (8) feet, excluding backstops or similar recreational uses as determined by the Development Department.

   a. Fences located in the side and rear yard areas of residential (R) zoning districts may be constructed to a height of no more than eight (8) feet if such fence is located adjacent to a commercial (C) or industrial (M) zoning district use. Such fence shall not extend beyond the front of a house and shall be a minimum of 10-feet back from the property line, whichever is greater.

10. It is unlawful for any person to erect, construct and/or maintain any electrically charged fence within the City limits, except when used by an existing farm operation for the well

being of livestock (as defined by Chapter 65) and is located no closer than 75 feet to the property line.

11. It is unlawful for any person to erect, construct and/or maintain any fence containing barb wire in the City limits, except:
    a. Any lot, parcel and/or tract of land located in an “M-1” Light Industrial, “M-2” Heavy Industrial District and the “A-1” Airport District may be allowed to construct one foot of barbed wire fencing above the top line of an eight (8) foot chain link fence.
    b. Any fence meeting the criteria stated in subsection (a) of this section will have to maintain a twenty (20) foot wide landscaped buffer zone between such fence and any lot, tract and/or parcel of land zoned for commercial or residential uses.

12. No fence shall be erected, constructed, and/or maintained without first submitting a fence permit along with a minor site plan to the Development Department for approval.

13. Fences used solely for the purpose of housing animals (ex. dog kennels) shall be exempt from these regulations, provided the kennel is not located within any front yard and is less than 150 square feet in size.

17.30.210 Pool Requirements: In order to maintain consistency in the application of this Code and to prevent the presence of a public nuisance, the following provisions have been established, which maintain safety standards for the general public for the placement and requirements of outdoor pools.

1. Pools must be located a minimum of five (5) feet from the principle building and three (3) feet from all other buildings and property lines (pool is measured from the edge of the water-line).

2. No pool over six (6) feet in diameter shall be located in any required front yard. Corner lots may place a pool on the longest front side, provided it is located a minimum of ten (10) feet off of the property line.

3. Outdoor swimming pools shall follow the barrier requirements of the adopted building code.

    a. Any fence that is required to be constructed (as per the adopted building code) shall follow the requirements of Section 17.30.209 Fence Requirements.

4. Any existing pool that does not meet the requirements of this section shall be required come into compliance with this section, remove the pool, or drain the pool within 90 days of adoption of this Code section.

17.30.30 SPECIAL USE PERMITS

17.30.301 Purpose: These regulations are intended to allow qualified uses the opportunity to be placed in districts that otherwise prohibit these activities. These uses have special or unique characteristics, which require a careful review of their location, design, configuration and special impact to determine the desirability of permitting their establishment on any given site.

17.30.302 General Regulations: The regulations set forth in this chapter or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the regulations for Special Use Permits in all districts. An affirmative vote of three (3) members of the Zoning Board of Adjustment is needed to grant a special use permit in the City of Burlington.

17.30.303 Application Process: Applications to permit new construction, alterations of extensions existing uses and uses authorized by this section will be accompanied by site plans and any additional information required by the Zoning Board and the Development Department.

The Development Department shall place the application on the docket agenda for a public hearing before the Zoning Board of Adjustment. All meetings of the Zoning Board of Adjustment shall conform to the procedures prescribed in Chapter 17.50 for hearings and amendments. No public hearing shall be set for the special use permit application prior to the submission of a nonrefundable fee set at reasonable rate by the City of Burlington.

17.30.304 Findings: In considering any application for a special use permit hereafter, the Zoning Board shall give consideration to the Comprehensive Plan, the health, safety, morals, comfort, and general welfare of the inhabitants of the community including, but not limited to, the following:

1. Substantially increase traffic hazards or congestion.
2. Substantially increase fire hazards.
3. Adversely affect the character of the neighborhood.
4. Overtax public utilities.
5. Be in direct conflict with the comprehensive plan

Should the Board's findings be negative to all subjects listed in this section, the permit may be granted; if affirmative to all subjects listed, then the permit shall be denied. The Board may impose such restrictions, terms, separation distances, time limitations, landscaping, and other appropriate safeguards to protect adjoining property as may be necessary.

If the proposed special use permit application will cause additional environmental problems to the City, then staff shall have the right to obtain a written opinion from the Board of Health. Should this opinion indicate that there is potential for environmental problems beyond reasonable limits, then the special use permit application shall be denied.

17.30.305 Special Use Permits Required: All special use permits that are allowed in each district are indicated in each of the district regulations under approval required. The following requirements are considered supplemental to the district requirements and must be adhered to prior to approval of the application by the Zoning Board of Adjustment. All distances of separation listed below shall not involve caretaker's quarters or applicants residing on the property. All special use permits are subject to any additional conditions that the Zoning Board of Adjustment feels necessary in order to protect surrounding areas.

1. Medical Centers: Any use listed under Medical Centers shall not occupy more than 10 percent of the total lot area when placed in the R-1, R-2, or R-3 Districts.
2. Cell towers, radio or television broadcasting towers, antennas, or similar use shall conform to Chapter 17.70 in addition to requirements set forth by the special use permit.

3. Tea/coffee room establishments shall meet the following minimum standards:
    a. May be allowed in combination with a bed and breakfast establishment with approval of the Board.
    b. Hours shall be limited from 8:00 a.m. to 7:00 p.m., seven days a week.
    c. There shall be no alcoholic beverages served on premise, and meals will be limited to baked goods, soups, salads, sandwiches and casseroles.
    d. The maximum number of customers on premise is limited to twelve (12).
    e. Tea/coffee room special use permits are non-transferable to subsequent owners or to other properties.
    f. These establishments are subject to all applicable codes of the City and State and are required to show compliance with the Development Department prior to opening for business.

17.30.306 Performance: Requests for special use permits and renewals of such, if approved, shall be granted in five (5) year increments with a ten (10) year maximum approval, unless otherwise stated within this Code.

The Development Department can at any time throughout the life of a permit request that any special use permit be reviewed by the Zoning Board of Adjustment, due to a number of complaints and/or violations of these regulations. The Zoning Board may at that time vote to approve, place additional conditions upon, or revoke the special use permit.

17.30.40 HOME OCCUPATIONS

17.30.401 Purpose: This section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations without eliminating certain businesses and occupations that may be compatible with residential areas. These regulations establish criteria to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementation of personal/family income. Home occupations apply only to the residents that are living in the home where the occupation is taking place.

17.30.402 Permitted Home Occupations: The following operations and/or uses are considered permitted in any district that allows household living, provided that they are registered with the Development Department:

1. Home sewing or tailoring.
2. Studios for painting, sculpting, ceramics or other similar arts.
3. Writing or editing.
4. Office activities (scheduling, telephone answering, etc.) requiring a limited number of trips to the home.
5. Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for the purpose of selling a product off-premises.
6. Tutoring to no more than four (4) students at any one time.
7. Home-cooking, preserving and baking for the purpose of selling a product off-premises.
8. Computer programming, repair, internet services and similar activities.
9. Mail order business where products are shipped directly from an off-site supplier to the customer.
10. Offices for architects, engineers, realtors, accountants, or similar occupations.
11. In-home childcare (daycare), provided the following requirements are met:

    a. All childcare homes shall be registered with the Iowa Department of Human Services (DHS) and shall be in current, good standing.

    b. Shall provide care for no more than 5 children age 2½ years or less.

    c. Shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.

    d. No in-home childcare shall be allowed that does not meet items a, b and c above.

12. Other uses and/or activities that are similar to the uses stated above as determined by the Development Department.

17.30.403 Special Home Occupations: The following operations and/or uses are considered to have some impact on surrounding residential areas and therefore must obtain Zoning Board of Adjustment approval (Special Use Permit) before operation begins:

1. Barber shops, beauty parlors and dog grooming.
2. Small repair shops, including small appliances, mower repair, blade sharpening and similar uses.
3. Catering businesses.
4. Private construction contractors, provided there shall be no storage of machinery, construction equipment, and similar products except in an enclosed private garage.
5. Bed and breakfast establishments.

6. State licensed massage therapists having no age requirement for admittance.
7. Repair or auto detailing of motor vehicles done at the residence, provided all vehicles shall be parked off-street, on a surface as required by Section 17.30.50 Parking Regulations and all work shall take place in an enclosed garage.
8. Other uses and/or activities that are similar to the uses stated above as determined by the Development Department, however no use and/or activity listed as a prohibited home occupation shall be considered.

17.30.404 Prohibited Home Occupations: The following operations and/or uses are not considered compatible in a residential dwelling setting and shall not be allowed as a home occupation:

1. Taxi cab/limousine service.
2. Animal hospitals.
3. Dancing or exercise studios.
4. Private clubs.
5. Restaurants, excluding tea and coffee rooms.
6. Stables and kennels.
7. Retail in which items or goods are displayed from the home and/or customers or individuals go to the home to purchase such items or goods on a regular basis, whether this is seasonal or year-round.
8. Appliance recycling, automobile scrapping or salvage operations in which items are stored outside at a residence or in a residential district.
9. Other uses and/or activities that are similar to the uses stated above as determined by the Development Department.

17.30.405 Permit Review:

1. Permitted home occupations: Site plan submittal of the business and residence for staff approval.
2. Special home occupations: A Special Use Permit application with a site plan of the business and residence. The Zoning Board of Adjustment will make a determination based on the requirements of this regulation and all other regulations required for a special use permit.

17.30.406 Criteria for All Home Occupations: The following regulations shall be used for both permitted and special home occupations

1. The home occupation should not alter the normal residential characteristic of the premises, and in no way cause a nuisance to surrounding property.
2. When located in the principal structure, the home occupations shall not occupy more than 25 percent of the floor area of the home.
3. When located in an accessory structure, the home occupation shall not occupy more than six hundred (600) square feet.
4. Each home occupation is allowed one wall mounted sign or one ground sign not to exceed four feet in height. In order to maintain the residential quality these signs shall not be lighted and should be made of nonreflective material. The maximum size for a sign shall not exceed four (4) square feet in area and four (4) feet in height.

5. At no point through the life of the home occupation shall materials or machinery be stored outside the structure, and no repairs shall be made to equipment outside the principal or accessory structures. Automobiles that are owned and operated by the receiver of a home occupation may be parked outside, provided the vehicles and parking area meet all other requirements of this Chapter and City Code.
6. Employment for home occupations shall be limited to family members residing in the principal structure.
    a. One additional employee that is not a family member residing in the principal structure may be allowed for home occupations.
    b. Home occupations that involve an exterior activity, where work done in conjunction with the home occupation does not take place within the confines of the structures on the premises or otherwise at the specified property, may employ an unlimited number of individuals. Such employees shall not gather, work, park, or otherwise associate at the actual residential home and/or property where the permit is issued.
7. Home occupations are limited to one operation per lot, and rental property must have landlord approval prior to operation.
8. Special Use Permits that are granted for all home occupations shall only be valid for the owner (operator) and property stated on the resolution and are non-transferable to subsequent property owners (operators) and/or to other properties.
9. Sale of goods which are incidental to an approved Permitted or Special Home Occupation is permitted.

17.30.407 Existing Home Occupations:

1. Existing home occupations as stated in Section 17.30.402 and 17.30.403 shall be required to register and/or obtain a special use permit within one year from adoption of this Zoning Code (2008) from the City.
2. For the purpose of this section, existing home occupations are defined as home occupations in existence and conforming to all applicable regulations prior to the adoption of this zoning ordinance.

17.30.408 Garage Sales: Garage sales are allowed in residential areas provided that they meet the following requirements (such uses are not required to register as a home occupation):

1. No more than six (6) garage sales per calendar year for each property.
2. Each individual garage sale shall not exceed four (4) consecutive days.

17.30.409 Violations: Any violation of this section shall be grounds for a cease and desist order and possible fines as determined by the Development Department.

17.30.50 PARKING REGULATIONS

17.30.501 Purpose: The regulations set forth in this chapter provide for adequate and safe parking areas, establish minimum design criteria and hold a collective regard for the health, safety and general welfare of the public.

17.30.502 General Regulations: When a use is not specifically stated herein, it shall meet the requirements of a similar use listed as determined by the Development Department. Applicable parking lots shall meet the requirements of Chapter 17.35 Landscape Regulations. A site plan shall be required detailing the layout and dimensions of any parking lot containing more than 5 spaces.

17.30.503 Off-Street Parking Requirements: In all districts, except the C-3 central business district, there shall be provisions determined at the time any building or structure is erected or structurally altered (except as otherwise provided in this chapter) or at the time a change in use for a property occurs for minimum off-street parking spaces, based on land or building use, in accordance with the following table:

USE CATEGORIES	**PARKING SPACES REQUIRED**
RESIDENTIAL USES	
Household living	
Single family dwellings	2 parking spaces
Two-family dwellings	4 parking spaces
Multi-family dwellings	2 spaces per dwelling unit
Efficiency Units	1.5 spaces per efficiency unit
Home Occupations/Business	Unless specifically stated, a maximum of 3 additional parking spaces beyond what is required for the residence
Mobile home parks	2 parking spaces per unit
Group Living	1 space for every 6 beds, or 1 space for every 2 rooms, which ever is greater
Short-term lodging	
Hotel, Motel	1 space for every room
Bed and breakfast	1 space per guest room plus 2 spaces per dwelling unit
COMMERCIAL USES	
Office Commercial	3 parking spaces plus 1 additional space for every 400 square feet over 1,000 square feet
Automotive and marine craft	1 parking space for every 2 employees plus 1 space for every 200 square feet of show area
Assembly, entertainment and restaurant	1 parking space for every 150 square feet of floor area
Retail, personal, business, repair, sales and service	1 parking space for every 250 square feet of floor area
General Commercial	1 parking space for every 250 square feet of floor area
Wholesale Trade	1 parking space for every 2 employees at maximum capacity per shift
LIGHT INDUSTRIAL USES	1 parking space for every 2 employees at maximum capacity per shift
HEAVY INDUSTRIAL USES	1 parking space for every 2 employees at maximum capacity per shift

INSTITUTIONAL USES	
Community facilities	10 parking spaces plus 1 space for every 300 square feet over 2,000 square feet
Religious institutions	1 for every 4 seats in main auditorium
Social service providers	3 parking spaces plus 1 additional parking space for every 400 square feet over 1000 square feet. If located within residential district, shall have 5 spaces plus 1 additional space for every 400 square feet over 1000 square feet.
Schools	1 space for every 8 seats in the main auditorium or 1 space for every 3 classrooms, whichever number is greater
Medical centers	1 space for every 4 beds
Child day care facilities	1 space for every 2 employees at maximum capacity per shift, plus one for every 5th child
TRANSPORTATION, COMMUNICATIONS & ESSENTIAL SERVICES USES	
Parks and open areas	
Swimming Pools Marinas	Determined by Development Department or ZBA during site plan or SUP review, at no time shall the number of required spaces be less than ½ of the maximum capacity
MISCELLANEOUS USE CATEGORIES	
Adult entertainment facilities	Maximum capacity allowed by City regulations divided by 4 equals the number of required spaces
Commercial outdoor recreation	Maximum capacity allowed by City regulations divided by 4 equals the number of required spaces
Major event entertainment	Maximum capacity allowed by City regulations divided by 4 equals the number of required spaces
Vehicle service facilities	1 parking space for every 2 employees plus 1 additional space for every garage or bay area

17.30.504 Computation: In computing the number of such parking spaces required, the following rules shall govern:

1. "Floor area" means the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
3. Whenever a building or use existing prior to the effective date of this Zoning Code is enlarged to the extent of fifty percent or more in floor area or in the area used, the building or use shall then and thereafter comply with the parking requirements set forth in this chapter.
4. Whenever a land or building use, existing prior to the effective date of this Zoning Code, is changed to a different land or building use, the building or use shall then and thereafter comply with the parking requirements set forth in this chapter.
5. In the case of mixed or joint uses the total number of parking spaces required for each individual use may be reduced by the Development Department up to twenty-five percent (25%) based on the type of uses. Such reduction in parking shall increase the amount of landscaping required by 25 square feet for each one percent (1%) reduction in number of parking spaces required.
6. Maximum capacity shall be determined by the total occupancy per the adopted building code.

17.30.505 Location: All parking spaces required in this chapter shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly

by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred feet from an institutional or other nonresidential building served.

1. Up to fifty percent of the parking spaces required for theaters, public auditoriums, bowling alleys, dancehalls, nightclubs or cafes, and up to one hundred percent of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified below.

2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved and filed with City staff.
3. Off-street parking space may be located within the required front yard of any C or M district, but shall not be permitted in any R district except upon a driveway providing access to a garage, carport or parking area for a dwelling or if the drive meets the requirements of section 17.30.508.
4. Driveways, for the purpose of these regulations, shall be considered as service drives and shall follow all surfacing requirements from the public right-of-way line to the garage or parking area, in addition to those requirements set forth in Chapter 141.
5. Parking spaces shall be designed such that vehicles do not encroach onto adjacent property or over public sidewalks.

17.30.506 Off-Street Loading Requirements: The following requirements for off-street parking shall be provided at the time any building is erected or structurally altered, unless otherwise stated in this chapter.

USE CATEGORIES	SQUARE FEET OF GROSS FLOOR AREA	LOADING SPACES REQUIRED
Short Term Lodging and Limited Commercial Uses		
C-1 and/or C-2 District	5,000 to 50,000 50,000 to 200,000 Each 75,000 in excess of 200,000	1 space 2 spaces 1 additional space
C-3, M-1 and/or M-2 District	20,000 to 50,000 50,000 to 200,000 Each 75,000 in excess of 200,000	1 space 2 spaces 1 additional space
General Commercial, Institutional, and/or Miscellaneous Uses		
C-1 and/or C-2 District	2,000 to 20,000 20,000 to 100,000 Each 75,000 in excess of 100,000	1 space 2 spaces 1 additional space
C-3, M-1 and/or M-2 District	4,000 to 20,000 20,000 to 100,000 Each 75,000 in excess of 100,000	1 space 2 spaces 1 additional space
Light Industrial and Heavy Industrial Uses		
C-3, M-1 and/or M-2 District	5,000 to 25,000 Each 75,000 in excess of 25,000	1 space 1 additional space

No building or part thereof in the commercial or industrial districts which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with this chapter.

17.30.507 Off-Street Stacking Requirements: The following requirements for off-street stacking shall be provided at the time any building is erected, structurally altered, or the use changes,

unless otherwise stated in this chapter. Stacking spaces are required to prevent vehicles from extending into the public right-of-way or interfering with pedestrian circulation.

1. Stacking spaces are required to be located entirely on the property for which they serve and shall not count as a required parking space.
2. A stacking space shall be an area measuring eight (8) feet by eighteen (18) feet with direct forward access to a service window of a drive-through facility, service stall, pump, bay, or menu/order board.

USE CLASSIFICATION	STACKING SPACES REQUIRED
Gas Station	1 space per pump
Car Wash	2 spaces per wash bay
Service Station	1 space per stall
Drive-up ATM/Financial Institution	2 spaces per lane or teller
Restaurant	5 spaces per service window
Retail Sales/Service	2 spaces per service window
Other Uses	As determined by Development Department

17.30.508 Parking and Roadway Surface and Width Requirements: The following requirements for roadway, surfacing, parking areas, and travel way widths shall be provided at the time any building is erected or structurally altered, the property use is changed, or an existing unpaved area is to be used for the parking of vehicles or equipment, unless otherwise stated in this chapter.

1. Service drives and parking lot travel ways shall be paved with a dust-free, all weather driving surface material that is hard and reasonably smooth, such as concrete, asphalt or brick. Single family uses may be allowed a gravel drive off of an unpaved alley directly from the alley to a detached garage, not to exceed the width of the garage and not to exceed 10-feet in length from the alley. Such garage shall be located entirely to the rear of the house. Any additional parking area shall be required to be paved, including to any attached garage.
2. Parking areas in all districts shall be maintained in a sound capacity during periods of use, covered with a dust-free surface that is hard and reasonably smooth, such as concrete, asphalt or bricks, and clearly designated for parking use.
3. Parking areas associated with public parks, schools, or major event entertainment purposes shall be allowed to remain natural grass and unpaved (gravel not allowed), provided such parking is seasonal or limited in timeframe. Parking on such surface shall not be daily or regular in use. Drives or primary travel ways may be required to be paved if the travel levels necessitate such paving.
4. The entire portion of parked vehicles, including any associated equipment required to be licensed or tagged by the State of Iowa or Des Moines County, shall be located upon a required parking area. No vehicles shall be parked within any yard that is covered by grass, soil, or other natural vegetative materials, unless otherwise specified or allowed by code. Properties utilized for industrial uses and located in industrial districts shall be allowed the storage of trailers and/or production equipment (as allowed by code) on unpaved (gravel) surface, provided the primary travel drives are paved and the area is located a minimum of 25-feet off of the property lines. The portion adjacent to the public right-of-way and adjacent to separate properties shall be landscaped a minimum of 5-feet in width along the length of the unpaved surface. Such unpaved surface shall be kept in smooth condition; free of dust, potholes and weeds. All other requirements of this code shall be met, including any requirements for indoor storage of material and screening.
5. A paving plan will be required for any property not meeting these specifications during any development application process.
6. Parking areas and driveways shall be maintained appropriately, such that the paved surface shall remain in good repair. Parking areas and driveways shall be patched or resurfaced to eliminate potholes or breakup in the material and parking lot striping shall remain solid in color and shall be repainted as needed.

7. Parking lots shall meet the minimum standards for travelways and parking areas, as follows:

PARKING AREA		TRAVELWAY WIDTH	
Angle	Depth (feet)	One-Way	Two-Way
Parallel	8	10	20
30 Degrees	16	10	20
45 Degrees	19	11	22
60 Degrees	20	17	22
90 Degrees	18	25	25

   a. For angles other than those listed, travelway width and parking area depth requirements are calculated by interpolating between requirements for the nearest given angles.
   b. Parking depth is measured from the travelway to the parking bay edge and may be reduced by the amount of parking bay overlap resulting from a herringbone pattern.
8. Parking Spaces
   a. Minimum size requirements shall be as follows:

      Public Parking or garage parking 8 ½ feet by 18 feet
      Public Parallel Parking 8 feet by 22 feet
      Public Angle parking 8 ½ feet by 18 feet

   b. Parking space size requirements may be adjusted by the Development Department for special parking needs such as buses, trucks, boat trailers, RV's, bicycles, motorcycles or similar uses.
9. Service drives shall be a minimum of ten feet wide per travel lane with an additional width required if the drive functions as a travelway for adjacent parking.

17.30.509 Front Yard Parking: Parking may be allowed within a residential front yard if the proposed parking drive, existing lot and home meet specific criteria. Any front yard parking exception must meet the following requirements in order to be considered for approval by the Development Department.

1. Parking in the front yard shall not be allowed unless the existing home orientation does not allow for off-street parking as required by this regulation. The homeowner or resident should not create the need for this front yard parking exception by the orientation or construction of a home or addition.
2. A front yard drive shall provide a minimum of two (2) off-street parking spaces.
3. The parking area shall be located between two (2) feet and four (4) feet from one side property line.
4. The parking drive shall be a maximum of eighteen (18) feet wide.
5. No parking shall occur past or over the middle line of the lot (measured between side property lines).
6. No parking shall be allowed upon any public right-of-way, including existing sidewalks.
7. No front yard parking shall be allowed if a home has direct access to an alley right-of-way that provides space for off-street parking or if a home is located upon an alley right-of-way that was previously vacated by petition of the current owner or any previous owners.
8. No front yard parking shall be allowed in the established local, state, or federal historic preservation districts.
9. Any front yard parking drive and surface must meet all other applicable requirements of the parking regulations.

17.30.510 Residential Parking Lots: Parking lots on land located within or directly adjacent to a residential zoning district shall follow the following standards:

1. Incidental signs not to exceed two (2) square feet in area or five (5) feet in height shall be allowed on the parking lot.
2. A minimum five (5) foot separation shall be required where parking lots adjoin other residential uses; this shall include any service drives and/or driveways.

3. The parking area shall be suitably screened. Screening shall include landscaping, a berm, and/or fencing to minimize the appearance of the parking lot from adjacent residential properties.
4. The parking area located within residential zoning districts shall be used for parking patrons' private vehicles only and no charge shall be established for parking on such premises.
5. The parking area shall be paved, drained, properly lighted, and maintained free of debris.

17.30.60 AIRPORT APPROACH REGULATIONS

17.30.601 Purpose: The regulations set forth in this chapter are considered supplements to the A-1 Airport District. All parking, height and area, definitions, and allowable uses are set forth in this chapter and shall be adhered to prior to permit approval.

17.30.602 Adoption of Plan: The "Burlington Municipal Airport Approach Plan," numbered B-1 and dated May 1, 1946, on file in the office of the Engineer, is made part of this Zoning Code.

17.30.603 Definitions: For the purpose of this chapter, unless otherwise expressly stated, the following terms shall have the meanings indicated in this section:

1. Airport: - The Burlington Municipal Airport.
2. Airport Hazard - Any structure, landscaping or use that obstructs air space required for theflight of aircraft and can be considered hazardous in the approach areas.
3. Airport Hazard Area - Any area of land or water restricting establishment of Airport hazards.
4. Approach Area - Any area on the ground extending the length of the runways and the two-mile area measured from the centerline of the runways in all directions.
5. Horizontal Surface Plane - The invisible surface plane located one hundred fifty (150) feet above the approach area.
6. Landing Area - The area of the airport used for take off, landing or taxiing of the aircraft.
7. Landscaping: - Any object of natural or artificial growth including, but not limited to trees, shrubs or similar object.
8. Nonconforming Use - Any structure, landscaping or use that does not conform to the regulations prescribed in this chapter.
9. Obstruction - Any tangible, inanimate object, that is natural or artificial, protruding above the surface of the ground.
10. Person - Any individual, corporation, stakeholder or similar representative.
11. Structure - Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards.

17.30.604 Zones Established: All of the land within the boundaries of the airport and the two-mile approach area are divided into zones designating approach and turning areas. The boundaries of the zones are established and shown on the airport approach plan referred to in Section 17.20.01.

17.30.605 Height and Area Requirements: The following regulations shall prescribe all of the building requirements set forth in the Airport District. Except as otherwise provided in this chapter, no structure or landscaping shall be erected, altered, allowed to grow or maintained in any airport approach zone or airport turning zone to a height in excess of the height limit established in this section for such zone.

1. Approach Zone for an Instrument Runway: From each end of the northwest and the southeast runway, and from each end of the north and the south runway, the height limits of obstructions shall not exceed a one-foot raise above the runway and elevation for each forty-foot distance from the runway and until the angle forty to one intercepts a horizontal plane one hundred fifty feet above the airport, a distance approximately six thousand feet from the runway end. The lateral dimensions of the approach zone perpendicular to the extended centerline of the runway shall be one thousand feet at the runway end and four thousand feet at the approach end. (see Instrument Runway Graph)
2. Approach Zone for a Noninstrument Runway: From each end of the northeast and the southwest runway, the height limit of obstructions shall not exceed a one-foot raise above the runway and elevation for each thirty-foot distance from the runway end until the angle thirty to one intercepts a horizontal plane one hundred fifty feet above the airport, a distance of approximately four thousand five hundred feet from the runway end. The lateral dimensions of the approach zone perpendicular to the extended centerline of the runway shall be runway width at the runway end, runway width plus two thousand feet at the approach end, except that in no case shall the width at the runway end be less than five hundred feet and the width at the approach end be less than two thousand five hundred feet. (see Noninstrument Runway Graph)

3. Airport Turning Zone: The approach zones and the usable landing area shall be jointed to the horizontal surface by turning zones sloping upward and outward from the approach zones and from the boundaries of the usable landing area in common with the approach area and the slope of these transitional surfaces shall be in the ratio of seven feet of the surface to one foot in elevation until the angle seven to one intercepts a horizontal plane one hundred fifty feet above the airport. (see Airport Turning Zone Graph)
4. The maximum height, notwithstanding the above, is one (1) story or twenty-five (25) feet.
5. The minimum depth for the front yard is twenty-five (25) feet.
6. There is no minimum side yard requirement, except for a lot that abuts a residential district. The side yard in this instance shall be no less than twenty-five (25) feet.
7. The minimum depth for the rear yard requirement is twenty-five (25) feet.

17.30.606 Certain Uses Prohibited: Notwithstanding any other provisions of this chapter, no use may be made of land within any airport approach zone or airport turning zone in such a manner which may impair visibility in the vicinity of the airport, create electrical interference with radio communication, make it difficult to distinguish between airport lights, or result in glare for the eyes of flyers endangering the landing, taking off or maneuvering of aircraft.

17.30.607 Nonconforming Uses and Structures: The regulations prescribed in Sections 17.30.605 and 17.30.606 shall not be construed to require the removal or alteration of any structure or landscaping not conforming to the regulations as of the effective date of this chapter, or otherwise to interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, in which the construction or alteration has begun prior to the effective date of this chapter.

17.30.609 Permits:

1. Future Uses: No use shall be made of land other than that use being made on the effective date of this chapter, and no structure shall be erected or otherwise established, and no tree shall be planted in any airport approach zone or airport turning zone unless a permit has been applied for and granted. Each such application shall indicate the purpose for which the permit is desired and shall show sufficient information to allow the determination of whether the resulting use, structure, or landscaping would conform to the regulations herein.
2. Existing Uses: Before any existing use of land is altered or replaced so as to result in a greater height of such structure in any airport approach zone or airport turning zone, a permit must be secured, authorizing such change. No such permit shall be granted that would allow the establishment or creation of an airport hazard by virtue of such change, replacement, replanting, alteration, repair or reconstruction or permit a nonconforming use or structure to be made greater hazard to air navigation, than provided in this code.

17.30.610 Parking and Loading: The following regulations are the minimum requirements for parking and loading spaces located within the Airport Zoning District.

1. Off-street parking requirements: for airport terminals shall be one parking space for each one hundred (100) square feet of floor area.
2. Off-street loading requirements: shall be as follows,
   a. One loading space for the first 25,000 square feet of gross floor area.
   b. One additional loading space for every 75,00 sq ft of gross floor area over the initial 25,000.
   c. Long term parking - one space for every three boardings allowed on a daily basis.

17.30.612 Administrator: The Airport Manager is charged with the duty of administering and enforcing the regulations prescribed in this chapter, and all amendments hereto. The Airport Manager shall likewise administer and enforce such regulations as may be laid down by the Airport Zoning Commission. The duties of the Airport Manager, as such Administrator, shall include that of hearing and deciding all applications for permits under Section 17.30.609, but shall not have or exercise any of the powers delegated to the Board of Adjustment.

17.30.613 Applicable Regulations: Where this chapter imposes a greater or more stringent restriction upon the use of land than is imposed by any other provision of this code, other ordinance or applicable regulation, the provisions of this chapter shall govern.

Chapter 17.34 Architectural Design Guidelines

17.34.100 Purpose
17.34.101 Objectives
17.34.102 Goals
17.34.103 Definitions
17.34.104 Review
17.34.105 Standards
17.34.106 Regulations
17.34.107 Design Components
17.34.108 Variance

17.34.100 Purpose:

The purpose of these Architectural Design Guidelines is to guide future development and redevelopment within the City of Burlington so that it creates more vital commercial cores and corridors, protects residential neighborhoods and neighborhood commercial centers, promotes the use of quality building materials, enhances the streetscape on all public streets, and continues to improve the image and pride in this community.

17.34.101 Objectives:

1. The architectural design guidelines are intended to address the built environment within the City of Burlington and to recognize aesthetic design as an integral part of the planning process.
2. The guidelines are intended to ensure that the appearance of new development, infill development, and redevelopment is representative of the City of Burlington.
3. The guidelines will enable development to occur in a manner that is not only beneficial and worthwhile for the developers and property owners, but the development will also will have a positive impact on the surrounding properties, neighborhoods, citizens, and the entire community.

17.34.102 Goals:

1. To create attractive, functional, and lasting buildings and places.
2. To promote a positive image throughout the community through new development and redevelopment.
3. To encourage the use of quality materials in development.
4. To preserve the character and atmosphere of the neighborhoods.
5. To enhance and protect the commercial corridors and primary entrances into the City of Burlington.

17.34.103 Definitions:

1. Architectural Element - A part, portion, or projection that contributes to the appearance and character of a building or structure that is not necessarily required for the structural integrity of the structure; ornamental or decorative in nature.
2. Architectural Design - The scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and overall design of a building or development. Appropriate architectural design shall lessen the plainness of appearance from the streetscape.
3. Architectural Material - Those materials that are utilized on the exterior of a structure, which are visible from the outside of such structure.
4. Blank Wall - Any building side, visible from a public street that contains no or very limited variation in appearance.
5. Home Orientation - The direction in which the front of a home faces. The front of a home is considered the side where there is a visible, primary entrance facing a public street.
6. Primary Material - Any exterior architectural material that constitutes the greatest percentage of the material on one side of a building. All other materials are considered secondary materials.

7. Public Street - For the purpose of these guidelines, shall only include dedicated public streets that are owned and/or maintained by the City of Burlington or the State of Iowa; this shall not include alley or private drives.
8. Public View - The line of sight from a public street looking towards a property. A building is considered within public view if it is facing a public street.
9. Quality Materials - Those materials that are durable and display high quality appearance.
10. Roosevelt Corridor - That area which is directly adjacent to or within 200-feet of Roosevelt Avenue right-of-way (within the City limits).
11. Streetscape - The scene from a public street or way composed of natural and man-made elements, including buildings, paving, plantings, signs, and miscellaneous structures and items.

17.34.104 Review:

1. Architectural plans for buildings shall be submitted for review and approval to the City Development Department along with the site plan.
2. Documentation to be submitted shall include building elevations showing the building's design or a description of exterior materials to be used on all sides.
   a. Drawings shall be required for all commercial and industrial construction.
   b. Residential construction shall require a description of the construction.

17.34.105 Standards:

1. All guidelines and regulations relate and apply only to the exterior of structures that are greater than 150 square feet in size.
2. The regulations of this chapter are based upon the Zoning District in which a property is located (Residential, Commercial, or Industrial).
   a. Properties located in an M-1, Light Industrial District shall follow the requirements of the use for which a building is constructed.
   b. Commercial properties (uses) located within the Flint Ridge Business Park shall follow the requirements of Commercial regulations.
   c. Planned Unit Development (PUD) areas (parcels) shall follow the use as specified in the approved Ordinance.
3. New construction includes any reconstruction, addition, or other exterior construction that requires a building permit.
4. These guidelines are not intended to address interior building materials or those portions of structures that are not visible from a public street.
5. These requirements shall apply to all sides of buildings that are visible and/or open to view from a public street. Certain sides or portion of sides of the structure may be relieved from this requirement by the City upon a showing of no public view, appropriateness of such material for the intended use, incompatibility with surrounding area, or other similarly compelling reasons.
6. These requirements shall apply to new siding on a building. Replacement siding shall conform to the requirements of this chapter. Normal repair and maintenance is allowed.
7. In no case may these guidelines be used or attempt to replace or override any other requirements of the Zoning and Subdivision Regulations or the adopted Building Codes.

17.34.106 Regulations

1. Residential

~~a.~~ All new residential construction, including detached structures and building additions, shall include and utilize applicable Design Components and shall not utilize Non-acceptable Architectural Materials as listed under Section 17.34.107.

b. Street views shall be preserved with building orientation or layout facing towards (parallel to) the adjacent public street.
c. Attached garages shall be constructed as the secondary feature, as viewed from the adjacent public street.
   i. Such garage shall not constitute more than sixty percent (60%) of the building frontage for a home in relation to the street in which it is facing.
   ii. A garage on corner lots shall be allowed to constitute more than sixty percent (60%) of the building frontage for a home on the less predominant side of the home.
d. Multi-family dwellings in excess of six dwelling units and institutional uses in excess of 5,000 square feet shall utilize variation in building materials and/or color if the primary exterior material is not a brick or stone material.
e. No structure utilized as a dwelling unit shall be less than 24-feet in width, measured along the front of the home facing a public street.
f. Light sources shall be concealed or shielded to the maximum extent necessary in order to reduce and minimize the effects of light glare, light pollution, and light trespass onto adjacent properties and the sky; and shall be directed away from the vision of passing motorists.

2. Commercial

a. All new commercial construction and any new addition shall include and utilize applicable Architectural Elements and shall not utilize Non-acceptable Architectural Materials as described under Section 17.34.107 Design Components.
b. All building sides shall include a minimum of four (4) architectural (design) elements unless no public view is shown.
c. Mixed-use properties shall follow the requirements of the lower (street) level for the entire structure. Upper-story areas, shall utilize architectural elements and design of similar fashion to the main floor of a structure and shall not include blank wall treatments or window removal.
d. Street views shall be preserved with building orientation or layout facing towards (parallel to) the adjacent public street.
e. All negative aspects of commercial buildings (loading docks, loading areas, outside storage areas, garbage dumpsters, HVAC units, rooftop equipment, etc) shall be adequately treated to eliminate such appearance or screened from view if directly visible from a public street, whether located at grade or on the roof.
   i. Quality fence material that is no less than 75% solid or opaque or materials that match the primary building material for the building shall be utilized to screen such items from view.
   ii. Such aspects shall be located towards the rear of the property and shall not extend beyond the front of a building.
f. Light sources shall be concealed or shielded to the maximum extent necessary in order to reduce and minimize the effects of light glare, light pollution, and light trespass onto adjacent properties and the sky; and shall be directed away from the vision of passing motorists.

3. Industrial

a. Though it is not the purpose of this section to dictate, specify, or restrict the use of building materials for industrial properties or buildings, the City encourages the use of appropriate quality exterior materials, which would enhance the appearance of a building and property.
b. Industrial properties that are located within the Flint Ridge Business Park or the Roosevelt Corridor shall be required to utilize architectural elements, and landscaping for any entryway visible from an adjacent public right-of-way and shall not utilize Non-acceptable Architectural Materials. Such requirement shall cover at least three hundred (300) square feet surrounding the designated entryway for industrial properties that are located within the Flint Ridge Business Park or the

Roosevelt Corridor. Industrial properties in all other areas shall be required to cover at least two hundred (200) square feet surrounding the designated entryway.

c. Street views shall be preserved with building orientation or layout facing towards (parallel to) the adjacent public street.

d. All negative aspects of industrial buildings (outside storage areas, garbage dumpsters, HVAC units, rooftop equipment, etc) shall be adequately treated to eliminate such appearance or screened from view if directly visible from a public street, whether located at grade or on the roof. Loading docks and loading areas shall be offset (setback) from the front building line and their view shall be minimized to reduce the view of such aspects.

   i. Quality fence material that is no less than 75% solid or opaque or materials that match the primary building material for the building shall be utilized to screen such items from view.

   ii. Such aspects shall be located towards the rear of the property and shall not extend beyond the front of a building.

e. Light sources shall be concealed or shielded to the maximum extent necessary in order to reduce and minimize the effects of light glare, light pollution, and light trespass onto adjacent properties and the sky; and shall be directed away from the vision of passing motorists.

3. Agriculture

a. Exemption for Agricultural Purposes

17.34.107 Design Components: Elements or materials that are not listed below shall be classified by the Development Department as similar to an element or material that is listed below and regulated as such.

1. Architectural Elements (*each element may only count once per building side*)

   a. Display Windows
   b. Peaked Roof Forms
   c. Arches/Recessed Archways
   d. Overhangs
   e. Recesses/Projections
   f. Integrated Tile/Molding
   g. Awnings/Canopies
   h. Window and Door Framing/Shutters/Sills
   i. Change in Material/Massing/Texture
   j. Change in Color
   k. Landscaping (covering a minimum of 25% of a side)

1. Non-acceptable Architectural Materials

   a. May be used as trim or secondary material, but not primary material
      i. Masonite
      ii. Visible Asphaltic Exterior Wall
      iii. Vertical Aluminum/Steel Siding or Panels
      iv. Non-Architectural Sheet Metal
      v. Non-Textured Concrete Block
      vi. Non-finished/non-painted plywood or particle board siding

   b. Materials that utilize textures, color variation, or other variation as applicable may be allowed as a primary material.

17.34.108 Variance: Requests for variances from the requirements or appeals of this section are to be filed with the Zoning Board of Adjustment for the City of Burlington, Iowa.

Chapter 17.35 Landscape Regulations

17.35.100	**Purpose**	**17.35.103**	**Landscape Plans**
17.35.101	**Definitions**	**17.35.104**	**Landscape Requirements**
17.35.102	**Application**	**17.35.105**	**Additional Requirements**

17.35.100 Purpose: The following landscape regulations enable the protection and enhancement of the ecological and aesthetic environments of the City of Burlington. These regulations also further implement the goals contained in the City's Comprehensive Plan. Landscaping can also effectively enhance the attractiveness of the City of Burlington and improve the quality of life for its citizens and visitors.

Goals: The enforcement of this chapter will enable the following goals to be met:

1. Hold a collective regard for health, safety, and general welfare of the public.
2. Increase appeal, safety, and character of development within the City; improving the overall image of the City.
3. Enhance ecological and aesthetic environment of the City.
4. Reduce negative environmental impacts of development, including heat islands, erosion, runoff, noise, and other offensive conditions within the City limits.
5. Ensure the preservation of land values by improving the environmental quality of developed lots and properties.
6. Encourage preservation of trees and vegetation within the City limits.
7. Break up the negative visual effect of large, stark parking lots and developments.
8. Improve the visual appeal of developments and parking areas for customers and those who are passing by.
9. Establish minimum landscaping criteria for designated areas.

17.35.101 Definitions: For use with this regulation, the following terms are defined:

1. **Berm**: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
2. **Buffer**: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, designed to set apart or screen one use area from another.
3. **Evergreen Tree**: A plant species with foliage that persists and remains green year round (does not include arborvitae or similar screening trees).
4. **Ground Cover:** The area of land or ground that is completely covered with vegetation and/or landscape material. This area shall not include ground where vegetation is growing over the land, but is not planted upon such land (such as a tree growing over a parking lot). Grass shall only count as ground cover when planted in conjunction with other landscape material.
5. **Landscape Area**: An area that is permanently devoted to and maintained with landscaping materials. Such areas can include, but are not limited to traffic aisles, traffic islands, buffers, entrances, exits, etc.
6. **Landscape Material**: Living trees, shrubs, and ground cover (including tall grasses, decorative rocks, mulch or tree bark, and similar materials), fences and other similar natural and decorative materials.
7. **Landscape Plan**: Plan drawn to scale showing the location and amount of landscape material and vegetation on a property. Plan should provide details and/or examples of type of material and plantings that will occur.

8. **Landscaping**: The modification of the landscape for an aesthetic or functional purpose; including, but not limited to bringing the soil surface to a smooth finished grade, installing trees, shrubs, ground cover, and other vegetation and landscaping material to produce a pleasing visual effect on the area, and improving the overall physical environment.
9. **Ornamental Tree:** A tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree (does not include evergreen or shade trees).
10. **Parking Island (Directional Aisle):** A raised area located within or on the perimeter of a parking lot utilized to delineate, separate, or direct traffic and/or parking areas.
11. **Parking Lot**: An off-street, surfaced, open area used for the temporary storage of five (5) or more motor vehicles. Such lot is available to the public, whether residents, visitors or employees, for compensation or for free.
12. **Shade Tree**: A woody plant, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun in the summer and winter, respectively (does not include flowering, fruit, or other short-growth trees).
13. **Vegetation**: All trees, shrubs, grasses, flowers, vegetative ground cover, and other plants that are living.

17.35.102 Application: All development and construction shall comply with the provisions in this regulation as applicable. In the event of any conflict between two or more requirements in this chapter or in the Municipal Code relating to landscaping, buffering, or screening, the more strict provision shall apply.

Landscape plans shall be required in the following instances:

1. **C-1, C-2, M-1, M-2 and PUD Zoning Districts**
    a. Any new development or construction on a lot that is ten thousand (10,000) square feet in size or greater.
    b. Any alteration to an existing building or development as described in (a) above, which increases or decreases the floor area of a structure or building on a lot by twenty-five percent (25%) or more.
    c. Any redevelopment, renovation, or alteration of an existing building or development site as described in (a) above, which constitutes twenty-five percent (25%) or more of the assessed value of the redeveloped building.
    d. Any parking lot that is constructed to contain ten (10) or more total parking spaces.
2. **R-1, R-2, R-3, and R-4 Zoning Districts**
    a. Any new development or construction in a R-4 zoning district where more than one multi-family housing unit will be constructed on one lot and the lot is ten thousand (10,000) square feet in size or greater.
    b. Any alteration to an existing multi-family building or development site as described in (a) above, which increases or decreases the floor area of a structure or building by more than fifty percent (50%).
    c. Any parking lot that is constructed or altered to contain five (5) or more total parking spaces.

17.35.103 Landscape Plans: Landscape plans shall be submitted as described below:

~~1.~~ Landscape plans shall be submitted at the time of application for building permits with all other construction plans.

2. The location, amount, and type of all vegetation and landscaping material to be utilized shall be identified on the landscape plan.
3. The following shall be identified on the landscape plans:
    a. The total area (square feet) that is required to be landscaped, based on these regulations.
    b. The total amount of vegetation planted (in square feet of ground cover).
    c. The total amount of landscape material used (in square feet of ground cover).

17.35.104 Landscape Requirements: Landscape material, screening, and buffering shall be provided, as required by this chapter, according to the following provisions for development and construction. Existing trees and vegetation that meet the requirements of this chapter may be incorporated into the site design and shall reduce the required new landscaping by an equal amount if approved by the City Forester and the Development Department.

1. **Location of Landscaping:** All landscaping that is required shall be located in areas that are directly visible from the parking lot area by customers or patrons entering and exiting the building and/or by those traveling on the adjacent right-of-way. Such landscaping shall be located in a required front yard or side yard on a property as follows:
    a. Within a parking lot (landscaped island or aisle).
    b. Directly adjacent to a parking lot.
    c. Directly adjacent to or in front of the building.
    d. Along front and side property lines.
    e. A landscaped berm or buffer in a back yard or side yard shall only be applied toward the landscape requirement for developments that are directly adjacent to a separate or different land use:
        i. Such that adjacent C-1 and C-2 areas may not apply a landscaped berm or buffer toward the landscape requirement.
        ii. Such that adjacent C and R or M zoning districts may apply a landscape berm or buffer toward the landscape requirement.

2. **Lot Coverage Requirements**
    a. Landscaping shall be provided at a rate of one hundred (100) square feet of landscape material for each ten thousand (10,000) square feet of lot area for the first 50,000 square feet of lot area and forty (40) square feet of landscape material for each ten thousand (10,000) square feet of lot area thereafter.
    b. Non-living landscape material, such as decorative rocks, mulch, or tree bark shall not exceed twenty-five percent (25%) of the required landscape area.
    c. For each seventy-five (75) square feet of landscaping that is required by this regulation, one tree shall be required to be planted as follows:
        i. A shade tree must be at least six (6) feet in height when planted and/or have a trunk diameter of at least two (2) inches.
        ii. An evergreen tree or ornamental tree must be at least four (4) feet in height when planted and/or have a trunk diameter of at least one and one-half (1-½) inches.
        iii. Required trees must be provided at a minimum rate of one shade or evergreen tree for every two ornamental trees.

3. **Parking Lot Coverage Requirements**

   a. Properties shall be required to provide a minimum of one (1) square foot of landscaping for each parking space provided in addition to any other landscaping required by this regulation.
   b. All parking spaces shall be located within one hundred (100) feet of landscaped parking islands or directional aisles Such landscaped area shall be a minimum of fifty (50) square feet in size and include vegetation. This requirement does not apply to parking ramps.
   c. All landscaping required by this section shall be located within the parking lot or directly adjacent to the parking lot.

17.35.105 Additional Requirements: All landscape material and vegetation required by the provisions of this chapter shall adhere to the following provisions:

1. Only landscaped areas on private property shall count towards the landscape area required by this chapter. Landscaping in the dedicated City right-of-way shall not count towards the required area.
2. Landscape buffers shall be required for commercial (C-1, C-2) and industrial (M-1, M-2) properties that are located adjacent to residential (R-1, R-2, R-3, R-4) properties. Such buffer shall include a minimum of six-foot tall evergreen or ornamental evergreen trees placed ten-foot on center at the side and rear lot lines (not required to extend into front yard area along the side). Such requirement shall not count towards and is in addition to lot coverage and parking lot landscape requirements.
3. Landscaping that is required as part of the parking lot coverage requirement from section 17.35.104, shall be planted within or directly adjacent to the parking area (landscaping that is adjacent to the parking area must be within of five (5) lineal feet of the parking lot).
4. All landscape material and vegetation shall remain viable and in good condition at all times. Any material or vegetation that dies or becomes displaced shall be replaced with similar or like materials or vegetation.
5. All vegetation shall be suitable for Iowa climate and site characteristics as identified and approved by the City Forester and the Development Department.
6. All landscaping shall include a combination of vegetative and landscape material.
7. Grass shall not qualify as landscaping unless planted as part of a landscape area that includes shrubs, trees, flowers, and/or other landscape material.
8. No bare ground shall be left exposed. Grass and other appropriate groundcover or vegetation shall cover all non-paved and non-built areas.
9. Landscaping shall not reduce or impair automobile vision, site lines, or safety.

Landscaping that is arranged at traffic intersections, including parking lots entrances, shall not exceed a height of two and one-half (2 ½) feet above street grade, unless such landscaping is not visually obtrusive and is approved by the Development Department.

Chapter 17.40 Administration and Plan Review

17.40.101	**Administrator Appointed**	**17.40.105**	**Minor Site Plan**
17.40.102	**Building Permits**	**17.40.106**	**Major Site Plan**
17.40.103	**Site Plans**	**17.40.107**	**Site Development Standards**
17.40.104	**Relationship of Site Plan**		

17.40.101 Administrator Appointed: The Community Development Director or his/her designee shall administer and enforce the zoning regulations found in this chapter. At the discretion of the City, the Director may request and receive professional assistance for various applications. All of the information provided for the following requirements shall be provided by the applicant, and it shall be their responsibility to ensure that the information provided is accurate.

17.40.102 Building Permits: Prior to the construction, alteration, erection or placement of any structure within the City, a building permit application shall be issued by the Development Department. Prior to building construction (if required), lot pins based on an actual survey conducted by a registered Iowa land surveyor shall be set and if disturbed, shall be reset in the proper location.

17.40.103 Site Plans: In order to further promote the safe and efficient use of land and to further enhance the value of property a Site Plan Review Process for any construction is hereby required. This review is intended to supplement the review and administrative procedures which are carried out under other City policies or ordinances. The Site Plan Review Process is intended to help ensure that newly developed properties or redeveloped properties are compatible with adjacent development and that safety, traffic, over-crowding and environmental problems are minimized to the furthest extent possible.

17.40.104 Relationship of Site Plan: The procedures prescribed by these guidelines are not intended to be a substitute for, or to have any bearing upon, any procedures otherwise required under these Zoning Regulations. The report of the Development Department in such cases shall be submitted, as necessary, to the proper board or commission concurrently with the application.

17.40.105 Minor Site Plan Requirements: For any use requesting a minor site plan approval in the District regulations, the following minimum information may be required to the Development Department prior to approval.

Minor site plans shall be used for home occupations, fences, building permits or similar uses. The varying uses may or may not require all of the information that is requested below and may, at the request of City staff, require additional information:

1. Property dimensions.
2. Location and dimensions of all present and proposed buildings, structures, streets, driveways, pedestrian walkways (sidewalks) and parking lots.
3. Landscaping plans.
4. Signage plans.
5. Utility locations.
6. Location map.
7. Proposed land uses.
8. For home occupations: the general layout of all rooms proposed for the use.

17.40.106 Major Site Plan Requirements: For any use requesting a major site plan approval in the District regulations, the following minimum information may be required to the Development Department prior to approval.

Major site plans shall be used for special use permits, rezoning requests, PUD proposals, MPD proposals, subdivisions, commercial or industrial development or similar uses as required by the Development Department. The varying uses may or may not require all of the information that is requested by the list below, and may, at the request of City staff, require additional information:

1. The existing site conditions including contours at two to five foot intervals, water course, floodplains (one-hundred-year flood elevation), unique natural features, and forest cover;

2. Proposed lot lines and plot designs;

3. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures (including commercial, industrial, and public facilities);

4. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;

5. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, pedestrian walkways (sidewalks) and pathways, and major points of access to public rights-of-way (including major points of ingress and egress to the development);

6. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system, indicating proposed treatments of points of conflict;

7. The existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;

8. A general landscaping plan indicating the treatment of materials used for private and common open spaces;

9. Enough information on land areas adjacent to the proposed development to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;

10. The proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences, and walls;

11. Any additional information as required by the Staff necessary to evaluate the character and impact of the proposed development.

17.40.107 Site Development Standards: The site development standards, as required in this section, are the minimum requirements applicable to a wide variety of general development of property in this community; in addition to all other requirements of this Title. The following requirements are applied to all new development or redevelopment and as applicable, unless otherwise stated below.

1. Landscaping – Any landscaping that is required by this regulation shall be completed prior to issuance of a Certificate of Occupancy. When an application for a Certificate of Occupancy is received at a time when planting new vegetation would not be practical or such vegetation would not survive due to the winter season, an extension may be granted until the upcoming June 1. In such case of an extension, the applicant shall provide written proof of signed contract to provide landscaping or submit a performance bond or other acceptable form of credit to the City for the completion of the required landscaping.

2. Architectural Design – New construction or additions shall follow the requirements of Chapter 17.34 Architectural Design Guidelines, as applicable, for exterior building materials utilized in such construction.

3. Storage – Outdoor storage of materials shall not be allowed in residential (R) or Limited Commercial (C-1) zoning districts. Outdoor storage of materials in all other zoning districts shall be suitably screened as required in Chapter 17.34 Architectural Design Guidelines.

4. Sidewalks – Construction of any new principal residential, commercial, or industrial building with a building permit value of $50,000 or greater shall require the installation and/or repair of sidewalks along all public street frontages prior to issuance of a Certificate of Occupancy for the construction; unless otherwise waived or allowed by City Council per resolution or ordinance. Sidewalks shall be required adjacent to properties with new parking lots that construct ten or more spaces.

5. Bike Paths – Bike Paths (Recreation Trails) shall be required for new developments in accordance with the layout of the Proposed Trails System map of the Comprehensive Strategic Plan for Burlington. Minor modifications to the location of such trails may be approved by the Development Department.

6. Drainage / Runoff – The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and downstream property so that the proposed development will not substantially and materially increase the natural flow onto adjacent downstream property.

   No property shall be designed in such a manner in which runoff of water is directed directly onto a neighboring property. This shall include, but is not limited to, the design and layout of paving on such property, downspouts, natural drainage, or other items affecting runoff of water.

7. Landscape Preservation – So far as practical, the existing landscape shall be preserved in its natural state by minimizing tree and soil removal and topographic modifications. Landscaping shall also be required as stated in Chapter 17.35 Landscape Regulations.

8. Access / Driveways – Access to a property shall be designed in a manner to reduce traffic conflicts on public streets. Driveways on a property shall be aligned with the driveways of property on the opposite side of the street where practical. Access drives for commercial and/or industrial businesses shall be designed to reduce access to areas that are primarily residential in nature.

9. Demolition – Demolished sites shall be required to be seeded and maintained with grass or other approved landscape material until a time when a development proposal is submitted and approved for the property. This shall include plans for a new building, parking lot, or any other use of such property. No demolished site shall utilize gravel or be used for parking of vehicles or equipment unless such site is paved in accordance with Chapter 17.30.50 Parking Regulations.

Chapter 17.50 Board Of Adjustment

17.50.101	**Establishment and Membership**	**17.50.107**	**Limitations of Power**
17.50.102	**Meetings**	**17.50.108**	**Board Considerations**
17.50.103	**Appeal**	**17.50.109**	**Vote Required**
17.50.104	**Application Fees**	**17.50.110**	**Building Permits**
17.50.105	**Public Hearing**	**17.50.111**	**Relief**
17.50.106	**Powers**		

17.50.101 Establishment and Membership: A Zoning Board of Adjustment is hereby established and shall consist of five (5) members to be appointed by the City Council. Each appointment shall be for a period of five (5) years except for the first year in which one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, provided that no more than two members of the Board shall be members of the Commission.

17.50.102 Meetings: All meetings of the Zoning Board of Adjustment shall be held at the call of the Chair and at such times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

Findings of fact shall be included in the minutes of each case of requested variation including exceptions, variances, special use permits, conditional use permits and floodplain variances. Every rule or regulation, amendment or appeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the office of the Board and shall be public record.

The Board shall adopt its own rules of procedure not in conflict with this code or with State statutes in such case made and provided, and may select or appoint such officers as it deems necessary. The Board may require the appellant or applicant to provide such information as it reasonably deems necessary and may request technical assistance and/or elevation of a professional engineer or other expert person or agency, including the Iowa Natural Resource Council, when a conditional use permit of a floodplain variance is being considered.

17.50.103 Appeal: An appeal may be taken to the Zoning Board of Adjustment by any person, municipality, state or federal official, department, board or bureau affected by an alleged error of law by any decision of the administrative officer responsible for enforcing zoning regulations, request for a special use permit, exception, or variance.

Such appeals may only be taken upon the subjects and instances upon which the Board is authorized to act under the provisions of this chapter. Such appeal will be taken within such time as shall be prescribed by the Board by general rules, or by filing an application specifying the nature of the appeal with the Development Department. The Development Department shall transmit to the Board all papers, plans, and supporting documents constituting the record upon which the action appealed from or for was taken.

17.50.104 Application Fees: All fees will be set by the City Council and shall be received in full prior to any action or public hearings being set for the applicant.

17.50.105 Public Hearing – Notice: The Board shall make no decision on a specific case until after a public hearing that is open to public inspection and comment has been conducted by the Board. A notice of the time and place shall be published one time in a Burlington publication having general circulation within the City at least seven (7) and no more than twenty (20) days before the date of the hearing, unless otherwise provided by law. Such notice shall contain the

address or location of the property for which a ruling by the Board is sought, along with a brief description of the nature and extent of the appeal.

17.50.106 Powers: The Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the administrative officer in the enforcement of the zoning regulations. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of the zoning regulations, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from.

2. Grant the following exceptions:
   a. Interpret the provisions of this chapter and other zoning regulations in such a way as to carry out the intent and purpose of said regulations, including the zoning district map, where street layout actually on the ground varies from the street layout as shown on the zoning district map;
   b. Allow the reconstruction of a nonconforming building/structure which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than fifty percent (50%) of its market value, but only when the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly:
   c. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of a lot, as contrasted with merely granting an advantage or a convenience.

3. To grant the following variances, :
   a. Grant a variance in the yard requirements of any district where there are unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare or the community, and will not be contrary to the public interest.
   b. Grant a variance whenever a property owner can show that a strict application of the provisions of the zoning regulations relating to the construction or alteration of buildings or structures will impose upon him or her a particular hardship. Such variation from the strict application of the provisions of the zoning regulations may be granted only when the Board is satisfied it is in harmony with the general purpose and intent of said regulations and the comprehensive City plan, and that granting of such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from said regulations and plan, and at the same time, the surrounding property will be properly protected.
   c. In any case where a variance is considered, the granting of such variance shall not be contrary to the overall public interest; the literal enforcement of the provisions of the zoning regulations will result in a hardship; the spirit of the zoning regulations and Comprehensive Plan shall be observed; and substantial justice done.

4. To grant a conditional use permit in conformance with the regulations contained in Chapter 17.65 of this code.

5. To grant a special use permit in conformance with the regulations contained in Chapter 17.30 of this code, specifically considering all relevant factors specified in Section 17.30.30.

17.50.107 Limitations of Power: Nothing in this chapter of this code shall be construed to give or grant to the Board the power or authority to alter or change the provisions and text of any zoning regulations or the zoning district map, such power and authority being reserved to the City Council.

17.50.108 Board Considerations: In considering appeals and proposed exceptions, variations, special use permits, conditional use permits or floodplain variances, the Board shall:

1. Determine that any exception, variation or granting of an appeal will not:
   a. Substantially increase traffic hazards or congestion;
   b. Substantially increase fire hazards;
   c. Adversely affect the character and property values of the neighborhood;
   d. Adversely affect the general welfare of the community;
   e. Overtax public utilities; or
   f. Be in major conflict with the comprehensive City plan.

2. Determine that the granting of a special use permit meets the standards governing their approval as specified in Chapter 17.30.30 of this code.

3. Determine that the granting of a conditional use permit meets the standards governing their approval as specified in Chapter 17.65 of this code.

4. Determine that the granting of a floodplain variance meets the standards governing their approval as specified in Chapter 17.65 of this code. Floodplain variances must also meet the following standards:
   a. The applicant shall obtain the preliminary approval of the Iowa Natural Resources Council before action by the Board of Adjustment.
   b. No floodplain variance shall be granted for any development within the floodway district, which would result in any increase in floods during the occurrence of the one-hundred-year flood.
   c. Floodplain variances shall only be granted upon:
      I. A showing of good and sufficient cause;
      II. A determination that failure to grant the floodplain variance would result in exceptional hardship to the applicant; and
      III. A determination that the granting of the floodplain variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public.
   d. Floodplain variances shall only be granted upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
   e. In cases where the floodplain variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the zoning administrator that:
      I. The issuance of a floodplain variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage;
      II. Such construction increases risks to life and property.

17.50.109 Vote Required: The concurring vote of four members of the Zoning Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Development Department or to decide in favor of the applicant or application on any appeal, exception, or variance. The concurring vote of three members of the Zoning Board of Adjustment shall be necessary to decide in favor of the applicant or application on any special use or conditional use as authorized by this code.

17.50.110 Building Permits: If the Board approves the appeal, building permits and certificates of occupancy may be issued, even though the use of the land does not conform in every respect to the district regulations in which the project is to be located.

17.50.111 Relief: Any person or persons, governmental official or local, state or federal governmental agency, jointly or severally aggrieved by any decision of the Board shall have recourse to such relief as provided by law of statues.

Chapter 17.65 FLOODPLAIN REGULATIONS

17.65.100 GENERAL PROVISIONS AND DEFINITIONS

17.65.101 Statutory authorization
17.65.102 Findings of fact
17.65.103 Purpose
17.65.104 Definitions
17.65.105 Applicable Lands
17.65.106 Establishment of Floodplain Map
17.65.107 Rules for Interpretation
17.65.108 Compliance
17.65.109 Abrogation and Greater Restrictions
17.65.110 Interpretation
17.65.111 Warning and Disclaimer of Liability
17.65.112 Zoning Districts Established

17.65.200 FLOODWAY (OVERLAY) DISTRICT (FW)

17.65.201 Permitted uses
17.65.202 Conditional uses
17.65.203 Performance standards

17.65.300 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF)

17.65.301 Permitted uses
17.65.302 Performance standards
17.65.303 Requirements
17.65.304 Residential buildings
17.65.305 Nonresidential buildings
17.65.306 New and substantially improved
17.65.307 Factory-built homes
17.65.308 Utility and sanitary systems
17.65.309 Hazardous materials
17.65.310 Flood control structures
17.65.311 Drainage
17.65.312 Subdivisions
17.65.313 Exemptions

17.65.400 GENERAL FLOODPLAIN (OVERLAY) DISTRICT (FP)

17.65.401 Permitted uses
17.65.402 Conditional uses
17.65.403 Performance standards

17.65.500 SHALLOW FLOODING (OVERLAY) DISTRICT (SF)

17.65.501 Permitted uses
17.65.502 Performance standards

17.65.600 ADMINISTRATION

17.65.601 Performance standards
17.65.602 Floodplain development permit
17.65.603 Conditional uses, appeals and variances
17.65.604 Decisions of the Board
17.65.605 Variance
17.65.606 Conditions Attached

17.65.700 NONCONFORMING USES

17.65.701 Designated - Conditions

17.65.800 AMENDMENTS

17.65.801 Amendments

17.65.100 GENERAL PROVISIONS

17.65.101 Statutory Authorization: The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, 1977, as amended, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

17.65.102 Findings of Fact:

1. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the health, safety and general welfare of the community.

2. These losses, hazards and related adverse effects are caused by:
   a. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood; and
   b. The cumulative effect of floodplain construction on flood flows, which causes increases in flood heights and floodwater velocities. This Chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

17.65.103 Statement of Purpose: It is the purpose of this chapter to promote the public health, safety and general welfare by minimizing those flood losses described in Section 17.65.102 with provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.

4. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

17.65.104 Definitions: Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. Base flood - The flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood.)

2. Basement – See Definition, Section 17.10.05

3. Development - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

4. Existing construction - Any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”

5. Existing factory-built home park or subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.

6. Expansion of existing factory-built home park or subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. Factory-Built Home – Factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

8. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. Flood Insurance Rate Map - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. Flood Insurance Study - A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a floodplain management program; and establishing actuarial flood insurance rates.

13. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.

14. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

15. Flood-proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

16. Floodway - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

17. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

18. Historic structure - Any structure that is:
    a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

19. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
    a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 17.65.306(1) and
    b. The enclosed area is unfinished (no carpet, drywall, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
    c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level, and
    d. The enclosed area is not a "basement" as defined in this section. In cases where the lowest enclosed area satisfies criteria 1, 2, 3, and 4 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

20. Minor Projects – Small development activities (except for filling, grading and excavating) valued at less than $500.

21. New Construction - (new buildings, factory-built home parks) Those structures or development for which the start of construction commenced on or after July 1, 1981.

22. New factory-built home park or subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

23. 100 Year Flood - A flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

24. Recreational vehicle – A vehicle which is:

Built on a single chassis;
    a. Four hundred square feet or less when measured at the largest horizontal projection;
    b. Designed to be self-propelled or permanently towable by a light duty truck; and
    c. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

25. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
    a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
    b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
    c. Basement sealing.
    d. Repairing or replacing damaged or broken window panes.
    e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

26. Start of construction (includes substantial improvement) - The date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of

a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

28. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

29. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
    a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."
    b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after July 1, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. Variance - A grant of relief by a community from the terms of the flood plain management regulations.

31. Violation - The failure of a structure or other development to be fully compliant with this chapter.

17.65.105 Applicable Lands: This Chapter shall apply to all lands within the jurisdiction of the City shown on the Des Moines County Flood Insurance Rate Maps, Panels 19057C0257E, 0258W, 0259E, 0266E, 0267E, 0269E, 0276E, 0278E, 0279E, 0286E, 0287E and 0288E.

17.65.106 Establishment of Official Floodplain Zoning Map: The Flood Insurance Rate Maps prepared as part of the Des Moines County flood insurance study, dated August 2, 2011, are adopted by reference and declared to be the official floodplain zoning maps. The flood profiles and all explanatory material contained with the flood insurance study and the flood insurance rate maps are also adopted by reference as a part of this chapter. Such maps and study are properly attested and are on file with the City Clerk.

17.65.107 Rules for Interpretation: The boundaries of the zoning district shall be determined by scaling districts on the official floodplain-zoning map. Where interpretation is needed as to the

exact location of the boundaries of the district, as shown on the official zoning map of the City, the Zoning Administrator, after consultation with the City Engineer, shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence upon appeal to the Board of Adjustment.

17.65.108 Compliance: No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this Zoning Code.

17.65.109 Abrogation: It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are repealed to the extent of the inconsistency only.

17.65.110 Interpretation: In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

17.65.120 Disclaimer of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

17.65.130 Zoning Districts Established:

1. The floodplain areas within the jurisdiction of this chapter are divided into the following districts:
    a. Floodway (Overlay) District: The floodway district shall be consistent with the boundaries of the floodway as shown on the official floodplain zoning map.
    b. Floodway Fringe (Overlay) District: The floodway fringe district shall be those areas shown as floodway fringe within the 100-year flood boundary on the official floodplain zoning map.
    c. General Floodplain (Overlay) District: The general floodplain district shall be those areas shown on the official floodplain zoning map as being within the approximate 100-year flood boundary.
    d. Shallow Flooding (Overlay) District: The shallow flooding district shall be those areas shown on the official floodplain zoning map as being within the 100-year flood boundary and identified on the flood insurance rate map as (AO or AH) zones.

Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

17.65.200 FLOODWAY (OVERLAY) DISTRICT (FW)

17.65.201 Permitted Uses: The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

4. Residential uses such as lawns, gardens, parking areas and play areas.

5. Such other open-space uses similar in nature to the above uses.

17.65.202 Conditional Uses: The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in Sections 17.65.603 and 17.65.606. Such uses must also meet the applicable provisions of the Floodway District Performance Standards:

1. Uses or structures accessory to open-space uses.

2. Circuses, carnivals, and similar transient amusement enterprises.

3. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.

4. Extraction of sand, gravel, and other materials.

5. Marinas, boat rentals, docks, piers, wharves.

6. Utility transmission lines, underground pipelines.

7. Other uses similar in nature to uses described in Section 17.65.201 of this section which are consistent with the provisions of Section 17.65.202 and the general spirit and purpose of this chapter.

17.65.203 Performance Standards: All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards:

1. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All uses within the Floodway District shall:
   a. Be consistent with the need to minimize flood damage.
   b. Use construction methods and practices that will minimize flood damage.
   c. Use construction materials and utility equipment that are resistant to flood damage.

3. No use shall affect the capability or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5. Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway district within the time available after flood warning.

7. Watercourse alterations or relocations including channel changes and modifications must be designed to maintain the flood-carrying capacity within the altered or relocated portion.

In addition, such alterations or relocations must receive the prior approval of the Iowa Department of Natural Resources. Such approval shall be obtained by the applicant before action by the Board of Adjustment.

8. Any fill allowed in floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline, river or stream crossing shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

17.65.300 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF)

17.65.301 Permitted Uses: All uses within the floodway fringe district shall be permitted to the extent that they are not prohibited by any other chapter (or underlying zoning district) and provided they meet applicable performance standards of the floodway fringe district.

17.65.302 Performance Standards: Generally. All uses must be consistent with the need to minimize flood damage and shall meet the applicable performance standards as set out in Sections 17.65.303 through 17.65.313.

17.65.303 Requirements: All structures shall:

1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;

2. Be constructed with materials and utility equipment resistant to flood damage; and

3. Be constructed by methods and practices that minimize flood damage.

17.65.304 Residential Buildings: All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment and issuance of a conditional use permit, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. Access to all new residential buildings shall be passable by wheeled vehicles during the 100-year flood.

17.65.305 Nonresidential Buildings: All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are flood proofed shall be maintained by the Zoning Administrator.

17.65.306 New or Substantially Improved:

1. In all new and substantially improved structures fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
b. The bottom of all openings shall be no higher than one foot above grade.
c. Openings may be equipped with screens, louvers, valves, or exit of floodwaters.
d. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

17.65.307 Factory-Built Homes:

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

17.65.308 Utility and Sanitary Systems:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

17.65.309 Hazardous Materials: Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated, or:

1. Not be subject to major flood damage and be anchored to prevent movement due to floodwaters; or

2. Be readily removable from the area within the time available after flood warning.

17.65.310 Flood Control Structures: Flood control structural work such as levees, floodwalls, etc., shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources.

17.65.311 Drainage: No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system. In addition, the Department of Natural Resources must approve channel alterations or relocations.

17.65.312 Subdivisions: Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

17.65.313 Exemptions: The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when:

1. The structure shall not be used for human habitation.
2. The structure shall be designed to have low flood damage potential.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

17.65.314 Recreational Vehicles:

1. Recreational vehicles are exempt from the requirements of Section 17.65.307 of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
   a. The recreational vehicle shall be located on the site for less than 180 consecutive days.
   b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 17.65.307 of this chapter regarding anchoring and elevation of factory-built homes.

17.65.400 GENERAL FLOODPLAIN (OVERLAY) DISTRICT (FP)

17.65.401 Permitted Uses: The following uses shall be permitted within the general floodplain district to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;
2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips;
3. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife

and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;

4. Residential uses such as lawns, gardens, parking areas and play areas.

17.65.402 Conditional Uses: Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Sections 17.65.603 through 17.65.606. All such uses shall be previously reviewed by the Iowa Department of Natural Resources to determine:

1. Whether the land involved is either wholly or partly within the floodway or floodway fringe, and
2. The 100-year flood level.

The applicant shall be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make the determination and obtaining its approval before action before the Board of Adjustment.

17.65.403 Performance Standards:

1. All conditional uses, or portions thereof, to be located in the floodway, as determined by the Iowa Department of Natural Resources, shall meet the applicable provisions and standards of the floodway district, Section 17.65.200 of this chapter.

2. All conditional uses, or portions thereof, to be located in the floodway fringe, as determined by the Iowa Department of Natural Resources, shall meet the applicable standards of the floodway fringe district, Section 17.65.300 of this chapter.

17.65.500 SHALLOW FLOODING (OVERLAY) DISTRICT (SF)

17.65.501 Permitted Uses: All uses within the shallow flooding district shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the shallow flooding district.

17.65.502 Performance Standards: The performance standards for the shallow flooding district shall be the same as the performance standards for the floodway fringe district with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure;

2. In shallow flooding areas designated as an AH zone on the flood insurance rate map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the rate map.

3. In all Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures.

17.65.600 ADMINISTRATION

17.65.601 Zoning Administrator:

1. The Development Department shall administer and enforce this chapter as the Zoning Administrator and will be referred to in this chapter as the Administrator.

2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
   a. Review all floodplain development permit applications to insure that the provisions of this chapter will be satisfied;
   b. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State or local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction;
   c. Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been flood proofed;
   d. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator;
   e. Keep a record of all permits, appeals, floodplain variances, variances and such other transactions and correspondence pertaining to the administration of this chapter;
   f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration;
   g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries;
   h. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Commission and Council of potential conflicts.

17.65.602 Floodplain Development Permit:

1. Permit Required. A floodplain development permit issued by the Administrator shall be secured prior to initiation of any floodplain development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes. The obtainment of a floodplain development permit issued under this section does not obviate the necessity of obtaining other permits, variances, exceptions and licenses required under this chapter and other ordinances.

2. Application for Permit. Application for a floodplain development permit shall be made on forms supplied by the Administrator and shall provide the following information:
   a. Description of the work to be covered by the permit for which application is to be made;
   b. Description of the land on which the proposed work is to be done (i.e., lot, block,tract, street address or similar description) that will readily identify and locate the work to be done;
   c. Indication of the use or occupancy for which the proposed work is intended;
   d. Elevation of the 100-year floodplain;
   e. Elevation (in relation to North American Vertical Datum) of the lowest habitable floor (including basement) of buildings or of the level to which a building is to be flood proofed;
   f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements;
   g. Such other information as the Administrator deems reasonably necessary for the purpose of this chapter;
   h. The applicant shall submit the permit fee established by the City prior to permit approval.

3. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable provisions and standards of this chapter and shall approve or disapprove the application.

For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for conditional uses of floodplain variances which shall only be granted by the Board of Adjustment.

4. Construction and Use to be as Provided in Application and Plans. Floodplain development permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

17.65.603 Conditional Uses, Appeals, Variances: The Board of Adjustment established pursuant to Chapter 414 of the Code of Iowa and Chapter 17.50 of this Code, shall hear and decide:

1. Applications for conditional use permits upon which the Board is authorized to pass under this chapter;

2. Appeals; and

3. Requests for floodplain variances to the provisions of this chapter; and may take any other action which is authorized.

17.65.604 Decisions of the Board: In passing upon applications for conditional use permits or requests for floodplain variances, the Board shall consider all relevant factors specified in other sections of this chapter as well as:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments;

2. The danger that materials may be swept on to other lands or downstream to the injury of others;

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

5. The importance of the services provided by the proposed facility to the community;

6. The requirements of the facility for a floodplain location;

7. The availability of alternative locations not subject to flooding for the proposed use;

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site;

12. Such other factors which are relevant to the purpose of this chapter.

17.65.605 Variances: The Board of Adjustment may authorize such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal

enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. No variance shall be granted for any development within the Floodway District which would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. Variances shall only be granted upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extra-ordinary public expense; create nuisances, or cause fraud on or victimization of the public.

3. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Zoning Administrator that (1) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (2) such construction increases risks to life and property.

5. All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.

17.65.606 Conditions Attached: Upon consideration of the factors listed in Section 17.65.605, the Board may attach such conditions to the granting of conditional use permits or floodplain variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modifications of waste disposal and water supply facilities;

2. Limitation on periods of use and operation;

3. Imposition of operational controls, sureties and deed restrictions;

4. Requirements for construction of channel modification, dikes, levees and other protective measures, provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter;

5. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:
   a. Anchorage to resist flotation and lateral movement;
   b. Installation of watertight doors, bulkheads and shutters or similar methods of construction;
   c. Reinforcement of walls to resist water pressures;
   d. Use of paints, membranes or mortars to reduce seepage of water through walls;
   e. Addition of mass or weight structures to resist flotation;
   f. Installation of pumps to lower water levels in structures;
   g. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwater;
   h. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures;
   i. Construction to resist rupture or collapse caused by water pressure or floating debris;

j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures;

k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding;

17.65.700 NONCONFORMING USES

17.65.701 Designated – Conditions for Continuance: A structure or the use of a structure of land which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.

2. No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed fifty percent of its value at the time immediately before its first alteration, addition or repair following enactment of this chapter, unless the structure is permanently changed to a conforming use.

3. If such use is discontinued for twenty-four consecutive months, any future use of the building premises shall conform to this chapter.

4. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

5. Any use which has been permitted by a conditional use permit or floodplain variance shall be considered a conforming use.

17.65.800 AMENDMENTS

17.65.801 Amendments: The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

Chapter 17.70 Communication Tower Regulations

17.70.100	**Purpose and General Policy**	**17.70.109**	**Application Process**
17.70.101	**Definitions**	**17.70.110**	**Noise and Emission Standards**
17.70.102	**Telecommunications Act of 1996**	**17.70.111**	**Water Towers and Parks**
17.70.103	**Lease and Fee**	**17.70.112**	**Abandonment**
17.70.104	**Limit on Terms**	**17.70.113**	**New Technologies**
17.70.105	**Priorities**	**17.70.114**	**Amateur Radio Exclusion**
17.70.106	**Placement Requirements**	**17.70.115**	**Airport Zoning**
17.70.107	**Placement on Private Property**	**17.70.116**	**Commercial Radio/TV Stations**
17.70.108	**Height Requirements**	**17.70.117**	**Liability and Damage**

17.70.100 Purpose and General Policy: The City finds that in order to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize wireless communication technologies, in order to protect public and private investments, ensure the health, safety and welfare of the population, to provide for the regulation and administration of the orderly location of antenna arrays and towers and to secure the rights of the City to a return on its investment on public property, it is necessary for the City to establish uniform rules and policies.

17.70.101 Definitions: For the purpose of this chapter, all words defined herein are in addition to all words defined in other chapters of the City of Burlington Development Program:

1. Antenna - A device, dish or array used to transmit or receive telecommunications signals.
2. ANSI - The most recently adopted standard of the American National Standards Institute, which establishes guidelines for human exposure to non-ionizing electromagnetic radiation
3. Communications tower - A tower, pole, or similar apparatus or structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on or in another structure of any kind.
4. Collocation/Site Sharing - Use of a common Wireless Communications Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and or placement of a Wireless Communications Facility on a structure owned or operated by a utility or other public entity. All new wireless communications facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communications facilities and to accommodate the future collocation of other wireless communications facilities.
5. EIA (Electronics Industries Association) Standard - Structural standards for steel antenna towers and antenna support structures.
6. Equipment Facility - Any structure used to contain ancillary equipment for a Wireless Communications Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.
7. FAA - Federal Aviation Administration.
8. FCC - Federal Communications Commission.
9. Height - The distance from the base of the tower to the top of the antenna, including all supporting structures.
10. Public Property/Public Real Estate - All the land and buildings owned, leased or controlled by the City of Burlington but would not include land or improvements titled in the name of the City of Burlington that are actually owned and controlled by the Burlington Municipal Waterworks Board of Trustees or the Burlington Public Library Board of Trustees.

11. Telecommunications - The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

12. Telecommunications Act of 1996 – Includes any amendment thereto and any regulations promulgated thereunder, or any other state or federal legislation enacted subsequent thereto dealing with telecommunications.

13. TIA – Telecommunications Industry Association.

14. Wireless Communication – Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that may exist.

15. Wireless Communications Facility - Any unstaffed facility used for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, Tower, and a Support Structure to achieve the necessary elevation.

17.70.102 Telecommunications Act of 1996: The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers. The following objectives shall be applied consistently to all telecommunications providers that request a location on Public Property for their communications towers and antennas after the adoption of this chapter.

1. In order to minimize the overall number of towers located in the City, the applicant shall show where a tower or other collocation opportunity exists within a ½ mile radius of a proposed site, and the applicant shall provide reasons why collocation was not utilized.

2. In order to ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.

3. In order to minimize placement of wireless equipment in populated areas, residential locations will be considered only as a last resort.

4. In order to assure fair and reasonable revenues from site leases of public property, providers must propose commercially reasonable compensation for use of public property and administration of this chapter.

17.70.103 Lease and Fee: No person or other entity shall use any public property without first obtaining a lease from the City, provided that no lease shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of that public property.

17.70.104 Limit on Terms: The City shall not execute any proposed lease, which shall exceed 3 years in length until fully complying with the terms of Section 364.7, Code of Iowa.

17.70.105 Priorities: Priority of the use of public property for communications antennas and towers will be given to the following entities in descending order of priority:

1. All functions of the City of Burlington.

2. Public safety agencies that are not a part of the City, including law enforcement, fire an ambulance services, and private entities with a public safety agreement with the City.

3. Other governmental agencies for uses which are not related to public safety.

4. Persons providing licensed commercial wireless communications services that are marketed to the general public for business or personal use.

17.70.106 Placement Requirements: The placement of communications antennas or towers on public property must comply with the following requirements:

1. The antenna or tower will not interfere with the use for which the public property is intended.

2. The antenna or tower will have no adverse impact on surrounding public or private property; specifically including interference with transmission or reception thereon.

3. The applicant will provide adequate liability insurance for damage antennas or towers could cause to public or private (or surrounding property) and execute a lease agreement which includes equitable compensation for the use of public property along with provisions and safeguards as deemed necessary by the City.

4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of facility removal.

5. The facility will not interfere with other uses, which have a higher priority stated herein.

6. Upon the terms of the lease agreement, the City may require the applicant's facility to be removed at the applicant's expense.

7. The applicant will cooperate with the City's objective to promote collocations and thus limit the number of separate antennas sites requested. All applicants for a Building Permit to construct a Wireless Communications Facility will be required to submit a statement, including their policy for collocation, with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users.

17.70.107 Placement on Private Property: The placement of wireless communications facilities on private property must comply with the following requirements, in addition to those stated in Section 17.70.106:

1. The facility will be allowed on private property in districts zoned Industrial or Commercial if a monopole structure is utilized.

2. The antenna or tower will have neither adverse aesthetic, economic, nor safety impact on surrounding public or private property.

3. No freestanding (not attached to an existing structure, ex. water tower, building) monopole or tower structure shall be located closer than 250 feet or 150% of the height of the tower, whichever is greater, to any property line where the use of said property is for residential purposes. Tower guyed wires shall be located a minimum of twenty-five (25) feet from any property line. The placement of communication antennas or towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings and cannot exceed a maximum height of 30 feet above the roof of the building or the maximum height of the district where it is placed, whichever is greater.

4. The user must obtain all necessary land use approval.

17.70.108 Height Requirements: The following height conditions shall apply for free standing towers or structures:

1. Residential. Free-standing (monopole) or guyed towers shall not be placed in a residentially zoned District of the City, except as allowed by Section 17.70.111; and antennas or similar equipment placed on an existing structure will be allowed on public property in a residential district, provided all applicable codes are met. All free-standing (monopole) towers meeting the above exception shall be limited to a maximum height of 200-feet.

2. Commercial and Institutional/Governmental. Free-standing (monopole) or guyed tower with height not exceeding 200-feet is a permitted conditional use; height exceeding 200-feet requires special exception.

3. Industrial. Freestanding or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.

17.70.109 Application Process: All applicants who wish to locate a communications antenna or tower on public property or private property must submit to the City's Community Development Department a completed application accompanied by a plan review fee set by the City. These fees may be used by the City of Burlington to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required). In cases requiring the City to hire outside consultants, any additional reasonable and necessary costs incurred by the City of Burlington for the technical review and recommendation shall be reimbursed by the applicant prior to the final approval.

The following documents, if applicable, shall be submitted for consideration prior to building permit or Special Use Permit approval:

1. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
2. A site plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, existing land uses on adjacent property, and the location of all underground utilities and right-of-way, provided no site plan is if the antenna is to be mounted on an approved existing structure.
3. A current map or update for an existing map on file showing locations of applicant's antennas, facilities, existing towers and proposed towers.
4. A report from a Registered Professional Engineer practicing in structural engineering showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 standards latest revision, or any equivalent or replacement standards.
5. Identification of the owners or lessors of all antennas and equipment to be located on the site, and written authorization from the site owner for the application.
6. Evidence that a valid FCC license for the proposed activity has been issued, and valid FCC licensed equipment is used for the tower structure.
7. A written agreement to remove the facilities within 180 days after cessation of use.
8. Additional information as required, to determine that all applicable zoning regulations are met.
9. Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This set back requirement shall not apply to:
    a. Communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the City.
    b. Camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such an antenna support structure.

Applicant must also show evidence that all of the following conditions, where applicable, are met:

1. A proposed antenna and equipment cannot be accommodated and function as required on any existing structure or tower under the control of the applicant.

2. For a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.

3. Prior to consideration of a permit for location on private property which must be acquired, the applicant must show that available public property sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the tower.

4. A new tower is designed to accommodate additional antenna equal in number to applicant's present and foreseeable future requirements.

~~5.~~ All applicable health, nuisance, noise, fire, building and safety code requirements are met.

6. All tower, antennas, and communications facilities not requiring FAA painting or markings shall comply with the following camouflage design standards:

   a. The adverse visual impact of communication equipment shall be minimized through careful design, siting, landscape screening and innovative camouflaging techniques. Examples of camouflage techniques include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, antennas designed to look other than an antenna, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees.

   b. Antennae attached to a building shall be of a color identical to or closely compatible with the exterior wall surface of the building to which they are mounted. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black. Rooftop equipment shall be screened from view as required under Chapter 17.34 Architectural Design Guidelines.

   c. Camouflage shall be required on towers and antennas that are located within a local or national historic district.

7. Applicant must file with the City Clerk a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in aggregate which may arise from operation of the facility during its life, and in a form approved by the City Attorney.

8. A tower must be a minimum distance equal to one and one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.

9. The following landscaping requirements shall apply to all Wireless Communications Facility installations:

   a. New Construction – New Wireless Communications Facilities with support structures and attached Wireless Communications Facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance. All towers shall be surrounded by a minimum six (6) foot high fence. Exterior to the fence, landscaping shall be provided around the base of the tower and corresponding equipment located at grade, in order to provide a visual barrier, to a minimum height of six (6) feet.

   b. Land Preservation – Existing mature tree growth and natural land form on the site shall be preserved; provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.

All responses to applications for siting of telecommunications towers and facilities shall be in writing and shall be made within 60 days after all application materials are received.

17.70.110 Noise and Emission Standards: No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards under WAC 173-60 or any equivalent or replacement standards, except during emergencies or periodic routine maintenance which requires the use of a back up generator on a temporary basis.

The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

17.70.111 Water Towers and Parks: The placement and maintenance of communications antennas or towers on certain City-owned real-estate, will be allowed when the following additional requirements are met in lieu of those conditions already stated in Sections 17.70.106 through 17.70.110.

1. Water Tower Sites – A city's water towers represent a large public investment in water pressure stabilization, distribution and peak capacity reserves. Therefore, their protection is of prime importance. As access to the City's water storage system increases, so does the potential for contamination of the public water supply.
    a. The applicant must have written approval from the General Manager of the Water Works or designee each time access to the facility is desired.
    b. Applicant shall comply with the terms and conditions as established by the policy of the Board of Trustees.
    c. There is sufficient room on the structure or the grounds to accommodate the applicant's facility.
    d. The presence of the facility will not appreciably increase the water tower maintenance cost.
    e. The presence of the facility will not be harmful to the health or safety of the workers maintaining the water tower.
    f. Fees for application and lease shall be set by the Waterworks Board of Trustees in addition to the fees required for building permit or special use permit review.

2. Parks - The presence of certain communications antennas or towers represents a potential conflict with the purpose of certain City-owned parks and recreational facilities. Towers shall be prohibited in designated conservation areas, and communications antennas or towers will be considered only in the following parks and park facilities after the recommendation of the Parks Advisory Committee and approval of the City Council:
    a. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use.
    b. Commercial recreational areas and major ball fields.
    c. Park maintenance facilities.
    d. The fees for application and lease shall be set by the City in addition to the fees required for building permit or special use permit review.

17.70.112 Abandonment: Any Wireless Communications Facility that is not operated for a continuous period of six (6) months shall be considered abandoned, and the City of Burlington, Iowa, at its election, may require the Wireless Communications Facility owner or the owner of the ground on which the facility is located, or both, to remove the Wireless Communications Facility within 180 days after notice from the City to remove the Wireless Communications Facility. If the abandoned Wireless Communications Facility is not removed in the specified amount of time, the City may remove it and recover its costs from the Wireless Communications Facility owner or owner of the ground.

17.70.113 New Technologies: Should new technology present itself within the term of any permit or lease that is more effective, efficient, and economical, the permit holder may petition the City to allow the upgrade, provided the upgrade does not alter the conditions set forth in this chapter.

17.70.114 Amateur Radio Exclusion: This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas. Such installations shall require a special use permit application in any district formed by, and according to, this Zoning Code.

17.70.115 Airport Zoning: Any Wireless Communications Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all-applicable local, state, and federal airport regulations.

17.70.116 Commercial Radio or Television Broadcast Stations: Towers and antennas that are associated with commercial radio or television broadcast stations that have on-site, operational studios or offices shall be required to submit a copy of their valid FCC license to the City every three (3) years after approval of their Special Use Permit application. No additional renewals for the on-site towers or antennas shall be required as long as the terms of the initial application are followed. Any additional towers or antennas or substantial changes to the initial application shall require review and approval of the Zoning Board of Adjustment. Such application shall follow all other requirements of this Code.

17.70.117 Liability and Damages: Upon the granting of a permit, applicant shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgements and costs of any kind, including reasonable attorney's fees related to or caused by the erection, location, use, or removal of a facility, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgements entered against it as a result of the erection, location, use or removal of the facility.

Chapter 17.71 Wind Energy Systems

17.71.100	**Purpose and General Policy**	**17.71.106**	**Appearance**
17.71.101	**Definitions**	**17.71.107**	**Application Process**
17.71.102	**Permit Requirements**	**17.71.108**	**Abandonment**
17.71.103	**Bulk Regulations**	**17.71.109**	**New Technologies**
17.71.104	**Location**	**17.71.110**	**Liability and Damages**
17.71.105	**Design and Technical Standards**		

17.71.100 Purpose and General Policy: In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, the City finds that these regulations are necessary in order to establish uniform rules and policies and to ensure that wind energy systems are appropriately designed, sited, and installed.

17.71.101 Definitions: For the purpose of this chapter, all words defined herein are in addition to all words defined in other chapters of the City of Burlington Development Program:

1. Commercial Wind Energy System - A wind energy conversion system, which is intended to produce electricity for sale to a rate regulated or nonregulated utility or for use off site.

2. Dispersed Wind Energy System - A wind energy conversion system which has a rated capacity of one hundred (100) kilowatts or more and which is incidental and subordinate to a permitted use on the same parcel and which is intended to produce electricity primarily for use on site. Such system may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and not presently needed for on site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.

3. Height (System) - The height above grade of the wind energy system, including the tower, generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.

4. Height (Tower) - The height above grade of the wind energy system, exclusive of the rotor blades.

5. Meteorological Tower - Those towers that are erected primarily to measure wind speed and directions, including other data relevant to locating an operational wind energy system.

6. Rooftop Wind Energy System - A wind energy system that is attached to and placed upon the roof of a structure.

7. Small Wind Energy System - A wind energy conversion system which has a rated capacity of up to one hundred (100) kilowatts and which is incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind energy system only if it supplies electrical power solely for on site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.

8. Tower (WES) - Vertical structure that supports the electrical generator, rotor blades, or meteorological equipment.

9. Wind Energy System (WES) - An electrical generating facility comprised of a wind turbine and accessory facilities, including, but not limited to: power lines, transformers, substations, and meteorological towers.

17.71.102 Permit Requirements: A wind energy system shall only be allowed as an accessory use to a permitted principal use and shall require Special Use Permit approval of the Zoning Board of Adjustment prior to construction, installation, alteration, or location of such structure. The Zoning

Board of Adjustment may review a Special Use Permit at any time if an approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Zoning Board of Adjustment. The Board may set additional terms or timeframe for compliance for the wind energy system. The owner/operator of the wind energy system shall obtain all other permits required by federal, state, and local agencies prior to construction of the system.

17.71.103 Bulk Regulations: The placement of wind energy systems on private or public property shall comply with the following requirements:

1. Minimum Lot Size:
   a. Dispersed Wind Energy Systems shall require a minimum of ten (10) acres for location. An additional acre (1) shall be required for each additional wind energy system allowed.
   b. No minimum lot size is required for Small Wind Energy Systems, provided they meet all other requirements of this chapter.

2. Setback Requirements:
   a. All Wind Energy Systems shall require a setback of 100% of the total (system) tower height from any property line or above ground power line.

3. Maximum Tower Height:
   a. The tower height of a wind energy system shall be no greater than 80-feet in a residential zoning district, 200-feet in a commercial zoning district, and 300-feet in an industrial zoning district.

4. Number of Systems Allowed:
   a. No more than five (5) dispersed wind energy systems may be placed on any zoning lot, provided the minimum lot size stipulated in this chapter is met.
   b. No more than one small wind energy system may be placed on any zoning lot.
   c. A commercial wind energy system shall not be allowed within the City of Burlington.

5. Rooftop Units:
   a. Shall not exceed the height limitations of the zoning district in which they are located.
   b. Shall be setback from the edge of the roof, on the front yard and side yard areas, a distance equal to the height of the unit.

17.71.104 Location: Wind Energy Systems shall adhere to the following location requirements in addition to any other relevant location requirements of this chapter:

1. Shall be located on a lot only as an accessory use/structure to an existing principal use structure.

2. No part of a wind energy system shall be located within or over drainage, utility or other established easements, or on or over property lines.

3. A wind energy system shall be located entirely in the rear yard.

4. A wind energy system shall not be located in any required setback area.

5. A wind energy system shall be located in compliance with the guidelines of the Federal Aviation Administration (FAA) regulations.

6. A dispersed wind energy system shall be located a minimum of one thousand feet (1,000') from the nearest inhabited residential structure, school, hospital or place of worship not on property owned or controlled by the owner/operator of the dispersed wind energy system.

17.71.105 Design and Technical Standards: The following standards are required of all small wind energy systems and dispersed wind energy systems and shall be deemed to be conditions of approval of every small wind energy system:

1. Color: The wind energy conversion system shall be neutral (white or light gray) or dark (blue, green, black) in color. Other colors may be allowed at the discretion of the Zoning Board of Adjustment. The surface of the structure shall be nonreflective.

2. Lighting: No lights shall be installed on the tower, unless required to meet FAA regulations.

3. Signs: One sign, limited to four (4) square feet, shall be posted at or near the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner/operator to call in case of emergency. Such sign shall be directly visible from any external fencing and/or landscaping.

4. Climbing Apparatus: All climbing apparatuses shall be located a minimum of twelve feet (12') above the ground and the tower must be designed to prevent climbing within the first twelve feet (12').

5. Fence: To limit access to the tower, an opaque fence six feet (6') high with smooth side to the outside, no more than one inch (1") gaps and a locking portal shall be placed around the small wind energy system, unless the system is mounted on a rooftop,

6. Maintenance: Facilities shall be well maintained in an operational condition that poses no potential safety hazard.

7. Displacement Of Parking Prohibited: The location of the wind energy conversion system shall not result in the net displacement of required parking,

8. Clearance Of Blade Aboveground: No portion of the small wind energy system blade shall extend within twenty feet (20') of the ground. No portion of a dispersed wind energy system blade shall extend within fifty feet (50') of the ground. No blades may extend over parking areas, driveways or sidewalks.

9. Noise: Except during short term events including utility outages and severe wind events, a wind energy conversion system shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established in Chapter 58, Noise Control of the Code of Ordinances of the City Of Burlington, Iowa.

10. Use Of Electricity Generated: A wind energy conversion system shall be used exclusively to supply electrical power for on site consumption, except that when a parcel on which a wind energy conversion system is installed also receives electrical power supplied by a utility company, excess electrical power generated by the wind energy system and not presently needed for an site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.

11. Automatic Overspeed Controls: All wind energy conversion systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system.

12. Electromagnetic Interference: All blades shall be constructed of a nonmetallic substance. No wind energy conversion system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind energy conversion system shall be installed in any location along the major axis of an existing microwave communications link where its

operation is likely to produce electromagnetic interference in the link's operation. If it is determined that the wind energy conversion system is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the Zoning Board of Adjustment. The Zoning Board of Adjustment may revoke a conditional use permit granting a wind energy conversion system if electromagnetic interference from the wind energy conversion system becomes evident.

13. Shadow Flicker: Shall not exceed thirty (30) hours per year if such flicker falls on a roadway or a portion of a residentially zoned property. Shadow flicker shall not create a nuisance to residential homes.

14. Interconnection: The wind energy conversion system, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.

15. Wind Access Easements: The enactment of this chapter does not constitute the granting of any easement by the City. The owner/operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the wind energy conversion system unless adequate accessibility to the wind is provided by the site.

16. Complaint Resolution: The owner/operator of the wind energy conversion system shall develop a process to resolve complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.

17.71.106 Appearance: The property owner of any wind energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall also maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any structures remain quality in appearance.

17.71.107 Application Process: All applicants who wish to locate a wind energy system on public property or private property must submit to the City's Community Development Department a plan including the following information:

1. Complete property dimensions.

2. Location and full dimensions of all buildings existing on the property where the system is located, including exterior dimensions, height of buildings, and all uses on the property.

3. Location, distances, and uses of all buildings within two hundred feet (200') of the property.

4. Location and dimensions of any other natural or manmade features within two hundred feet (200') of the property such as trees, ridges, highways, streets, bridges and underpasses.

5. Location of all easements upon the property where the system is to be located.

6. Proposed location of tower, including height and setbacks from property lines.

7. Drawings, to scale, of the structure, including the tower, base, footings and guy-wires, if any, and electrical components. The drawings and any necessary calculations shall be certified by a licensed engineer as meeting the requirements of the City of Burlington building codes.

8. Certification from a licensed engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site.

9. Evidence that the proposed wind energy conversion system model has an operational history of at least one year.

10. Evidence that the applicant has notified the utility that the customer intends to install an interconnected customer owned generator, and that the generator meets the minimum requirements established by the utility and the Iowa Utilities Board. Off grid systems shall be exempt from this requirement,

11. Evidence that the wind energy conversion system does not violate any covenants of record.

12. Evidence from a qualified individual that the site is feasible for a wind energy conversion system, or that covenants, easements and other assurances to document sufficient wind to operate the wind energy conversion system have been obtained.

13. Evidence that the proposed wind energy conversion system will comply with applicable federal aviation regulations, including any necessary approvals from the Federal Aviation Administration.

14. Evidence that the applicant can obtain and maintain adequate liability insurance for the facility.

15. A noise study, if applicable.

16. A shadow flicker model, if applicable.

17. Any other evidence or information as required by the Zoning Administrator or Zoning Board of Adjustment.

17.71.108 Abandonment: Any wind energy system that is not operated for a continuous period of 180 days shall be considered abandoned and shall constitute a nuisance. Within the next 180 days, after notice from the City, the owner shall reactivate the tower or it shall be dismantled and removed at the owner's expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If the abandoned wind energy system is not removed in the specified amount of time, the City may remove it and recover its costs from the wind energy system owner or owner of the ground upon which it is located.

17.71.109 New Technologies: Should new technology present itself within the term of any permit or lease that is more effective, efficient, and economical, the City may allow the upgrade; provided the new system does not alter the previously approved conditions of the system and the permit holder submits all required information as listed in 17.71.107 for any changes or upgrades.

17.71.110 Liability and Damages: The owner/operator of a wind energy conversion system must demonstrate adequate liability insurance. Upon the granting of a permit, applicant shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney's fees related to or caused by the erection, location, use, or removal of a facility, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the facility,

Chapter 17.75 Signs

17.75.100	**Purpose**	**17.75.110**	**Electronic Message Signs**
17.75.101	**Definitions**	**17.75.111**	**Promotional Signs**
17.75.102	**Permit Requirements**	**17.75.112**	**Billboard Signs**
17.75.103	**Exemptions**	**17.75.113**	**Incentive Signage**
17.75.104	**District Signage Regulations**	**17.75.114**	**Prohibited Signs**
17.75.105	**Freestanding Signs**	**17.75.115**	**Nonconforming Signs**
17.75.106	**Wall Signs**	**17.75.116**	**Liability and Enforcement**
17.75.107	**Projecting Signs**	**17.75.117**	**Computation of Sign Area**
17.75.108	**Roof Signs**	**17.75.118**	**Design Requirements**
17.75.109	**Canopy, Marquee and Awning Signs**	**17.75.119**	**Variance**

17.75.100 PURPOSE: The enforcement of this chapter will enable the following goals to be met:

1. To provide for the safety, health, and welfare of the citizens of the community, including pedestrian and automobile travelers, by minimizing distractions, obstructions, and other hazards that may be caused by the display of signs;
2. To preserve the natural, historic, and scenic beauty of the community;
3. To encourage the effective and creative use of signs as a means of communication within the city through enhanced architecture and design of signs within the city;
4. To maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
5. To minimize the possible adverse effects of signs on nearby public and private property;
6. To provide for a reasonable display of signs, without interference from other signage, in a fair and equitable manner; and
7. To enable the fair and consistent enforcement of these sign regulations.

17.75.101 DEFINITIONS: For use in this chapter, the following terms are defined:

1. Abandoned (Obsolete) Sign – Any sign that advertises a business, lessee, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.
2. Banner - Any sign comprised of flexible plastic, fabric or other similar material, temporarily displayed to advertise a specific event or activity.
3. Billboard - Any sign that advertises or displays goods, products, services, or facilities which are located elsewhere than on the premises upon which such sign is displayed.
4. Clear Zone – An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision or exceed a height of 2 ½ feet above street grade, measured from the point of intersection of the public right-of-way, 25 feet in either direction along the right-of-way lines (See Chart B in Chapter 17.10 of the Zoning Code).
5. Directional Sign – Any on-premise sign that includes information assisting in the flow of vehicular or pedestrian traffic such as enter, exit, one way, no-parking, etc.
6. Double-faced Sign - A sign structure with two parallel and directly opposite sign faces located not more than two feet apart.
7. Electronic Message Sign – A sign that displays a changing message or copy through the use of an electronically controlled and illuminated medium. Message or copy includes words, logos, or symbols that can change to provide different information. Electronic message signs include, but are not limited to computer signs, electronic reader boards,

time and temperature signs, and other electronic signs as determined by the Development Department. May include, but not limited to illuminated signs.

8. Erect - To build, construct, attach, hang, suspend, or affix a sign, including the painting of wall signs.

9. Existing Sign – A sign that was installed according to all applicable ordinances and regulations before the effective date of this ordinance.

10. Facing or Surface - The surface of the sign upon, against, or through which the sign's message is displayed or illustrated.

11. Frontage, Building - Those portions of the buildings on a particular property which are parallel to and adjacent to the lot frontage.

12. Frontage, Lot - Those portions of a lot or building site which are adjacent to and abut a public street (typically the front lot line). For the purpose of determining the maximum sign area, public alleys, easements, pedestrian walkways, etc. shall not be considered lot frontages.

13. Freestanding Sign - Any sign supported by a foundation, uprights, or braces; placed upon the ground; and not attached to any building. Freestanding signs include ground signs, monument signs, pylon signs, pole signs and other similar signs as determined by the Development Department.

14. Grade - The average level of the finished surface of the ground immediately below the sign and all overhanging parts. The grade shall be the existing grade or finished construction grade exclusive of any filling, berming, mounding, or other alteration solely for the purpose of increasing sign height. If the grade has been artificially altered to gain sign height, the sign height shall be measured from the nearest elevation of unaltered ground.

15. Ground Sign – A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than twenty-four (24) inches clearance from the bottom of the sign to the ground below. For classification, ground signs may not exceed six (6) feet in height in residential zones and eight (8) feet in height in commercial or industrial zones.

16. Height - The height of a sign shall be computed as the distance from the base of the sign at the existing normal or average grade to the top of the highest attached component or part of the sign, including the structural elements.

17. Identification Sign - Any sign that is limited to the name, address, and number of a building, premises, institution, or person, to the activity carried on within the building or institution, or to the occupancy of the person.

18. Illuminated Sign - Any sign that has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign. Includes electronic message signs.

19. Incidental Sign - A sign containing general information that has a purpose secondary to the use of the lot on which it is located. Such sign shall not contain nor project a commercial message and shall only state such directives as "Private / No Parking," "Entrance," "Loading Only," and "Telephone."

20. Interior Sign – Any sign inside a building, not attached to a window or door that is not legible from beyond the property line of the lot or parcel where such sign is located.

21. Mansard Roof – A sloped roof or roof-like façade, architecturally able to be treated as a building wall. Often constructed to increase the roof height or appeal.

22. Multi-faced Sign – A sign that has more than two sides or faces. This includes three-dimensional (3-D) signs and/or other signs of irregular shape where there are more than two faces for the sign.

23. Nonconforming Sign - Any sign that does not conform to the requirements of this chapter.
24. Obsolete Sign – See “Abandoned Sign.”
25. Off-premise Sign – A commercial sign that advertises goods, services, or another business that are not sold or operated on the premises.
26. Permanent Sign - A sign constructed of durable materials, permanently affixed to the ground or a building, intended to exist for the duration of time that the use or occupation is located on the premises, and meeting all relevant building code requirements.
27. Projecting Sign - Any sign that is attached to and extends more than twelve inches from a building wall or other structure.
28. Promotional Sign – Any sign, informational display, or other advertising device, with or without a structural frame, which is placed and maintained for a limited (temporary) period of time, including but not limited to banners, flags, pennants, sandwich boards, umbrellas, searchlights, balloons, tents, and signs on trailers, unless specifically permitted elsewhere in this chapter.
29. Right-of-Way (ROW) – The portion of land dedicated to public use for pedestrian and vehicular movement and the area of utilized for the placement of public utilities. This area includes passageways such as public streets and alleys, pedestrian walkways, sidewalks, the land encompassing these areas, and other areas owned or controlled by the City of Burlington.
30. Sandwich Board (A-frame) Sign – A moveable sign that is not secured or attached to the ground or surface upon which it is located. Such a sign is indented to promote specials, sales, etc. for a business or property and is placed directly upon the ground.
31. Sign - Any structure or medium primarily intended to be used to direct attention from a public right-of-way and/or to promote or advertise a business, product, service, subject, idea, premises or thing when visible from the public right-of-way. The term “sign” includes, but is not limited to, all reading matter, letters, pictorial representations, emblems, trademarks, inscriptions, logos, commercial sculptures, and patterns, whether affixed to a building, located within a building, or separate from a building.
32. Structure Trim - The molding, battens, capping, nailing strips, latticing and platforms that are attached to the sign structure.
33. Temporary Sign – See “Promotional Sign.” A sign not intended, designed, or constructed for permanent display, unless expressly permitted by this Chapter.
34. Wall Sign - A sign painted on any exterior wall of any building or other structure, or attached to and erected parallel to the wall, and supported throughout its entire length by the building or structure.
35. Window Sign – A sign that is affixed to, painted on, or directly displayed from any window. Window signs are visible from and intended to be viewed from the right-of-way and may be located on the inside or the outside of a window. Such signs are calculated and regulated as wall signs.

17.75.102 PERMIT REQUIREMENTS: It is unlawful for any person to erect, alter, relocate, display or cause the same to be done within the City any sign or other advertising structure as defined in this chapter, without first obtaining a sign permit, making payment of the fee required by number three (3) of this section, and holding the City harmless from any liability incurred as a result of the installation of the sign or advertising structure. Illuminated signs shall be subject to the provisions of the Electrical Code and the permit fees required there under. In addition to remedies provided for a violation of this chapter, a double permit fee may be assessed for noncompliance with this section. The following processes are required in order to obtain a sign permit:

1. **Permit Application:** Application for sign permits shall be obtained from the City. Information that is required to show compliance with this chapter and all other ordinances of the City shall be provided on the application.
2. **Permit Issuance:** It is the duty of the City, upon the filing of an application for a sign permit, to examine and review such plans and specifications and to issue a permit if they are in compliance with the provisions of this chapter and the municipal code.
3. **Permit Fees:** Every applicant, before being granted a sign permit, shall pay to the City the sign permit fee as established by resolution of the City Council. The required encroachment permit fee shall be paid to the City prior to granting any associated sign permit.

17.75.103 EXEMPTIONS: The permit requirements, district signage regulations, and design requirements sections of this chapter do not apply to the following signs; provided however, said signs are subject to all other provisions of this chapter, unless otherwise noted.

1. Building numbers and nameplates identifying the address and/or occupant of a property. Such numbers or name shall not be used in conjunction with a Home Occupation or advertising a business. Building numbers are required by City code to be located on all buildings, visible from the public right-of-way.
2. Real estate signs which advertise the sale, rental, or lease of the premises upon which they are located, provided that such signs do not exceed eight (8) square feet in area in residential zoning districts or thirty-two (32) square feet in all other zoning districts. Such signs shall not be placed within the public right-of-way or located within clear zones. New subdivisions shall be allowed one thirty-two (32) square foot sign at each entrance into the subdivision noting the developer or seller contact and lots for sale. Such sign shall be removed at build-out of such subdivision.
3. Signs denoting the architect, engineer, contractor, lending institution or future occupant, limited to one each, placed upon work under construction. Such signs shall not exceed eight (8) square feet in area in residential zoning districts or thirty-two (32) square feet in all other zoning districts. Such sign shall not be displayed more than five (5) days prior to the beginning of construction and shall be removed prior to occupancy of the structure. Freestanding signs shall not exceed a height of six (6) feet in residential zones and eight (8) feet in all other zones.
4. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building. Such signs shall not exceed two (2) square feet in area per occupant, nor exceed a total of sixteen (16) square feet for all signs. Such signs shall only be placed as wall signs.
5. Sandwich board (A-frame) signs located in the C-3, Central Business District that are no greater than four (4) feet in height and thirty (30) inches in width. Only one such sign is allowed for each lot or property provided it does not have another freestanding sign. Signs shall only be located upon the property for which it advertises or directly in front of such property. Such signs shall not obstruct any pedestrian pathways.
6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or similar materials.
7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and temporary, emergency or non-advertising signs as may be approved by the City Council. Such signs may be displayed on public right-of-way.
8. Signs or notices that are required to be displayed, maintained or posted, by law, or by any court or governmental order, rule or regulations. Such signs may be displayed on public right-of-way.

9. Official flags or emblems, of a nation, state, city, educational institution, or non-profit organization. Such flags or emblems are not to be considered as signs. On a lot on which one or more official flags are displayed, one private flag displaying the name and/or logo of the business or organization located on that lot may also be displayed provided that its height, location, and area do not exceed those of any official flag; provided the height of a private flag shall be a maximum of twenty-five (25) feet and the size shall be a maximum of fifteen (15) square feet.

10. Signs applied directly onto the body of a car, bus, truck, trailer or other vehicle if such vehicle is operated in the normal course of a business and not used primarily to display such sign. Such vehicles shall not remained static or parked in the same place for more than three days (3), during a normal business week. Such signs located on a vehicle or trailer associated number (3) of this section shall be exempt of this requirement.

11. Signs on a business premises indicating the desired vehicular traffic flow such as “Enter,” “Exit,” “Park,” “No/Parking,” etc. providing such signs do not exceed five (5) square feet in area per sign. Signs may identify the business by name, recognized emblem, or insignia provided the name, emblem or insignia does not exceed twenty percent (20%) of the total sign area and such copy is nonchangeable. Such signs may be a maximum of five (5) feet in height. Only those signs that are associated with a driveway leading to the property from a public right-of-way may include business copy.

12. Signs announcing or supporting political candidates or issues placed on a ballot in connection with any national, state, or local election; provided such signs are placed no earlier than 90-days prior to such election and are removed no later than seven (7) days after such election. Each property shall be allowed a maximum of two such signs for each candidate or issue on their property. Those lots with two lot frontages shall be allowed an additional sign and properties with 500-feet of lot frontage or greater shall be allowed one additional sign. Such signs shall not exceed eight (8) square feet in area in residential zoning districts and thirty-two (32) square feet in all other zoning districts.

13. Holiday lights and decorations, not to include promotional signs. Such decorations may be placed on or over public right-of- way only when an encroachment permit is granted.

14. Yard sale signs not exceeding a total of four (4) square feet in area for all signs; or auction signs not exceeding a total of four (4) total signs with a maximum of four (4) square feet for each sign. Such signs shall be displayed for a maximum period of one (1) week. No person shall display such sign on the property of another person without having first obtained the consent of the owner of such property. Such off-premise signs may be displayed for a maximum of seventy-two (72) hours.

15. Temporary signs that do not exceed five (5) square feet in area pertaining to drives or events of civic, philanthropic, charitable, educational, or religious organizations, provided that such signs are displayed only during the event and not more than thirty (30) days before the event, and are removed not more than three (3) days after the event. There shall be a maximum of two (2) such signs per property.

16. Works of art that do not include any commercial messages. These works of art, including but not limited to sculptures, fountains, statues, and murals, must not represent or be largely associated with the business or operation that they are constructed for. Allowable works of art are not displayed to advertise any commercial, professional, retail or other business-related activity.

17. Congratulatory signs or announcements are limited to one sign per property, with a maximum size of thirty-two (32) square feet, and a maximum 72-hour display period.

18. Athletic fields and similar recreation area signage are permitted in addition to other permitted signage addressed herein, so long as said signs are intended to be viewed primarily from the playing field and spectator area and not from the public right-of-way. Said athletic field and similar recreation area signage shall not exceed 25-foot in height

and the maximum total exempt sign area for such fields and recreation areas shall not exceed three hundred (300) square feet. This signage is not counted towards the total allowable signage for the lot or property upon which it is located.

19. Signs located within a building that are not intended to be viewed from the public right-of-way. Signs within a stadium, arena, open-air theater, shopping center, or other building or structure that are only seen by persons within such structure.

20. On-premises signs offering "drive-up" service and/or items available, such as a menu board, may be excluded from the total allowable sign area permitted for the zone within which it is located. Any commercial message on such sign shall not be intended to be viewed from the public right-of-way.

21. Traffic, street, and other municipal and state signs that are placed by a city, state, or federal entity.

22. Signs not visible beyond the boundaries of the lot or property upon which they are situated or from any public right of way.

23. Existing signs of historic significance, such as plaques, painted words, or other significant "signs," on buildings that were constructed prior to the adoption of the zoning code for the City of Burlington in 1959.

24. The following signs shall be allowed, based upon City staff approval, and are intended to serve a greater community good by showcasing historical places and other significant events taking place within the City.

    a. Community special event signs or banners approved by the city council.
    b. Commemorative plaques, signs, flags, or monuments placed by historical or civic organizations that do not display a commercial message.

17.75.104 DISTRICT SIGNAGE REGULATIONS: All signage located on a property or lot shall be applied towards the total allowed signage for such property or lot, unless such signage is otherwise exempt, as stated herein. The total allowed signage for a property or lot in each zoning district is as follows:

1. **R-1, R-2, R-3 (Residential Zoning Districts)**

    a. Permitted uses, conditional uses, and special uses, shall be permitted one freestanding, non-illuminated identification sign per property with a surface areanot exceeding four (4) square feet. Such sign shall not exceed four (4) feet in height

    b. Church, school, other institution and public buildings shall be permitted (100) one hundred square feet of signage. A maximum of fifty (50) square feet may be used for an (illuminated) freestanding sign and the remaining signage shall be used in conjunction with and/or attached to the principal building. The height of any freestanding sign is not to exceed six (6) feet when located within one hundred (100) feet of an adjoining lot or any other lot in which the sign faces that is used and/or zoned for residential purposes and shall not exceed twelve (12) feet in height when located further than 100 feet from adjoining lots used and/or zoned for residential purposes.

    State licensed public or private schools located in the area designated by subsection 6 of this section may be permitted to have up to two hundred fifty (250) square feet of total signage. No freestanding sign shall exceed twenty-five (25) feet in height or be located within fifty (50) feet of an adjoining lot used and/or zoned for residential purposes. Signs that cannot meet this setback requirement shall be a maximum of six (6) feet in height. All such schools may have electronic message signs.

c. Subdivisions shall be permitted two identification signs per entrance. Surface areas shall not exceed ten (10) square feet of sign copy and may display only the name of the subdivision. The total area of sign, including structural supports, decorative uprights, etc., shall not exceed fifty (50) square feet, with a maximum of two supports and/or decorative uprights per sign. Signs shall not exceed six (6) feet in height and may be indirectly illuminated.

d. Mobile home parks shall be permitted one identification sign not exceeding ten (10) square feet per entrance, displaying only the name and address of the park. Signs shall not exceed six (6) feet in height and may be indirectly illuminated.

e. Nonconforming uses, other than residential, shall be permitted a maximum of forty (40) square feet of signage. A maximum twenty (20) square feet of such signage may be illuminated and the height of a freestanding sign shall not exceed six (6) feet.

f. Electronic message signs are prohibited within these districts unless associated with an institutional use located within these districts. When located on institutional property, such signs must be located a minimum of one hundred (100) feet from an adjoining lot used and/or zoned for residential purposes. Such signs shall be a maximum of thirty (30) square feet in size when located in residential zones.

2. **R-4 (Multi-family Residential Zoning District)**

a. Signs as permitted and regulated in the R-1, R-2, and R-3 districts subject to the following modification: For multiple-family dwelling buildings and/or complexes: a maximum of two (2) freestanding signs, not to exceed six (6) feet in height, with a total surface area of sign copy not exceeding two (2) square feet for each dwelling unit contained in the building or complex. A maximum total of thirty-two (32) square feet in surface area per building and a total of one hundred (100) square feet per complex is allowed.

Surface areas shall not exceed ten (10) square feet of sign copy. The total area of sign, including structural supports, decorative uprights, etc., shall not exceed fifty (50) square feet, with a maximum of two supports and/or decorative uprights per sign. Such signs shall indicate only the name and/or address of the building or complex and the name and location of the management thereof.

b. Signs may be illuminated.

c. Electronic message signs are prohibited within this district unless associated with a state licensed public or private school located within this district. When located on school property, such signs must be at least one hundred (100) feet from any other residential property.

3. **C-1 and C-2 (Commercial Districts)**

a. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each property shall not exceed two hundred (200) square feet in C-1 districts and three hundred (300) square feet in C-2 districts.

b. Properties that have more than one lot frontage shall be permitted an additional fifty (50) square feet of signage, if frontages allow, for a maximum total of two hundred fifty (250) square feet in C-1 districts and three hundred fifty (350) square feet in C-2 districts.

c. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed twenty-five (25) feet in height in a C-1 area or

forty (40) feet in height in a C-2 area. In no case shall a freestanding sign be greater than twenty-five (25) feet if height if the sign is located within fifty (50) feet of a residential zoning district boundary.

d. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.

e. Signs may be illuminated.

4. **C-3 (Central Business District)**

a. The surface area of all permitted signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage or one (1) foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for any property shall not exceed two hundred (200) square feet for each lot frontage.

b. When establishments border more than one frontage, the sign area for each frontage shall not exceed in square footage the amount as computed for the frontage on which the sign is located. One-half of the signage for one frontage may be applied to an (adjacent) frontage for the same lot.

c. No more than one projecting sign for each property street frontage shall be permitted. Such sign shall be a minimum height of eight (8) feet above grade. An encroachment agreement is required far any sign that projects into the public right-of-way.

d. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed forty (40) feet in height. In no case shall a freestanding sign be greater than twenty-five (25) feet if height if the sign is located within fifty (50) feet of a residential zoning district boundary.

e. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.

f. Signs may be illuminated.

5. **M-1 and M-2 (Industrial Districts)**

a. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each lot shall not exceed three hundred (300) square feet.

b. For large lot-large manufacturing complexes with lots larger than five (5) acres in area and buildings with a combined gross floor area of greater than three (3) acres, one square foot of signage is allowed for each one thousand (1,000) square feet of building area or as stated in section (a) above, whichever results in the larger sign surface area. However, the maximum total surface area of all permitted signs for such properties shall not exceed seven hundred fifty (750) square feet.

c. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed forty (40) feet in height. In no case shall a freestanding sign be greater than twenty-five (25) feet if height if the sign is located within fifty (50) feet of a residential zoning district boundary.

d. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.

e. Signs may be illuminated.

6. **C-1, C-2, M-1 and M-2 (that are located as described):**

[Located adjacent to Roosevelt Avenue between the railroad tracks north of Mt. Pleasant Street and Mason Road adjacent to Mt. Pleasant Street between Dehn Street and the City's western border, adjacent to Winegard and Kirkwood Streets between Cottonwood and the City's western border, adjacent to Sylvania Drive, adjacent to Agency Street between a point six hundred feet east of the Columbus Drive right-of-way and the City's western border, and adjacent to Division Street between Terrace Avenue and Roosevelt Avenue.

Those commercial and industrial properties that are located along the Roosevelt Avenue (US 61) corridor or specified adjacent streets are in high traffic areas that often have higher speed limits. Additional signage is allowed in these areas in order to clearly identify and distinguish such properties.

a. The total surface area of all signs on a lot shall not exceed three (3) square feet for each lineal foot of building frontage or two (2) square feet for each lineal foot of lot frontage, whichever results in the larger sign surface area. When properties border more than one frontage, the sign area, for each frontage, shall not exceed in square footage the amount as computed for the frontage on which the sign is located.

b. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed fifty (50) feet in height. In no case shall a freestanding sign be greater than twenty-five (25) feet if height if the sign is located within fifty (50) feet of a residential zoning district boundary.

c. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.

d. Signs may be illuminated.

7. **SP-1 (Special Airport)**

a. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each property shall not exceed two hundred fifty (250) square feet.

b. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed twenty-five (25) feet in height and shall comply with provisions of Section 17.30.60 of this Zoning Code.

c. Signs may be illuminated.

17.75.105 FREESTANDING SIGNS: Such signs are limited to one sign for each lot, except as elsewhere prohibited or permitted. All freestanding signs shall meet the design criteria as stated in section 17.75.118. All non-exempt freestanding signs located on one lot or property must be located a minimum of one hundred (100) feet from any other non-exempt freestanding sign on such property. All freestanding signs must be located a minimum of ten (10) feet from all side property lines.

17.75.106 WALL SIGNS: Wall signs shall not project beyond the ends or top of the wall to which they are attached. A wall sign shall not project more than twelve (12) inches beyond the face of the building and shall be a minimum of eight (8) feet above the ground when projection is in excess of four (4) inches and sign is located above a walkway. A wall sign that extends more than six (6) inches from a building and projects over the public right-of-way shall be required to obtain an encroachment permit prior to placing such sign.

A sign that is displayed in a window shall count towards the total allowed signage for a property if it identifies, represents, or describes the business or property upon which it is located. Temporary commercial advertising on such windows shall be required to obtain a temporary (promotional) sign permit if the advertising covers greater than fifty percent (50%) of such window(s).

17.75.107 PROJECTING SIGNS: Projecting signs, including the frames, braces, and supports thereof, shall be in compliance with the Building Code and Electrical Code of the City, and may be double-faced. The lettering or advertising designs to be illuminated shall not be composed of glass, but may be of other transparent or semitransparent material. Any removable part shall be securely fastened. V-shaped signs must be constructed with a roof and ceiling. Signs that project into public right-of-way shall obtain an encroachment permit. Such signs shall project no closer than two (2) feet from any curb line, measured horizontally.

17.75.108 ROOF SIGNS: Roof signs, when designed by a licensed engineer based on sign size and building/roof construction and in compliance with the City's building codes, are permitted. No electronic message signs shall be constructed on the roof of a building.

The surface area in square feet of signage on a mansard roof cannot exceed three (3) square feet for each lineal foot of mansard roof. Signage shall not extend above the top of the mansard roof or protrude below the bottom of the mansard roof. The bottom of any sign placed on a mansard roof shall be at least ten (10) feet above grade. No roof sign shall exceed the allowed maximum height of building in feet, for the district in which it is located, as stated on Table 17.30.20.

17.75.109 CANOPY, MARQUEE AND AWNING SIGNS: Any identification sign located on a canopy, marquee, awning, or similar structure shall be attached to the face thereof. Such sign shall not extend vertically or horizontally beyond the limits of the canopy, marquee, awning, or similar structure to which it is attached. All signs shall maintain a vertical clearance of not less than eight (8) feet above the ground surface grade directly below the sign. No such sign shall project closer to a curb line than two (2) feet, measured horizontally. Such signage shall be included in the total allowable sign area for each property. In order to construct a canopy, marquee or awning which projects over public right-of-way greater than six (6) inches from a building, the owner of the property on which such sign is to be located shall obtain an encroachment permit.

17.75.110 ELECTRONIC MESSAGE SIGNS: Electronic message signs shall be in compliance with the Building Code and Electrical Code of the City. Such signs are subject to the following conditions:

1. Such signs shall not blink, flash, project or show live action or taped video. Signs shall not advertise, promote, or otherwise display any goods, services, or other businesses that are not sold or operated on the premises.
2. Such signs are only allowed in commercial and industrial zoning districts unless otherwise stated within this regulation.
3. Such signs shall be located a minimum of one hundred (100) feet from an adjoining lot used and/or zoned for residential purposes and time and temperature only signs shall require a minimum of fifty (50) feet separation from residential areas (excluding the C-3 district in both cases).

4. Transitions should be modest or discreet in order to reduce any negative effects or distractions on traffic. Words, symbols, or other copy may transition in any manner that does not produce blinking and/or flashing.
5. Such signs shall be conscious of pedestrian and automobile distraction and safety in the manner in which words and/or symbols are presented.
6. Sign copy shall not change more than once per three seconds.
7. A property is allowed one electronic message sign for each allowed freestanding sign a property is allowed, whether such electronic message signs are placed on the building, are freestanding, or are any other type of sign.
8. Only one electronic message sign shall be allowed upon each freestanding sign (may be double sided). Only one electronic message sign shall be allowed upon each building side as a non-freestanding sing and no such sign shall be placed above the height of the wall or building it is attached to.

17.75.111 PROMOTIONAL (TEMPORARY) SIGNS: Promotional signs are permitted for all grand openings and nonresidential land uses, subject to the following conditions:

1. Temporary sign permits are required for all promotional signs prior to their installation.
2. No more than four (4) permits shall be issued for promotional signs for the same business or location within one calendar year, with a maximum total of 60 days allowed for all issued permits at one location or property. This applies to each individual tenant of a multiunit business or industrial complex.
3. Promotional signs shall be erected and maintained in a safe manner for a predetermined period of time not to exceed thirty (30) days and shall be removed within three (3) days of termination of the advertised activity, event, service or sale as stated on the permit.
4. Promotional signs are permitted in addition to the allowed existing signage and shall be limited to a maximum of ten (10) such signs and a total of two hundred (200) square feet for each temporary sign permit granted.
5. Promotional signs may be located over public right-of-way if placed at least eight (8) feet above sidewalks and fourteen (14) feet above vehicle travel-ways if the City grants an encroachment permit. Such signs shall not be attached to City fixtures, light poles or utility poles without written permission.
6. Promotional signs shall only advertise for the business or property upon which they are located and may not be located off-site.
7. Promotional signs shall not flash, but may be illuminated if not directed at or disruptive of surrounding property or traffic.

17.75.112 BILLBOARD SIGNS: Billboards shall not be erected within fifty (50) feet of any residential zone, shall be set back at least twenty-five (25) feet from all property lines, and shall not exceed twenty (20) feet in height above grade. Only one (1) such sign shall be allowed per lot or property. One (1) off-premise sign shall be allowed in parking lots where the business is located directly across the street or public right-of-way and owns both lots. Such signage will count towards maximum total signage allowed on the primary business lot, is allowed up to a maximum of thirty (30) square feet, shall only advertise for the business, and shall not be an electronic sign. Such signs shall be allowed to be located as on-premise signs and must follow all other regulations set forth in Section 17.75 of the Zoning Code.

17.75.113 INCENTIVE SIGNAGE: In an effort to further the goals of Section 17.75.100 of this regulation, incentives are offered to businesses that take additional consideration of the design and quality of their permitted signage.

1. All ground signs constructed as part of this incentive signage shall meet the design criteria as stated in Section 17.75.118. Properties must meet all other requirements of this sign regulation in order to be eligible for this incentive signage.
2. All ground signs shall be required to be constructed of material including brick, stone, or similar decorative materials. These materials shall be required to compromise at least 50% of the uprights, braces, or other supports of the ground sign.
3. Landscaping shall be used in conjunction with all ground signs that are constructed as part of this section. Shrubs, vegetative plantings, landscape material and/or other decorative features shall be utilized. Landscaping shall be maintained throughout the life of the sign.
4. Any commercial or industrial zoned property that has a lot frontage equaling or exceeding two hundred fifty (250) feet shall be allowed two (2) ground signs based on the following conditions:
    a. No freestanding sign shall be located on such property that exceeds eight (8) feet in height (including pole signs).
    b. No ground signs shall exceed eight (8) feet in height or one hundred (100) square feet in area.
    c. All signs on such property shall count towards the total allowed signage.
5. Any commercial or industrial zoned lot or property shall be allowed an additional one hundred (100) square feet of signage, in addition to what is allowed at their current location, if the following conditions are met:
    a. The total lot frontage for the lot or property shall equal or exceed two hundred fifty (250) feet.
    b. All freestanding signs shall be placed as ground signs, not exceeding eight (8) feet in height, and shall meet the design requirements of this chapter.
    c. No more than three (3) total ground signs shall be located on such lot or property.

17.75.114 PROHIBITED SIGNS: The following signs are prohibited from being located or erected within any zoning district within the City of Burlington.

1. **Unsafe and Unlawful Signs**: All signs regulated under this chapter which are determined to be (1) unsafe, (2) insecure, (3) a nuisance or (4) constructed, erected, or maintained (including appearance and legibility) in violation of this chapter or any City ordinance, shall cause written notice thereof to be given to the property owner and/or sign installer. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove the sign, an explanation of the consequences of failure to comply with the order, and a time period for compliance. Failure to comply with the order may cause removal of the sign at the expense of the property owner, in addition to other remedial actions prescribed herein. The owner may appeal the order, within five (5) days of receipt thereof, to the Construction Board of Appeals if the order concerns the safety, security or physical construction of the sign. Requests for variances and appeals for specific orders regarding size, location, or area computation, etc., shall be made to the Zoning Board of Adjustment. The appeal effectively extends the order pending the Board's decision.
2. **Traffic Hazard, Obstructions, and Illumination**: No sign shall be erected or maintained in such a manner as to obstruct free and clear vision to, from, or upon any public roadway, including at any driveway or other location where vision may be obstructed while entering onto a public roadway or frontage road). No sign shall be erected or maintained at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK, "DRIVE-IN" or any other word, phrases, symbols or characters as to interfere with, mislead, or confuse traffic.

Whenever any sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on adjoining property. Illuminated signs, including any light source, shall not (intermittently) blink, flash, or otherwise distract automobile traffic in such a manner as to create a traffic hazard. The mechanical components of a sign may not move, nor may the electrical components of a sign operate so as to simulate movement, except textual messages may change instantaneously or sequentially. For the purpose of this section, the word "sign" includes those devices and displays located within a building that are intended to be viewed from the public right-of-way.

3. **Obsolete Signs**: Any sign that advertises a business, event, or activity no longer being conducted, or a product or service no longer offered on the premises, and/or associated sign structures and supports shall be considered an obsolete sign, unless otherwise determined by the City to be a historic/exempt sign. However, permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed obsolete unless the premises remains vacant for a period of six (6) months or more.

   Any sign that becomes obsolete or is obsolete at the time of adoption of these regulations shall be removed by the owner or agent of the property upon which such sign may be found within thirty (30) days after written notification. Failure to comply with the order within the time specified shall be considered a violation of this chapter and in addition may result in removal of the sign at the expense of the property owner. Obsolete signs shall include all nonconforming signs not meeting all applicable requirements of these regulations.

4. **Sign attached to trees or poles**: Any sign attached to utility poles, traffic signs, poles, control stations, trees, or natural features, unless otherwise allowed in this regulation.

5. **Sign located within the Public Right-of-Way**: Any sign placed in the public right-of-way, upon public sidewalks, or on any other City owned property, unless expressly permitted elsewhere in this chapter.

6. **Signs located within the "Clear Zone,"** unless expressly approved by the City. This requirement includes sign posts, guides or supports.

7. **Moving Signs**: Signs that physically move by means of mechanical moving parts.

8. **Off-premise Signs**: Not allowed, except as billboards, which must follow the requirements of Section 17.75.112 Billboards and all other applicable requirements of this chapter.

9. **Vehicle Sign**: Any sign attached to or placed on a vehicle or trailer parked on public or private property. This provision does not apply to the identification of a firm, business, or its products; or political candidates or issues on a vehicle operating during the normal course of business. Such vehicle shall be operational and utilize identified parking spaces when not in service. Municipal buses and taxis are exempt from this provision.

17.75.115 NONCONFORMING SIGNS: Nonconforming signs, other than billboards, that are otherwise lawful on the effective date of the ordinance codified in this chapter may be continued until they are required to be removed as provided in this section, unless otherwise stated within this regulation.

1. No person may engage in activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.

2. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.

3. If the size or configuration of a lot or building is changed, signs on the resulting property or properties shall be required to comply with the sign regulations applicable to the modified or newly created property or properties.
4. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
5. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve-month period, fifty percent (50%) of the replacement value of such sign.
6. Alterations or additions, other than permitted above, to any signage on property containing nonconforming signs shall be prohibited until complete compliance with all the provisions of this chapter is obtained.
7. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered obsolete and shall be removed by the property owner within thirty (30) days of receipt of written notice ordering such removal.
8. If a billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed obsolete and shall, within thirty (30) days after such obsolescence, be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is “blank” if:
    a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating, being offered, or conducted; or
    b. The advertising message the sign displays becomes illegible in whole or substantial part; or
    c. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
9. On any lot that contains one or more nonconforming signs, the erection and display of new signs shall be prohibited until all nonconforming signs have been removed.

17.75.116 LIABILITY AND ENFORCEMENT:

1. **Liability:** This chapter shall not be construed as relieving or lessening the responsibility of any person owning, building, altering, constructing, removing, or moving any sign in the city for damages to anyone injured or damaged, either in person or property, by any defect or action therein; nor shall the city or any agent therefore assume the liability by reason of issuance of a permit or inspection authorized in this chapter. Any person who erects, alters, relocates, displays, or causes the same to be done within the City any sign or other advertising structure, as allowed or not allowed in this chapter, shall hold the City harmless from any liability incurred as a result of the installation of the sign or advertising structure.
2. **Removal of Signs**: The enforcing official and/or designated city staff shall order compliance with this chapter or, without prior notice, may remove any sign erected or installed in violation of this chapter under the following circumstances:
    a. When in the sole discretion of city staff a sign presents an immediate threat to the safety of the public (including, but not limited to traffic hazards);
    b. When a sign is illegally placed within the public right-of-way, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public easements;

3. **Abandoned Signs**: Any sign determined to be abandoned by the City shall be required to be removed upon receipt of notice by the City and/or underlying property owner that their sign is deemed abandoned;

4. **Disposal of Signs**: When a sign has been removed by the City as authorized by subsection (2) (a) and (b) of this section, city staff may take the following actions:

    a. The City shall hold a sign for a period of fourteen days. After fourteen days the city may dispose of the sign without prior notice to the sign owner. Sign owners wishing to reacquire possession of removed signs are subject to an impoundment fee of ten dollars per sign.

    b. In addition, for signs with fair market value including and exceeding five hundred dollars, the city shall provide notice by mail as follows:

        i. Sign Owner: The mailing address of the sign owner, if the City can determine such address after reasonable efforts in investigation. “Reasonable efforts” shall include investigation efforts that take no longer than one-half hour of staff time.

        ii. Underlying Property Owner: If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the record of the County Assessor’s Office.

17.75.117 COMPUTATION OF SIGN AREA: The area of a sign shall be computed as follows:

1. The area of a sign is that area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed.
2. The area of a sign composed of words or characters applied directly to a building or wall shall be computed as the area within a regular geometric shape that encloses the words or characters.
3. The area of double-faced signs shall be the area of one sign face if the two faces are of equal area, or as the area of the larger face if the two are of unequal area.
4. Signs that are not double faced shall be calculated as the area for each side of the sign, whether the sign has one face or more than one face.
5. The area of a back-lit translucent canopy or other lighted translucent figure shall be computed as the maximum visible total surface area.

17.75.118 DESIGN REQUIREMENTS:

1. All signs shall be designed and constructed to withstand wind pressure and dead loads as required by the adopted Building Code for the City of Burlington.
2. Uprights, braces, or other supports of any ground sign shall not extend further than three (3) feet on either side of the rectangular area enclosing the sign copy, unless otherwise approved.
3. Ground signs may not exceed six (6) feet in height for residential land uses and eight (8) feet in height for commercial or industrial land uses, unless otherwise stated herein.
4. Permanent signs shall be designed to fit the character of the area in which they are placed and the design, appearance, color scheme, and character of the building to which they are associated.

5. Signs shall be designed to be a maximum size based on the type of sign that is constructed. Further size limitations may be stated within the District Signage Regulations of this chapter.

Sign Description	**Size Regulations**	
	Max Size (sf)	Roosevelt Ave.[1]
Awning/Canopy	50	50
Electronic Message/Reader Board	50	75
Marquee/Projecting	100	100
Ground	100	150
Billboard	200	200
Freestanding/Pole	200	250
Roof	300	300
Wall	300	350

[1] Signs located on properties directly adjacent to and having frontage along Roosevelt Avenue may be allowed greater size dimension based on the following size requirements.

17.75.119 VARIANCE: Requests for variances or appeals from the requirements of this chapter are to be filed with the Zoning Board of Adjustment for the City of Burlington, Iowa.

Chapter 17.80 Subdivisions

17.80.100	**General Provisions**	**17.80.500**	**Minor Subdivision Final Plat Procedures**
17.80.200	**Pre-Application Conference**	**17.80.600**	**Improvement Agreements**
17.80.300	**Major Subdivision Preliminary Plat Requirements**	**17.80.700**	**Approval, Recording and Appeal**
17.80.400	**Major Subdivision Final Plat Process**	**17.80.800**	**Site Design Standards**

17.80.100 General Provisions

17.80.101 Title: This chapter shall be known and may be cited and referred to as the Subdivision Regulations for the City of Burlington, Iowa, and will be referred to herein as the "Regulations" to the same effect as if the full title were stated.

17.80.102 Purpose: In order to maintain the public interest, these Regulations establish provisions, requirements, and procedures to:

1. To provide for accurate, clear and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems;

2. To provide for a balance between the use rights of individual landowners and the economic, social, and environmental concerns of the public when the City is developing or enforcing its land use regulation; and social, and environmental concerns of the public when the City is developing or enforcing its land use regulations; and

3. To encourage orderly development of the City and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, that are consistent with the City's Comprehensive Plan and other specific community plans.

17.80.103 Application: Any proprietor of land who wishes to create a land parcel shall cause a plat to be made in conformance with the provisions of these Regulations, as they are the minimum requirements for the promotion of the public health, safety, and general welfare. If any other statute, local ordinance or regulation imposes higher standards than are required by the Regulations, that statute, local ordinance or regulation shall govern.

17.80.104 Authority Area: These Regulations govern the review and approval of any plat for subdivision of any area of land within the City or within two (2) miles of the City boundaries of Des Moines County, except the City waives its right to review subdivisions in the overlapping area identified by an active agreement with West Burlington as provided for in Chapter 354 of the Code of Iowa.

These Regulations apply where any or all of the following circumstances exist or occur:

1. Any area of land which has been divided or shall hereafter be divided into two or more parts;

2. Any area of land that is described by metes and bounds, or an area of land that is not a complete platted lot.

17.80.105 Modifications: Whereas, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify by variance or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided,

however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations.

In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially, the objectives of the requirements so modified or waived.

17.80.106 Fees: The City Council shall from time to time establish by resolution, a schedule of reasonable fees, sufficient to recover incurred costs, to be charged for the review of plats and associated improvements under these Regulations.

All fees for review of plats shall be paid in full prior to City Council acceptance of the final plat.

17.80.107 Penalties: Any person who violates, omits, neglects, refuses to comply with or resists the enforcement of any of the provisions of the Regulations, shall be fined for each offense as provided for in Chapter 4 of the Municipal Ordinance; and each additional day that a violation exists shall constitute a separate offense.

In addition to any penalties that may be issued, the City also maintains the right of injunction on all purported violations.

17.80.108 Applicability and Severability: See Section 17.01.03 of this Zoning Code

17.80.109 Relationship: In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

1. Comprehensive and Land Use Policy Plan
2. Zoning Ordinance
3. Historic Preservation Ordinance
4. Flood Plain Ordinance
5. Building and Related Construction Codes
6. Rental Housing Code
7. Transportation Plan
8. Parks Master Plan
9. Design and Improvement Standards Policy

Plats may be disapproved on the basis of the above plans and specifications. The City Council may adopt or amend additional plans and policies not listed above, however, carrying the same effect.

17.80.110 Recording of Plat: No subdivision plat or street dedication within the City or within the two (2) miles of the corporate limits of the City shall be filed for record with the County Recorder, or filed by the Recorder, until a final plat and/or Improvement Agreement has been approved in accordance with this Chapter.

17.80.111 Definitions: Unless otherwise expressly stated, the following terms shall, for the purposes of the Regulations, have the meaning herein indicated.

1. Adequate Public Facilities - Facilities determined by the City Council to be capable of supporting and servicing specified levels of service for anticipated infrastructure needs in the physical area and with the designated intensity of a proposed subdivision.

2. Alley - A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.

3. Applicant - The owner of land proposed for subdivision or the developer thereof who has written authority to act on behalf of the owner.

4. Auditor's plat – A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

5. Bikeway - A public way designed to be used for bicycling, or a combination of biking and pedestrian traffic. "Bikeway" shall include: any path, which is a public way separated from any highway, street or alley and/or, is a portion of a highway, street, alley or other public way reserved and marked for the exclusive use for bicycles and/or pedestrian traffic.

6. Block - An area of land bounded by streets, highways, and/or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of the subdivisions, shorelines of waterways, or corporate boundaries.

7. Bond - Any form of security including a letter of credit, a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.

8. Building – See Section 17.10.05, #21

9. Building Official/Zoning Enforcement Officer - The individual(s) appointed by the Development Director who is responsible for the administration and enforcements of the Zoning, Subdivision or Building Regulations of the City.

10. Central Water System - A private water system including collection and treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

11. Central Sewerage System - A private sewer system including collection and treatment facilities established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

12. Central Storm Water Runoff System - A private storm water runoff system including collection and treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

13. City - The City of Burlington, Iowa.

14. County – Des Moines County, Iowa.

15. Dedication - A grant to the City of title to land, without compensation.

16. Design and Improvement Standards – Standards set forth in City Policy, adopted by the City Council for the City of Burlington

17. Driveway Approach - A vehicle access form private property to a public street or alley.

18. Easement - The perpetual right to use the land of another for a specified purpose.

19. Highway - A public way designated as a highway by an appropriate, state or federal agency.

20. Improvement Agreement - A written agreement signed by an Applicant and authorized agents of the City whereby the Applicant agrees to undertake performance of those obligations imposed by the Regulations, or agrees to be contained in the agreement and as authorized by the City, and containing such other terms and provisions in such form as shall be acceptable to the City. Specifically, an Improvement Agreement is to be entered into after approval of the Preliminary Plat in the event that improvements set forth therein will not be completed before submission of the Final Plat.

21. Land Use Policy Plan - The comprehensive plan for the City of Burlington, Iowa, as adopted and as subsequently amended.

22. Lot - An area of land designated by number or letter in a plat of subdivisions recorded pursuant to the Regulations, or otherwise recorded with the office of the County Recorder.

23. Major Subdivision - Any subdivision that is not classified as a Minor Subdivision.

24. Minor Subdivision - Any subdivision that plats no more that three lots fronting on an existing public way and does not require construction or extension of any public ways, utilities or other improvements, as set forth in these Regulations.

25. Outlot - An unbuildable area of land, due to its, size, shape, topography or general location within the phasing of a subdivision.

26. Plat of Survey – The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

27. Preliminary Plat - A plat for a proposed major subdivision prepared and submitted in accordance with these Regulations.

28. Right-of-way - A strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposed. “Right-of-Way” shall include, but not be limited to, any public ways.

29. Sidewalk - A public way designed and used for walking and located in public right-of-way or public easements.

30. Sketch Plan - A plan of land, preparatory to the plat, showing the location of a proposed division of land, including the general location and dimensions of any proposed streets and other improvements and the general layout and arrangement of intended land uses, in relation to the surrounding area.

31. Street - A public way designed and used for passage of vehicles. “Street” shall not include any alleys or highways.

32. Street Classification - All streets shall be classified as one or more of the following, in accordance with the adopted street classification map:
    a. Principal Arterial: A street intended for the movement of traffic to and from major traffic generators such as the Downtown or Highway Commercial areas, major industrial areas, and/or as a route for traffic between communities and that accommodates a high degree of mobility with a high degree of access control.
    b. Minor Arterials: Streets intended to collect and distribute traffic in a manner that is designed to serve low intensity traffic generating areas such as neighborhood commercial areas, education facilities, churches or designed to carry traffic from collector streets to principal arterials with a degree of access control.
    c. Urban Collector: A street intended to move traffic from local streets to arterial streets. These streets provide for movement at moderate speeds and provide a direct route between activity centers with a lesser degree of access control than arterial streets.

d. Local: A street designed for low speeds and low intensity traffic volumes intended to provide access to private property, and also to move traffic to and from low generating areas to collector and arterial streets.
e. Cul-de-Sac: A residential street closed at on end with a turn-around.
f. Dead-end: A street with only one vehicular traffic outlet.
g. Frontage Road: A street that parallels and is adjacent to an arterial street separated from the through traffic on the arterial street.

33. Structure – See Section 17.10.05, #115

34. Subdivision – The division of land into two (2) or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.

    The sale of or exchange of small parcels of land to or between the owners of adjacent platted lands, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes no greater than fifty percent (50%) of the area of the original lot (lot receiving the additional land) is not considered a subdivision and shall require a Plat of Survey or an Auditor's Plat to be recorded with the County Auditor.

17.80.200 Pre-Application Conference

17.80.201 Purpose: The purpose of the Pre-Application Conference is to inform City staff of a possible future subdivision; to facilitate City staff review of the effect and feasibility of a proposed subdivision in relation to the City's existing and proposed infrastructure systems; and to inform the Applicant of the requirements of the Regulations.

17.80.202 Procedure: The Applicant shall request a Pre-Application Conference with appropriate City staff, and shall submit three copies of a Sketch Plan for the area of land proposed to be subdivided ten days prior to the Pre-Application Conference.

17.80.203 Sketch Plan Contents: A Sketch Plan shall contain the following information at a minimum:

1. The name of the proposed subdivision;
2. The name, address and other pertinent information about the property owner, the Applicant, or other preparer of the Sketch Plan;
3. A north arrow and the preparation or submission date;
4. The general location, areas and dimensions of any lots to be platted by the proposed subdivision;
5. The general location, width and dimensions of any highways, streets, alleys, and other ways existing or proposed to be reserved or dedicated for public use on or abutting the area of land proposed to be subdivided;
6. The general location of any existing or proposed public infrastructure including water mains, sanitary sewer mains, storm sewer mains, and facilities and other infrastructure; and
7. The location, width and character of all existing or proposed utility easements on or abutting the area of land proposed to be subdivided.

17.80.204 Considerations: The appropriate City staff shall review and comment upon the Sketch Plan, taking into consideration the requirements of the Regulations and the best use of the tract or parcel proposed to be subdivided and giving particular attention to the following:

1. The locations and layout of any proposed streets or other public ways;
2. The arrangement and size of any lots to be platted by the proposed subdivision;
3. The layout of any proposed public infrastructure;
4. The pattern of surface water drainage on the area of land proposed to be subdivided;
5. The potential for any additional development of abutting lots, or areas of land.

17.80.205 Disclaimer: Neither the developer not the City shall be bound by any comments, recommendations, determinations or decisions of City staff offered or made during the Pre-Application Conference.

17.80.206 Classification of Subdivisions: The Development Department shall issue an oral or written determination as to the classification of a proposed subdivision within 20 days of the conclusion of the Pre-Application Conference process. All subdivisions will be classified as either a Major Subdivision or a Minor Subdivision.

1. A subdivision may be classified as a Minor Subdivision only if both of the following conditions are met:

a. The proposed subdivision will plat no more than three (buildable) lots, which will be legally platted after recording of the subdivision and each of which will front on an existing public way, not including alleys; and
b. The proposed subdivision will require no public improvements of any kind, except sidewalks and/or bicycle paths in compliance with the Parks Master Plan.

2. Any subdivision not meeting both conditions for classification as a Minor Subdivision shall be classified as a Major Subdivision.

3. The determination of the Development Department as to the classification of a proposed subdivision shall be presumed to be correct.

17.80.300 Major Subdivision Preliminary Plat Requirements.

17.80.301 Preliminary Plat Procedure: The Applicant shall file a complete Application for Preliminary Plat Approval of a Major Subdivision with the Development Department at least 30 days prior to a regular meeting of the Planning and Zoning Commission.

17.80.302 Application: An Application for Preliminary Plan Approval of a Major Subdivision shall include:

1. A completed Application Form available from the Development Department;
2. Six (6) paper copies not larger than 11" x 17" and four (4) paper copies no larger than 24" x 36" of the Preliminary Plat prepared in accordance with these Regulations;
3. Any filing fee established by the City Council.

An application for Preliminary Plat Approval of a Major Subdivision shall be deemed "complete" for the purpose of time periods within which action is required when so certified by the Development Department.

17.80.303 Review Process for a Major Subdivision Preliminary Plat: Staff and Agency Review of the Preliminary Plat; Concurrent Review by County when necessary:

1. The Development Department shall distribute a copy of the Preliminary Plat to other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.

2. The Development Department shall assemble, review, and report on any comments or recommendations submitted to it for consideration by the Planning and Zoning Commission.
3. In addition, where the proposed subdivision occurs within the two-mile radius of the City in which Des Moines County subdivision regulations will also apply, the Applicant shall be required to demonstrate compliance with all applicable requirements set forth in such county regulations prior to approval of the Preliminary Plat by the City Council pursuant to Section 354.9 of the Code of Iowa.

17.80.304 Planning and Zoning Commission Review:

1. The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Development Department, and such other information as it deems necessary or desirable to consider.

2. Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.
3. Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council setting forth its reasons for any recommendation.

17.80.305 City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.

17.80.306 City Council Action on Preliminary Plat:

1. Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements.

2. Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall by resolution approve, approve subject to conditions, or disapprove the Preliminary Plat.

17.80.307 Effect of Approved Preliminary Plat:

1. An approved Preliminary Plat shall be valid for one year from the date on which the City Council approves the Preliminary Plat, by which time the Applicant shall submit an Application for Final Plat Approval or the Preliminary Plat shall become null and void. The City Council may grant an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year, however, if the approval period expires at any time, the applicant must resubmit the preliminary plat.

2. The City Council may require the Applicant to execute an Improvement Agreement as set forth in these Regulations and provide security in the form of a bond or acceptable alternative between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision. The Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.

17.80.308 Major Subdivision Preliminary Plat Design Standards: A Preliminary Plat shall be prepared by a registered land surveyor at a scale of one inch equals 100 feet, unless an alternate scale is approved by the Development Director and the sheets shall be numbered in sequence if more than one sheet is used. Sheets shall be of such size as is acceptable for filing in the office of the City Clerk but shall be not greater than 24 inches by 36 inches and no less than 8 ½ inches by 11 inches.

17.80.309 Major Subdivision Preliminary Plat Features: In addition to all information provided with the Sketch Plan, the Preliminary Plat shall show the following information:

1. A statement by a registered land surveyor that the Preliminary Plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of accuracy. As an alternative, a Preliminary Plat may be prepared where a registered land surveyor certifies that the perimeter boundary of the subdivision was prepared under his or her supervision, and all other intermediate lot lines may be prepared by an engineer licensed in the State of Iowa;

2. The number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;

3. Survey date describing the lengths, bearing and curve date of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, dedication or other area within the tract or area of land proposed to be subdivided, and the outer boundaries to the tract or area of land proposed to be subdivided;

4. The general location, use and dimensions of any existing structures on any portion of the tract or area of land proposed to be subdivided, including required setback distances from

lot boundaries for any structures on any portion of the tract or area of land proposed to be subdivided;

5. The general location and areas of any existing water courses, wetlands, floodplains, trees, woodland resources, prairie resources or other environmentally sensitive areas on or within 200 feet of any portion of the tract or area of land proposed to be subdivided;
6. Topographical features including contours at vertical intervals of not more than two feet, unless an alternate contour interval is approved by the Development Director;
7. Any existing or proposed sidewalks, bikeways, highway, street, alley or other public way including centerline street stationing and geometrics;
8. The location and dimensions of any existing or proposed public infrastructure including any water main, sanitary sewer main or storm sewer main and any associated facility, including appropriate easements;
9. The location and dimensions of any existing or proposed utilities including electric, gas, telephone or cable, including appropriate easements;
10. A grading plan and a plan for soil erosion and sediment control;
11. A plan for storm water management and run-off control;
12. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments;
13. The names of adjoining streets;
14. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easements and proposed street rights-of-way and building set-back lines including proposed parking prohibitions;
15. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;
16. Progressive block number or letter may be assigned to groups of lots separated from other lots by streets or other physical features of land. Each lot within each block of the plat shall be assigned a progressive number. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within any block of the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated. No strip of land shall be reserved by the subdivider unless it is of sufficient size and shape to be of practical use or service as determined by the City Council; and
17. Lot dimension and lot areas.

The lack of information under any item specified herein, or improper information supplied by the Applicant, shall be cause for disapproval of a Preliminary Plat.

17.80.400 Major Subdivision Final Plat Process

17.80.401 Final Plat Procedure: The Applicant shall file an Application for Final Plat Approval of a Major Subdivision with the Development Department before the expiration of the period of validity of a Preliminary Plat as described herein.

17.80.402 Application: An Application for Final Plat Approval of a Major Subdivision shall include:

1. A completed Application Form available from the Development Department;
2. Six (6) paper copies no larger than 11" x 17" and two (2) copies no larger than 24" X 36" of a Final Plat prepared in accordance with these Regulations;
3. A computer diskette or CD containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City;
4. Any Improvement or Development Agreement in a form consistent with the requirements of City Policy and these Regulations; and
5. Any filing fee established by the City Council.

17.80.403 Review Process for a Major Subdivision Final Plat:

1. The Development Department shall distribute a copy of the Application Form and the Final Plat to such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.
2. The Development Department shall assemble, review and report on any comments or recommendations submitted to it and shall examine the Final Plat with regard to its conformance with the Preliminary Plat.
3. The Development Department shall forward the Final Plat to the City Council for its review within 20 days after the Applicant has filed a complete Application for Final Plat Approval, if the Department finds and reports in writing that the Final Plat substantially conforms to the approved Preliminary Plat.
4. An Application for Final Plat Approval of a Major Subdivision shall be "complete" for the purpose of commencing time periods within which action by the City Council is required when so certified by the Development Department .

17.80.404 City Council Action on Final Plat for Major Subdivision:

1. All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.
2. Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.
3. Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Development Department, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision.
4. The City Council shall, by resolution, set forth its reasons for approving, disapproving, or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer.

17.80.405 Major Subdivision Final Plat Design Standards: A Final Plat for a Major Subdivision shall be drawn at a scale of one inch equals 100 feet unless an alternate scale has been approved by the Development Director. A Final Plat shall be drawn on sheets measuring no greater than 24 inches by 36 inches and no less than 8-1/2 inches by 11 inches. The Final Plat shall also be prepared on a computer diskette containing a Computer Aided Design Drawing of the Final Plat which shall be provided in a format meeting the hardware and software specification of the City.

17.80.406 Major Subdivision Final Plat Design Standards: A Final Plat shall show, at a minimum, the following information:

1. The name of the proposed subdivision on each sheet and a notation identifying any resubdivision as such wherever the name of the proposed subdivision appears;
2. The name, address and other pertinent information about the owner and the developer;
3. A statement by a registered land surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of the accuracy of the plat;
4. The number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;
5. A scale, a north arrow and the preparation or submission date on each sheet;
6. All monuments existing or to be of record, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
7. Survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or area of land proposed to be subdivided, the outer boundaries of the tract or area of land proposed to be subdivided, and reference to at least two section corners within the United States Public Land Survey System in which the plat lies or to at least two established monuments with any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;
8. All distance, bearing, curve, and other survey data, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
9. The identity of any lot to be platted by the proposed subdivision be address, block and lot numbers, and of all adjoining or interior excepted tracts or areas of land by clear and relevant identifying information including the notation "not a part of this plat," and of any pubic ways within or abutting the proposed subdivision by name, and any recorded subdivision abutting the proposed subdivision by name;
10. The location, areas and dimensions of any existing floodplains;
11. The area of any lot to be platted by the proposed subdivision, to be shown on the plat either on each such lot or in a lot area table;
12. The names of any existing or proposed public ways;
13. Street stationing data for each street;
14. Any other information previously provided on the Sketch Plan or Preliminary Plat and requested by the Department of Planning and Housing; and
15. Two monuments on the boundary of the proposed subdivision shall be noted as being in accordance with the City's requirements relative to the established State Plain Coordinate System as defined in Chapter 355 of the Code of Iowa.

17.80.407 Major Subdivision Final Plat Attachments: Requirements set forth in Chapter 354 of the Code of Iowa and Des Moines County Recorder's Office shall be attached to and accompany any Final Plat for a Major Subdivision during the recording process.

17.80.500 Minor Subdivision Final Plat Procedures

17.80.501 Application: An Application for Final Plat Approval of a Minor Subdivision shall include:

1. A completed Application Form available from the Development Department;
2. Six (6) paper copies no larger than 11" x 17" and two (2) copies no larger than 24" X 36" of a Final Plat prepared in accordance with these Regulations;
3. Any plat located within the corporate limits shall have a computer diskette or CD containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City;
4. Any Improvement or Development Agreement in a form consistent with the requirements of City Policy and these Regulations; and
5. Any filing fee established by the City Council.

17.80.502 Staff and Agency Review of Final Plat for Minor Subdivision:

1. The Development Department shall distribute a copy of the Application Form and the Final Plat to such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.

2. The Development Department shall assemble, review and report on any comments or recommendations submitted and shall examine the Final Plat with regard to its conformance with the Preliminary Plat.

3. An Application for Final Plat Approval of a Minor Subdivision shall be "complete" for the purpose of commencing time periods within which action by the City Council is required when so certified by the Department of Planning and Housing.

17.80.503 City Council Action on Final Plat for Minor Subdivision:

1. All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Development Department, and such other information as it deems necessary or reasonable to consider.
2. Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.
3. Review of Minor Subdivisions located within the jurisdiction of the City's two (2) mile review area may be waived by resolution of the City Council, provided the subdivision is not located in the Urban Growth Area as designated by the City.
4. Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Minor Subdivision with the Development Department, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision.
5. The City Council shall, by resolution, set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer.

17.80.504 Minor Subdivision Final Plat Design Standards: A Final Plat for a Minor Subdivision shall be drawn at a scale of one-inch equals 100 feet unless an alternate scale has been approved by the Development Director. A Final Plat shall be drawn on sheets measuring no greater than 24 inches by 36 inches and no less than 8-1/2 inches by 11 inches. The Final Plat shall also be provided on a computer diskette containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City.

17.80.505 Minor Subdivision Final Plat Design Standards: A Final Plat shall show, at a minimum, the flowing information:

1. The name of the proposed subdivision on each sheet and a notation identifying any resubdivision as such wherever the name of the proposed subdivision appears;

2. The name, address and other pertinent information about the owner and the developer;

3. A statement by a registered land surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of the accuracy of the plat;

4. The number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;

5. A scale, a north arrow and the preparation or submission date on each sheet;

6. All monuments existing or to be of record, as required by Chapter 355 of the Code ofIowa, as amended or superseded;

7. Survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or area of land proposed to be subdivided, the outer boundaries of the tract or area of land proposed to be subdivided, and reference to at least two section corners within the United States Public Land Survey System in which the plat lies or to at least two established monuments with any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;

8. All distance, bearing, curve, and other survey data, as required by Chapter 355 of the Code of Iowa, as amended or superseded;

9. The identity of any lot to be platted by the proposed subdivision be address, block and lot numbers, and of all adjoining or interior excepted tracts or areas of land by clear and relevant identifying information including the notation "not a part of this plat," and of any pubic ways within or abutting the proposed subdivision by name, and any recorded subdivision abutting the proposed subdivision by name;

10. Any other information previously provided on the Sketch Plan and requested by the Development Department;

11. Location of floodplain as applicable;

12. If a subdivision plat, described as part of the United States Public Land Survey System and not entirely a resubdivision of an existing recorded plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section;

13. The area of any lot to be platted by the proposed subdivision, to be shown on the plat either on each such lot or in a lot area table;

14. The names of existing streets; and

15. Two monuments on the boundary of the proposed subdivision shall be noted as being in accordance with the City and State of Iowa requirements.

17.80.506 Minor Subdivision Final Plat Attachments: Requirements set forth in Chapter 354 of the Code of Iowa and Des Moines County Recorder's Office shall be attached to and accompany any Final Plat for a Minor Subdivision during the recording process.

17.80.600 Improvement Agreements

17.80.601 General: Such Improvement Agreements or Development Agreements shall constitute a binding contract between the Applicant and the City (the "parties") and shall be subject to approval as to the form by the City Attorney.

17.80.602 Terms: The City Council may require that all public improvements be installed and dedicated prior to approval of the Major or Minor Subdivision Final Plat. However, the City Council may accept an Improvement Agreement in lieu of the construction of said improvements, provided that security in the form of a Bond or other substitute is placed on file with the City as set forth in these Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, the Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.

Unless otherwise provided in the Improvement Agreement, the Improvement Agreement shall create no rights enforceable by any third party who is not a party to the Improvement Agreement.

The Improvement Agreement shall include a clause providing that the Applicant's substantial compliance with each and every term, condition, provision and covenant of the Preliminary Plat, of the Improvement Agreement, and of all applicable federal, state and local laws and regulations shall be a condition precedent of approval of the Final Plat for Major Subdivision.

An Improvement Agreement shall require installation of required public improvements within one year of approval of the Final Plat. A maximum extension of one year may be granted for such completion, as allowed by the City Council. If such improvements are not completed within the specified timeframe, the City of Burlington shall cause such improvements to be completed at the expense of the developer in the form of the security on file with the City of Burlington.

17.80.603 Approval: The Improvement Agreement shall be adopted by the City Council pursuant to applicable state and local laws and shall be attached and recorded with the Major Subdivision Final Plat in the office of the County Recorder.

17.80.700 Approval, Recording, and Appeal

17.80.701 Approval and Recording:

1. The passage of a resolution by the City Council accepting any Final Plat, whether for Major or Minor Subdivision, shall constitute final approval of the subdivision subject to the City Clerk receiving a copy of the recorded Final Plat.

2. The Applicant shall request that a copy of such resolution be certified by the City Clerk. The Applicant shall cause the Final Plat and the certified resolution to be recorded in the office of the County Recorder, Des Moines County, Iowa.

3. A copy of the recorded Final Plat and certified resolution must be received by the City Clerk within 60 days of the final approval of the Final Plat by the City Council. The City Council may initiate proceedings to revoke any approved Final Plat not so received.

17.80.702 Appeal: If any Preliminary Plat or Final Plat is disapproved by the City Council, such disapproval shall, by resolution, state the reasons for such disapproval and shall state requirements for approval.

17.80.800 Site Design Standards

17.80.801 General: The design standards contained in these Regulations are the minimum requirements applicable to a wide variety of circumstances for the general arrangement and layout of subdivisions. More stringent standards may be appropriate when the City Council finds and concludes that site conditions so require, in order to ensure development of an economical, pleasant, and durable neighborhood. More stringent standards may be required so long as such findings and conclusions demonstrate the consistency and compatibility of the standards with applicable elements of the Land Use Policy Plan, other City Plans, and the following specific considerations:

1. Safe and convenient pedestrian and vehicular access to the subdivision;
2. Appropriate preservation and integration of natural features within the subdivision;
3. The capacity and capability of infrastructure facilities, utility service and community facility service; and
4. Minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs.

Prior to the acceptance of any public improvements by the City, the subdivider shall provide certification signed by a professional engineer licensed in the State of Iowa that the improvements were constructed in accordance with the City's approved plans and specifications.

17.80.802 Blocks: Any block created by subdivision shall be appropriate to the type of development and use contemplated and shall conform as nearly as practicable to the size of existing and abutting blocks within the City's jurisdiction so that any new public way shall extend the existing system of public ways, so that the preferred block length does not exceed 600 feet and in no case shall a new block be longer than 1,320 feet or shorter than 280 feet between center lines of public ways unless topography or other conditions justifies variation. Blocks shall have sufficient width to provide for two tiers of lots sufficient for the building needs of the use proposed and to satisfy applicable zoning requirements. One tier of lots may be permitted for blocks adjacent to arterial streets, railroads, or waterways.

17.80.803 Lots: Any lot created by subdivision shall be appropriate for the type of development and use contemplated and shall meet any applicable zoning requirements and the following additional standards:

1. A lot at the corner or intersection of two public ways shall be of such width to permit appropriate building setback and orientation to both public ways, as well as to provide adequate vehicular sight clearance;
2. A lot with double frontage or reverse frontage shall not be permitted, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation;
3. A lot shall be provided with a usable access to a public way, except that access on an arterial street shall not be permitted unless alternative arrangements are impractical or impossible in which instance a frontage road, a cul-de-sac, or some other means of alternative access may be required in order to limit possible traffic hazard on such street. Such usable access shall be in the form of the minimum lot width fronting a public street, as described in Table 17.30.20;
4. A lot should have side lot lines that are substantially at right angles to straight street lines or radial to curved street lines;

5. The minimum required lot width may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall the lot width measured at the right-of-way line of a cul-de-sac or curved street be less than forty (40) feet.
6. A lot shall have adequate depth and width for any proposed structure, off-street service, and parking facilities required by the type of development and use contemplated, provided that a minimum lot width of 50 feet and a minimum lot depth of 100 feet are maintained;
7. A lot created by subdivision that is larger than required under applicable zoning requirements or other relevant building restrictions shall be arranged along with any other such lots created by subdivision to allow the opening of future public ways. Any further subdivision, dedications or reservations providing for such opening or extension of public ways may be made a requirement of the approval of final plat to the extent allowed by law; and
8. An area of land created by subdivision that is unbuildable due to its location, size, shape, or intended use, shall be labeled “outlot” on the final subdivision plat, the approval of which shall thereby restrict it as an unbuildable area. If possible, ground that is unusable due to size, shape, or terrain should be added to adjacent lots and not be made into an "Outlot." Flag-lots are discouraged and shall be labeled as “outlots” when shown on the major or minor final plat.

17.80.804 Conformance to Natural Features: As a means to protect the health, safety and welfare, no land shall be subdivided into buildable lots which is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, or other natural features. The developer may formulate adequate methods to avoid, minimize or mitigate any problems reasonably expected from subdivision or development of such land. Upon review of methods taken to avoid, mitigate or minimize any such problems the Planning and Zoning Commission may recommend and the City Council may approve of such subdivision.

17.80.805 Monumentation: Monuments shall meet all requirements specified by statute and the Design and Improvement Standards, and shall occur prior to the submittal of the Final Plat as required.

17.80.806 Subdivision Name: The proposed name of any subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the county. The City Council shall have the final authority after consultation with the Planning Commission to designate the official name of any subdivision, which it shall determine at the time of preliminary plat approval for any major subdivision and of final plat approval for any minor subdivision.

17.80.807 Subdivision Improvement Plan Submittal Requirements: Plans for public improvements shall be submitted to the Department of Public Works for review and approval at least 21 days prior start of construction. Upon approval, and at least 7 days prior to construction, the developer shall deliver all plans, specifications, and documents required by the Design and Improvement Standards to the Public Works Department:

Construction shall not proceed until the above documents have been delivered and a pre-construction conference has occurred with representation from the Public Works Department, the developers Engineering Consultant, and the Contractor.

17.80.808 Subdivision Landscaping Requirements: All plans and specifications shall be designed by a Licensed Landscape Architect or other suitable alternative approved by the Development Director. All designs shall meet Standards set forth by the Parks and Recreation Department and the Design and Improvement Standards for the City of Burlington.

17.80.809 Streets: The arrangement, character, extent, width, grade and location of all streets shall conform with the City's arterial street map, these regulations, and any further plans adopted by the City Council.

1. Cul-de-sacs – Streets open at only one end shall have a maximum length of seven hundred fifty (750) feet, measured along the centerline of the roadway from the edge of the adjacent street to the end of the cul-de-sac. Such dead-end roadway shall be served by an eighty (80) foot diameter paved cul-de-sac with one hundred (100) foot diameter right-of -way at the terminus. Street layouts within a subdivision shall be designed to the greatest extent possible to allow current and future connections to adjacent land and existing streets in the area; in order to provide adequate street connections and thru traffic routes, to allow for a more uniform (grid) street pattern and to reduce or eliminate the need for a cul-de-sac.

17.80.810 Street Installation: Any subdivision for which a public street is necessary requires the installation of such street including curbs and gutters adequate to serve all lots or parcels of land within the area to be subdivided. Streets shall be installed with due regard to the present and foreseeable needs of the area to be subdivided and to the location and capacity of existing streets. Streets shall be installed at the subdivider's expense and be constructed according to requirements of the City, certified by a registered engineer and approved by the Public Works Department. Any such street shall become property of the City, upon the City's inspection, approval, and acceptance of such street, after the subdivider pays to the City any costs associated with its installation including any reasonable charge for any supervisory or other services provided by the City.

Streets shall be designed and installed to meet the current Design and Improvement Standards set forth by City Policy and these Regulations.

17.80.811 Rights-of-Way Widths: Street and Right of Way widths and vehicular parking widths shall conform to those standards set forth in the Design and Improvement Standards for the City. These street widths may be modified by the City Council based upon the type of development or use anticipated for the area to be subdivided.

17.80.812 Sidewalks: Sidewalks shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Sidewalks shall be required on both sides of the street for all new residential streets. Sidewalks may be required in commercial and industrial areas depending on the surrounding area, for increased connectivity to such areas. Any required sidewalk shall be constructed to the Standards set forth by the Design and improvement Standards for the City.

A pedestrian walkway made of concrete may be required where deemed essential to provide access to schools, parks and playgrounds, commercial areas, and/or transportation or community facilities.

17.80.813 Bikeways/Walkways: A bicycle path shall be constructed in an area to be subdivided in order to conform to the Comprehensive City Plan and the Parks and Recreation Master Plan adopted by the City Council. The dimensions and construction specifications of any such bicycle/pedestrian path shall be determined by the number and type of users and the location and purpose of the bicycle/pedestrian path. Pathways shall be a minimum width of ten (10) feet unless otherwise approved by the Community Development Department; in no case shall the width of such path be less than eight (8) feet.

17.80.814 Water Supply: Any subdivision to which a public water main is accessible requires installation of adequate water facilities including fire hydrants, at the subdivider's expense and subject to City specifications described in the Design and Improvement Standards Policy for the City. Prior to the connection with the existing water system of the City, it may be necessary for the

developer to pay a connection fee in accordance with the requirements of the City and the Waterworks Department.

Any subdivision to which a public water main is not accessible requires the installation at the subdivider's expense and subject to requirements of the City and Waterworks Department plans and specifications. The water main system to be installed shall include any water mains and other water facilities adequate to serve all lots or areas of land within the area to be subdivided. The water main system shall be extended to the furthest extent (end) of the platted area at the subdivider's expense.

Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing water mains and other water facilities. Any such water mains or other water facilities shall become the property of the Waterworks Board of Trustees, upon inspection, approval, and acceptance of such mains and facilities.

17.80.815 Sanitary Sewers: Any lot or area of land created by subdivision shall be served by sanitary sewer facilities in a manner prescribed by City plans and specifications and any applicable rules, regulations and standards of the Iowa Department of Natural Resources and no such lot or area of land shall be served by any individual sanitary sewer disposal system. To the greatest extent possible, the design of the subdivision shall be developed with a gravity sanitary sewer system. The use of sanitary sewer lift stations shall be limited to those instances where no other alternatives exist.

All sanitary sewers shall be improved, designed and installed to standards set forth in the Design and Improvement Standards Policy for the City. All installations shall be certified by an engineer registered with the State of Iowa for conformance to City standards.

The sanitary sewer system to be installed shall include any sanitary sewers and other sewage facilities adequate to serve all lots or areas of land within the area to be subdivided. Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing sanitary sewers and other sewage facilities.

Any such sanitary sewers or other sewage facilities shall become the property of the City, upon the City's approval, and acceptance of such sewers and facilities, after the subdivider pays to the City any costs associated with services provided by the City.

17.80.816 Electric Distribution and Street Lighting: All improvements shall be designed and installed to meet the standards set forth by Alliant Energy, or any other subsequent provider to the City of Burlington.

17.80.817 Storm Water Management: Any subdivision shall make adequate provisions to control the rate of storm or flood water runoff including any storm water management measures necessary and appropriate for carrying away by pipe or surface channelization any spring or surface water that may exist at the time of subdivision or be reasonably expected to be created by development or use of the area to be subdivided.

Any required storm sewers including foundation drain collector lines shall be separate from any required sanitary sewers and shall be installed at the subdivider's expense and subject to requirements of the City and shall be adequate to serve all lots or parcels of land within the area to be subdivided.

The storm sewer system shall be designed with due regard to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing storm sewers and other storm water management measures available to serve existing and reasonably anticipated development or use of areas abutting the area to be subdivided.

Any such storm sewers may become the property of the City, upon the City's approval and acceptance of such sewers, after the subdivider pays to the City any costs associated with services provided by the City.

Storm water management design shall include grading, facilities or improvements or some combination thereof, set forth in the Design and Improvement Standards for the City.

17.80.818 Soil Erosion and Sediment Control: A subdivider shall grade any portion of the area to be subdivided only in conformity with an approved grading plan, including an approved erosion and sedimentation plan for the entire area.

The subdivider shall provide assurances satisfactory to the Development Department and Public Works Department that the grading improvements have been completed in accordance with City, State, and Federal specifications and regulations.