

Chapter 17.01

Development Program

17.01.01	Title	17.01.06	Amendments
17.01.02	Purpose	17.01.07	Violations
17.01.03	Applicability and Severability	17.01.08	Schedule of Fees
17.01.04	Building Codes	17.01.09	Complaints and Violations
17.01.05	Enforcement		

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 fifteen (15) days prior to such meeting. 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 ($\frac{3}{4}$) 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.