

CITY OF ARLINGTON
BUILDING PERMIT

Owner Name _____

Address _____ Phone _____

Property Address _____

(If not same as above)

Contractor _____

Address _____ City _____

Type of Occupancy, (Dwelling, Garage etc.) _____

If dwelling who will occupy? Circle one: Owner Renter

Description of Work, (Include any demolition planned) _____

Size of Construction _____

Construction Material _____

Estimated Cost _____

Beginning date _____, Completion date _____

Does this construction require a zoning variance _____

Attach or make drawing below showing size of construction, existing buildings, lot size and distance from property lines:

I hereby acknowledge that I have read application and state that the above is correct and agree to comply with all City Ordinances and State Laws regulating building construction. I further agree this building does not violate any restrictive covenant of the abstract.

Signature of Applicant

Date

Cost \$ 10.00

Date Council Approved

City Clerk

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 ZONING

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6-10-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Arlington, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.

(Code of Iowa, Sec. 414.1 and 414.24)

6-10-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.
2. "School" is a building used for educational purposes, public or private, that is regulated by the State Department of Public Instruction as to curriculum.
3. "Garage" is a structure for sheltering motor vehicles or household equipment and/or effects.
4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-10-3 DISTRICT DESCRIBED. The Restricted Residence District is hereby designated and established as all territory within the City limits is restricted by this chapter except for those areas in the original town plat described as:

Lot 13 and the Northeast 75ft. of the Southeast 57 ft. of Lot 12,

Block 2. Lots 14,15,16,17,18,66,67,68,69, of Block 3.

Lot 70 and the Northwest 105ft. of the Northeast 30ft. of Lot 20, and Lots 23 and 73 and the Southeast half of Lots 22 and 72, Block 4.

Lots 78,79,80,81,29,30,31 and the Northeast 60ft. of Lot 28, and Lot 26 and the southwest 8ft. of Lot 76, Block 5.

Lots 32,33,34,35,36,37,82,83,84,85,86,87, Block 6.

Lot 38, and the Southeast 8ft. of Lot 39, and the Southwest 42ft. of Lot 88, and the Southeast 8ft. of the Southwest 42ft. of Lot 89,

Block 7. Southeast half of Lot 112, Block 12.

Lot 117, (except Northeast 52 feet and except 50' X 100' parcel in Southeast part)
Block 14.

6-10-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefor. Permits for residences, schoolhouses, churches, and other similar structures, and for structures outside restricted residence districts, shall be applied for and are required, but shall be issued by the City Clerk if the requirements of this and other applicable City Ordinances are met, but no council permission shall be required under this Ordinance.

6-10-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the

use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-10-6 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front line. All buildings to be used for residential purposes shall be placed on lots of no less than 10,000 square feet.

No residence or other building exempted from permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side lot lines, and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this set back rule. However, any residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with its existing side lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located. Any other building granted a permit by council shall be placed at least as far from side lot lines as the residential, school, and church related buildings. All set backs shall be measured from the main foundation line.

6-10-7 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-10-6 may be authorized by special permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-10-8 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-10-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-10-6. Said application shall be

made to the City Clerk at least seven (7) days before the council meeting at which council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit.

6-10-9 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-10-10 FEES. There shall be a \$10.00 fee required for such permit.

6-10-11 APPLICATION. Application shall be made in writing filed with the City Council and contain the following information.

1. Name. The name and address of the applicant.
2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.
5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations and structural details, as the council may require.
6. Plot Diagram. There shall also be filed a plot diagram in the form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figures, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

6-10-12 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection alternation, repair, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, Sec. 414.24)

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.

5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.
7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

6-10-13 RESTRICTED RESIDENCE DISTRICT. The following area is hereby defined and established as a restricted residence district. All that area lying within the corporate limits of the City except for the area listed in the Business District described in Section 6-10-2 of this Code of Ordinances, and for the following exceptions including all agriculture property and City of Arlington owned property:

1. Southeast Quarter of the Northwest Quarter, Section 28, Township 92, Range 7.
2. Southwest Quarter of the Northeast Quarter, Section 28, Township 92 North, Range 7.
3. West half of Southeast of the Northeast, Section 28, Township 92 North, Range 7.
4. Lots 14, 15, and east 19 feet of Lot 16, Block 1, Calken's Addition.
5. East half of the Northeast, Section 28, Township 92 North, Range 7, (except East 113.25 feet of the North Half of the South 2 1/5 acres of the East 11/40 of the Southeast of the Northeast of Section 28, Township 92 North, Range 7, and except the South Half of the South 2 1/5 acres of the East 11/40 of the Southeast of the Northeast of Section 28, Township 92 North, Range 7.)
6. Southwest of the Northwest of Section 27, Township 92 North, Range 7.
7. Southwest of the Southwest, Section 27, Township 92 North, Range 7, East Half of the Northwest of the Southwest, Section 27, Township 92 North, Range 7, West Half of the Northwest of the Southwest of Section 27, Township 92 North, Range 7, (except 3 acres South of railway); and (except 5 acres in Northwest corner; and except commencing 24 rods South of intersection of Southwest line of railway and west line of Section 27, thence South 120 feet, thence east 183 feet, thence north 120 feet, thence West 183 feet to the point of beginning.)

8. All that part of the West Half of the Northwest Quarter of Section 34, Township 92 North, Range 7 West of the 5th P.M. lying North of Iowa Highway No. 187.
9. That part of the Northwest of the Northwest of Section 34, Township 92 North, Range 7 West of the 5th P.M. lying South and West of Iowa Highway No. 187.
10. Northeast of the Northeast (except Sunnyside Addition and a 220ft. X 190ft. lot), Section 33, Township 92 North, Range 7.
11. Northwest of the Northeast (except a 160ft. X 305.25 Ft. lot) Section 33, Township 92, Range 7, West of the 5th P.M.
12. Northeast of the Northwest Section 33, Township 92, Range 7.
13. Southeast of the Southwest Section 28, Township 92, Range 7 West of the 5th P.M.
14. Northeast Quarter of the Southwest Quarter, Section 28, Township 92, Range 7 and tract adjoining on east South of Highway No. 187 and Northwest of Lowery Street.
15. Lots 1, 2, 3, 4, 5, 6, 7, 7, 9, 10, 11, 12, and 13, Block 5, Calken's Addition.
16. Lots 2, 3, 4, 5, North Half of Lots 7, 8, 9, and 10; Lots 11, 20, 21, 22, 23, all in Block 6, Calken's Addition
17. Lots 1 and 2, Block 8, Calken's Addition.
18. South Half of Lots 7, 8, 9, 10, Lots 12, 13, 14 and 15, all in Block 6, Calken's Addition.
19. Lots 16 and 17, M. Walrath's Second Addition.
20. Lot 37, (except Southwest 72 feet, Subdivision of Block 9, Park Addition) Wiltsies Unrecorded Plat, Lots 1 and 3 (except South 75 feet) Block 1.
21. Lot 11, Block 3, Walrath Addition.
22. Lot 14, Block 3, Walrath Addition.
23. The South Half of South 2 115 acre of East 11\40th of Southeast 1\4, Section 28, Township 92 North, Range 7.
24. Lot 10, Block 2, M. Walrath 2nd Addition.
25. Lot 26, Block 5, Original Town, Arlington.

26. Lot 3, Block 10, Newton's Subdivision.
27. SE ½ Lot 112, Block 12; NW 75' Lot 15 Block 7 & 20' Alley Adj on W. Park Add.
28. W1/2, S1/2, Lot 2; W1/2, Lot 3, Blk 1, M. Walrath Addition.
29. Lot 8, Blk 1, Sunnyside Addition.

6-10-14 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-10-15 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.

(Code of Iowa, Sec. 380.11)