

2652-19

**ZONING
ORDINANCE**
OF
POLK COUNTY
IOWA

6176
POLK COUNTY, IOWA
ALBERT J. ...
JULIA ...

DECEMBER, 1925

...providing for zoning of lands located outside the corporate limits of any city or town in this County into districts with respect to the use of the property therein to regulate the number of structures and area of buildings on a lot, the percentage of lot that may be covered by buildings, the location and use of buildings, the use of land for trade, industry, residence or other purposes, to regulate, restrict and prohibit the use of residential structures, tents, trailers and portable or potentially portable structures; require permits for erection of buildings or structures, both commercial and residential; provide for appeals and hearings thereon, pursuant to the law relating to County Zoning Commissions, passed by the Fifty-second General Assembly of the State of Iowa and enacted into law on April 1, 1947, and codified by Chapter 358A, Code of 1950.

For the purpose of promoting the public health, safety, morals, comfort and general welfare; conserving the values of property throughout the County and lessening or avoiding congestion in the public roads and highways, it is hereby ordained by the Board of Supervisors of Polk County, Iowa;

SECTION I

SHORT TITLE

This Ordinance shall be known and may be referred to as the Zoning Ordinance of Polk County.

SECTION II

SPECIAL EXEMPTIONS

The regulations and requirements established by this Ordinance are not to apply to land, farm houses, farm barns, farm outbuildings, or other structures or erections used primarily for farming purposes as herein defined, provided that this exemption shall apply only as long as the land and structures mentioned in this section continue to be used primarily for farming purposes; nor shall these regulations have any control over the type or location of any poles, towers, wires, cables, conduits or any other similar distributing equipment of a telephone, telegraph, light, power or railroad company.

SECTION III

DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. Accessory Buildings: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

2. Administrative Officer: The individual designated by this Ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.

3. Apartment House: See Dwelling, Multiple.

4. Basement: A story having part but not more than one-half (1/2) of its height above grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

5. Bill Board: Any structure or portion of a building used for the display of advertising.

6. Boarding House: See Lodging House.

7. Buildings: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. When a structure is divided in separate parts by unglazed walls extending from the ground up, each part is deemed a separate building.

8. Elevation, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the peak line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

9. Cellar: See basement.

10. Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

11. Dwelling, Single-Family: A building designed for or occupied and used exclusively for residential purposes for one family only.

12. Dwelling, Multiple: A building designed for or occupied exclusively by more than two families.

13. Dwelling, Semi-Detached: A building designed for or occupied exclusively by two families.

14. Dwelling, Two-Family: A building designed for or occupied exclusively by two families.

15. Dwelling, Three-Family: A building designed for or occupied exclusively by three families.

16. Dwelling, Four-Family: A building designed for or occupied exclusively by four families.

17. Dwelling, Five-Family: A building designed for or occupied exclusively by five families.

18. Dwelling, Six-Family: A building designed for or occupied exclusively by six families.

19. Dwelling, Seven-Family: A building designed for or occupied exclusively by seven families.

20. Dwelling, Eight-Family: A building designed for or occupied exclusively by eight families.

and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "Farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or shading the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

16. Filling Station: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

17. Frontage: All the property on one side of a road between two intersecting roads (crossing or terminating), measured along the line of the road, or if the road is dead ended, then all of the property abutting on one side between an intersecting road and the dead end of the road.

18. Garage, Private: An accessory building housing motor-driven vehicles, which are the property of and for the private use of the occupants of the premises on which the private garage is located.

19. Garage, Public: Any building or premises for housing motor-driven vehicles.

20. Garage, Storage: Any building, or premises, used for housing only motor-driven vehicles.

21. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a road line, then the elevation of the road at the center of the wall adjoining the road shall be grade.

22. Home Occupations: An occupation for gain or support conducted only by immediate members of a family residing in a residential area or district. Such home occupation shall be incidental to the residential use of the premises and may not occupy more than twenty-five (25) percent of the floor area of the dwelling. Home occupations shall include, in general, personal services such as are furnished by a physician, dentist, musician, artist, beauty operator or seamstress when performed by the person occupying the building as his or her private dwelling and not including the employment of any additional persons in the performance of such services.

23. **Hotel:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house.

24. **Institution:** A building occupied by a non-profit corporation or non-profit establishment for public use.

25. **Kennel:** An establishment where dogs are boarded for compensation or where dogs are bred or raised or trained as a commercial enterprise.

26. **Lodging House:** A building or place where lodging is provided (or which is equipped regularly to provide lodging by prearrangement for definite periods) for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, but in contradistinction to hotels open to transients.

27. **Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a road.

28. **Lot, Corner:** A lot abutting upon two (2) or more roads at their intersection.

29. **Lot, Depth of:** The mean horizontal distance between the front and rear lot lines.

30. **Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting roads, as distinguished from a corner lot.

31. **Lot of Record:** A lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Polk County, Iowa.

32. **Non-Conforming Uses:** Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use regulation of the district in which it is situated.

33. **Parking Space:** A durably surfaced area, adjacent to the main building or to an accessory building, or unattached structure in use as either one (1) standard automobile space, if the space is unobstructed, comprising an area which is not less than six hundred (600) square feet, and which is not less than eight (8) feet deep, connecting the parking space with the building.

requiring satisfactory ingress and egress of an automobile.

34. **Road:** All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easements therefor.

35. **Road Line:** A dividing line between a lot, tract or parcel of land and a contiguous road.

36. **Roadside Stand:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.

37. **Rooming House:** See Lodging House.

38. **Service Establishments:** A shop or activity where materials or objects are treated or repaired and where objects may be sold such as a shop for repairing shoes; but it shall not include an establishment where large objects or large quantities of material are assembled and treated such as a garage or plumbing shop.

39. **Stable:** A building accommodating not more than three (3) horses.

40. **Story:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

41. **Story-Half:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.

42. **Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

43. **Summer Cottage:** A single-family dwelling for seasonal or temporary occupancy only, and not permanently occupied as a family residence more than nine (9) months during any entire year.

44. **Tourist or Trailer Camp:** An area containing one (1) or more structures, designed or intended to be used as temporary living facilities of two (2) or more families, and intended primarily for automobile transients or providing spaces where two (2) or more tents or auto-trailers can be or are intended to be parked.

45. **Trailer:** Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirrings, 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. The term "trailer" shall include camp car and house car.

46. **Yard:** An open space on the same lot with a building, unoccupied and unobstructed by any projection of the structure from the ground upward, except as otherwise provided in this Ordinance.

47. **Yard, Front:** A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the road line and the main building or any projection thereof other than the projection of the usual steps or entrance way.

48. **Yard, Rear:** A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, unenclosed porches. On corner lots the rear yard shall be considered as parallel to the road upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

49. **Yard, Side:** A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

50. **Zoning:** The designating of definite specified areas within a Community or County for buildings and structures for certain purposes with other limitations such as depth and lot coverage and other stipulated requirements.

51. **Sub-division:** Any area platted into lots.

SECTION IV

DISTRICT BOUNDARIES AND GENERAL REGULATIONS

PARAGRAPH 1. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and determine the areas of yards, courts and other open spaces surrounding such buildings, the unincorporated areas of Polk County, Iowa may be divided into districts by the Polk County Board of Supervisors upon recommendation of the Polk County Zoning Commission.

PARAGRAPH 2. Whenever any road or other public way is vacated by official action of the Polk County Board of Supervisors, the zoning district adjoining each side of such road

of public utility or otherwise, accessible to the public, shall be subject to all appropriate regulations of the affected district.

PARAGRAPH 3. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or land be used except for the purpose permitted in zoned areas in which the building or land is located.

The Polk County Board of Supervisors may provide for minimum setbacks, yards and other open spaces including lot areas per family and such minimum yards, open spaces and lot areas for each and every building or structure whether existing at the time of passage of this Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirements for any other building or structure. The Polk County Board of Supervisors may provide that every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

PARAGRAPH 4. The resolution pertaining to highways in subdivisions as adopted by the Board of Supervisors of Polk County on October 15, 1940 shall become a part of this Ordinance. Roads established in "Court" areas shall be through roads and so established that there will be no dead-end streets. No subdivision shall be created after the adoption of this Ordinance which shall create dead-end roads, streets or highways unless adequate turn arounds are provided.

PARAGRAPH 5. The height of buildings, trees, or any other object shall conform to regulations or restrictions of Federal, State or Civil Aeronautical Authority, whichever is less. The distance of areas from Airport boundaries affected by the above regulations shall also conform to Federal, State or Civil Aeronautical Authority.

PARAGRAPH 6. The Board of Supervisors may provide that no structure of natural growth shall be permitted which obstructs clear vision across a triangle formed by the point of intersecting street lines and a straight line connecting points thirty feet along said street lines measured away from the intersection.

PARAGRAPH 7. No permits shall be issued for the construction of residential dwelling in areas subject to high water, floods, or areas that cannot be properly drained.

PARAGRAPH 8. Before any New Sub-Division is created within one-fourth (1/4) mile of any district already estab-

lished as provided in Section V of this Ordinance, the resident real property owners in such district shall be included in any hearing of the New Sub-Division. Before any street is opened, any grading done, or any construction started in any new subdivision the owner thereof shall prepare a plat and present same to the Polk County Zoning Commission for their approval. The Polk County Auditor shall not accept such plat unless same has been approved by the Polk County Zoning Commission.

PARAGRAPH 9. No building or structure shall be erected or altered or land used for any purpose which will cause bus-tourists, employees or residents to park their vehicles of transportation on the road or highway, unless sufficient parking space be provided for and approved by the Polk County Zoning Commission and maintained on the lot or tract of land to be used.

PARAGRAPH 10. For the purpose of community, district or area planning, to maintain a standard of property values or for any other reason accepted by any community, district, or area, restrictions provided for by statute may be requested of the Zoning Commission of Polk County and approval by the Polk County Board of Supervisors by petition. The petition shall contain all the details of restrictions, regulations, and other provisions to be applied to the area described. In no instance shall any minimum restrictions or regulations be less than is set forth in any other sections or paragraph of this Ordinance. Such a document shall be presented to the Polk County Zoning Commission for action, such action of the Commission shall be reported to the Board of Supervisors. The cost of securing such a document shall be paid by the signers of this document.

SECTION V AREA, HEIGHT AND USE REGULATIONS FOR ALL DISTRICTS

Use Regulations including area and height and height regulations for residential, commercial, light industrial and heavy industrial districts may be established as provided for in Chapter 388A, 1969 Code of Iowa by the Board of Supervisors upon recommendation by the Polk County Zoning Commission.

SECTION VI NON-CONFORMING USES

PARAGRAPH 1. The lawful use of a building existing at the time of the adoption of this Ordinance or the establishment of any of the districts enumerated in Section V of this Ordinance may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming use of a building which has been changed to a more

converted use or to a conforming use, such use shall not there-
after be changed to a less restricted use.

PARAGRAPH 2. No building which has been damaged
by fire, explosion, act of God, or the public enemy to the extent
of more than sixty-five (65) percent of its value shall be re-
stored except in conformity with the regulations of this Ordina-
nance.

PARAGRAPH 3. In the event that a non-conforming
use of any building or premises is discontinued or its normal
operation stopped for a period of three (3) years, the use of the
same shall thereafter conform to the regulations of the district
in which it is located.

PARAGRAPH 4. A non-conforming use occupying only
a portion of a building or premises if discontinued or its normal
operation stopped for a period of three (3) years, the use of the
same shall thereafter conform to the regulations of the district
in which it is located.

SECTION VII

BOARD OF ADJUSTMENT

PARAGRAPH 1. Creation and Membership: A Board of
Adjustment, hereafter referred to by the word "Board" is here-
by established. Such Board shall consist of five (5) members,
appointed by the County Board of Supervisors. The five mem-
bers of the first Board appointed shall serve terms of one (1),
two (2), three (3), four (4), and five (5) years, respectively.
Thereafter terms shall be for five (5) years and vacancies shall
be filled for the unexpired term of any member whose term be-
comes vacant. The County Board of Supervisors shall have
power to remove any member of the Board for cause upon writ-
ten charges and after public hearing.

PARAGRAPH 2. Chairman and Meetings: The County
Board of Supervisors shall name one of the members of the
Board of Adjustment as chairman upon his appointment, and in
case of vacancy shall name another chairman. All meetings of
the Board shall be held at the call of the Chairman and at such
time and place within the County as the Board may determine.
Such Chairman, or in his absence the acting chairman, may ad-
minister oaths and compel the attendance of witnesses. All
meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing
the vote indicating such fact, and shall keep complete records of
its hearings and other official actions. Every rule, regulation,
amendment or repeal thereof and every order, require-
ment, decision, of the Board shall immediately be filed in the
office of the Board and shall be a public record. The Board shall
adopt its own rules of procedure not conflicting with this ordi-
nance or with the Iowa Statute.

PARAGRAPH 3. Appeals: Appeals to the Board shall be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrative Officer. Such Appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Administrative Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds therefor. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of the appeal and shall render a decision thereon without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized person or attorney.

PARAGRAPH 4. Jurisdiction: The Board shall hear and decide appeals from and review any order, requirement, decision or determination of the administrative officer charged with the enforcement of this Ordinance. It shall also hear and decide on matters referred to it or upon which it is required to act under this Ordinance. The Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

Where an application for a variation of any part of this Ordinance is made to the Board, in which it is alleged that practical difficulties or particular hardships not intended or not common to other property owners, will be imposed by the strict application of the terms of this Ordinance, the Board may make a variation in the application of the regulations established by this Ordinance as are in harmony with the general purpose and intent of the Ordinance.

No variation in the application of the provisions of this Ordinance shall be made unless and until the Board shall be satisfied that granting the variation will not:

- a. Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.
- b. Impair the general purpose and intent of the regulations and provisions contained in this Ordinance.
- c. Impair an adequate supply of light and air to adjacent property.
- d. Increase the hazard from fire and other disaster to said property.
- e. Diminish the value of land and buildings in the vicinity.
- f. Increase the congestion and traffic on adjacent roads.
- g. Otherwise impair the public health, safety or general welfare.

...of the Board of Supervisors of the County.
The Board of Supervisors may, at any time, by a majority vote of three (3) members of the Board, suspend or annul any requirements, decisions, orders or recommendations of the Administrative Officer or to decide in favor of the Board in regard to any matter upon which the Board is authorized by this Ordinance to render a decision.

It is the intention to grant to the Board the power or authority to issue or change the Zoning Ordinance of the District. Such power and authority rests solely with the Board of Supervisors in the manner hereafter provided in Section XII.

Before making a recommendation on an appeal the Board shall conduct a public hearing. A reasonable time and place for the hearing shall be selected by the Board and due notice by letter shall be given to all owners of the property located within five-hundred (500) feet in all directions from the property for which the variation is being sought. The letters shall state the location of the property and a brief description of the nature of the appeal, and shall state the time and place of the public hearing.

PARAGRAPH 5. Any person or persons jointly or separately aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board or Bureau of Polk County, Iowa, may seek relief through the courts as is provided by Law.

SECTION VIII

APPLICATIONS AND PERMITS

PARAGRAPH 1. A written permit shall be obtained from the Administrative Officer before starting or proceeding with any of the following in areas hereafter ~~named~~ *established* *found*

1. Excavating for any building or structure.
2. Erecting, constructing, reconstructing, enlarging, altering, or moving any building or structure.
3. Changing the use or occupancy of any building, structure or land from one classification to another.
4. Changing a non-conforming use to another non-conforming use. For the purpose of this Ordinance, advertising signs, billboards, fences which cannot be viewed through, and concrete, stone or masonry walls shall require permits.

PARAGRAPH 2. Written applications on approved forms shall be filed with the Administrative Officer and shall state the legal description of the property as of public record and the names of owners and applicant, shall describe the uses to be established or extended and shall give such other information as may be required for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing

of the lot showing the location of buildings and by one set of plans of buildings to be constructed.

PARAGRAPH 3. The Administrative Officer shall issue a written permit or denial thereof with reasons in writing, within fifteen (15) days of the date of the acceptance of this application. In the event that the permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to the Zoning Board of Adjustment which shall order the issuance of a permit or denial thereof with reasons in writing, except where an extension has been obtained in writing from the Administrative Officer; permits hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction of the establishment of the use applied for and within one (1) year if not completed.

A fee at the rate of \$1.00 per \$1,000.00 of the estimated valuation of a structure shall be charged for each permit. Such fees shall be collected by the Administrative Officer who shall account for all fees collected to the County of Polk. The minimum fee for any structure shall be \$5.00.

PARAGRAPH 4. No permit shall be issued for construction of structures to be used for human habitation unless a detailed description of the water supply and sewage disposal system shall be approved by the County Health Department in accordance with the rules of said department.

SECTION IX

BOUNDARIES OF DISTRICTS

All districts hereafter established shall be shown on maps and the boundaries of said districts shall be distinctly outlined and the said maps, filed with the County Auditor, who shall enter the same in a book entitled, "Zoned Areas of Polk County, Iowa."

SECTION X

ENFORCEMENT

An Administrative Officer shall be appointed by the Board of Supervisors of Polk County, Iowa, and it shall be the duty of said Administrative Officer to enforce the ordinance. Appeal from the decision of the Administrative Officer may be made to the Board of Adjustment as provided in Section VII.

SECTION XI

INTERPRETATION, PURPOSE AND CONFLICT

The provisions of this ordinance shall control over any ordinance imposing a greater restriction upon the use of buildings or premises, or upon the height of buildings, or upon

...shall not be in conflict with any of the provisions of this Ordinance which have been or shall be adopted or issued pursuant to law. The provisions of this Ordinance shall be interpreted and applied as the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

SECTION XII

CHANGES AND AMENDMENTS

The Board of Supervisors may amend from time to time the regulations imposed and the districts hereafter established under this Ordinance, but no such amendments shall be made without a report from the Polk County Zoning Commission after a public hearing before that body. At least fifteen (15) days notice of the time and place of such hearings shall be published in an official paper or a paper of general circulation in Polk County. In case, however, of a protest against such change signed by the owners of twenty percent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the Board of Supervisors.

SECTION XIII

VIOLATION AND PENALTY

PARAGRAPH 1. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be punished as provided by Law.

PARAGRAPH 2. In case any building or structure is erected, reconstructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the proper authorities of the County Board of Supervisors, in addition to other remedies, may institute any proper action or proceedings in the name of Polk County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violations; to prevent the occupancy of such building, structure, or land or to prevent any illegal act, conduct, business or use in or about said premises.

**SECTION XIV
VALIDITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

**SECTION XV
REPEAL OF CONFLICTING ORDINANCES**

All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**SECTION XVI
APPROVAL**

For the purposes of this Ordinance no restriction of industrial or commercial enterprise, buildings or structures shall become effective until approved by a majority, in number and amount of assessments, of the resident real property taxpayers owning real property in the area or district in which such restriction is to be imposed, either: (1) at an election held for that purpose or (2) by their signing an appropriate document indicating their approval.

This Ordinance shall be in full force and effect in the unincorporated areas of Polk County from and after its passage and publication, as part of the proceedings of the meeting of the Board of Supervisors of Polk County and approved as provided by Law.

RESOLUTION PASSED October 15, 1940 as shown in Journal 17, page 978 by the Polk County Board of Supervisors:

1. None of said proposed streets or highways shall be less than fifty feet in width.
2. All main streets or highways shall be at least sixty-six feet in width.
3. That all such streets shall be put to grade and standard cross section according to plans approved by the County Engineer and shall have all necessary and proper fixed waterways.
4. That water mains shall be provided for each residential lot, and that in case certain lots are not provided with the type of said request and the City Engineer shall

...the owner making said plat, they said agreement may be varied provided that said owner or owners will enter into an agreement with the Board of Supervisors of said County, Iowa, which agreement shall be filed in the office of the County Recorder of said County, Iowa with said plat, and which agreement shall provide that all contracts for the sale of any lot or lots and deeds conveying title (hereto given, subsequent to such agreement shall recite that in the event a driveway culvert shall become necessary or desirable in connection with any of said lots. Said installation will be made at the expense of said purchaser, and said obligation shall be binding upon all subsequent purchasers of said property and that if said culvert shall become necessary for the maintenance and protection of said road and the owner of said property shall refuse to install the same, the county may make such installation and the cost thereof shall be charged to said owner.

BE IT FURTHER RESOLVED that a copy of this resolution be mailed to the President and Secretary respectively of the Real Estate Exchange. Motion carried unanimously.

ROLL CALL	
FOR ALLOWANCE	
Jan 5 - 1934	
M. L. Conkling	Yes
O. E. Armstrong	Yes
G. E. Williams	Yes
B. E. Newell	Yes
E. W. Armit	Yes
Yes	4
No	0
Above resolution made by M.	

Chairman

G. Williams

no fees