

SEAL.

Meredith R. Griffing  
Notary Public in and for said County and State

MARGINAL ENTRY STATE OF IOWA APPANOOSE COUNTY ss: The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit was filed in the said Recorder's Office by the owner in possession as named in said Affidavit or by his attorney in fact as shown by the records; and duly recorded and entered on the records thereon on the 27th day of August, 1970.

Virginia Barbaglia  
Recorder

APPANOOSE COUNTY ----- #1458 ----- FILED AUGUST 28, 1970 at 8:53 A. M. -----

TO

THE PUBLIC

FEE \$10.50 VIRGINIA BARBAGLIA, RECORDER

RESOLUTION Be It Remembered, in this the 6th day of April, 1970, in regular meeting of the Appanoose County Board of Supervisors, a motion was made by Streepy and seconded by Anderson to accept the proposed zoning ordinance for the zoning of the Rathbun Reservoir Zoning District as recommended to the Appanoose County Board of Supervisors on March 3, 1970 by the Appanoose County Zoning Commission and that such actions as may be necessary to legalize and enact said ordinance are hereby authorized. Passed and adopted this 6th day of April, 1970, with vote as follows:

Aye Doyle N. Anderson      Aye Arthur M. Streepy      Aye Carl A. Evans

Attest:

Verl K. Farnsworth  
County Auditor

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#### ZONING ORDINANCE FOR RATHBUN RESERVOIR ZONING DISTRICT

ARTICLE I. PURPOSE This Ordinance is adopted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure and provide the social and economic advantages resulting from an orderly, planned use of land resources, and to facilitate adequate but economical provisions for public improvements all in accordance with a comprehensive plan and as permitted by the provisions of Chapter 358 A of the 1962 Code of Iowa, as amended.

ARTICLE II. NAME This ordinance shall be known and may be referred to as the Rathbun Reservoir Zoning District Ordinance Appanoose County, Iowa. ARTICLE III. DISTRICT DESCRIPTION The land which is covered by this ordinance and is within the above referred to zoned district is all the land which surrounds the Rathbun Reservoir in Appanoose County, Iowa, not owned by the

United States Government and not including any incorporated towns within the following described boundaries: Beginning at the northwest corner, section 6, T-70N, R-19W, said point being the northwest corner of Appanoose County, Iowa, thence south along the west boundary of Appanoose County seven and one half miles (7 1/2) more or less, to the west one quarter corner of Section 7, T-69N, R-19W, thence east two miles (2) more or less to the east one quarter corner, section 8, T-69N, R-19W, thence north one half mile (1/2), more or less, to the northwest corner, Section 9, T-69N, R-19W, thence east four and one quarter miles (4 1/4) more or less to the northeast corner of the northwest one quarter of the north west one quarter, section 7, T-69N, R-18W, thence south one quarter miles (1/4) more or less to the center of the northwest one quarter of said section 7, T-69N, R-18W, thence east one half mile (1/2) more or less to the center of the northeast one quarter of said section 7, T-69N, R-18W, thence south one quarter mile (1/4) more or less to the southeast corner of the southwest one quarter of the northeast one quarter of said section 7, T-69N, R-18W, thence east two and one quarter miles (2 1/4) more or less to the east one quarter corner, section 9, T-69N, R-18W, thence south one half mile (1/2) more or less to the southeast corner of said section 9, T-69N, R-18W, thence east three and one half miles (3 1/2) more or less to the south one quarter corner of section 7, T-69N, R-17W, thence east three hundred feet to a point which lies on the south section line of said section 7, T-69N, R-17W, thence northerly along a line parallel to, concentric with, and 300 foot normally and radially distant from the centerline of Iowa Highway #5, in the location as it exists at the date of this ordinance, to a point lying on the north line of section 9, T-70N, R-17W, said point being 300 feet east of the north one quarter corner, section 9, T-70N, R-17W, and lying on the south corporation line of Moravia, Iowa, thence west approximately six tenths of one mile (0.6) to the southwest corner, section 4, T-70N, R-17W, said point being the southwest corner of the incorporated limits of Moravia, Iowa, thence north one mile (1) more or less to the northeast corner of said section 4, T-70N, R-17W, said point being the northwest corner of the incorporated limits of Moravia, Iowa, and lying on the north county line of Appanoose County, Iowa, thence west along the north boundary line of Appanoose County, Iowa, Fourteen miles (14) more or less to the point of beginning. Any land outgranted by the United States Government to public or private organizations shall be governed by this ordinance with the exception of the fee schedule. ARTICLE IV. ZONING COMMISSION A. Appointment and Terms A Appanoose County Zoning Commission is hereby created. Such a Zoning Commission shall consist of seven (7) members appointed by the County Board of Supervisors. The seven members of the first Zoning Commission shall serve terms as follows: Two members for one year, three members for two years, and two members for three years. Thereafter, terms shall be for three years and vacancies shall be filled by a resident who lives in the zoned district for a period of not less than nine months each year. The County Board of Supervisors shall have power to remove any member of the Zoning Commission for cause upon written charges and after public hearing. B. Meetings The Zoning Commission shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute. The Board of Super-

visors shall name one of the members of the Zoning Commission as Chairman upon his appointment, and in case of a vacancy, shall name another chairman. All meetings of the zoning Commission shall be held at the call of the chairman and at such time and place within the county as the Zoning Commission may determine. All meetings of the Zoning Commission shall be open to the public. The Zoning Commission shall be open to the public. The Zoning Commission shall keep complete records of its meetings and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement or decision of the Zoning Commission, shall immediately be filed in the office of the Board of Adjustment, and shall be a public record. The presence of five (5) members shall be necessary to constitute a quorum. ARTICLE V. INTERPRETATION OF STANDARDS In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. ARTICLE VI. EXEMPTION OF FARM STRUCTURES AND/OR AGRICULTURAL LAND No regulation or requirement contained in the ordinance shall be construed to apply to land, farmhouses, farm barns, farm outbuilding or other buildings, structures, or erections which are adapted, by reason of nature and area, for use for agricultural purpose, while so used. ARTICLE VII. 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 shall is mandatory and not directory. Accessory Use or Structure. A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building. Agriculture. The use of land for agricultural purposes including farming, dairying, pastureage, apiculture, horticulture, floriculture, viticulture, forestry, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. Alley. A public or private way affording secondary means of access to abutting property. Apartment. A room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family. Automobile Salvage Yard. See "Junk yard". Basement. A story having part but more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations. Billboard. "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located. Signs on trailers, trucks or other vehicles or moveable objects parked for the primary purpose of advertising shall be considered as billboards. Block. That property abutting on one side of a street and lying

within the two nearest intersecting streets or lying within the nearest intersecting or intersecting streets and un subdivided acreage or railroad right-of-way. Board of Adjustment. Boarding House. A building other than a hotel where for compensation, meals, or lodging and meals are provided for four (4) or more persons. Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, but not including signs or billboards. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building. Building, Height of. The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. Bulk Stations. Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable, corrosive or highly volatile liquids, liquefied petroleum products, or other liquified gasses where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons. Camping Ground. Any land or portion thereof which is planned for and used exclusively, not exceeding four (4) weeks duration by occupants of tents, trailers, mobile homes or other mobile living facilities. Commission. Appanoose County Zoning Commission. Construction, Actual. Actual Construction is hereby defined to include the placing of construction materials in permanent manner; except that where demolition or removal shall be deemed to be actual construction provided that work shall be diligently carried on until completion of the building involved. Court. An open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot. District. A section or sections of Appanoose County within which the regulations governing the use of building and premises or the height and area of buildings and premises are uniform. Dwelling. Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home. Dwelling, Single-family. A building designed for or occupied exclusively for residence purposes by one family. (one-dwelling Unit). Dwelling, Two-family. (duplex) A building designed for or occupied exclusively for residence purposes by two families. Dwelling, Multi-family. A building or portion thereof designed for or occupied exclusively for residence purposes by three or more families or housekeeping units living independently of each other. Family. A group of one or more persons occupying a premises and living as a single housekeeping unit and using common cooking facilities. Farm. An area comprising ten (10) or more acres which is used for the growing of farm products including but not limited to vegetables, fruit or grain, and their storage on the area, or for the raising thereon of poultry or livestock. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street. Garage, Private. A structure intended for and used by the private motor vehicles of the families resident upon the premises, provided that not more than one-half (1/2) of the space may be

rented for the private vehicles of persons not resident on the premises except that all of the space in a garage of one or two car capacity may be so rented; such garage shall not be used for more than one small commercial vehicle per family resident

upon the premises. Garage, Public. Any building or premises except those used as private or storage garages used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles. Garage, Storage. Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold. Grade.

A. For buildings having walls adjoining one street only, the elevation of the regularly established sidewalk grades at the center of all walls adjoining the street.

B. For buildings having walls adjoining more than one street, the average of the elevation of the regularly established sidewalk grades at the center of all walls adjoining the streets. C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. 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. Junk Yard. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, housewrecking yards, used lumber yards and places or yards for storage of salvaged housewrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building. Kennel. Any premises on which three or more dogs are kept for board, breeding, or sales.

Lodging House. A building where lodging only is provided for compensation for four or more persons. Lot. A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings including all open spaces required by this Ordinance, and having its principal frontage upon a public street or road. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection. Lot, Depth of. The mean horizontal distance between the front and rear lot lines. Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. Lot, Interior. A lot other than a corner lot. Lot Lines. The property lines bounding a lot. Lot of Record. A lot, the deed of which has been recorded in the Office of the County Recorder.

Lot Width. The width of a lot measured at the building line and at right angles to its depth. Lumber Yard. A premises on which primarily new lumber and related building materials are sold. Mobile Home. Any structure used for living, sleeping, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, or 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 "mobile home" shall in-

clude camp car and house car. Mobile Home Park. Any lot or portion of a lot upon

which two or more mobile homes, occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation. Motel, Auto Court, Motor Lodge. A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit. Non-conforming Use. The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments thereto with the use regulations of the district in which it is situated. Parking Space. An area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives for the parking of motor vehicle. Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein: A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations. B. Flags and insignias of any government except when displayed in connection with commercial promotion. C. Legal notices, identification, information, or directional signs erected or required by governmental bodies. D. Integral decorative or architectural features of buildings. E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter. Sign, on-Site. A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. Sign, Off-Site. A sign other than an on-site sign. (See also "Billboard"). Sign, Post. Any sign erected or affixed in a rigid manner to any pole or post and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located including signs or signs devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof. Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure. Stable, Private. A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes. Stable, Public and Riding Academy. A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a Public Stable or Riding Academy. Stable, Riding Club. A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes. Story. That portion of a building 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 or roof next above it. Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story. Street or Road Line. A dividing line between a lot, tract, or parcel of land and a contiguous street or road. Street or Road, Public. Any thoroughfare or public way which has

been dedicated to the public or deed to and accepted by the County for street or road purposes. Structural Alterations. Any replacement or changes in the type of construction or in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance. Structure. Anything constructed or erected, the sum of which requires permanent location on the ground or attached to something having a permanent location on the ground. Tourist Home. A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers. Trailer, House. See "Mobile Home". Trailer Park. See "Mobile Home Park". 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. Yard, Front. A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot. Yard, Rear. A yard extending across the full width of the lot and measured between the rear lot line and building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the opposite end of the lot from the front yard. Yard, Side. A yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

Zoning Administrator. The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance. Zoning Certificate. Written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

ARTICLE VIII. DISTRICTS For the purpose of this Ordinance the land covered by this Ordinance is hereby divided into the following districts: (See Zoning Map for locations): A Agricultural District R Residential District C Commercial

District I Industrial District ARTICLE IX. APPLICATION OF DISTRICT REGULATIONS The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided: A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. B. No building or other structure shall hereafter be erected or altered. 1. to exceed the height; 2. to accommodate or house a greater number of families; 3. to occupy a greater percentage of lot area; 4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; other than herein required; or in any other manner contrary to the provisions of this Ordinance. C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building

for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. ARTICLE X. NON-CONFORMING

USES Section 1. INTENT. The districts established by this Ordinance or future amendments will contain certain lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited or regulated under the terms of this Ordinance or future amendment. It is, therefore, the intent of the Ordinance to permit these non-conformities to continue until they are removed or discontinued, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently pursued. Section II. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to 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 of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. Section III. Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued, and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification. Section IV. In the event that a non-conforming use of any building is discontinued for a period of two (2) years, or the non-conforming use of a temporary building or of the premises is discontinued for a period of three (3) months, the use of the same shall thereafter conform to the use permitted in the district in which it is located. Section V. No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located. Section VI. When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty five (65) percent of its value, it can be restored if used for the same purpose as it was used before. ARTICLE XI.

ADDITIONAL USE REGULATIONS Section 1. General Regulations A. Agricultural Uses Exempt. The provisions of this Ordinance shall not prohibit or regulate the use of land for agricultural purposes or the construction or use of buildings or structures



incidental to the use for agricultural and conservation purposes of the land on which such buildings or structures are located and no Zoning Certificates shall be required for any such use, building or structure. B. Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines twenty-five (25) feet from the point of intersection. C. Street Frontage Required. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least seventy-five (75) feet on at least one street, or unless it has an easement of access or right-of-way at least thirty-five (35) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage. D. Accessory Buildings. No accessory buildings shall be erected in any required court, or in any yard other than a rear yard, except as provided hereinafter. Accessory buildings shall be distant at least two (2) feet from alley lines, and from lot lines of adjoining lots which are in any "R" district, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except stables, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure provided all yard requirements for a principal building are complied with.

E. Corner Lots. For corner lots platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reversed frontage where the corner lot faces an intersection street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) per cent of the set back required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building. F. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved and on record in the Office of the County Recorder shows a building line along any frontage for the purpose of creating a frontyard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback. Section 2. A-Agriculture District Regulations A. Principal Permitted Uses 1. Agriculture, and the usual agricultural buildings and structures including one (1) mobile home if used by an owner, operator or employee. 2. Single-

family dwellings in connection with the operation of the agricultural land. 3.

Church or other place of worship, including parish house and Sunday School building.

4. Public and Parochial Schools and Colleges for academic instruction. 5. Private non-commercial recreational area and centers, public and private forests and wildlife preserves and similar conservations areas. 6. Cemeteries, provided that any new cemetery shall contain an area of five (5) acres or more. 7. Stables, private kennels, and other structures for housing animals or fowl. Any such structures must be located at least two hundred (200) feet from all boundary lines of the property on which located. 8. Golf courses, fishing lakes, gun clubs, skeet shooting ranges and similar uses when authorized by the Board of Supervisors after recommendation by the Zoning Commission. 9. Signs for service clubs. 10. Billboards. Except that no billboard shall be posted and no advertising structure shall be erected as follows:

(a) On or within one hundred (100) feet of the right-of-way of a public road or where it would encroach thereon. (b) Along a highway within seven hundred fifty (750) feet of the center point of an intersection of such public road at grade with another public road or with a railroad. (c) Along a public road at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than seven hundred fifty (750) feet. (d) No billboard within three hundred (300) feet of a house, church, or school. (e) No billboards less than fourteen hundred (1400) feet apart except back to back or end to end, and no more than two (2) billboards facing one direction. (f) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the state or by any county, municipality or other governmental subdivision or which incorporates or makes use of flashing lights or lights simulating or resembling traffic signals or control signs. Lights shall be aimed such that and be of proper intensity that they do not hinder or unduly distract passing traffic. (g) No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities. (h) No sign or billboard shall be at an angle of less than sixty (60) degrees to the highway right-of-way. (i) No sign or billboard shall be more than one hundred (100) feet long or more than twenty (20) feet in height. 11. Mineral extraction including, but not limited to, coal, rock, clay, sand, and gravel shall be allowed upon the following conditions: (a) No excavation or spoil or stock pile shall be made within one hundred (100) feet of road right-of-way, property boundary line or twenty five hundred (2500) feet from any residential building, without the notarized and recorded consent of the owner. (b) Excavation slopes and/or spoil banks adjacent to road right-of-way, boundary fence of buildings shall have minimum slopes of three (3) to one (1), and properly vegetated so as not to cause erosion and/or siltation of adjoining property. (c) Excavations and spoil piles within three hundred (300) feet of a road right-of-way shall be separated from the road by a planting strip approved by the Zoning Commission. B. Accessory Uses. Accessory buildings and uses customarily incidental to any of the above uses, including: 1. A private garage or parking space. 2. Customary incidental home

occupations and office of a resident physician, dentist, architect, engineer, attorney, or similar professional persons, including a sign not to exceed ten (10) square feet in area. 3. The keeping of roomers or boarders by a resident family, 4. Temporary roadside stands, offering for sale only neighborhood agricultural products or other products produced on the premises. 5. One (1) bulletin board or sign not exceeding fifty (50) square feet in area appertaining to the construction, lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, sold, or construction completed. 6. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices. 7. Principal uses permitted in this district shall be permitted one (1) double face on-site sign on the premises not to exceed two (2) square feet in area per face. C. Lot Area, Width, and Yard Requirements. The following minimum requirements shall be observed when used for <sup>any</sup> other than agricultural purposes: 1. Lot Area: Two acres 2. Lot Width: Two Hundred (200) feet 3. Front Yard Depth: Fifty (50) feet from right-of-way line unless otherwise specified. When fronting on the right-of-way of a Federal, State, or County highway, the front yard shall be measured from the proposed right-of-way line. 4. Side Yard Width: Each side yard: Twenty-five (25) feet unless otherwise specified. See number 6 below. 5. Minimum rear yard depth: Fifty (50) feet unless otherwise specified. 6. Lots of Record (Undersize and separately owned) Sideyard for dwellings on lots on record at the time of passage of this Ordinance that are under separate ownership from adjacent lots and which do not meet the minimum width requirement of the district in which located may be reduced as follows: (a) Interior lots - the width of each of the side yards may be reduced to fifteen (15) per cent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, each side yard shall be no less than five (5) feet. (b) Corner lots - the width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet. The width of the side yard opposite the side street may be reduced to fifteen (15) per cent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, this side yard shall be no less than five (5) feet. Section 3. R-Residence District - Regulations In "R" Districts, the following regulations shall apply except as otherwise provided herein: 1. Single-family dwellings and multiple family dwellings. 2. Church or other place of worship, including parish house and Sunday School building. 3. Public and Parochial Schools and Colleges for academic instruction. 4. Public buildings and properties of the cultural, administrative or public service type, but not including such uses as storage yards, warehouses or garages. 5. Public parks, recreation areas, playgrounds, community centers, forests, wildlife preserves and similar conservation areas. 6. Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation centers including country clubs and golf courses. Commercial golf courses may be permitted by

- Commission. 7. Cemeteries adjacent to or an extension of existing cemeteries.
8. Hospitals, sanatoriums but not including those for contagious diseases or for the insane, liquor or drug addicts, and religious institutions not including correctional institutions provided that any such buildings shall be set back from all adjacent property, street and highway lines, a distance of not less than three (3) feet for each foot of building height. 9. Nurseries and green houses, provided that any heating plant shall be distant at least two hundred (200) feet from any dwelling other than a farm dwelling and from any adjoining lot line in an "R" District.
10. Signs for service clubs not to exceed nine (9) square feet in area displaying the emblem of the club and information on the time and location of meetings. No set back or other yard requirements need be provided. 11. Mineral Extraction: property under existing recorded lease which has been recorded on or before January 1, 1969, may be mined during a period of five (5) years from and after that date subject to conditions specified in Section 2-A-11. After lease of the five (5) year period, mineral extraction will terminate and all parts of the operation removed from the "R" District. B. Accessory Uses. 1. Private garage which may include living quarters of domestic servants employed on the premises. 2. Summer houses and other customary incidental structures. 3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.
4. One bulletin board or sign not exceeding twelve (12) square feet in area for any permitted church, school, or other public or semi-public institution. 5. One bulletin board or sign not exceeding fifty (50) square feet in area appertaining to the construction, lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, sold or construction completed.
6. Private stable, provided that any structure shall be located at least five hundred (500) feet from all boundary lines of the property on which located. 7. Principal uses permitted in this district shall be permitted one double-face on-site sign on the premises not to exceed two (2) square feet in area per face. C. Lot Area, Width and Yard Requirements: The following minimum requirements shall be observed: (the following are minimum lot size, shall be enlarged if needed to comply with County Health Ordinances): 1. Lot Area: No public sewer and water - 12,000 square feet, public sewer and water available - 8,500 square feet. 2. Lot Width: 15 feet. 3. Front yard depth: Dwellings and other permitted uses: thirty (30) feet from right-of-way unless otherwise specified. When fronting on the right-of-way of a Federal, State, or County Highway, the front yard shall be measured from the proposed right-of-way line. 4. Side yard width: Each side yard - dwellings and other permitted uses: ten (10) feet unless otherwise specified. See Number 6 below. 5. Rear yard depth: Dwellings and other permitted uses: thirty (30) feet unless otherwise specified.
6. Lots of Record (Undersize and Separately Owned): Side-yard for dwellings on lots of record at the time of passage of this Ordinance that are under separate ownership from adjacent lots and which do not meet the minimum width requirements of the "R"



golf driving ranges, or similar recreational uses and facilities. 8. Carpenter, sheet metal and sign painting shops, bakery, laundry, clothes cleaning and/or dyeing establishments, lumber yards and commercial greenhouses; provided that no heating plant or ventilating flue in connection with such operations shall be within fifty (50) feet of any "R" District. 9. Mineral extraction will be allowed by permit only with Section 2-A-11 applying. 10. Mobile home parks and courts and commercial camping areas. Adequate water and sanitary facilities must be provided, and applicable laws complied with. b. Accessory Uses 1. Accessory uses and structures as permitted and regulated in the "R" District except as otherwise provided herein. 2. Other accessory uses and structures customarily accessory and incidental to any permitted principal use. 3. Signs, On-Site (a) Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign, other than a post sign, may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line or parapet wall, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District. (b) One "post sign" on each street on which a business abuts; provided, however, that said "post sign" shall not have any visible surface area greater than eighty (80) square feet on any one side thereof and not more than two (2) sides of said "post sign" shall be used for advertising purposes. The bottom of said "post sign" or surface area thereof shall be not less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise, or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists. C. Lot Area, Width and Yard Requirements: The following minimum requirements shall be observed: 1. Lot Area - Dwellings; same as specified in the "R" District. Other permitted uses listed in this Section: no minimum if public sewer and water is available, otherwise 8,500 square feet. 2. Lot Width - Dwellings: same as specified in the "R" District. Other permitted uses listed in this section: no minimum if public sewer and water is available, otherwise 75 feet. 3. Front yard depth - All uses: seventy-five (75) feet. When fronting on the right-of-way of a major thoroughfare shown on the Comprehensive Plan, the front yard shall be measured from the proposed right-of-way line. 4. Side yard width - Dwellings, or any building containing dwelling units: same as "R" District. None required for other uses listed in this Section except

When adjacent to an "R" District in which case not less than ten (10) feet. 5.

Rear Yard depth - Thirty-five (35) feet. D. Parking, Loading. Adequate off-

street parking and loading area shall be provided for each commercial establish-

ment. Section 5. I - Industrial District - Regulations In "I" Districts, the

following regulations shall apply, except as otherwise provided herein: A. Principal

Permitted Uses 1. Uses permitted in "C" District; provided that no Zoning Certifi-

cate shall be issued for any dwellings, schools, hospitals, clinics and other in-

stitutions for human care, except where incidental to a permitted principal use.

2. Automobile assembly and major repair. 3. Creamery, bottling, ice manufacturing

and cold storage plant. 4. The manufacturing, compounding, processing, packaging

or treatment of cosmetics, pharmaceuticals, and food products, except fish and

meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats

and oils. 5. The manufacturing, compounding, assembling, or treatment of articles

or merchandise from previously prepared materials such as bone, cloth, cork, fiber,

leather, paper, plastics, metals, stones, tobacco, wax, yarns, and wood. 6. Manu-

facture of musical instruments, novelties and moulded rubber products. 7. Manufac-

ture or assembly of electrical appliances, instruments, and devices. 8. Manufacture

of pottery or other similar ceramic products, using only previously pulverized

clay and kilns fired only by electricity or gas. 9. Laboratories - experimental,

film or testing. 10. Manufacture and repair of electric signs, advertising struc-

tures, light sheet metal products, including heating and ventilating equipment.

11. Blacksmith, welding, or other metal shop, excluding drop hammers and the like.

12. Foundry casting lightweight non-ferrous metals, or electric foundry not causing

noxious fumes or odors. 13. Bag, carpet and rug cleaning; provided necessary

equipment is installed and operated for the effective precipitation or recovery

of dust 14. Enameling, lacquering, or japanning. 15. Crematory - if located

not less than two hundred (200) feet from any "R" District. 16. Concrete mixing,

concrete products manufacture. 17. Sawmill, planing mill; including manufacture

of wood products not involving chemical treatment. 18. Building material sales

yards, retail lumber yard, contractor's equipment storage yard or plant or rental

of equipment commonly used by contractors, storage and sale of livestock, feed and/

or fuel, provided dust is effectively controlled, and storage yards for vehicles

of a delivery or draying service. 19. Circus, carnival or similar transient enter-

prise; provided such structures or buildings shall be at least two hundred (200)

feet from any "R" District. 20. Inflammable liquids, underground storage only.

21. Printing and/or publishing houses. 22. Wholesale warehouse or business.

23. Truck terminal or yard including repair. 24. Storage and wholesale sales of

grain not raised on the premises. 25. Any other use not otherwise prohibited by

law; provided; however, that none of the following uses shall be established or

reconstructed, structure altered, enlarged, or moved unless the Board of Adjustment

approves the issuance of a permit therefor in accordance with the provisions.

(a) Abattoirs and slaughter houses or stockyards. (b) Acid manufacture or whole-

sale storage of acids. (c) Cement, lime, gypsum, or plaster of paris manufacture.

(d) Distillation of bones. (e) Explosive manufacture or storage. (f) Fat render-

ing, fertilizer, gas, or glue manufacture. (g) Garbage, offal or dead animal reduction or dumping. (h) Petroleum products refining or wholesale storage, or bulk stations as previously defined. Such facilities shall be located a minimum of 1000 feet from residential, public use, or other built-up area. (i) Smelting or reduction of ores or metallurgical products. (j) Transmitting stations. (k) Auto wrecking and salvage junk, used parts, metal and rag sale, storage and baling. Such activities shall be enclosed by a wooden or masonry fence or wall not less than eight (8) feet in height in which any openings are less than 15 per cent of the total area. Such fence or wall shall be maintained in a good condition and the property shall not present an unsightly appearance from adjoining properties. Parking of customer or employee vehicles only shall be permitted in the front yard. 26. Mineral extraction will be allowed by permit only, and shall comply with 2-A-11. B. Accessory Uses. Any uses or structures customarily accessory and incidental to a permitted principal use. C. Required Conditions. 1. No use specified in A.2 through 24, inclusive shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive, owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste. 2. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, smoke, dust, gas, noise, or similar nuisance, shall be employed. 3. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred (100) feet away from any "R" District boundary except where adjoining a railroad right-of-way, and distant at least fifty (50) feet from any "C" District boundary. ARTICLE XII. ZONING CERTIFICATE A. It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure in Districts R, C and I until a zoning certificate shall have been issued by the Zoning Administrator. It shall also be unlawful to change the use or occupancy of any building, structure, or land from one classification to another or to change a non-conforming use without the issuance of a zoning certificate. B. Written applications with estimated value of building or buildings on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate, and when no buildings are involved, the location of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out



on the ground before construction is started. C. There shall be a fee for zoning certificates to be established as follows:

Estimated Value of Building To and including \$1,000.00	Fee \$5.00 minimum
For each additional \$1,000.00 or fraction thereof,	Fee \$0.50 per \$1,000.00

D. Zoning Certificates issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue if the construction, alteration, or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within eighteen (18) months. ARTICLE XIII. ENFORCEMENT A. Zoning Administrator: Shall be the administrative officer as provided for in 358A.9 of the 1966 Code of Iowa. B. Enforcement by Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with its provisions. All departments, officials and public employees of the County which are vested with the duty or authority to issue certificates shall conform to the provisions of this Ordinance and shall issue no certificate for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance. C. Violations and Penalties. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use, any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of the County. Any person, firm, or corporation violating any regulation in or any provision of this ordinance or of any amendment or supplement thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than thirty (30) days in Appanoose County Jail. Each and every day during which such illegal location, erection construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. D. Violations - How Prevented. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, said Board of Supervisors, the County Attorney of Appanoose County, said County Zoning Administrator, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. ARTICLE XIV - BOARD OF ADJUSTMENT A. Appointments and Terms. A Board of Adjustment is hereby created. Such Board of Adjustment shall consist of five (5) members appointed by the County Board of Supervisors who are residents of the Rathbun Zoned District (for a minimum of nine months) each year. The five members of the first Board of Adjustment shall serve terms of one, two, three, four, and five years respectively. Thereafter, terms shall be for five years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The County Board of Supervisors shall have power

to remove any member of the Board of Adjustment for cause upon written charges and after Public Hearing. B. Meetings. The Board of Adjustment shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute. The 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 of Adjustment shall be held at the call of the chairman and at such time and place within the County as the Board of Adjustment may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep complete records of its Hearings and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision of the Board of Adjustment, shall immediately be filed in the office of the Board of Adjustment, and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum. C. Jurisdiction. The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the term of this Ordinance in harmony with its general purpose and intent and in accordance with the general and specific rules herein contained, and any property owner aggrieved by the action of the Board of Supervisors in the adoption of this Ordinance may petition the said Board of Adjustment direct to modify this Ordinance as applied to such property owners. D. Applications, Appeals, Hearings and Stay of Proceedings. 1. Applications, when and by whom taken. An application in cases in which the Board of Adjustment has original jurisdiction under the provisions of this Ordinance, or by statute, may be taken by any property owner including a tenant or by a governmental officer, department, board, or bureau. Such application shall be filed with the Zoning Administrator who shall transmit same to the Board of Adjustment. 2. Appeals, when and by whom taken. An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. 3. Hearings. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give ten (10) days' notice by letter 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 and make a decision within a reasonable time after the appeal is submitted. Each application shall be accompanied by a check payable to the Treasurer of the County, or a cash payment of twenty-five dollars (\$25.00) to cover the cost of publishing and/or posting mailing the notice of the Hearing or Hearings. At the Hearing, any party may appear in person or by attorney. Any taxpayer or any officer, department, board or bureau of the County, or any person or person jointly or severally aggrieved by any decision of the Board may present to a court of record, a petition

duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision with the Board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto shall be made, which time shall not be less than ten (10) days, and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application upon notice to the Board and on due cause shown, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but shall return certified or sworn copies thereof or of such portions, thereof as may be called for by such writ. The return shall concisely set forth such other pertinent facts and material to show the grounds of the decision appealed from and shall be verified. If upon the Hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his finding of fact and conclusions of law. This shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice in making the decision that is appealed. 4. Stay or Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. E. Powers of Board of Adjustment 1. The Board of Adjustment shall have the following powers and it shall be the Board's duty: (a) to hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or of any supplement or amendment. (b) to hear and decide special exception to the terms of this Ordinance upon which such Board is required to pass under this Ordinance. (c) to authorize upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done. 2. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which

the Board is authorized by this Ordinance to render a decision 3. It is not the intention to grant to the Board of Adjustment, the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors. ARTICLE XV. DISTRICT CHANGES AND AMENDMENTS

A. General Whenever the public necessity, convenience, general welfare, or good zoning practice requires the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Zoning Commission after Public Hearing as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof. B. Procedure for Change 1. Applications for any change of district boundaries or classifications of property as shown on the Zoning Maps shall be submitted to the County Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment. 2. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one Public Hearing thereon, notice of which shall be given by publication of a notice of the hearing, giving time and place of such hearing, in a newspaper of general circulation in the county. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors. 3. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a Public Hearing thereon. At least fifteen (15) days notice of the time and place of the Hearing shall be given by one<sup>(1)</sup> publication in a newspaper of general circulation in the County. 4. Any person or persons may apply for zoning district changes or amendments by petition. The Zoning Commission or Board of Supervisors may initiate any changes or amendments by their own action. 5. In case of a protest against any changes or amendments signed by the owners of twenty per cent (20%) or more either of the area included in such proposed changes or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such changes shall not become effective except by favorable vote of at least sixty per cent (60%) of all the members of the Board of Supervisors. Public Hearings and official notice shall apply equally to all changes or amendments. 6. After receiving certification of the recommendations on the proposed amendment from the Zoning Commission and after holding the Public Hearing provided for the Board of Supervisors shall consider such recommendations and vote upon the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board of Supervisors. 7. Any person or persons desiring a change

in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed. 8. The failure to notify as provided in Subsections 2 and 3 above shall not invalidate any recommendation of the Zoning Commission, provided such failure was not intentional, and the omission of the name of any owner of property who may in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission proposing to make a change in the zoning maps or the regulations set forth in the Ordinance. 9. Each application for an amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Treasurer of the County or a cash payment in the amount of fifty dollars (\$50.00) to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law. ARTICLE XVI. 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. ARTICLE XVII. WHEN EFFECTIVE The Ordinance shall be in full force and effect in the Rathbun Reservoir Zoning District, Appanoose County, Iowa after its passage, approval and publication as provided by law.

PUBLISHER'S CERTIFICATE STATE OF IOWA Appanoose County ss. On this 29th day of July 1970 personally appeared the undersigned, within and for said County and State Robert K. Beck Publisher of the CENTERVILLE IOWEGIAN & CITIZEN a daily newspaper published in Centerville, County of Appanoose, State of Iowa, who being duly sworn states on oath that the Zoning Ordinance for Rathbun Reservoir Zoning District: Appanoose County, Iowa Appanoose County Board of Supervisors a true copy of which is hereto attached was published in said paper in the issue of Iowegian July 27, 1970

Robert K. Beck Publisher

Subscribed and sworn to before me this 29th day of July, 1970

SEAL.

Ruby E. Ver Steeg

RUBY E. VER STEEG

Notary Public - Appanoose Co. Iowa

My Commission Expires July 4, 1972

Printers' Fee \$340.86

#1461 FILED AUGUST 28, 1970 at 9:21 A. M.

DONNA BROWN

TO

LADD L. GREENE

FEE \$1.50

VIRGINIA BARBAGLIA, RECORDER

AFFIDAVIT OF POSSESSION TO WHOM IT MAY CONCERN: STATE OF IOWA APPANOOSE COUNTY  
The undersigned first being duly sworn (or affirmed) upon oath deposes and states that Ladd L. Greene are now the record titleholders of the following described real estate to-wit: Lot 13 and the North Half of Lot 16 in Block 1 in G. W. Stewart's Addition to Centerville, Appanoose County, Iowa. That said Ladd L.