

ARTICLE 5: ADMINISTRATION AND ENFORCEMENT

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DIVISION 140: ADMINISTRATION, ENFORCEMENT, AND LEGAL STATUS PROVISION

Sections:

140.1 Administration and Enforcement	140.6 Building Permits
140.2 Appeals from Decision of Zoning Administrator	140.7 Application for Bldg Permits
140.3 Violations and Penalties	140.8 Bldg Permits-Fee Schedule
140.4 Restraining Order	140.9 Expiration of Building Permit
140.5 Enforcement	

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**140.1 ADMINISTRATION AND ENFORCEMENT**

A Zoning Administrator designated by the Board of Supervisors shall administer and enforce this Ordinance. He/she may be provided with the assistance of such other persons as the Board of Supervisors may direct.

140.1.1. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

140.1.2. If the Zoning Administrator finds any public nuisance within the county, the Administrator may require the owner of the nuisance to cleanup or otherwise remove the nuisance. If the nuisance is not removed within a reasonable time, the Zoning Administrator may bring an appropriate action in law or equity to enjoin and abate the nuisance and recover damages sustained on account of the nuisance.

**140.2 APPEALS FROM DECISION OF ZONING ADMINISTRATOR**

Appeals from any decision of the Zoning Administrator may be taken to the Board of Adjustment as provided in Division 150.3 of this Ordinance.

**140.3 VIOLATIONS AND PENALTIES**

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 fined not more than Five Hundred Dollars (\$500.00), or imprisoned for not more than thirty (30) days for each offense, and each day such violation continues shall constitute a separate offense.

**140.4 RESTRAINING ORDER**

In case any building or structure is erected, constructed, 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, in addition to other remedies under the Iowa Code is hereby authorized to institute any proper action to enjoin, or any other appropriate action or proceeding in the name of Louisa County, Iowa, to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

**140.5 ENFORCEMENT**

In the event a petition is denied by the Board of Adjustment, or if an application is denied by the Louisa County Board of Supervisors, the petition or application shall not be re-filed, nor shall any other similar petition or application be filed within a period of one (1) year from date of denial unless there is evidence of a substantial change of conditions or circumstances warranting such filing.

**140.6 BUILDING PERMITS**

It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure until a Building Permit has 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 nonconforming use without the issuance of a Building Permit by the Zoning Administrator. Every Building Permit shall state that the new occupancy complies with all provisions of this Ordinance and no subsequent modifications shall be made to the occupancy, use, or method of operation that would be in violation of this Ordinance.

140.6.1. The above shall not apply when used for agricultural purposes, agriculture being defined in Article 1 herein, as any tract of real estate less than 35 acres in size shall not be agriculture land, and shall not be considered as used for an agricultural purpose, unless the Zoning Administrator deems said tract of real estate is used for agricultural purposes.

**140.7 APPLICATION FOR BUILDING PERMITS**

Every application for a Building Permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the regulations. One copy of such plans shall be signed and returned to the applicants when approved by the Zoning Administrator together with such permit as may be granted.

140.7.1. Prior to building construction, lot pins based on actual survey by a registered land surveyor shall be set and if disturbed by construction or grading shall be reset in the proper location.

140.7.2. Before using any building or premises or part thereof hereafter created, erected, changed, converted, or enlarged in use or structure, a Building Permit shall be obtained from the Zoning Administrator. Such permit shall show that such building or premises, or part thereof, and the proposed use thereof conform to the provisions of this Ordinance.

**140.8 BUILDING PERMITS-FEE SCHEDULE**

The Administrative Officer is authorized to issue a building or zoning permit or occupancy permit as required by this ordinance for applications received for proposed occupation, construction, reconstruction or alteration which complies with all provisions

contained herein. Zoning permits shall be issued by the Zoning Administrative Officer and shall be required for the following:

- (1) Any structure, other than that used for farming purposes, hereafter erected, replaced, reconstructed, enlarged, or relocated.
- (2) Any change in use other than to a farming use.
- (3) Any change in occupancy other than to a farm dwelling or farming use.

The penalty for failure to obtain a required permit may be assessed over and above the application fee in the amount of three (3) times the application fee, not to exceed \$3000. Only one fee shall be charged for dwelling and accessory building applications submitted jointly and the one fee shall be determined by the dwelling's square footage.

140.8.1. Permit fees for all applications shall be established by resolution of the Louisa County Board of Supervisors. Permit fees may be reviewed on an annual basis by the Planning and Zoning Commission, with recommended revisions requiring the adoption of a new resolution. Copies of any resolution establishing current permit fees shall be on file in the zoning office.

**140.9 EXPIRATION OF BUILDING PERMIT**

Building Permits issued in accordance with provisions of this section shall be null and void at the end 6 months from the date of issue if the construction, alteration, or change of use has not commenced during the 6-month period. Proposed construction or alternation must be completed within 18 months. In the event that special conditions exist, the Zoning Administrator shall have the authority to waive the provisions of this section.

DIVISION 150: BOARD OF ADJUSTMENT

Sections:

150.1 Creation, Membership and Procedure	150.4 Stay of Proceedings
150.2 Powers of the Board	150.5 Decisions of the Board
150.3 Applications and Appeals	150.6 Appeals from the Board

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**150.1 CREATION, MEMBERSHIP AND PROCEDURE**

The Board of Supervisors, in accordance with the provisions of Chapter 335, Code of Iowa, shall appoint a Board of Adjustment consisting of 5 members. At least 2 members shall be named from among the members of the Louisa County Zoning Commission. The Board of Supervisors may remove any member of the Board for cause and after a public hearing.

Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the Board chairperson or secretary before the meeting. A Board member will be asked to resign if at any time the member has three consecutive unexcused absences from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed 40 percent of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

150.1.1. *Officers.*

The Board shall elect its own Chairman and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of the regulations or any other statutes of the County. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel attendance of witnesses. The Secretary of the Planning and Zoning Commission shall act as the Board's secretary.

150.1.2. *Meetings.*

Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as a public record.

150.1.3. *Quorum and Voting.*

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which it is required to pass under the regulations, or to effect any variation in the requirements of this Ordinance.

150.1.4. *Assistance.*

The Board may call on the County departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

**150.2 POWERS OF THE BOARD**

The Board shall have jurisdiction in matters and shall have the specific and general powers provided in this Ordinance.

150.2.1. *Administrative Review Power/ Interpretation of Zoning Ordinance & Map.*

To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

Interpretation of Map – Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of these regulations for the particular section or district in question.

150.2.2. *Special Use Exceptions.*

The Board shall have the power to hear and decide, in accordance with the provisions of this Ordinance, requests or applications for special exceptions or for decisions upon other special questions that the Board is authorized to pass.

In granting any special use exception the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the special use exception is granted shall be deemed a violation of this Ordinance. The Board may prescribe a time limit within which the action for which the special use exception is required to be begun or be completed, or both. Failure to begin or complete, or both, such action within the time set shall void the special use permit.

In addition to permitting the special exceptions heretofore specified in this Ordinance, the Board shall have the authority to permit the following:

1. Nonconforming Uses

- a) The substitution for a nonconforming use, another nonconforming use, if no structural alternations except those required by law are made; provided, however, that any use so substituted shall be of the same or more restricted classification.

2. Temporary Uses and Permits

- a) The temporary use of a building or premises in any district for a purpose or use that does not conform to the standards provided that such use be of true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such

conditions as will safeguard the public health, safety, convenience and general welfare.

- b) The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by this Ordinance, provided that such structure or use is, of a true temporary nature, or that promotes or is incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under the above item.

150.2.3. *Variances.*

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 this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done as follows:

1. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of these regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situations or conditions of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of these regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of the regulation, the Board shall have the power to authorize, upon appeal, a variance from such strict application, so as to relieve such difficulties or hardships and so that the spirit and purpose of this Ordinance, shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of this Ordinance.
2. No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:
  - a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
  - b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
  - c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the Ordinance or the public interest.
3. No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make

reasonably practicable the formulation of a general regulation, under an amendment of this Ordinance, for such conditions or situations.

4. The Board shall have no power to authorize a variance for the establishment of a nonconforming use where none previously existed.
5. In considering a request for a variance from these regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:
  - a. Shape and area of lot in question.
  - b. Bulk and floor area of the main building or structure.
  - c. Setback of proposed sign from all property lines.
  - d. Zoning and use of surrounding parcels.
  - e. Unusual or exceptional topography.
  - f. Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

### **150.3 APPLICATIONS AND APPEALS**

An application to the Board, in cases in which it has original jurisdiction under the provisions of these regulations, may be filed by any property owner, including a tenant, or by any governmental officer, department, board, or bureau. Such application shall be filed with the administrative officer, together with the required fee payable to the administrative officer who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Fund of Louisa County, Iowa, who shall transmit the same together with all the plans, specifications, and other papers pertaining to the application to the Board. Should the application be withdrawn prior to the publication of legal notice thereon, such fee will be returned upon written request of the applicant.

150.3.1. Fees for all applications shall be established by resolution of the Louisa County Board of Supervisors. Fees may be reviewed on an annual basis by the Planning and Zoning Commission with recommended revisions requiring the adoption of a new resolution. Copies of any resolution establishing current fees shall be on file in the zoning office.

150.3.2. An appeal to the Board may be filed by any property owner, including a tenant, or by any governmental officer, department, board, or bureau affected by any ruling of the administrative officer. Such appeal, along with the required fee, shall be accepted within a reasonable time, as prescribed by the rules of the Board, by filing with the administrative officer a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from which it was taken. The required fee shall be payable to the administrative officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Fund of Louisa County, Iowa. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

The Board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give at least 15 days notice of the time and place of such hearing by insertion in a newspaper published in the county, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.

150.3.3. *Board of Adjustment Appeal Fees:*

Fees for all appeals shall be established by resolution of the Louisa County Board of Supervisors. Fees may be reviewed on an annual basis by the Planning and Zoning Commission with recommended revisions requiring the adoption of a new resolution. Copies of any resolution establishing current fees shall be on file in the zoning office.

**150.4 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the permit a stay would in his opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board of Adjustment on application, after notice to the Zoning Administrator or by a court of record.

**150.5 DECISIONS OF THE BOARD OF ADJUSTMENT**

In exercising its powers, the Board may, in conformity with the terms of the Iowa Code and of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, is necessary, and to that end has all the powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

**150.6 APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person or persons, or any board, taxpayer, department, board or bureau of the County aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 335, Code of Iowa.



DIVISION 160: PLANNING & ZONING COMMISSION

Sections:

160.1 Creation and Membership  
160.2 Duties of the Commission  
160.3 Meetings

160.4 Hearings  
160.5 Meeting Attendance

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**160.1 CREATION AND MEMBERSHIP**

The Louisa County Planning and Zoning Commission shall be an eight-member commission.

160.1.1. *Officers.*

The Commission shall select from its membership a Chairman and Vice-chairman, who will perform the usual duties pertaining to such offices. At the first regular meeting in January of each year, the Commission will pick its officers from its membership. All officers are eligible for re-election.

1. Tenure

The chairman and vice-chairman shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

2. Duties

The chairman will preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. The vice-chairman shall act in the capacity of the chairman in his or her absence and if the office of the chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of vice-chairman for the unexpired term. The Commission's Secretary will perform the duties of secretary of the Commission. The secretary will record and maintain minutes of the meetings, ensure that the minutes and adopted recommendations are properly published and recorded, and perform such other duties as the Commission may determine.

**160.2 DUTIES OF THE COMMISSION**

The responsibility to plan and zone on behalf of the county rests with the Planning and Zoning Commission. The Commission is appointed by the legislative body and has three basic advisory responsibilities on matters affecting local zoning. The legislative body must solicit recommendations from the Commission, but is not required to follow such recommendations. The three basic zoning responsibilities of the Planning and Zoning Commission are as follows:

160.2.1. *Prepare the Zoning Ordinance.*

While the legislative body has the power to adopt zoning, it cannot prepare the ordinance for adoption. The law assigns responsibility of preparing the original zoning ordinance to the Zoning Commission. Once the zoning ordinance and district map are prepared and put in final form, the Commission forwards them to the County Board with its recommendation that the ordinance can be adopted.

As stated previously, the County Board is not bound by the recommendations of the Commission. The County Board may adopt the ordinance as submitted, make changes in the ordinance before adoption, or refuse to adopt it.

160.2.2. *Recommendations on Proposed Changes in Zoning.*

Once the zoning ordinance has been adopted, it may be changed from time to time. Any proposed change, either in the written text or map, must be submitted to the Commission for consideration. The Commission should study the proposed change(s) and submit a recommendation to the County Board, approving or disapproving the proposed change(s). As in the original adoption of the zoning ordinance, the County Board is not bound by the Commission's recommendations.

160.2.3. *Review and Update the Ordinance.*

The Commission should conduct a review of the zoning ordinance from time to time to assure that it still reflects the needs and desires of the county. If such review reveals a need for changes in the text or district map, a recommendation should be forwarded to the County Board proposing such changes.

If these changes are acceptable to the County Board, the same procedure must be followed as required for any other proposed amendment to zoning.

160.2.4. *Additional Duties of the Commission.*

As an advisory body, the Commission may be assigned responsibilities, such as the following:

1. Comprehensive Plan.

The Commission may prepare, recommend to the governing body, and maintain a comprehensive plan for the physical development of the community.

2. Reviewing Special Types of Development.

The Commission may review and make recommendations on special types of development permitted under the ordinance, such as site plan review, planned unit developments, and industrial parks.

3. Subdivision Regulations.

The Commission may prepare subdivision regulations for adoption by the governing body. The Commission shall review and make recommendations on all preliminary and final subdivision plat proposals, street layouts, and other developments, which involve expansion of the developed area of the county.

4. Supervising Planning Staff.

The Planning and Zoning Commission shall work closely with the planning staff or planning consultants to ensure that the local planning work program is acceptable and that technical assistance is being accomplished in a timely fashion.

5. Educating Public.

The Commission shall inform and educate the public about the purposes of planning and how specific local problems are being resolved.

**160.3 MEETINGS**

The Planning and Zoning Commission shall meet at a time, (to be announced) monthly as needed, in the Louisa County Courthouse. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternative day in the same month. There shall be an annual meeting with the County Board to discuss the commission's proceedings and activities, suggestions for policy and zoning ordinance revisions, and other items relating to the commission's duties.

160.3.1. *Special Meetings.*

Special meetings will be called at the request of the chairperson, or of any three members of the commission. Notice of the special meeting shall be given by the secretary to the members of the Commission in a timely manner before such meeting and shall state the purpose and time of the meeting.

160.3.2. *Public.*

All regular and special meetings, subcommittee meetings, hearings, records, and accounts shall be open to the public.

160.3.3. *Quorum.*

A quorum of the Commission shall consist of 5 members. A quorum shall be required to conduct the business of the commission.

160.3.4. *Voting.*

Voting will be by roll call and will be recorded by yeas and nays. Every member of the Commission, including the chairperson, is required to vote on each motion. However, a member may abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting. During the discussion the matter under consideration, a member who plans to abstain from voting should so inform the Commission so that other Commission members can properly weigh the opinions given by a member who believes a conflict of interest exists.

160.3.5. *Commission Action.*

Action by the Commission on any matter on which a hearing takes place will not be taken until the hearing has been conducted.

160.3.6. *Parliamentary Procedure.*

*Roberts Rules of Order, Revised*, will govern the Commission meetings in all cases where these rules do not provide the procedures to be followed.

**160.4 HEARINGS**

160.4.1. *Comprehensive Plan and Zoning Hearings.*

Before the adoption or amendment of any part of the comprehensive plan, or recommending approval of an amendment to the zoning ordinance to the County Board, the Commission will conduct a public hearing on the matter. Notice of the time and place of the hearing will be given, and that at least 4 days [*Iowa Code*, Chapter 335] before such hearing, by one publication in a newspaper of general circulation

Special notice of a proposed rezoning will be given by mail to all interested parties including the owners and residents of property within 500 feet of the boundaries of the premises under consideration. (Note: This is a courtesy and not required by Iowa law.)

**160.5 MEETING ATTENDANCE**

Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the Board chairperson or secretary before the meeting. A Board member will be asked to resign if at any time the member has three consecutive unexcused absences from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed 40 percent of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

DIVISION 170: AMENDMENTS

Sections:

- 170.1 County Board may Amend Ordinance
  - 170.2 Amendment Procedure
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**170.1 COUNTY BOARD MAY AMEND ORDINANCE**

In accordance with the provisions of Chapter 335, Code of Iowa, the Board of Supervisors may from time to time amend or change by resolution the number, shape or area of districts established on the Zoning Map or the standards set forth in this Ordinance; but no such amendment or change shall become effective unless the resolution proposing such amendment or change shall first be submitted to the Commission for approval, disapproval or suggestions, and said Commission shall have been allowed reasonable time, not less than 30 days, for consideration and report.

Before submitting its recommendations and report to the Board of Supervisors, the Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 15 nor more than 30 days notice of the time and place of hearing by publication in a newspaper published in the county and when a change of district boundaries or classification of property is involved by mailing notices to all property owners directly involved, contiguous to or directly across a road or alley from the area proposed to be altered.

**170.2 AMENDMENT PROCEDURE**

Any person desiring a change in zoning of property may file a letter of application therefore, and in so doing shall accompany the petition for such change in zoning or the resolution introduced for the purpose of changing such zoning, except those initiated by the Zoning Commission, with a fee in the required amount. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law. All fees as are required shall be paid to the administrative officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Fund of Louisa County, Iowa. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

170.2.1. Fees shall be established by resolution of the Louisa County Board of Supervisors. Fees may be reviewed on an annual basis by the Planning and Zoning Commission with recommended revisions requiring the adoption of a new resolution. Copies of any resolution establishing current fees shall be on file in the zoning office.

170.2.2. During the 15 days prior to the public hearing the text or copy of the text of such resolution or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Secretary of the Zoning Commission. No resolution, which differs from the recommendation made by the Zoning Administrator, shall become effective unless passed by not less than 2/3 of all members of the Board of Supervisors.

170.2.3. In case of a protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20 percent or more of either the

area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof such amendment shall not be passed or become effective except by the favorable vote of 60 percent of all members of the Board of Supervisors.

170.2.4. The failure to notify, as provided by this Article, shall not invalidate a resolution, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any resolution passed hereunder, it being the intention of this Article to provide so far as may be for notice to the persons substantially interested in the proposed change that a resolution is pending before the Board of Supervisors, proposing to make a change in zoning.