

**APPLICATION FOR PERMIT OR RENEWAL OF PERMIT
FOR HOME OCCUPATION, SPECIAL USE, BED & BREAKFAST**

Date: _____

Owner's Name: _____ Phone: _____

Business Name: _____

Business Address: _____

Mailing Address: (If different from Business Address) _____

Type of Business: _____

I, _____ hereby make application for/or renewal of a home occupation, special use, or bed & breakfast permit. I agree to conform to the requirements of the Home Occupation Ordinance, Special Use Ordinance or Bed & Breakfast Ordinance of the City Code of the City of Independence, Iowa.

(Signature of Applicant)

(PLEASE FILL OUT THE FOLLOWING)

___ APPLICATION FOR: ___ Home Occupation ___ Spec. Use ___ B & B

Please remit \$50.00 with your above application for original permit.
(Fee is \$25 with proof of State of Iowa inspection)

___ RENEWAL OF: ___ Home Occupation ___ Spec. Use ___ B & B

Please remit \$25.00 with your above application for renewal of permit.

PETITION OF AGREEMENT

For Home Occupation, Special Use, and Bed & Breakfast Applications
(Applicant must provide Name, Address and Phone for seventy-five (75) percent of the property owners within three hundred (300) feet of the business address.)

Owner's Name: _____

Business Name: _____

Type of Business: _____

NAME	ADDRESS	PHONE
1.		
2.		
3.		
4.		
5.		
6.		
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9.		
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- 3.21.07. General Regulations. All Tiny/Small structures must meet all general regulations, codes, and provisions as set forth in the City of Independence Zoning Ordinance with the exceptions of lot sizing and accessory building sizing.

Section 3.22. HOME INDUSTRIES.

No gainful industry shall be conducted within a personal residence without a home industry permit.

- 3.22.01. Application and Contents. The application for a home industry permit shall contain the name and address of the applicant; industry to be conducted in the residence; that the industry to be conducted in the residence meets the applicable fire and safety codes for the new use; and shall be accompanied by both an application fee and an inspection fee as prescribed by resolution of the City Council.

- 3.22.02. Procedure. The application, together with a Petition of Agreement to the proposed home industry signed by seventy-five (75) percent of the property owners within three hundred (300) feet of the residence where the home industry will be, shall be presented to the Planning and Zoning Commission who shall review the application and make a recommendation for denial or approval to the City Council. The City Council shall review the recommendation of the Planning and Zoning Commission and may either affirm or deny the application for a home industry permit.

- 3.22.03. Limitations. A home industry shall encompass no more than thirty (30) percent of the habitable area inside the residence or an adjoining, attached, or unattached enclosed structure. The home industry shall also be limited to the first floor or basement of any residence or the first floor of an adjoining enclosed structure. An adjoining enclosed structure shall not be used for commercial (for profit) automobile repair, storage or other related purposes.

- 3.22.04. Expiration, Renew, and Revocation. A home industry permit shall be valid for one (1) year and renewed on a yearly basis with thirty (30) days of the expiration date of July 1, by applying to the City Council for renewal and shall be accompanied by a renewal fee as prescribed by resolution of the City Council. Should the home industry permit not be renewed as required, a new permit must be applied for and approved before the existing home industry may be allowed to continue. Because operating a home industry in a residential district is a privilege, a previously approved application may be revoked upon substantial compliant of the surrounding neighborhood or upon violation of this Ordinance or any ordinance of the City of Independence.

3.22.05. Non-Transferability. The home industry permit shall be valid only for the person at the residence indicated on the permit and should the industry be discontinued or the home sold, the existing permit shall immediately expire.

Should the holder of a valid home industry permit desire to terminate the home industry prior to the renewal date of July 1, said holder shall not receive a refund for any unexpired time remaining on the permit.

3.22.06. Signage. A home industry shall be allowed one (1) sign that is a maximum of three (3) square feet in area.

Section 3.23. **BED AND BREAKFAST HOME CONDITIONAL USE PERMIT.**

3.23.01. To obtain a conditional use permit for a bed and breakfast home, the applicant must satisfy the following criteria:

- (a) There shall be no more than two (2) guest rooms per structure.
- (b) Only breakfast may be served to the guest residing in the structure.
- (c) Off-street parking shall be required. Off-street parking ratio shall be one (1) space per guest room and a minimum of two (2) spaces for the owner. The parking spaces shall meet the standards established by the City.
- (d) Guests shall register upon arrival, stating their names, current residence address, and the license plate number of the vehicle that is being used by the guest. The registration form shall be kept by the owner for a period of three (3) years and shall be available for examination by a representative of the City upon one (1) day's notice.
- (e) The condition use permit is not transferable.
- (f) The establishment must comply with local and State regulations regarding all applicable permits and licenses including, but not limited to, fire, health, food service, hotel, liquor, revenue, building, zoning permits, and licenses.
- (g) Conditional use permits to operate a bed and breakfast home must be renewed each year on July 1, and are subject to review at the time of renewal.

3.23.02. Applicability of Other Sections. The provisions of 3.21.01, 3.21.02, 3.21.04, 3.21.05, and 3.21.06, relating to home occupation permits, shall be applicable to the bed and breakfast home condition use permit.

3.23.03. Limitations. A bed and breakfast home conditional use permit shall only be issued for private residences located within an R-2 Residence District.

Section 3.24. WIND TURBINES.

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| 3.24 (1) Purpose | 3.24 (6) Requirements and Standards |
| 3.24 (2) Definitions | 3.24 (7) Other Applicable Standards |
| 3.24 (3) Applicability | 3.24 (8) WECS Permit Process |
| 3.24 (4) Procedures | 3.24 (9) Release of Liability |
| 3.24 (5) District Regulations | |

3.24 (1) PURPOSE. This Chapter establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within the City of Independence. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on-site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

3.24 (2) DEFINITIONS.

1. "WECS" shall mean Wind Energy Conversion System. That is, an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site and/or distributed into the electrical grid.
2. "Aggregated Project" shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but also included as part of the aggregated project.
3. "Commercial WECS" shall mean a WECS of equal to or greater than one-hundred (100) kilowatts in total name plate generating capacity.
4. "Non-Commercial WECS" shall mean a WECS of less than one-hundred (100) kilowatts in total name plate generating capacity.
5. "Fall Zone" shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower could collapse in the event of a structural failure. This area is commonly similar to the total height of the structure.
6. "Tower Height" shall mean the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

CHAPTER 154

HOME OCCUPATION PERMITS

154.01 Home Occupation Permit Required	154.06 Non-Transferability
154.02 Application and Contents	154.07 Signage
154.03 Procedure	154.08 Gainful Occupation
154.04 Limitations	154.09 Penalties
154.05 Expiration, Renewal, and Revocation	

154.01 HOME OCCUPATION PERMIT REQUIRED. No gainful occupation shall be conducted within a personal residence without a home occupation permit.

154.02 APPLICATION AND CONTENTS. The application for a home occupation permit shall contain the name and address of the applicant; occupation to be conducted in the residence; that the occupation to be conducted in the residence meets the applicable fire and safety codes for the new use; and shall be accompanied by an application fee and an inspection fee as prescribed by resolution of the Council. Any business service requiring a person to be on premises to receive services such as (but not limited to) daycares, barbers, beauticians, and any other related business shall also provide a copy of their State licenses when submitting their application for a home occupation permit. The inspection fee only shall be waived for any such businesses submitting proof of inspection by the State.

154.03 PROCEDURE. The application shall be presented to the Council and shall contain the names, addresses, and telephone numbers of the property owners immediately adjacent to the property on the east, west, north, and south sides. The City will notify the adjacent property owners of the intent to consider approving/denying the application for a home occupancy permit. This will allow the adjacent property owners the opportunity to either submit their written comments before the day of the hearing if they are unable to attend the hearing or attend the hearing and their comments will be heard. The day of the hearing, the Council shall review the application for approval or denial for a home occupation permit.

154.04 LIMITATIONS. A home occupation shall encompass no more than thirty (30) percent of the habitable area inside the residence or an adjoining, attached, or unattached enclosed structure. The home occupation shall also be limited to the first floor or basement of any residence or the first floor of an adjoining enclosed structure. An adjoining enclosed structure shall not be used for commercial (for profit) automobile repair, storage, or other related purposes.

154.05 EXPIRATION, RENEWAL, AND REVOCATION. A home occupation permit shall be valid for one year and renewed on a yearly basis within thirty (30) days of the expiration date, by applying to the Council for renewal and shall be accompanied by a renewal fee as prescribed by resolution of the Council. Should the home occupation permit not be renewed as required, a new permit must be applied for and approved before the existing home occupation may be allowed to continue. Because operating a home occupation in a residential district is a privilege, a previously approved application may be revoked upon substantial complaint of the surrounding neighborhood, upon noncompliance with the required inspections, or upon violation of this chapter or any ordinance of the City.

154.06 NON-TRANSFERABILITY. The home occupation permit shall be valid only for the person at the residence indicated on the permit and should the occupation be discontinued or the home sold, the existing permit shall immediately expire. Should the holder of a valid home occupation permit desire to terminate the home occupation prior to the renewal date of July 1, said holder shall not receive a refund for any unexpired time remaining on the permit.

154.07 SIGNAGE. A home occupation shall be allowed one sign that is a maximum of three (3) square feet in area.

154.08 GAINFUL OCCUPATION. Any occupation conducted in the residence is considered a gainful occupation for the purposes of this chapter if either of the following conditions are met:

1. As a result of the occupation, the residence is open either to the public or to nonfamily members of the resident(s). Family members are considered parents, siblings, grandparents, nieces and nephews, grandchildren, and children whose parent(s) or guardian(s) reside in the home.
2. As a result of the occupation, any commercial vehicles visit the residence more than twice per week.

154.09 PENALTIES. If a home occupation is conducted in violation of this chapter, such conduct shall be a municipal infraction in violation of Chapter 4 of this Code of Ordinances, punishable by civil fines set forth in the chapter.

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Independence Light & Power

711 7th Avenue N.E.
P.O. Box 754
Independence, IA 50644

Phone (319) 334-3880
FAX (319) 334-3853

Attachment to Home Occupation Permit Application.

- 1.) If the addition of my home business increases usage by 25% per month, I can at my expense, have a commercial meter installed separate from my residence for my commercial business. If I choose not to do so, the entire residence will be billed at the commercial rate.
- 2.) City Inspector and City Electrician will make the determination if this business is to be residential or commercial electrical rate and recommend as such to the city council.

I, _____, have read and agree to abide by the above rules.

Applicant

Date