

14-912 EAOD, ENGLEWOOD ARTS OVERLAY DISTRICT

14-912-01 Purpose

The Englewood Arts Overlay District hereafter referred to as “EAOD”, is an overlay district that is intended to promote robust and sustainable mixed-income neighborhoods within the Independence Missouri neighborhood of Englewood Arts Overlay District boundaries. The district is intended to sustain great neighborhoods that are safe, walkable and include a mixture of densities and designs encouraging interaction and pride. Art is integrated into the overlay infrastructure to enhance neighborhoods, encourage economic revitalization, and nurture artistic contributions to the City and region. The intended result of the overlay is to help establish a mixed-use area with art-related businesses as well as other low-intensity neighborhood-supporting businesses, live/work units and traditional residences integrated in a manner that maintains the residential character of the area.

14-912-02 Applicability

The regulations in this section apply to all property in the EAOD district. The EAOD overlays the base City of Independence zoning and provides additional flexibility in zoning and restrictions. Refer to Article 14-900-02: UDO Overlay Districts. If there is a conflict between the base zoning district and the EAOD, the EAOD takes precedence with the exception of the ARTS District zoning of Section 14-910. The ARTS District zoning of Section 14-910 supersedes the EAOD zoning policy.

14-912-02-A. Use Table. Uses are allowed in the EAOD district in accordance with Table 912-A below.

14-912-02-B. Permitted Uses. Uses identified with a “P” in Table 912-A are permitted as-of-right, subject to compliance with all other applicable standards of this development ordinance.

14-912-02-C. Conditional Uses. Uses identified with a “C” in Table 912-A are permitted as-of-right, subject to compliance with the Use Standards referenced in the right column of Table 912-A, and all other applicable standards of this development ordinance.

14-912-02-D. Special Uses. Uses identified with an “S” in Table 912-A may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-912-02-E. Prohibited Uses. Uses identified with a “-” in Table 912-A are expressly prohibited.

14-912-02-F. Use Standards. The “Use Standards” column of Table 912-A identifies use-specific standards that apply to some uses. Compliance with such standards is required.

Table 912-A Englewood Arts Overlay Use Table				
P: Permitted, S: Special Use Permit Required, C: Conditional Uses, - : Not Allowed, (Blank Space): base city zoning				
Use Category	Zoning District	Zoning District	Zoning District	Use Standards
	Residential	Office and Commercial	Industrial	
Specific Use Type	UDO 14-300-01-A	UDO 14-301-01-A	UDO 14-302-01-A	
RESIDENTIAL				
Household Living				
Above Street Floor	P	P	P	
Detached House	P	-	-	

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Apartment	S	S	S	
Multi-unit House	-	S	S	14-505
Multiplex	-	S	S	14-505
Accessory Dwelling Unit (ADU)	C	S	-	14-912-04
Attached Accessory Dwelling Unit (ADU)	C	S	S	14-912-04
Pocket Neighborhood Cluster	C	C	C	14-912-05
Group Living				
Nursing Home	-	S	S	
Recovery Center	-	S	S	
PUBLIC/CIVIC				
Park/Recreation	C	C	C	14-407
Library/Cultural Exhibit	C	C	C	14-407
COMMERCIAL				
Animal Service				
Shelter or Boarding Kennel	-	P/S	P/S	14-301, Table 301?; 14-302, Table 302?
Pet Day Care	S	P	P	14-912-07
Grooming	S	P	P	14-912-07
Sales and Grooming	-	P	P	
Veterinarian	S	P	P	14-912-07
Artist Work Space				
Artist Work or Sales Space	C	P	P	14-200-05-B
Recording Studio	S	P	P	14-912-07
Eating and Drinking Establishments				
Home Eateries, Less Than 6 Seats	C			14-912-06
Home Eateries, More Than 6 Seats	S			14-912-06
Tavern and Night Club	-		S	14-912-07
Eating and Drinking Establishment	-	P	P	
Mobile Food Unit	-	P	P	City Codes Chapter 5
Entertainment and Spectator Sports				
Indoor Small Venue (1-149 capacity)	S		S	14-912-07
Indoor Medium Venue (150-499 capacity)	-		S	14-912-07
Indoor Large Venue (500+ capacity)	-		S	14-912-07
Outdoor Medium/Large Venue (all sizes)	-		S	14-411, 14-912-07

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Financial Service				
Pawn Shop	-	-	-	
Short-term Loan Service	-	-	-	
Bail Bonds/Surety Recovery Agent	-	-	-	
Lodging				
Short Term Rental	C			14-912-04-L, 14-424
Bed and Breakfast	C			14-912-04-L, 14-424
Office				
Counseling	S	P	P	
Personal Improvement Service				
Body Art Service	S	S	S	14-912-07, 14-416
Retail Sales				
Gun and/or Ammo Sales/Service	-	-	-	
Bookstore	C	P	P	14-912-07
Craft Store	C	P	P	14-912-07
Vehicle Sales and Service				
Heavy Equipment Sales/Rental	-	-	S	
Motor Vehicle Repair	-	S	S	14-418
Motor Vehicle Sales	-	S	S	
Vehicle Storage and Towing				
Vehicle Storage/Tow Lot	-	-	-	
Tow Service Dispatch Center	-	-	-	
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
Artisan	C	P	P	14-912-07
OTHER				
Agriculture, Urban				
Home Garden	P	P	P	
Community Garden	C	C	C	14-417
Greenhouse (less than 250 sq. ft.)	P	S	P	14-704
Greenhouse (more than 250 sq. ft.)	S	S	S	14-704
Wireless Communication Facility				
Cellular Towers	S	S	S	14-410

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Neighborhood Places				
Park	C	C	C	14-407

14-912-03 Residential Design Standards

EAOD Residential Design Standards promote quality housing and neighborhood design while offering opportunities to build density in areas that may otherwise be difficult to develop. No final inspection or certificate of occupancy will be approved until the structure is confirmed to be in accordance with Section 14-912-03-A and B standards.

14-912-03-A Minimum Floor Area for Single-Family Detached Houses

All single-family detached houses shall enclose a floor area of not less than 500 square feet for a single-story structure, and 700 square feet for structures of more than one story, and be in compliance with the lot and building standards listed in EAOD 14-912-03-B.

14-912-03-B Lot and Building Standards

All development in EAOD must comply with the lot and building standards of *Table 912-B* and *Table 912-C*, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in *Table 912-B*, *Table 912-C*, and applicable exceptions to the standards can be found in Article 14-202: UDO MEASUREMENTS AND EXCEPTIONS.

Table 912-B Lot and Building Standards	
	EAOD
Lot Size	
Min. lot area (square feet)	None
Min. lot width (feet)	None
Min. Exterior Setback	
Nonresidential Use Front Facing Street (feet)	0
Nonresidential Use Side Facing Street	5
Residential Use Front Facing Street (feet)	20
Residential Use Side Facing Street (feet)	5
Min. Interior Setback	
Side (feet)	5
Rear – Adjacent to Nonresidential Zones (feet)	7.5
Rear – Adjacent to R District with Height < 20' (feet)	* [1]
Rear – Adjacent to R District with Height > 20' (feet)	* [2]
Height	
Maximum (feet)	35

Notes to Table 912-B

* [1] When a structure has a height of fewer than 20 feet and is adjacent to an R-zoned lot, the rear setback shall be 7.5 feet.

* [2] When a structure has a height of 20 feet or more and is adjacent to an R-zoned lot, the rear setback shall be 12 feet.

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Table 912-C

Building Type		# of Dwellings		Lot Standards		
	Lot Type	Principal	Accessory	Area	Width	Maximum Coverage
Detached House						
	Estate Lot	1	3	13K+	100' +	35%
	Standard Lot	1	2	6K – 13K	60' – 99'	45%
	Neighborhood Lot	1	1	4.5K – 6K	45' – 59'	55%
	Small Lot	1	1	3K – 4.5K	35' – 44'	65%
	Small Format	1	NA	1.5K – 3 K	25' – 34'	75%
Live/Work		1	1	1.5 – 6K	16' – 50'	65%
Mixed Use Building		1.5K per unit		2.5K – 1 acre	30' – 100'	80%

14-912-04 Accessory Dwelling Unit Regulations

Accessory Dwelling Units (ADUs) are allowed in the EAOD as outlined below:

14-912-04-A Definition

ACCESSORY DWELLING UNIT (ADU)

A dwelling unit that is located on the same lot as a single-family residence that provides complete independent living facilities for one or more persons.

14-912-04-B ADU Size – Maximum/Minimum

The maximum floor area for a detached or newly constructed attached accessory dwelling unit shall be 900 square feet. An attached ADU utilizing an existing structure can be larger than 900 square feet in accordance with the special use procedures of Article 14-704. The minimum floor area for an accessory dwelling unit shall be 300 square feet.

14-912-04-C Number of ADUs

Refer to Table 912-C.

14-912-04-D Distance from Primary Residence

The minimum distance between the detached accessory dwelling unit and the primary single-family residence shall be 5 feet.

14-912-04-E Required Setbacks

Accessory dwelling units detached from the primary single-family residence shall comply with the interior and exterior setbacks in Section 14-912-03: EAOD LOT AND BUILDING STANDARDS.

14-912-04-F Design Standards

The appearance, exterior finish materials, roof pitch, roof shape, trim, eaves, window orientation, and dimensions must be the same or visually match those of the structure on the lot. Design standard exceptions must be reviewed and approved through 14-706 ZONING ADJUSTMENTS AND VARIANCES procedures.

14-912-04-G Height

Accessory dwelling units detached from the primary single-family residence shall comply with the height requirements in **Table 912-B**.

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14-912-04-H Parking

One (1) off-street parking space shall be provided for an accessory dwelling unit. In the event a required parking space is eliminated to accommodate an accessory dwelling unit, off-street parking shall be provided on the lot in accordance with the parking ratios of Section 14-501-05.

14-912-04-I Sale of Units

The accessory dwelling unit shall not be sold separately from the principal residence.

14-912-04-J Short-Term Lodging

The accessory dwelling unit shall not be rented for periods of less than 30 days unless approved as a bed and breakfast in accordance with Sections 14-420 or 14-424, respectively.

14-912-04-K Rental Occupancy

Any accessory dwelling unit or single-family residence that is not owner-occupied shall be subject to the Rental Ready Program of Chapter 4 of the City Code unless it is unoccupied.

14-912-04-L Owner Occupancy

The legal property owner of the lot shall be required to reside in either the primary residence or an accessory dwelling unit located on the lot, except for temporary absences not to exceed a combined total of six (6) months in a calendar year. ADU and single-family residences cannot be rented at the same time. Exceptions to this requirement may be submitted by non-profit entities to the Community Development Director. The Community Development Director may approve the exception if reasonable documentation is submitted.

14-912-04-M Building Code

All ADUs shall comply with the currently adopted International Residential Code appendix related to "Tiny Houses."

14-912-04-N Home Occupation

An accessory dwelling unit may be used for a city-licensed home business in accordance with Chapter 14 Article 4.

14-912-05 Pocket Neighborhood Cluster

14-912-05-A Definition

POCKET NEIGHBORHOOD CLUSTER

A planned community that consists of a grouping of 3-12 smaller square footage residences, often around a courtyard or common open outdoor space commonly designed to maximize space and encourage time spent in a community space.

14-912-05-B PURPOSE

1. The purpose of a Pocket Neighborhood Cluster design is to:
 - a. Encourage a stronger sense of community and security among nearby neighbors while preserving personal privacy;
 - b. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs; especially small households (one to three-person households);
 - c. Seek to balance projected population growth with the community goal of preventing sprawling development and to this end examine opportunities to use land more efficiently for housing.
 - d. Encourage affordability, innovation, and variety in housing design and site development while ensuring compatibility with surrounding land uses;
 - e. Encourage the creation of more usable space for residents of the development through flexibility in density and lot standards

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- f. Maximize resident/pedestrian-oriented outdoor spaces and minimize the impact of automobile traffic and parking.

14-912-05-C ALLOWED USES

1. The allowed uses within the Pocket Neighborhood Cluster shall be single-family detached dwellings, duplex dwellings, carriage houses, live/work units, community buildings, temporary real estate sales office/model home, and vehicle parking lots and structures. The Pocket Neighborhood Cluster must comply with Table 912-A.

14-912-05-D SITE REQUIREMENTS

1. Pocket Neighborhood Cluster Size
 - a. Minimum three (3) dwellings; maximum twelve (12) dwellings per cluster.
 - b. No limit to the number of clusters.
2. Lot and Building Standards
 - a. All Pocket Neighborhood Clusters must comply with 14-912-03.B.
3. Maximum Coverage for All Impervious Surfaces
 - a. No maximum, provided that storm-water is approved by the City of Independence Community Development Department.
4. Dwelling Size
 - a. Maximum dwelling size is 2000 square feet and minimum dwelling size is 300 square feet.

14-912-05-E APPROVAL PROCESS

A Pocket Neighborhood Cluster of three (3) to six (6) dwellings shall be approved in accordance with the design parameters of 14-912-05-F and the special use procedure of Article 14-704. A Pocket Neighborhood Cluster greater than six (6) units, or a development greater than one (1) Pocket Neighborhood Cluster, shall be reviewed and approved in accordance with the design parameters of 14-912-05-F, the procedure of Article 14-703: Planned Unit Developments, 14-912-05-E-1 and 14-912-05-E-2. If there is a conflict between the EAOD and Article 14-703: Planned Unit Developments, the EAOD takes precedence

1. Within 14-703: Planned Unit Developments replace “Planned Unit Development (PUD)” with “Pocket Neighborhood Cluster (PNC)”
2. A Pocket Neighborhood Cluster is not required to follow criteria 14-703-05-H-2: Planned Unit Development, Review Criteria for approval.

14-912-05-F DESIGN PARAMETERS

1. Common Open Spaces in Pocket Neighborhood Clusters
 - a. Intent. Open space that is commonly owned and managed by all owners of a pocket neighborhood is a key feature in fostering community. It is intended that it be adequately sized and centrally located with individual dwelling entrances oriented towards the open space.
 - i. Size. A minimum of 400 square feet per dwelling unit of common open space is required in each pocket neighborhood cluster. Buildings serving all residents in a pocket neighborhood cluster may be included in the required area. Parking areas, spaces between buildings of 15 feet or less in width, private spaces, and driveways do not qualify as common open spaces.

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2. Private Open Space
 - a. Intent. A sense of community requires the right balance of personal privacy. Private open space is an essential component of this balance. A 'front' yard creates a buffer between public and private spaces, while a 'side' or 'back' yard offers increased seclusion.
 - b. Size. Each residential unit shall be provided with a minimum of 200 square feet of usable private open space, such open space requirements may be met with a combination of front, side, or rear yard locations.

3. Front Porch
 - a. Intent. A covered front porch is a key element in fostering neighborly connections. Offering surveillance of public space. Its placement, size, relation to interior and public spaces, and the height of railings are all factors in achieving these intents.
 - b. Location. Every dwelling shall have a covered front porch oriented toward the common open space or street. The porch shall be open on at least two sides and shall not be enclosed.
 - c. Size. The covered porch shall be greater than 70 square feet in area, with a minimum dimension of 6 feet.
 - d. Use. Front Porches are intended as supplementary living space, not storage space, as well as shelter from the weather for entering and exiting the dwelling; therefore, overnight storage shall not be allowed.

4. Street-Facing Facades
 - a. Intent. The facades of buildings facing the street contribute to the neighborhood by including attractive design details such as windows, front doors, porches, siding, and trim.
 - b. All Street-facing facades of dwellings shall avoid blank walls or appear to "turn their backs" to the street. Such facades shall include one or more of the following:
 - i. Porches;
 - ii. Windows, including bay windows;
 - iii. Dormers;
 - iv. Changes in exterior siding material or paint color;
 - v. Building modulation with a depth measuring at least one foot.

5. Privacy Between Dwellings
 - a. Intent. Having a next-door house or apartment peering into your own can be uncomfortable and claustrophobic; therefore, arrange openings to preserve privacy.
 - b. Dwellings shall be designed so that no window peers into the living space of adjacent dwellings closer than 20 feet apart. This may be accomplished by:
 - i. 'Nesting' dwellings with open and closed sides: the open side may have windows facing its own side yard or rear yard, while the closed side may have high windows, translucent windows, or skylights to bring in ample light while preserving privacy;
 - ii. Zero lot line dwellings (duplex) with no side windows;
 - c. The side yard of a dwelling may be fully used to the face of the neighboring building through landscape easements or other means.

6. Community Amenities

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- a. Intent. Shared elements are direct amenities of living in a pocket neighborhood. Beyond these benefits, these common amenities foster connections among neighbors and strengthen their sense of community.
- b. Every Pocket Neighborhood Cluster shall consider but not be limited to the following elements shared and managed by residents of that cluster;
 - i. Barbeque, pizza oven, campfire circle, or outdoor terrace;
 - ii. Picnic shelter or gazebo
 - iii. Tool and general storage shed;
 - iv. Heated commons building, with optional bathroom and kitchenette, for meetings, card games, movie nights, potlucks, exercise, etc.
 - v. Vegetable garden or flower garden or a mixture of both;
 - vi. Shop space;
 - vii. Community Kitchen/dining room, living room, library;
 - viii. Childcare room and/or playground;
 - ix. A water feature such as a fountain, pool, hot tub, or koi pond;

7. Parking

- a. Intent. Nearly everyone has a car, but cars do not need to dominate our pedestrian spaces. Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces.
- b. Parking requirements:
 - i. Dwellings under 900 square feet: one (1) space per unit
 - ii. Dwellings between 901-2000 square feet: two (2) spaces per unit
- c. Parking requirements shall be considered on the scale of the overall development, rather than on a lot-by-lot basis. Parking requirements may be met along access alleyways.
- d. The primary strategy for designated parking shall be along access alleyways. Driveways off streets are discouraged: where there is no reasonable alternative, such driveways shall be minimized.
 - i. Detached parking structures serving multiple dwellings shall be limited to ten (10) single-car bays. If this parking structure is enclosed then maximum width of each door 12 feet wide.
 - ii. In a Pocket Neighborhood cluster, consider locating parking so that residents and guests walk through the shared open space rather than entering the dwelling through an attached parking structure. This arrangement increases the opportunities for neighbor-to-neighbor contacts.
 - iii. Where dwellings must have parking structures located off a street, such parking structures must be set back from the front façade by a minimum of one (1) foot. If this parking structure is enclosed then maximum width of each door is 12 feet wide. and have a maximum of one garage door up to 12 feet wide.
- e. Storage of items within a parking structure that precludes the use of vehicle parking is prohibited.
- f. Head-in surface parking areas for more than two cars shall be:
 - i. Prohibited in the front yard setback area;
 - ii. Screened from public streets and adjacent residential uses by landscaping or architectural screening.

8. Storage

- a. Intent. Every household has storage needs for items such as bicycles, camping gear, hand tools, snow tires, suitcases, and the like.

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- b. Every dwelling shall have a minimum of 40 square feet of covered storage space outside the heated living area. This space may be located in a basement, a garage if it does not preclude vehicle parking, or in a storage shed that is attached or detached.

9. Refuse & Recycling

- a. Intent. Garbage and recycling are necessary elements in residential living. Storage of these containers shall be located so their visual and odorous impact on adjacent properties is minimized.

10. Fences

- a. Intent. Fences can define and express personal space and add to the quality of public space, but fences can also be offensive barriers.
 - i. Fences should be used in private personal spaces.
 - ii. The maximum height is not to exceed 72 inches.
 - iii. Fencing is visually cohesive in pocket neighborhood community

14-912-06 HOME EATERIES

Home Eatery definition

A small-scale business within a residential area that prepares and serves food and drink to paying customers.

14-912-06-A. Parking

Home eateries with six (6) seats or less are not required to provide additional parking. Home eateries with more than six (6) seats are required to provide off-street parking in accordance with Section 14-501.

14-912-06-B. Maximum Number of Seats

The maximum number of seats allowed in a home eatery shall not exceed 24 seats.

14-912-06-C. Hours of Operation

Home Eateries shall operate no later than 9 pm and no earlier than 7 am. Exceptions may be submitted, reviewed, and approved by the Community Development Department.

14-912-06-D. Regulations for Home Eateries

Home Eateries will be subject to all other applicable City Code regulations.

14-912-06-E. Take Out and Delivery

All home eateries are prohibited from offering take-out and delivery of meals. Exceptions to this may be submitted, reviewed and approved through the 14-706 ZONING ADJUSTMENTS AND VARIANCES process.

14-912-06-F. Signage

Refer to Section 14-912-08.

14-912-07 RESIDENTIAL BUSINESS

Home-based Business definition

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A small-scale business whose location is zoned residential.

14-912-07-A. Occupancy

If the home-based business occupancy exceeds twenty (20) persons, a special use permit must be reviewed and approved in accordance with the special use procedure of Article 14-704.

14-912-07-B. Parking

Home-based businesses with an occupancy of fifteen (15) persons or greater are required to provide off-street parking in accordance with Section 14-501.

14-912-07-C. Hours of Operation

Home Eateries shall operate no later than 9 pm and no earlier than 7 am. Exceptions may be submitted, reviewed, and approved by the Community Development Department.

14-912-07-D. Signage

Refer to Section 14-912-07.

14-912-08 SIGNS

Advertising signs that meet the following criteria are permitted and are exempt from sign regulations of Section 14-504 and must be approved by the Community Development Department.

1. The maximum number of signs permitted is one (1) per dwelling unit on each property.
2. The maximum sign area shall be 4 square feet
3. The sign may be directly illuminated, internally illuminated, or neon if the sign meets the following criteria
 - a. Flashing lights, rapidly changing or intermittent-type illumination, rotating beams, beacons or illumination resembling an emergency light are prohibited.
 - b. Illumination must be shielded so that no glare or spillover occurs at the lot line or creates a nuisance to the public right of way or neighboring residences
 - c. May not operate between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
4. The sign shall not block windows or entranceways, obstruct normal pedestrian circulation in and out of a building, or block visibility for traffic or pedestrians.
5. The sign must be on the property and not on public right of way.
6. The sign shall only be displayed within 30 days and during the open season of the business it refers to
 - a. Open season is defined as the period of time a business is open to the public for two or more consecutive weeks.
7. There shall be no city fees for city approved advertising signs.

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8. The sign must be in generally good repair, fully functioning if the sign includes lights or animation, and adhere to Section 14-505-17.