

SUBCHAPTER 47: NEIGHBORHOOD COMMERCIAL OVERLAY

47.005 Purpose

The Neighborhood Commercial Overlay is designed to promote the quality of life in Independence and to provide commercial areas that serve the day-to-day needs of the surrounding neighborhood. Neighborhood commercial areas are intended to be located at the intersections of major roadways – typically collectors and arterials (to ensure access by a sufficient population to serve the area) – and are meant to enhance rather than intrude on the character of a residential neighborhood.

47.010 Designation Process

- A. Locations for the Neighborhood Commercial Overlay shall be identified and designated as part of a subdivision application.
- B. The following location standards shall apply to the designation of the area:
 - 1. When sought, Neighborhood Commercial Overlay locations shall be sited at or near the intersection of major roadways (arterials and/or collectors) in the MX Zone; the intersection of Hoffman Road and Gun Club Road; and/or the intersection of Corvallis Road and Mt. Fir Drive.
 - 2. The location shall be designed to not exceed 12,000 square feet of commercial space in total – with each of the individual commercial uses designed to not exceed 2,000 square feet in size.

47.015 Use and Development Standards:

- A. Once a Neighborhood Commercial Overlay has been designated, the following uses are permitted within the area:
 - 1. Permitted Uses. The following permitted uses are allowed in the Neighborhood Commercial Overlay:
 - a. Offices having a maximum floor area of 2,000 square feet or less.
 - b. Retail and restaurants having a maximum floor area of 2,000 square feet or less. Drive-through facilities and vehicle servicing/repair are not allowed.
 - c. Residences on the upper floors of a commercial building.

2. Multiple Allowed Uses. Multiple permitted uses may locate in the same building.
3. Prohibited Uses. The following uses are prohibited in the Neighborhood Commercial Overlay:
 - a. Marijuana facilities.
 - b. Light industrial uses.
 - c. Conditional uses in the MUPC Zone, as identified in Subchapter 30.
 - d. Any other use not permitted in A.1 and 2 of this Section.

B. The following standards apply to the uses.

1. Height. Buildings in the Neighborhood Commercial Overlay shall comply with all height restrictions imposed in the underlying zone.
2. Setbacks. The following setbacks apply:
 - a. Streetside - 10 feet.
 - b. Side Yard (Between Commercial Uses) - 0 feet.
 - c. Side Yard (Directly Adjacent to a Residential Use) - 10 feet.
3. Design Standards. Development within the Neighborhood Commercial Overlay shall meet all standards for the Mixed-Use Pedestrian Friendly Commercial Zone and Downtown Overlay Zone established in Subchapter 33, with the exception of IDC 33.040(F)(5), Materials.
4. Additional Requirements:
 - a. Parking. Development shall meet all parking standards established in Subchapter 73. Where on-street parking is provided, the applicant may count the on-street spots directly adjacent to the proposed development against the required parking total.
 - b. Fences. Fences shall meet all standards for fences in residential zones established in IDC 74.020.
 - c. Garbage and Unsightly Site Features. Outdoor garbage collection areas, recycling areas, and mechanical equipment shall be screened in compliance with either IDC 54.010(C) or IDC 54.010(D).
 - d. Outdoor Merchandise Display. Except for plants and garden supply products, all outdoor merchandise storage or display is prohibited.

- e. Delivery and Loading Facilities. Delivery and loading facilities shall meet the following standards:
 - i. Delivery and loading facilities are prohibited in required setback areas.
 - ii. Delivery and loading facilities shall be set back a minimum of 10 feet from property lines directly adjacent to an existing or proposed residential use. Screening, per IDC 54.010(C) or 54.010(D), shall be provided between the residential use and delivery and loading facility.