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To: Mission Planning Commission

From: Danielle Sitzman, City Planner

Date: April 24, 2017

Re: Case # 17-03 Planned Zoning District Code Changes

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#### Background

Several pending developments in the next year are anticipated to make use of zoning deviations from the Planned Zoning District section of the zoning code. In reviewing this section with the City's Land Use Attorney, several code changes were recommended to clarify the City's expectations of the approval process. Staff has prepared the attached code changes for consideration and recommendation by the Planning Commission to the City Council.

#### Analysis of Proposed Code Changes

In January of 2001 the City's zoning code established the requirement that any and all rezonings to be to "Planned Zoning Districts" as defined in Chapter 405 Article II. A planned district is a zoning technique that is intended to create additional flexibility in the application of zoning standards such as but not limited to setbacks and height. Conventional zoning, which relies on rigid dimensional standards, does not easily accommodate innovative development especially where mixed-use or infill projects are proposed. In addition, conventional zoning relief requires changing the zoning code on a project by project basis or the consideration of variances. In the case of the former, changing zoning district standards often would create non-conformities as the new rules are then applied to all existing developed property within the same zoning district. Variances are difficult to justify as the criteria used for evaluation rely on the demonstration of a unique hardship related to the physical characteristics of the property. The merits of a particular development concept alone are not a proper reason to grant a variance. The adoption of planned zoning in Mission was a precursor to the development of other innovative zoning techniques such as mixed use zoning districts like the Main Street District 1 & 2 districts and other overlay zones. It is a valuable tool as it allows for deviations from conventional zoning standards on a case by case basis upon review of specific development proposals.

The stated intent of the City of Mission's planned district code is to encourage quality development by permitting deviations from the convention zoning district to encourage large-scale developments, efficient development of smaller tracts, innovative and imaginative site planning, conservation of natural resources, and minimum waste of land. Basic elements of a planned district ordinance include a statement of the purpose and intent (Section 405.080 Statement of Objectives), eligible zoning districts (Section 405.070 Planned Zoning Districts), and development standards (405.090 Standards of Development).

The proposed code changes to these sections are intended to clarify the standards by which planned district deviations are evaluated and update the list of zoning districts to include the

more recently created districts. The City's attorney has proposed code language which is more in line with the appropriate standard of review while still protecting the public good and the intent of the code. The current code language is too similar to the criteria used to evaluate variances. Attached is a redline copy of the proposed code changes to these sections.

Next Steps

Staff asks that the Planning Commission conduct the public hearing as advertised, discuss the information presented above and the proposed changes, and make a recommendation to the City Council.

Staff Recommendation

Staff recommends approval of the proposed changes to the the code as presented in the redline copy. Text shown as strikethrough will be removed in final version.