

Section 405.070 Planned Zoning Districts.

Planned zoning districts and their equivalent districts are as follows:

	Planned District	Equivalent District
"RP-1"	Planned Single-Family Residential	"R-1"
"RP-2"	Planned Two-Family Residential	"R-2"
"RP-3"	Planned Town House District	"R-3"
"RP-4"	Planned Garden Apartment District	"R-4"
"RP-5"	Planned Apartment House District	"R-5"
"RP-6"	Planned High-Rise Apartment District	"R-6"
"CP-O"	Planned Office Building District	"C-O"
"CP-1"	Planned Restricted Business District	"C-1"
"CP-2"	Planned General Business District	"C-2"
"CP-2A"	Pedestrian Oriented Business District	"C2A"
"CP-2B"	General Business District	"C2B"
<u>"MS1"</u>	<u>Main Street District 1</u>	<u>"MS1"</u>
<u>"MS2"</u>	<u>Main Street District 2</u>	<u>"MS2"</u>
<u>"DND"</u>	<u>Downtown Neighborhood District</u>	<u>"DND"</u>
<u>"MXD"</u>	<u>Planned Mixed Use District</u>	<u>"MXD"</u>

Section 405.080 Statement of Objectives.

A. *Planned Zoning Districts.* The zoning of land in the City of Mission to one (1) of the planned zoning districts (~~"RP-1" through "RP-6" and "CP-O" through "CP-2B"~~) shall be for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found in projects developed under conventional zoning, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of the planned zoning district

1. Proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements as is normal in rezoning deliberations.
2. The submission by the developer and the approval by the City of development plans represents a

firm commitment by the developer that development will indeed follow the approved plan ~~in concept, intensity of use, aesthetic levels and quantities and qualities of open space in all aspects.~~

~~3. Deviations in yard requirements, setbacks and relationship between buildings as set out in standards of development may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development is produced.~~

43. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.

54. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods and to assure minimum adverse effects on the street system and other services of the community.

65. The ~~developer-applicant~~ will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.

76. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space or other established development criteria.

87. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.

98. For purposes of this Title, the term "*shopping center*", "*office park*", "*industrial park*" or other grouping of buildings shall mean developments that were planned as an integral unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning.

Section 405.090 Standards of Development.

A. The amount of signage, open space, buffer zone, yard, parking, play areas, density and height requirements shall be determined by the City Council upon recommendation of the Planning Commission after review of the proposed plan. The City Council and the Planning Commission shall use the requirements and standards found in the corresponding district as detailed in these regulations as a guide in making their determination but may permit deviations from these requirements and standards in the interest of efficient land development and utilization. In reviewing such development plan, the maximum height of buildings and structures within such planned district shall generally be as set out in the corresponding district. It shall be permissible that front, side and rear yards may be reduced to zero in appropriate circumstances.

B. The permitted uses shall be the same as those permitted in the equivalent district unless otherwise altered as part of the development plan approved by the City Council for the specific area to which each planned district applies. Alterations may include allowing additional uses that the underlying district does not otherwise allow as well as prohibiting uses that the underlying district otherwise allows. For example, the City Council may permit mixed residential uses or mixed residential and commercial uses in accordance with the development plan for the planned district.

C. The Planning Commission and/or City Council may require assurance of the financial and administrative organization and ability of any agency created by a developer for the purpose of maintaining common open space and facilities or amenities of a non-public nature.

D. The Planning Commission and City Council may in the process of approving preliminary and final

Commented [1]: * The bracketed language in subsection G herein was inadvertently retained within the revisions made in Ord. No. 1142, however Subsection (F) was deleted in Ord. No. 1142, 12-8-04.

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plans indicate that a portion of the parking area required under this Title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately.

- E. Any deviation from the requirement in the equivalent district may be granted by the Planning Commission and Council only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.
- F. The parking ratio for grouped commercial projects shall as a minimum follow the existing district requirements. However, approval of a preliminary rezoning plan does not exempt the ultimate tenant or tenants from following any higher requirement set forth in this Code for specific uses. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases such deviation shall be in keeping with good land planning principles and must be specifically set out in the minutes of the Commission, as well as on plans and other exhibits in the record.

The design of all planned projects, whether residential, commercial, industrial or mixed use, shall be such that access and circulation by fire-fighting equipment is assured and may not be retarded by steep grades, heavy landscaping or building space.

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- G. The Planning Commission or City Council may, in the process of approving preliminary plats, final plats, preliminary development plans or final-development plans, approve deviations from the specific terms of this Title which would not be contrary to the public interest and where, owing to special conditions, and provided that the spirit of this ordinance shall be observed, the public safety and welfare is secured and substantial justice done for the property owner or applicant.

An application for a deviation may only be granted upon a finding that all of the following conditions have been met: applicable development standards *[other than those listed in Subsection (F) of this Section] only if it finds that all of the following conditions are met:

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- ~~1. The deviation requested arises from a condition which is unique to the property in question, is not ordinarily found in the same zoning district and is not created by an action or actions of the landowner or the applicant.~~
- ~~2.1 The granting of the deviation will not adversely affect the rights of adjacent landowners or residents/property owners.~~
- ~~3. The strict application of the provisions of this Title would constitute unnecessary hardship upon the landowner represented in the application.~~
- ~~4.2 That Tthe deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.~~
- ~~5.3. The granting of the deviation will not be opposed to the general spirit and intent of this Title.~~
- ~~4. That it has been determined the granting of a deviation will not result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing federal or state laws.~~
- ~~5. The granting of the deviation will not be opposed to the general spirit and intent of this Title.~~