

PLANNING MEMO

TO: Glenn Steckman, City Manager
FROM: Erin Reinders
RE: Downtown Zoning
DATE: 11/24/23

SUMMARY: A draft ordinance has been developed based on guidance provided following your October 2023 memo review, which includes a new zoning district. This memo includes the following:

1. **BACKGROUND**, providing an overview of the last memo from October.
2. **DISCUSSION**, introducing a new **zoning district**. The bulk of this section focuses on defining a **purpose** for this zoning district, primary topics to consider would be **boundaries**, identify **dimensional requirements**, and **permitted and conditional land uses**.
3. **NEXT STEPS**, identifying some necessary action items.

BACKGROUND: The October memo outlined the guidance from the **Comprehensive Plan** and **Zoning Ordinance**. The memo then introduced two potential paths forward - **new zoning district** or a **sub-area**. The bulk of the section focused on defining a **purpose** for this zoning district (or sub-area), primary topics to consider would be **boundaries**, identify **dimensional requirements**, and **permitted and conditional land uses**.

Finally, the memo outlined some necessary **decision points**. These included the following list, which is now updated to address what we have since addressed:

- Agree on criteria
- ~~Agree general scope~~
- ~~Determine which path forward—new district or a sub-area~~
- Determine geographic limits
- ~~Determine dimensional requirements~~
- ~~Determine appropriate uses for the district~~
- Develop process and timeline

DISCUSSION: A draft ordinance has been developed based on our November 3, 2023 call. Together we elected to go with the **new zoning district**, rather than a sub-area. Along with defining a **purpose** for this zoning district, primary topics addressed in the draft ordinance and discussed below included defining **permitted and conditional land uses**, **dimensional requirements**, and **performance standards**. Not included in the draft ordinance and what still needs to be defined are the district **boundaries**.

Purpose. Each zoning district has an “intent section”, describing the purpose. Proposed wording is as follows and has been incorporated into the draft ordinance:

The downtown mixed use zoning district is intended to encourage active commercial use and building development, contextually appropriate residential uses, and allow for ample parking.

Land Uses. The table below outlines Nome’s land uses by zoning districts currently in the downtown area along Front and River Streets for context. It also has a column outlining the Downtown Mixed Use Zoning District’s proposed permitted and conditional uses that are outlined in the draft ordinance.

This list was developed from the summary table in Chapter 18.110. This section will need to be revised when the Downtown Mixed Use, and is also included in the draft ordinance.

<u>Land Use / Zoning District</u>	<u>General</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Proposed Downtown</u>
Residential uses				
Single family dwellings	Permitted	Conditional use	Conditional use	<i>Not Allowed</i>
Duplex dwellings	Permitted	Conditional use	Conditional use	<i>Not Allowed</i>
Multiple-family dwelling	Permitted	Conditional use	Conditional use	<i>Permitted</i>
Mobile homes and mobile home parks	Permitted	Conditional use	Conditional use	<i>Not allowed</i>
Residential use of the upper floor above a commercial or industrial use	Permitted	Conditional use	Conditional use	<i>Permitted</i>
On premise dwelling for owner or caretaker of commercial use	Permitted	Permitted	Permitted	<i>Permitted</i>
Civic/Institutional/Public uses				
Parks and Playgrounds	Permitted	Permitted	Conditional use	<i>Permitted</i>
Churches	Permitted	Permitted	Not allowed	<i>Permitted</i>
Public and governmental buildings and uses	Permitted	Permitted	Permitted	<i>Permitted</i>
Fire station and emergency medical aid station	Permitted	Permitted	Permitted	<i>Permitted</i>
Schools	Permitted	Permitted	Not allowed	<i>Permitted</i>
Museums and cultural facilities	Permitted	Permitted	Not allowed	<i>Permitted</i>
Public utility facilities or structures	Conditional use	Not allowed	Permitted	<i>Permitted</i>
Snow dump and storage sites	Conditional use	Conditional use	Permitted	<i>Not allowed</i>
Youth correction facilities	Conditional use	Conditional use	Not allowed	<i>Not allowed</i>
Halfway houses	Conditional use	Conditional use	Not allowed	<i>Not allowed *</i>
Correctional facilities	Conditional	Conditional	Not allowed	<i>Not allowed</i>

	use	use		
Cemetery	Not allowed	Not allowed	Permitted	Not Allowed
Interpretative area or visitors center	Permitted	Permitted	Not allowed	Permitted
Public watershed area and related facilities	Not allowed	Not allowed	Not allowed	Not allowed
Business/Commercial/Retail uses				
Hospitals, medical and dental clinics	Permitted	Permitted	Not allowed	Permitted
Home businesses and occupations	Permitted	Conditional use	Conditional use	Permitted
Private storage, including junk, or small warehouse associated with residential use/home occupations	Not allowed	Conditional use	Conditional use	Not allowed
Private storage, not including junk, or small warehouse associated with residential use/home occupations	Permitted	Conditional Use	Conditional use	Not allowed
Retail and wholesale businesses	Permitted	Permitted	Permitted	Permitted
Offices	Permitted	Permitted	Permitted	Permitted
Restaurants, taverns and entertainment establishments	Permitted	Permitted	Permitted	Permitted
Hotels and motels	Permitted	Permitted	Not allowed	Permitted
Funeral homes	Permitted	Permitted	Permitted	Permitted
Clubs or fraternal, religious or philanthropic associations and union hall	Permitted	Permitted	Not allowed	Permitted
Personal service businesses	Permitted	Permitted	Not allowed	Permitted
Recreational facilities	Permitted	Permitted	Permitted	Conditional Use
Day care houses and facilities	Permitted	Conditional use	Not allowed	Conditional Use
Industrial uses				
Outdoor storage, including junk, as an accessory use to any permitted or conditional use in the district	Not Allowed	Permitted	Permitted	Not Allowed
Outdoor storage, "not" including junk, as an accessory use to any permitted or conditional use in the district	Permitted	Permitted	Permitted	Conditional use

Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises	Permitted	Permitted	Permitted	<i>Permitted</i>
Service stations	Conditional use	Permitted	Permitted	<i>Not allowed</i>
Vehicle and equipment repair facilities	Not Allowed	Conditional use	Permitted	<i>Not allowed</i>
Manufacturing, processing, assembling, wholesale or storage	Not Allowed	Not allowed	Permitted	<i>Not allowed</i>
Boat marinas and docks	Not Allowed	Permitted	Permitted	<i>Conditional use</i>
Marine transportation and port facilities	Not Allowed	Permitted	Permitted	<i>Conditional use</i>
Navigation aids and facilities	Not Allowed	Permitted	Permitted	<i>Not allowed</i>
Bulk Petroleum storage, including aviation fuel	Not Allowed	Not allowed	Permitted	<i>Not allowed</i>
Junkyards, commercial, and auto wrecking yards	Not Allowed	Not allowed	Permitted	<i>Not allowed</i>
Aircraft storage, loading, parking, repair and aviation related facilities	Not Allowed	Not allowed	Permitted	<i>Not allowed</i>
Warehousing and storage	Conditional use	Permitted	Permitted	<i>Not allowed</i>
Air transport terminals for passengers and freight	Not Allowed	Not Allowed	Permitted	<i>Not allowed</i>
Transportation facilities, including bus and taxi operations	Not Allowed	Permitted	Permitted	<i>Conditional use</i>
Dredging and filling	Not Allowed	Not Allowed	Permitted	<i>Not allowed</i>
Dog kennels and lots *	Not Allowed	Not Allowed	Not Allowed	<i>Not allowed</i>
Mining of minerals, aggregate, sand, gravel or other earth products; and accessory uses and buildings	Not Allowed	Not Allowed	Not Allowed	<i>Not allowed</i>
Helicopter landing pad	Permitted	Not Allowed	Permitted	<i>Not allowed</i>

There were some blanks in this table in the previous memo, which now have been filled in after further review of Chapter 18.110. There is an asterisk by a few items in the table above, which are addressed below.

- Recreational facilities are marked as a conditional use, with the goal of allowing for facilities such as bowling alleys and billiards only. “Recreational facility” means a building that facilitates sports

activities or games, such as bowling alleys, racquetball courts, skating rinks, and gymnasiums, as defined in the zoning code.

The draft ordinance has the following listed under conditional uses for the downtown mixed use district: *“Recreational facilities, limited to billiards, bowling alleys, or similar commercial and retail scale uses.”*

- Halfway houses are not proposed to be allowed in this new zoning district, and are not included in the draft ordinances. Seaside was noted as an existing use that would then become grandfathered in, if this ordinance were to proceed. Chapter 18.130 addresses Nonconforming Uses.
- Dog kennels and lots are not proposed to be allowed in the draft ordinances. In our review, you asked for additional information as to where these were allowed, specifically if they were allowed off Bearing Street. Dog kennels and lots are conditional uses in Industrial and Resource Development Zoning Districts. If they are located in other areas, they could have been an approved non-conforming use, however.

Dimensional Standards. The draft ordinance has been developed to include the proposed dimensional standards as outlined below, which are consistent with other zoning districts.

<u>Dimension Standard</u>	<u>Current</u>	<u>Proposed</u>
Lot Size	5,000 sf	5,000 sf
Set back from ROW	10 feet	0 feet
Other set back	5 feet	5 feet

Performance standards. Performance standards are consistent through each existing zoning district, so those have been included in the draft ordinance for this new zoning district.

Criteria. Because we are creating a new zoning district, we also need to have a map change. A map may not be amended unless it meets clear criteria outlined in 18.170.040. Criteria related to this project may be two fold and include both or either of the following, with the goal being to better address the comprehensive plan to encourage diverse housing choices and commercial development.

We are open to your feedback on which one, or both, of these you feel are the most relevant criteria:

- ***To redesignate an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the city generally; and/or***
- ***The area requested for redesignation has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area.***

Potential Boundaries. The boundaries of the new zoning district need to be defined, as this could incorporate some of River Streets in the new district. We would need to define how far east or west the district would go, and how it would transition to neighboring districts. Ideally we would not create a

transition with a street, but have the zoning be the same on both sides of the street. Possible geographic boundaries are outlined in the table below. The maps may be helpful to visualize.

Potential Downtown Mixed Use Zoning District Boundaries
Front Street Commercial Area (stop at Bering or incorporate all of the Commercial area)
Front Street Commercial Area - Front street frontage only (not lots facing 1st Ave)
Front Street Commercial Area - East to Steadman (other another location prior to the end of the current Commercial Zoning District)
Include River Street Commercial, Industrial and/or General Use frontage



NEXT STEPS: A few decision points need to be considered at this point. These include the following:

- Review draft ordinance. Please review and provide feedback. Additionally, if you could provide sample code change ordinances, I could update this draft for technical formatting.
- Update draft ordinance based on your feedback and for update for technical formatting.
- Agree on criteria for map change. This will be important as we set boundaries and change the zoning map. I suggest one or both of the following, both acceptable per code.
 - To redesignate an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the city generally; and/or***
 - The area requested for redesignation has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area.***
- Determine geographic limits of map change. This is the area that would be covered by the new zoning distinct. We should discuss this again, I can also sketch some boundaries out.
- Develop process and timeline, as outlined in the October memo and in Chapter 18.170. Just how involved this process will be with public notice will depend on the limits of the new district.