

PLANNING MEMO

TO: Common Council and Planning Commission

FROM: Erin Reinders, AICP, CPM

RE: Discussion on Downtown Zoning Ordinance and Map Amendment

DATE: March 24, 2025

SUMMARY: The Common Council requested that the City Manager work with the Planning Commission to update zoning regulations in the Front Street area of Nome. The Council expressed concern that the zoning regulations had been too restrictive. The purpose of creating these new districts is to help spur redevelopment or development and to encourage mixed use development in this area. The Planning Commission has been working to develop this ordinance since January of 2024.

This process has included monthly public month meetings discussing the topic, a community open house, a memo updating Common Council on the progress and direction, and a Common Council Work Session on January 13, 2025. This memo focuses on outlines the proposed purposes, land uses, dimensional standards, and geographic boundaries that the associated ordinance addresses. Though no formal vote will occur today, the hope is that the Planning Commission and Common Council will be able to reach general consensus on the details of this ordinance this evening.

BACKGROUND: Over the course of the past year, the Planning Commission has been preparing new downtown zoning districts and developed this draft ordinance. Together, we have gone through the preparation and collaboration phases. The adoption phase will formally begin with the Public Hearing with the Planning Commission and will continue with two readings including a public hearing at the Common Council level. Exact dates will be determined by public notice requirements, and Commission and Council availability.

Currently, the anticipated process is as follows, which is subject to change. This considers 30-day public notice requirements, meeting schedules, and holidays.

- **March 24 - Joint PC/CC Work Session**
- **April 1 - PC Public Hearing**
- April 14 - CC First Reading
- June 9 - CC Public Hearing/Second Reading

DISCUSSION: The Planning Commission has reached general consensus with defining the purpose of these new zoning districts, the associated land uses, dimensional standards, and the geographical boundaries, which are reflected in the draft ordinance. The following section describes these in more detail. The draft ordinance also includes a section on performance standards. This draft ordinance's language matches other districts; it introduces no new proposals.

Based on meetings and work sessions since January of this year at both the Planning Commission and Common Council, it appears to be general consensus between the two bodies on the majority of this draft ordinance. **Most of the outstanding concerns seem to focus on the land use designations.** This discussion at this Joint Planning Commission and Common Council Work Session will likely focus on this section.

Though no formal vote will occur today, the hope is that the Planning Commission and Common Council will be able to reach general consensus on the details of this ordinance this evening. If there are generally supported revisions discussed tonight, I will make those to the draft ordinance prior to April 1, 2025, Public Hearing with the Planning Commission.

Purpose. Each zoning district in Nome's Zoning Ordinance has an "intent section" describing the purpose. The purpose statements in the draft ordinance are listed below, based on the Comprehensive Plan and feedback from this process.

- *Downtown Mixed Use Zoning District: The downtown mixed use zoning district is intended to encourage active commercial use and building development, and contextually appropriate residential uses. (Red Outline in Figure 1)*
- *Downtown Core Mixed Use Zoning District: The downtown core mixed use zoning district is intended to promote redevelopment, encourage active commercial use and building development, and contextually appropriate residential uses. (Green Outline in Figure 1)*

Geographical Boundaries. This draft ordinance results in the creation of two new zoning districts, both of which are currently in the "Commercial District." The two district areas are both indicated in the map below, outlined in red (Downtown Mixed Use District, see Figure 1) and green (Downtown Core Mixed Use District, see Figure 1). Currently the only proposed regulatory differences between the two districts are a minor wording of the intent/purpose statement and the side yard setback. The draft ordinance would allow for 0-foot side yard setbacks in the Downtown Core Mixed Use District from the Nugget Inn to the Polar Bar where such setbacks have existed historically (green area).

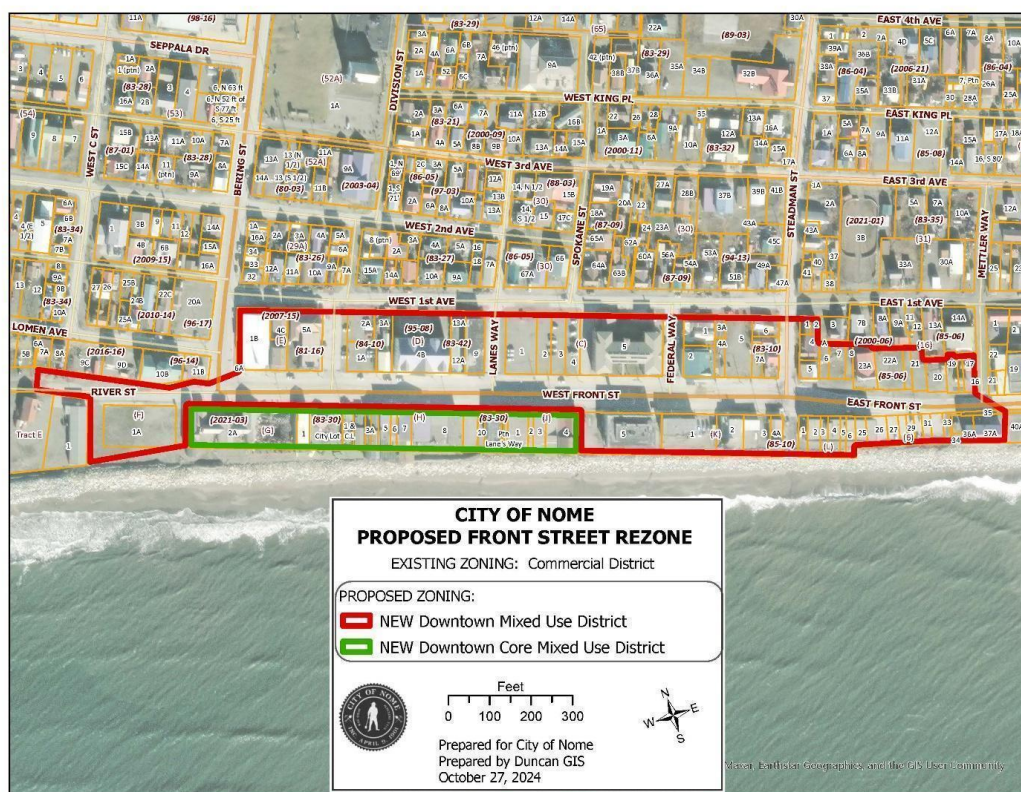


Figure 1: Proposed district boundaries with red and green outlines referenced in this memo.

Dimensional Standards. Both new districts have a 0-foot setback from the ROW (front yard setback); all other zoning districts in the city require a minimum 5-foot setback from the ROW. **This results in less restrictive setback regulations for both districts, unlike anywhere else in the city.** Reduced minimum setbacks allow for more land to be developed and provide flexibility in how the site can be designed, like in response to floodplain regulations. Furthermore, the 0-foot side yard setbacks in the Downtown Core Mixed Use area better enables redevelopment of structures and lots with existing 0-foot side yard setbacks. **This results in even less restrictive setback regulations, unlike anywhere else in the city.** The table below summarizes what is outlined in the draft ordinance.

<u>Dimension Standard</u>	<u>Current</u>	<u>Proposed - Downtown Mixed Use (red)</u>	<u>Proposed - Downtown Core Mixed Use (green)</u>
Lot Size	5,000 sf	<i>5,000 sf</i>	<i>5,000 sf</i>
Set back from ROW	10 feet	<i>0 feet</i>	<i>0 feet</i>
Other set back	5 feet	<i>5 feet</i>	<i>0 feet</i>
Set back from the top bank of any drainage ditch	10 feet	<i>10 feet</i>	<i>10 feet</i>
Set back from a closed drainage system	10 feet	<i>10 feet</i>	<i>10 feet</i>

Land Uses. The Planning Commission has been focusing on **reducing barriers to development and allowing for flexibility for the future while being in keeping with the underlying intent/purpose statement in support of commercial and residential development.**

Land use designations are outlined in the draft ordinance. If a land use is identified as Permitted, then it is allowed by right. If a land use is identified as Accessory Use, then it is allowed when clearly secondary and incidental to the lawful principal uses on the property. This is a new distinction but is already defined in the code and the uses called out here are clearly accessory in nature. No additional steps are required for Accessory Uses, it is treated just like Permitted Uses. If a land use is identified as Conditional Use the use may be allowed but will need to be considered by the Planning Commission. Conditional Uses are described more below. Finally, if a land use is identified as Not Allowed then it is not allowed in that particular zoning district.

Zoning is a tool that can be used to encourage or discourage specific land uses in particular areas. The question is not simply “Do we need X use in our community?,” but “Do we want to see X use downtown, in this particular area?” During the work session and in subsequent Planning Commission Meetings, some Council members expressed concern that the list of uses for the new Mixed Use Zoning Districts was more restrictive than when zoned Commercial. For context, the table below summarizes the changes as they compare to the Commercial District.

<u>Use Category</u>	<u>No Change</u>	<u>More Restrictive</u>	<u>Less Restrictive</u>	<u>Total</u>
Residential Uses	3	1	2	6
Civic and Institutional Uses	14	0	0	14
Business and Commercial Uses	10	1	2	13
Industrial Uses	9	8	3	20
Total	36	10	7	53

The Joint Work Session can serve as a time to review the list in the draft ordinance and discuss the background of decision making and thought processes, and if changes might be warranted based on additional perspectives shared by the Mayor and Common Council members or the new ideas of the Planning Commissioners. One approach could be to match what is currently in the Commercial District and focus on those additional land uses that could be allowed (making things clearly less restrictive). It is worth noting that some land uses have definitions included in Section 18.20.00, the Definition section of the Code of Ordinances, while others do not. Updating and expanding upon definitions, and uses if needed, will likely be a follow-up project.

Additionally, there have been questions about the Condition Use designation. Chapter 18.120 of the Code of Ordinances describes the purpose of such a designation: *In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Specific conditional uses for each zoning district are listed in the matrix of permitted and conditional uses.* **While the intent is to provide flexibility**, and section 18.120.030 of the Code of Ordinances outlines specific review criteria for proposals (provided below for reference), **the Conditional Use designation does not provide a clear yes or no to current or potential property owners and developers without going to the Planning Commission.** Further more, approval of a Conditional Use might result in additional conditions being placed on the development.

The city shall use the following criteria to evaluate the applicant's request:

- (a) The conditional use will satisfy all applicable provisions of this title and subdivision regulations unless a variance is being requested.*
- (b) The conditional use will conform with or further the goals, policies, and strategies set forth in the city comprehensive plan.*
- (c) The conditional use will be adequately served with public utilities, services, and facilities, if available (i.e., water, sewer, electric, fire protection, storm drainage, etc.), and not impose an undue burden on public utilities, services and facilities above and beyond those of the permitted uses of the district.*

(d) The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

(e) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(f) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, site arrangement, or other methods. The applicant shall satisfactorily address the following impacts:

(1) Traffic;

(2) Activity levels;

(3) Noise;

(4) Building type, style, and scale;

(5) Hours of operation;

(6) Dust;

(7) Erosion control; and

(8) The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

NEXT STEPS: Again, no formal vote will occur today. However, the hope is that the Planning Commission and Common Council will be able to reach general consensus on the details of this ordinance this evening.

As a review, the currently anticipated key dates are as follows, which are subject to change. This considers 30-day public notice requirements, meeting schedules, and holidays.

- **April 1 - PC Public Hearing**
- April 14 - CC First Reading
- June 9 - CC Public Hearing/Second Reading

If there are revisions generally supported by both the Planning Commission and Common Council discussed tonight, I will make those to the draft ordinance prior to April 1, 2025, Public Hearing with the Planning Commission. Given 30-day public notice requirements, notices have already been issued for this Hearing.