

## PLANNING MEMO

TO: Planning Commission

FROM: Erin Reinders, AICP, CPM

RE: Planning Commission Public Hearing on Downtown Zoning Ordinance and Map Amendment

DATE: May 13, 2025

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**SUMMARY:** This memo compliments the memo from the March 24, 2025, Joint Planning Commission and Common Council Work Session, and outlines a potential path forward for consideration. Though no formal vote will occur today, the hope is that the Planning Commission and Common Council will be able to reach 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 developing this draft ordinance. Together, we have gone through the preparation and collaboration phases. This collaboration phase included numerous Planning Commission Meetings, a community Open House, a Common Council Work Session and two Joint Planning Commission and Common Council Work Sessions. 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.

- May 13, 2025: Planning Commission Public Hearing
- May 27, 2025: Common Council First Reading
- July 14, 2025: Common Council Second Reading and Public Hearing

**DISCUSSION:** This ordinance before you for consideration includes the purpose of two new zoning districts, designation for associated land uses, dimensional standards and the geographical boundaries. The following section describes these in more detail. The ordinance also includes a section on performance standards. This ordinance's language matches other districts; it introduces no new proposals.

**Purpose.** Each zoning district in Nome's Zoning Ordinance has an "intent section" describing the purpose. The purpose statements in the 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 ordinance results in the creation of two new zoning districts. The two district areas are combined in the map below, outlined in red (downtown mixed use, see Figure 1) and green (downtown core mixed use, see Figure 1), and is what is represented in the ordinance before you

this evening. The only difference between the two districts is minor wording of the intent/purpose statement and the side yard setback. This would allow for zero-foot side yard setbacks from the Nugget Inn to the Polar Bar where such setbacks have generally existed historically (green area).

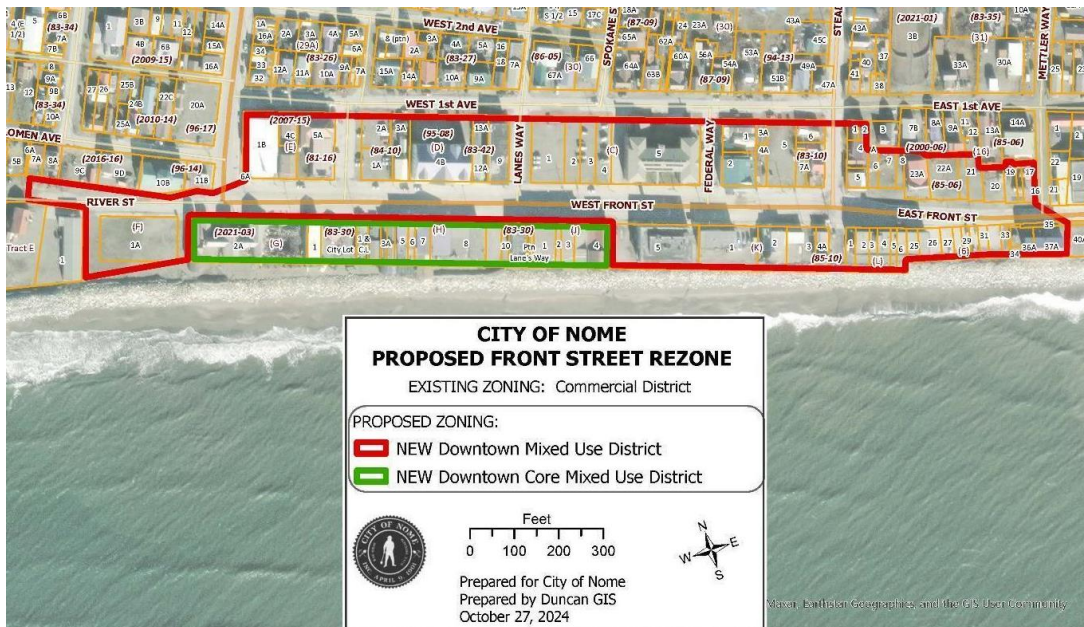


Figure 1: Proposed district boundaries with red and green outlines referenced in this memo.

**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. The table below summarizes the changes in the ordinance before you for formal action. **This results in less restrictive setback regulations for both districts, unlike anywhere else in the city.** Reduced minimum setbacks allows for more land to be developed and provides for flexibility in how the site can be designed, like in response to floodplain regulations. Furthermore, the 0-foot side yard setbacks in the Downtown Mixed use Core area better enables redevelopment of structure and lots with existing 0-foot side yard setbacks.

<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	<b>5,000 sf</b>	<b>5,000 sf</b>
Set back from ROW	10 feet	<b>0 feet</b>	<b>0 feet</b>
Other set back	5 feet	<b>5 feet</b>	<b>0 feet</b>
Set back from the top bank of any drainage ditch	10 feet	<b>10 feet</b>	<b>10 feet</b>
Set back from a closed drainage system	10 feet	<b>10 feet</b>	<b>10 feet</b>

**Land Uses.** Land use designations - and whether they are to be **Permitted**, allowed as a **Condition Use**, or **Not Allowed** in the new zoning districts – for each of the new zoning districts are outlined in the ordinance before you.

- If a land use is identified as **Permitted**, then it is allowed by right.
- If a land use is identified as **Conditional Use** the use may be allowed but will need to be considered by the Planning Commission. Over the last few months, 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, 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.
- If a land use is identified as **Not Allowed** then it is not allowed in that particular zoning district.

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 identified uses themselves if needed, will likely be a follow-up project.

There have been significant discussions about and approaches to land use designations throughout this process. The ordinance before you for formal action tonight has the same land use designations for each zoning district, and all but two of those land use designations match the Commercial District. There are two land uses that are now **less restrictive than the Commercial District**, namely **multifamily residential dwellings** as well as **day care houses and facilities**. Both are currently identified as Conditional Uses in the Commercial District, and will be Permitted in both new zoning districts. The table below outlines the changes between Commercial District and the new districts, by use category.

Use Category	No change	More Restrictive	Less Restrictive	Total
Residential Uses	5	0	1	6
Civic and Institutional Uses	14	0	0	14
Business and Commercial Uses	12	0	1	13
Industrial Uses	20	0	0	20
<b>Total</b>	<b>51</b>	<b>0</b>	<b>2</b>	<b>53</b>

**NEXT STEPS:** If the Planning Commission votes to recommend this Ordinance to the Common Council, it will then be considered by the Common Council for two readings, including a Public Hearing at the second of the two readings.