

PLANNING MEMO

TO: Planning Commission
FROM: Erin Reinders, AICP, CPM
RE: Downtown Zoning Ordinance and Map Amendment
DATE: February 4, 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. Council expressed concern that the zoning regulations had been too restrictive. The purpose of creating this new district is to help spur redevelopment or development and to encourage mixed use development in this area. This memo outlines the process the Planning Commission went through over the past year to create new downtown zoning districts and the required next steps. The memo also outlines the proposed purposes, land uses, dimensional standards, and geographic boundaries that the associated ordinance addresses.

BACKGROUND: Over the course of the past year, the Planning Commission has been preparing new downtown zoning districts. The four primary phases of the creation process are summarized below.

1. Preparation - Planning Commission came to general consensus regarding the purpose and direction of the district. This phase was January – March of 2024.
2. Collaboration - targeted outreach to potential district and informal public notices, community meeting with Planning Commission in April of 2024, memo updating Common Council in April of 2024, ongoing discussion at monthly publicly noticed Planning Commission Meetings to address community feedback. This phase was April – December of 2024.
3. Adoption - Council work session, formal process directed by municipal code including formal notices and public hearings with Planning Commission and Common Council. This phase is planned to take place primarily January - March of 2025 and is dictated by various 30-day notice requirements.
4. Post Approval Action - formal process directed by municipal code. This will take place post approval planned for March 2025.

We have developed a likely schedule, outlined below, that allows for these notice requirements to be met. Additionally, we have incorporated a Common Council Work session. While not mandated, this helps with project complexity and recognizes Planning Commission contributions.

- January 13, 2025: Common Council Work session
- February 4, 2025: Planning Commission Public Hearing (rescheduled from January 7, 2025)
- February 10, 2025: Common Council First Reading
- March 24, 2025: Common Council Second Reading and Public Hearing

DISCUSSION: The Planning Commission has reached general consensus with what the purpose of these new zoning districts, the associated land uses, dimensional standards and the geographical

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.

- Geographical Boundaries.** The Planning Commission spent a great deal of time working to determine the potential geographical boundaries for a new zoning district. In March, they decided to begin the collaboration phase with an area that included all of the currently zoned Commercial District downtown and a small area of General Use and Industrial Zoning Districts to the west of Bering Street. The Commission understood that feedback throughout the process might reduce and refine this boundary.

Figure 1: Area considered for zero-foot side yard setbacks

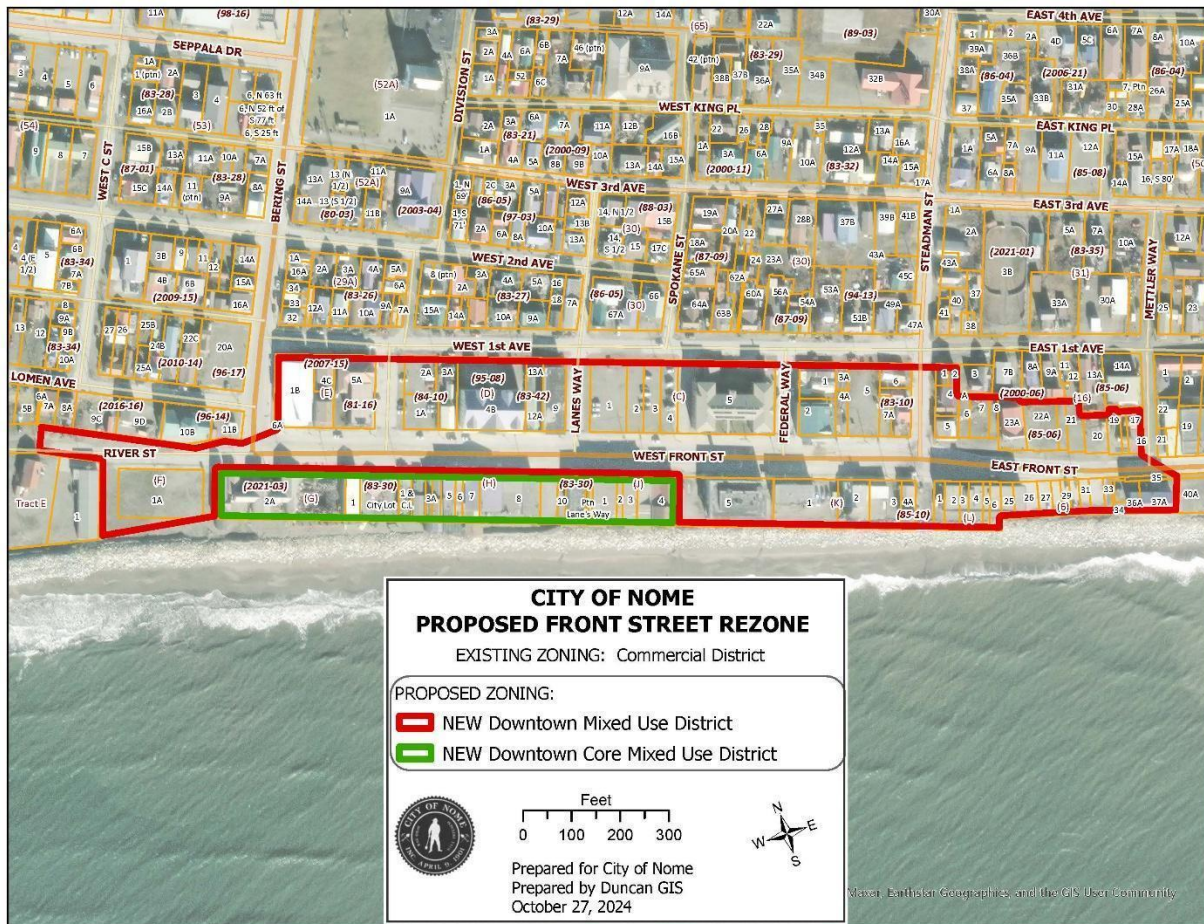


Figure 2: Proposed district boundaries with red and green outlines referenced in this memo.

Dimensional Standards. The Planning Commission originally began the collaboration phase proposing 0-foot minimum setback from the ROW and other (side yard) setbacks for the entire new zoning district. There was significant discussion at the April Community Meeting about the distinction between setbacks from the ROW and other setbacks. Snow drifts and loads regarding neighboring structures, as well fire risk and access, were mentioned as concerns related to the 0-foot side yard setbacks. In July, the Planning Commission further discussed the side yard setback concerns, when Commissioners focused on a certain area for 0-foot side yard setbacks and to leave much of the area at 5-foot side yard setbacks. These 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 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	<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. Throughout this process Commissioners discussed each of the land uses for the proposed zoning district with consideration to the feedback received at the Community Meeting and previous discussion and feedback at various Planning Commission Meetings. Their focus was 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 ordinance before you. If a land use is identified as Permitted, then it is allowed by right. If a land use is identified as an 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. 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, some Council members expressed concern that the list of uses for the new Mixed Use Zoning Districts was more restrictive than when zoned Commercial. It is true that there are some uses that had been allowed that are no longer allowed through this ordinance, however, the reverse is also true. The following table and list summarize the changes.

Of note, *Crew Camps* have been added to the list of land uses in Code since our discussions about land uses for these new zoning districts. They have now been included as Conditional Uses in the listing to match that of Commercial Districts. I would also highlight that *Dredging and Filling* as well as *Dog Kennels and Lots* are both proposed here as Conditional Uses. This decision was made in July in efforts to match up uses with what was allowed for in the Commercial District and address feedback from community members. However, that memo erroneously labeled them as Conditional Uses in the Commercial District when these uses are currently Not Allowed in the Commercial District. The Planning Commission may wish to discuss these, and other listed uses, further.

Use Category	No change	More Restrictive	Less Restrictive	Total
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

- **Residential Uses.** Of the 6 residential uses listed in the Zoning Ordinance, 3 remain unchanged and 3 have changed. Of those that changed:
 - 1 is more restrictive. This includes the following that had been a Conditional Use and is now Not Allowed:
 - Mobile home/parks
 - 2 are less restrictive. This includes the following that had been a Conditional Use in the Commercial District and are now allowed:
 - Multi-family dwelling
 - Residential uses above a commercial or industrial use
- **Civic and Institutional Uses.** Of the 14 listed institutional uses, all remain unchanged.
- **Business and Commercial Uses.** Of the 13 listed business and commercial uses, 10 remain unchanged and 3 have changed. Of those that have changed:
 - 1 is more restrictive. This includes the following that had been a Conditional Use in the Commercial District and is now Not Allowed:
 - Private storage, including junk, or small warehouses associated with residential use/home occupation is not allowed in the new zoning district.
 - Note: private storage, not including junk, or small warehouses associated with residential use/home occupation is a conditional use in the new zoning districts, which is the same as Commercial District. The focus here is on not allowing “junk”.
 - 2 are less restrictive. This includes the following that had been a Conditional Use in the Commercial District and are now allowed:
 - Home businesses and occupations
 - Day Care Houses and Facilities
- **Industrial Uses.** Of the 20 listed industrial uses, 9 remain unchanged (this includes Crew Camps) and 11 have changed. Of those that have changed:
 - 8 are more restrictive. This includes:
 - 7 uses that changed from Permitted in the Commercial District to Conditional Use:
 - Outdoor storage, "not" including junk, as an accessory use to any permitted or conditional use in the district
 - Service stations

- Boat marinas and dock
 - Marine transportation and port facilities
 - Navigation aids and facilities
 - Warehousing and storage
 - Helicopter and landing pad
- 1 use that changed from Permitted to Not Allowed
 - Outdoor storage, including junk, as an accessory use to any permitted or conditional use in the district
- 3 are less restrictive. This includes the following uses changing from Not Allowed in the Commercial District to Conditional Use:
 - Manufacturing, processing, assembling, wholesale or storage
 - Dredging and filling
 - Dog kennels and lots