



Nome Zoning Code

Title 18



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Chapter 18.10 General Provisions

Sections:

- 18.10.010 Title
- 18.10.040 Purpose
- 18.10.050 Interpretation
- 18.20.060 Applicability of Article
- 18.10.080 Relationship to Comprehensive Plan
- 18.10.100 Fees

18.10.010 Title

This title shall be known and may be cited as the City of Nome Zoning Code. Within this title the City of Nome Zoning Code shall simply be referred to as "this Title".

18.10.040 Purpose

- a. The purpose of this Title is to create a vital, cohesive, well-designed community in order to enhance the City's character and further the citizens' goals as identified in the Nome Comprehensive Plan.

This Title is designed to:

- 1. Encourage appropriate use of land through the City;
- 2. Encourage new developments to relate to the City's historic development pattern;
- 3. Promote compact, well-defined, sustainable neighborhoods that enhance the City's character;
- 4. Create livable neighborhoods that foster a sense of community;
- 5. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient, and pleasant walking, biking and driving;
- 6. Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- 7. Provide protection from flood and fire hazards and other dangers; and
- 8. Promote the health, safety, and general welfare of City residents.

18.10.050 Interpretation

- a, In their interpretation and application, the provisions of this Title shall be held to be minimum requirements for the promotion of the public health, safety, and welfare.
- b. Whenever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.
- c. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.

18.10.060 Applicability of Title

- a. The provisions of the Nome Zoning Code shall apply to any and all development of land within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Title. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Title. All development shall comply with the applicable terms, conditions, requirements, standards, and procedures established in this Title.
- b. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zoning district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- c. This Title establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Nome Comprehensive Plan and with adopted regulations, policies, and other guidelines.

18.10.080 Relationship to Comprehensive Plan

- a. This Title implements the planning policies adopted in the Nome Comprehensive Plan, Phases I and II ("Comprehensive Plan") for the City.
- b. Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the zoning Title Plan Maps in the Comprehensive Plan - Phase II.
- c. Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan and this Title.

18.10.100 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for zoning permits, zoning Title amendments, variances and other administrative relief. The Common Council will adopt the fee schedule periodically.

Chapter 18.20 Definitions

Terms used in this Title are defined as follows:

- a. Accessory use or building. "Accessory use or building" means a use or building customarily incidental and subordinate to, and located on the same lot with the principal building.
- b. Automobile wrecking yard. "Automobile wrecking yard" means commercial property used for the dismantling of more than one used motor vehicle or trailer, or the storage or sale of parts from any dismantled or partially dismantled, obsolete or wrecked vehicle.
- c. Best Management Practices. "Best Management Practices" means those standards for development of property.
- d. Building. "Building" means any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- e. Business, retail. "Retail business" means the retail sales of any article, substance, or commodity for profit or livelihood.
- f. Business, wholesale. "Wholesale business" means an activity requiring the wholesale transfer of any article, substance, or commodity for profit or livelihood.
- g. Cemetery. "Cemetery" means an area of land intended to be used for burial of the dead, including columbaria and mausoleums when operated in conjunction with and within the boundary of such cemetery.
- h. Church. "Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building together with its accessory buildings and uses, is maintained, and controlled by a religious body organized to conduct public worship.
- i. Club. "Club" means buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on by a business.
- j. Comprehensive plan. "Comprehensive plan" means the Nome Comprehensive Plan as adopted and amended from time to time. .
- k. Correctional facility. "Correctional facility" means any prison, jail, camp, farm, group house, halfway houses, correctional restitution center or community center facility, designed or intended for the custody, care, treatment or discipline of person held under authority of state law for detention.
- l. Day care houses and facilities. "Day care houses and facilities" means any establishment for the care of children, whether or not for compensation, to children not including adult members of the family residing in the dwelling. The term "day

care house" is not intended to include baby-sitting services of a casual, nonrecurring nature, child care provided in the child's own home, or cooperative, reciprocating child care by a group of parents in their respective dwellings.

m. Development. "Development" means any construction or alteration occurring on a lot including all buildings, roads, and driveways.

n. Drainage Ditch. A drainage ditch is defined as any open water channel, natural or man made, at least two feet in depth, which is used for the removal of runoff .

o. Dog kennels and lots. "Dog kennels and lots" means a parcel of land and/or buildings where five or more adult dogs are located.

p. Dredging/filling. "Dredging/filling" means an activity, which involves excavating along the bottom of a water body for the purpose of channeling or creating a harbor and the subsequent deposition of the dredge material to build up or expand an existing landmass or to create a new one.

q. Dwelling. "Dwelling" or "dwelling unit" means any building or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for residential use.

r. Dwelling, duplex. "Duplex dwelling" means a building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.

s. Dwelling, multiple-family. "Multiple-family dwelling" means a building or a portion thereof designed for occupancy by three or more families living independently in separate dwelling units, which may or may not share common entrances and/or other spaces.

t. Dwelling, single-family. "Single family dwelling" means a detached dwelling unit designed for occupancy by one family.

u. Entertainment establishment. "Entertainment establishment" means a public or private institution or place of business regularly performing shows or other types of performances.

v. Funeral home. "Funeral home" means a building or part thereof used for human funeral services.

w. Halfway house. "Halfway house" means a facility, required to be licensed by the State, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effects of drugs or alcohol. The term "halfway house" is not intended to include day-care houses or facilities, foster houses, schools, hospitals, jails or prisons.

x. Home businesses and occupations. "Home businesses and occupations"

mean any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

y. Hospital. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

z. Hotel or motel. "Hotel" or "motel" means any building, portion of a building, or group of buildings containing six or more guest rooms which are used, rented or hired out to be occupied for sleeping purposes by guests. "Hotel" or "motel" also means any building, portion of building, or group of buildings containing five or less guest rooms which are used, rented or hired out to be occupied for sleeping purposes by more than fifteen guests. The term "hotel" or "motel" is not intended to include single, duplex or multiple family dwellings, or portions thereof that are rented for periods of one month or more.

aa. Junk. "Junk" means any worn out, wrecked, scrapped, partially or fully dismantled, discarded, tangible material, combination of materials or items, stored on a lot but not including a commercial operation and not constituting a public safety, nuisance or hazard concern.

bb. Junkyard, Commercial." Junkyard, Commercial" means any lot, or portion of a lot, which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping, or sale of junk, used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, buildings and building materials, machinery, equipment, or parts thereof including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials.

cc. Medical and dental offices. "Medical and dental offices and clinics" means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

dd. Mobile home. "Mobile home" means a structure, transportable in one or more sections: (1) which in the traveling mode is 8 feet or more in width or 40 feet or more in length, or when erected on site is 320 square feet or more; and (2) which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when the plumbing, heating, and electrical systems contained therein are connected to the required utilities. A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a recreational vehicle or a factory built dwelling.

ee. Mobile home Park. "Mobile home park" means a parcel of land developed and operated as a unit with individual sites and facilities to accommodate two or more mobile homes.

ff. Nonconforming structure. "Nonconforming structure" means a structure or portion thereof which was lawfully established in compliance with all applicable ordinances and regulations, but which no longer conforms to all applicable ordinances or regulations because of the application of a subsequent ordinance or regulation.

gg. Nonconforming use. "Nonconforming use" means a use which was lawfully established in compliance with all applicable ordinances and regulations, but which no longer conforms to all applicable ordinances or regulations because of the application of a subsequent city ordinance or regulation.

hh. Office. "Office" means the physical location of a business, which may include professional services, administrative services, and/or personal services, but does not include direct retail or wholesale transactions except for those sales, which are incidental to the provision of services.

ii. Open space. "Open space" means areas of varying sizes that generally are developed for a variety of recreational uses or are preserved for their natural amenities. Open spaces may be for use by the public, by private development, or cooperatively owned for use by members of a homeowners association, and include squares, parks, bicycle/pedestrian paths, refuges, campgrounds, picnic areas, and outdoor recreation facilities.

jj. Outdoor storage. "Outdoor storage" means the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles for more than 24 hours.

kk. Park. "Park" means an area open to the general public and reserved for recreational, educational, or scenic purposes.

ll. Personal service. "Personal service" means a business, which provides, upon demand, aid, maintenance, repair, or similar semi technical, technical or experienced assistance to individuals. This definition does not include the practice of a learned profession, any service defined in this title under "administrative", nor wholesale or retail activities involving stock in trade on the premises.

mm. Public utility facility or structure. For the purpose of requiring a conditional use permit, "public utility facility or structure" means any facility or structure which is owned and operated by a public or private utility but specifically excludes the water distribution mains, pressure stations and hydrants, sewage collection, manholes and lift stations, underground and overhead electrical, television and telephone lines and poles and street lights.

nn. Recreational facility. "Recreational facility" means a building that facilitates sports activities or games such as bowling alleys, racquetball courts, skating rinks, and gymnasiums.

oo. Restaurant. "Restaurant" means an establishment that serves food and beverages primarily to persons seated within the building.

pp. School. "School" means an institution or place for instruction or education.

qq. Service station. "Service station" means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories, the installation and services of such lubricants, tires, batteries and other small accessories, and such other services which do not customarily or usually require the services of a qualified automotive mechanic.

rr. Snow dump and storage site. "Snow dump and storage site" means any property designated for the purpose of receiving snow removed from streets and parking areas.

ss. Subarea. "Subarea" means a portion of a Zoning District identified in a specific plan addressing development of that portion of a Zoning District.

tt. Vehicle and equipment repair. "Vehicle and equipment repair" means to restore and/or maintain a vehicle or equipment to a sound state after wear or use, decay, dilapidation or partial destruction with such repair or maintenance requiring the services of a qualified mechanic.

uu. Warehouse. "Warehouse" means a building used primarily for the storage and distribution of goods, products, materials, supplies, and equipment.

vv. Youth correctional facility. "Youth correctional facility" means any prison, jail, camp, farm, group house, halfway house, correctional restitution center or community center facility, designed or intended for the custody, care, treatment or discipline of person held under authority of state law for detention for persons under the age of 18 years old.

Chapter 18.30 Zoning Districts and Zoning Map

Sections:

- 18.30.010 Zoning Districts
- 18.30.020 Zoning District Map
- 18.30.030 Permitted and Conditional Uses

18.30.010 Zoning Districts

a. In order to carry out the provisions of this Title, the City is divided into the following zoning districts:

<u>Zoning District</u>	<u>Map Designation</u>
General Use	GU
Residential	R
Commercial	C
Industrial	I
Resource Development	RD
Open Space/Recreation	OSR
Flood Hazard Overlay	FHO

b. The zoning district boundaries shall be as shown on the Nome Zoning District Map.

18.30.020 Zoning District Map

a. Zoning District Map. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication, which has been signed by the Chair of the Planning Commission and the Mayor.

1. Interpretation of Boundary Lines. Zoning District Boundaries - In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, or such lines extended; municipal corporation lines; mineral claim survey maps; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map.

2. Amendment Upon Zoning or Modification. Upon enactment of any ordinance modifying existing zoning for any property, the City shall amend the prior existing official map to show the amended classification. Such updated, current official map shall contain, in table form, the date, and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

3. Cost For Amending Zoning. Any person who proposes modifying existing zoning district boundaries shall bear the entire cost of amending the official zoning map, including all notification costs. The City shall provide applicants with a copy of

the current fee schedule and fee agreement form.

4. Public Inspection; Storage of Original. The official zoning district map shall be available and on display at City Hall during normal business hours. In addition, one (1) original duplicate copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure place by the City Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the City Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the City Clerk.

18.30.030 Permitted and Conditional Uses

General Application of Uses. Uses designated as "permitted uses" are allowed in a zoning district as a matter of right. Uses classified as "conditional uses" are permitted upon the Planning Commission's approval of a conditional use permit. Unless a use is designated as a "permitted use" or "conditional use" or is classified as a legal "non-conforming" use, it is not permitted. Conditional use permit procedures are set forth in Chapter 18.120 of this Title. Nonconforming uses and structure standards are set forth in Chapter 18.130 of this Title.

18.30.040 New and Unlisted Uses

Uses not otherwise identified in this Title may be proposed for inclusion as a "permitted use" or a "conditional use" in any zoning district.. In order to provide for such uses, the classification of any new or unlisted use shall be made by the Planning Commission to determine if the use can be reasonably interpreted to fit into a similar use category described in this Title. Unless such determination is made, the use is not permitted.

Chapter 18.40 General Use District

Sections:

- 18.40.010 Intent
- 18.40.020 Permitted Uses and Structures
- 18.40.030 Conditional Uses and Structures
- 18.40.040 Dimensional Requirements
- 18.40.050 Performance Standards

18.40.010 Intent

The general use district is intended to allow a wide range of commercial and residential uses and to exclude industrial and mining uses.

18.40.020 Permitted Uses and Structures

The following uses and their accessory uses are permitted in general use districts:

- a. Single-family dwellings. b. Duplex dwellings.
- c. Multiple-family dwelling.
- d. Mobile homes and mobile home parks.
- e. Parks and playgrounds.
- f. Churches.
- g. Home businesses and occupations.
- h. Private storage, not including junk, or small warehouse associated with residential use/home occupations.
- i. Retail and wholesale businesses.
- j. Offices.
- k. Restaurants, taverns, and entertainment establishments.
- l. Hospitals, medical and dental clinics.
- m. Hotels and motels.
- n. Public and governmental buildings and uses.
- o. Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises.
- p. Funeral home.
- q. Clubs or fraternal, religious or philanthropic associations and union hall. r. On-premise dwelling for owner or caretaker of commercial use.
- s. Schools.
- t. Personal service businesses.
- u. Museums and Cultural Centers.
- v. Recreational facilities.
- w. Fire station and emergency medical aid station.
- x. Outdoor storage, not including junk, as an accessory use to any permitted or conditional use in the district.
- y. Day care houses and facilities.
- z. Helicopter landing pad.

18.40.030 Conditional Uses and Structures

The following uses are permitted with a conditional use permit in the general use districts:

- a. Correctional facilities.
- b. Halfway houses.
- c. Service stations.
- d. Public utility facilities or structures.
- e. Snow dumpsites.
- f. Youth correctional facilities.
- g. Warehousing and storage.

18.40.040 Dimensional Requirements

Dimensional requirements. The following dimensional requirements shall apply to all uses in the general use district unless approved by variance as provided in Chapter 18.140:

- a. Lot Size.
 1. The minimum lot area shall be 5,000 square feet.
- b. Building Setbacks.
 1. Buildings shall be set back at least ten feet from all dedicated rights-of-way;
 2. Buildings shall be set back at least five feet from all other lot boundary lines.
 3. Buildings shall be set back at least ten feet from the top bank of any drainage ditch.
 4. Buildings shall be set back at least ten feet from a closed drainage system.

18.40.050 Performance Standards

All development shall be subject to the following performance standards

- a. Drainage.

The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into natural drainage in conformance with the City's drainage management plan.

- b. Site Development Standards. All development on lands in this zoning district shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, or siltation. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.
2. Upon completion of earthwork operations, all exposed slopes, cleared, filled, and disturbed soils shall be given sufficient protection to prevent subsequent erosion.
3. Drainage will be stabilized using Best Management Practices and approved by the City.

Chapter 18.50 Residential District

Sections:

- 18.50.010 Intent
- 18.50.020 Permitted Uses and Structures
- 18.50.030 Conditional Uses and Structures
- 18.50.040 Dimensional Requirements
- 18.50.050 Performance Standards

18.50.010 Intent

The Residential District is intended to facilitate the development of a neighborhood which is predominately residential and includes a variety of housing types, as well as service related commercial uses and recreational uses.

18.50.020 Permitted Uses and Structures

Permitted Uses - The following uses and their accessory uses are permitted in residential districts:

- a. Single-family dwellings.
- b. Duplex dwellings.
- c. Multiple-family dwellings.
- d. Mobile homes and mobile home parks.
- e. Parks and playgrounds.
- f. Churches.
- g. Home businesses and occupations.
- h. Private storage, not including junk, or small warehouse associated with residential use/home occupations.
- i. Day care houses and facilities.
- j. Schools.
- k. Personal service businesses.
- l. Recreational facilities.
- m. Fire station and emergency medical aid station.
- n. On premise dwelling for owner or caretaker of commercial use.
- o. Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises.

18.50.030 Conditional Uses and Structures

The following uses are permitted with a conditional use permit in residential districts:

- a. Youth correctional facilities.
- b. Halfway houses.
- c. Commercial retail establishments.
- d. Snow dump and storage sites.
- e. Residential use of the upper floor above a commercial or industrial use.
- f. Public and governmental buildings and uses.
- g. Museums and Cultural facilities.

- h. Interpretative area or visitors center.

18.50.040 Dimensional Requirements

Dimensional requirements. The following dimensional requirements shall apply to all uses in the residential district unless approved by variance as provided in Chapter 18.140:

- a. Lot Size.
 - 1. The minimum lot area shall be 5,000 square feet.
- b. Building Setbacks.
 - 1. Buildings shall be set back ten feet from all dedicated rights-of-way;
 - 2. Buildings shall be set back five feet from all other lot boundary lines.
 - 3. Buildings shall be set back at least ten feet from the top bank of any drainage ditch.
 - 4. Buildings shall be set back at least ten feet from a closed drainage system.

18.50.050 Performance Standards

All development shall be subject to the following performance standards:

- a. Drainage.

The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's drainage management plan.

- b. Site Development Standards. All development on lands in this zoning district shall conform to the following:

- 1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, or siltation. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.
- 2. Upon completion of earthwork operations, all exposed slopes, cleared, filled, and disturbed soils shall be given sufficient protection by appropriate means to prevent subsequent erosion.
- 3. Drainage will be stabilized using Best Management Practices and approved by the City.

Chapter 18.60 Commercial District

Sections:

- 18.60.010 Intent
- 18.60.020 Permitted Uses and Structures
- 18.60.030 Conditional Uses and Structures
- 18.60.040 Dimensional Requirements
- 18.60.050 Performance Standards

18.60.010 Intent

The Commercial District is intended to provide for a mixture of commercial uses that will strengthen and expand the core community.

18.60.020 Permitted Uses and Structures

Permitted Uses - The following uses and their accessory uses are permitted in commercial districts:

- a. Retail and wholesale businesses.
- b. Offices.
- c. Churches.
- d. Restaurants, taverns, and entertainment establishments.
- e. Hospitals, medical and dental clinics.
- f. Hotels and motels.
- g. Public and governmental buildings and uses.
- h. Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises.
- i. Residential use of the upper floor above a commercial use.
- j. Funeral homes.
- k. Service stations.
- l. Clubs or fraternal, religious or philanthropic associations and union halls. m. On-premise dwelling for owner or caretaker of commercial use.
- n. Parks and playgrounds.
- o. Schools.
- p. Museums and Cultural centers.
- q. Interpretative are or visitor's center.
- r. Recreational facilities.
- s. Fire station and emergency medical aid station.
- t. Outdoor storage, including junk, as an accessory use to any permitted or conditional use.
- u. Boat marinas and docks.
- v. Marine transportation and port facilities.
- w. Navigation aids and facilities.
- x. Personal service businesses.
- y. Warehousing and storage.
- z. Transportation facilities, including bus and taxi operations.
- aa. Helicopter landing pad.

18.60.030 Conditional Uses and Structures

The following uses are permitted with a conditional use permit in commercial districts:

- a. Day care houses and facilities.
- b. Halfway houses.
- c. Single family, duplex, and multi-family dwellings.
- d. Home occupations and businesses.
- e. Public utility facilities or structures.
- f. Snow dumpsites and storage sites.
- g. Vehicle and equipment repair facilities.
- h. Mobile homes and mobile home parks.
- i. Residential use of the upper floor above a commercial or industrial use.
- j. Youth correctional facility.
- k. Private storage, including junk, or small warehouse associated with residential use/home occupations.

18.60.040 Dimensional Requirements

Dimensional requirements. The following dimensional requirements shall apply to all uses in the commercial district unless approved by variance as provided in Chapter 18.140:

- a. Lot Size.
 1. The minimum lot area shall be 5,000 square feet.
- b. Building Setbacks.
 1. Buildings shall be set back ten feet from all dedicated rights-of-way;
 2. Buildings shall be set back five feet from all other lot boundary lines.
 3. Buildings shall be set back at least ten feet from the top bank of any drainage ditch.
 4. Buildings shall be set back at least ten feet from a closed drainage system.

18.60.050 Performance Standards

All development shall be subject to the following performance standards:

- a. Drainage.

The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's drainage management plan.

b. Site Development Standards. All development on lands in this zoning district shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, or siltation. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.
2. Upon completion of earthwork operations, all exposed slopes, cleared, filled, and disturbed soils shall be given sufficient protection to prevent subsequent erosion.
3. Drainage will be stabilized using Best Management Practices and approved by the City.

Chapter 18.70 Industrial District

Sections:

- 18.70.010 Intent
- 18.70.020 Permitted Uses and Structures
- 18.70.030 Conditional Uses and Structures
- 18.70.040 Dimensional Requirements
- 18.70.050 Performance Standards

18.70.010 Intent

The industrial zoning district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of primarily industrial operations.

Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

18.70.020 Permitted Uses and Structures

Permitted Uses - The following uses and their accessory uses are permitted in industrial districts:

- a. Manufacturing, processing, assembling, research, wholesale, or storage.
- b. Marine transportation and port facilities.
- c. Public utility facilities and structures.
- d. Petroleum storage, including aviation fuel.
- e. Junkyards, commercial, and auto wrecking yards.
- f. Boat marinas and docks.
- g. Aircraft and helicopter landing, storage, loading, parking, repair and aviation-related facilities.
- h. Warehousing and storage.
- i. Air transport terminals for passengers and freight.
- j. Offices.
- k. Navigation aids and facilities.
- l. Fire station and emergency medical aid station.
- m. Dwelling for a caretaker or watchman employed on the premises.
- n. Restaurants, taverns and entertainment establishments.
- o. Transportation facilities, including bus and taxi operations.
- p. Service stations.
- q. Vehicle and equipment repair facilities.
- r. Public and governmental buildings and uses.
- s. Cemetery.
- t. Dredging and filling.
- u. Recreational facilities.
- v. Snow dump and storage sites.
- w. Retail and wholesale businesses.
- x. Funeral homes.

- y. Outdoor storage, including junk, as an accessory use to any permitted or conditional use
- z. Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises.
- aa. Helicopter land pad.

18.70.030 Conditional Uses and Structures

The following uses are permitted with a conditional use permit in the industrial zoning districts:

- a. Single family dwellings, duplex dwellings, and multiple-family dwellings.
- b. Dog kennels and lots.
- c. Mining of minerals, aggregate, sand, gravel or other earth products; and accessory uses and buildings.
- d. Home businesses and occupations.
- e. Mobile homes and mobile home parks.
- f. Residential use of the upper floor above a commercial or industrial use.
- g. Parks and playgrounds.
- h. Private storage, including junk, or small warehouse associated with residential use/home occupations.

18.70.040 Dimensional Requirements

Dimensional requirements. The following dimensional requirements shall apply to all uses in the industrial district unless approved by variance as provided in Chapter 18.140:

- a. Lot Size.
 - 1. The minimum lot area shall be 5,000 square feet.
- b. Building and Use Setbacks.
 - 1. Buildings shall be set back ten feet from all dedicated rights-of-way;
 - 2. Buildings shall be set back five feet from all other lot boundary lines.
 - 3. No mining, quarrying, dredging, or processing of material shall be permitted closer than 100 feet from any residential property.
 - 4. Buildings shall be set back at least ten feet from the top bank of any drainage ditch.
 - 5. Buildings shall be set back at least ten feet from a closed drainage system.

18.70.050 Performance Standards

All development shall be subject to the following performance standards:

a. Drainage.

The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's drainage management plan.

b. Site Development Standards. All development on lands in this zoning district shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, or siltation. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.
2. Upon completion of earthwork operations, all exposed slopes, cleared, filled, and disturbed soils shall be given sufficient protection by appropriate means to prevent subsequent erosion.
3. Drainage will be stabilized using Best Management Practices and approved by the City.

Chapter 18.80 Resource Development District

Sections:

- 18.80.010 Intent
- 18.80.020 Permitted Uses and Structures
- 18.80.030 Conditional Uses and Structures
- 18.80.040 Dimensional Requirements
- 18.80.050 Performance Standards

18.80.010 Intent

It is the intent of the resource development district to allow natural resources development and associated uses and to allow other unrestricted uses.

18.80.020 Permitted Uses and Structures

Permitted Uses - The following uses and their accessory uses are permitted in the resource development district:

- a. Mining of minerals, aggregate, sand, or other earth products; and accessory uses and buildings.

18.80.030 Conditional Uses and Structures

The following uses are permitted with a conditional use permit in resource development districts provided that the following additional criteria are met:

- 1. The use is consistent with the intent of the Resource Development District Subarea.
- 2. There will be no conditional uses allowed until a Resource Development Subarea Plan is adopted.

18.80.040 Dimensional Requirements

Dimensional requirements. The following dimensional requirements shall apply to all uses in the resource development district unless approved by variance as provided in Chapter 18.140:

- a. Lot Size.
 - 1. The minimum lot area shall be 5,000 square feet.
- b. Building and Use Setbacks.
 - 1. Buildings shall be set back ten feet from all dedicated rights-of-way;
 - 2. Buildings shall be set back five feet from all other lot boundary lines.

3. No mining, quarrying, dredging, or processing of material shall be permitted closer than 100 feet from any residential property.
4. Buildings shall be set back at least ten feet from the top bank of any drainage ditch.
5. Buildings shall be set back at least ten feet from a closed drainage system.

18.80.050 Performance Standards

All development shall be subject to the following performance standards:

a. Drainage.

The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's drainage management plan.

b. Site Development Standards. All development on lands in this zoning district shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, or siltation. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.
2. Upon completion of earthwork operations, all exposed slopes, cleared, filled, and disturbed soils shall be given sufficient protection to prevent subsequent erosion.
3. Drainage will be stabilized using Best Management Practices and approved by the City.

Chapter 18.90 Open Space/Recreation District

Sections:

- 18.90.010 Intent
- 18.90.020 Permitted Uses and Structures
- 18.90.030 Conditional Uses and Structures
- 18.90.040 Dimensional Requirements
- 18.90.050 Performance Standards

18.90.010 Intent

This district is intended for the purpose of the open space/recreation district to preserve public land for public parks and areas for their recreational, scenic and open space values.

18.90.020 Permitted Uses and Structures

Permitted Uses - The following uses and their accessory uses are permitted in the open space/recreation district:

- a. Public parks, playgrounds and other outdoor recreational facilities. b. Interpretative area or visitors center.
- c. Recreational facilities.
- d. Boat marinas and docks.
- e. Public utility facilities or structures.
- f. Public watershed area and related facilities.

18.90.030 Conditional Uses and Structures

- a. Museums and Cultural centers.

18.90.040 Dimensional Requirements

Dimensional requirements. The following dimensional requirements shall apply to all uses in the open space/recreation district unless approved by variance as provided in Chapter 18.140:

- a. Lot Size.
 - 1. The minimum lot area shall be 5,000 square feet.
- b. Building Setbacks.
 - 1. Buildings shall be set back ten feet from all dedicated rights-of-way;
 - 2. Buildings shall be set back five feet from all other lot boundary lines .
 - 3. Buildings shall be set back at least ten feet from the top bank of any

drainage ditch.

4. Buildings shall be set back at least ten feet from a closed drainage system.

18.90.050 Performance Standards

All development shall be subject to the following performance standards:

a. Drainage.

The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's drainage management plan.

b. Site Development Standards. All development on lands in this zoning district shall conform to the following:

1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, or siltation. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

2. Upon completion of earthwork operations, all exposed slopes, cleared, filled, and disturbed soils shall be given sufficient protection to prevent subsequent erosion.

3. Drainage will be stabilized using Best Management Practices and approved by the City.

Chapter 18.100 Flood Hazard Overlay District

Sections:

- 18.100.010 Intent
- 18.100.020 Permitted Uses and Structures
- 18.100.030 Conditional Uses and Structures
- 18.100.040 Dimensional Requirements
- 18.100.050 Performance Standards

18.100.010 Intent

The intent of this district is to be used where known flood-prone areas exist, as illustrated by the Flood Rate Insurance Maps. It shall be used as an overlay to any other zone.

18.100.020 Permitted Uses and Structures

Permitted uses in the flood hazard overlay district shall be as follows:

Any use permitted in the existing zoning district provided that the hazard has been mitigated to meet the standards set forth in NCO 11.50.030.

18.100.030 Conditional Uses and Structures

Any use permitted as a conditional use in the existing zoning district provided that the hazard has been mitigated to meet the standards set forth in NCO 11.50.030.

18.100.040 Dimensional Requirements

Same as in the zoning district where the structure or use is located.

18.100.050 Performance Standards

Same as in the zoning district where the structure or use is located.

Chapter 18.110 Matrix of Permitted and Conditional Uses

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Residential Uses						
Single family dwellings	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Duplex dwellings	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Multiple-family dwelling	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Mobile homes and mobile home parks	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Residential use of the upper floor above a commercial or industrial use		Conditional Use	Conditional Use	Conditional Use	Conditional Use	Not Allowed
On premise dwelling for owner or caretaker of commercial use					Conditional Use	Not Allowed
Civic/Institutional/Public Uses						
Parks and playgrounds	Permitted	Permitted	Permitted	Conditional Use	Conditional Use	Permitted
Churches	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Public and governmental buildings and uses	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Fire station and emergency medical aid station	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Schools	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Museums and Cultural Facilities	Permitted	Conditional Use	Permitted	Not Allowed	Conditional Use	Conditional Use
Public utility facilities or structures	Conditional Use	Not Allowed	Conditional Use	Permitted	Conditional Use	Permitted
Snow dump and storage sites	Conditional Use	Conditional Use	Conditional Use	Permitted	Conditional Use	Not Allowed
Youth Correction Facilities	Conditional Use	Conditional Use	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Halfway houses	Conditional Use	Conditional Use	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Correctional facilities	Conditional Use	Not Allowed	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Cemetery	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Interpretative area or visitors center	Permitted	Conditional Use	Permitted	Not Allowed	Conditional Use	Permitted
Public watershed area and related facilities	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Permitted
Business/Commercial/Retail Uses						
Hospitals, medical and dental clinics	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed
Home businesses and occupations	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Private storage, including junk, or small warehouse associated with residential use/home occupations	Not Allowed	Not Allowed	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Private storage, "not" including junk, or small warehouse associated with residential use/home occupations	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Retail and wholesale businesses	Permitted	Conditional Use	Permitted	Permitted	Conditional Use	Not Allowed
Offices	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Restaurants, taverns and entertainment establishments	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Hotels and motels	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed
Funeral home	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Clubs or fraternal, religious or philanthropic associations and union hall		Not Allowed		Not Allowed	Conditional Use	Not Allowed
Personal service businesses	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Recreational facilities	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Day care houses and facilities	Permitted	Permitted	Conditional Use	Not Allowed	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Industrial Uses						
Outdoor storage, including junk, as an accessory use to any permitted or conditional use in the district	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Outdoor storage, "not" including junk, as an accessory use to any permitted or conditional use in the district	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Service stations	Conditional Use	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Vehicle and equipment repair facilities	Not Allowed	Not Allowed	Conditional Use	Permitted	Conditional Use	Not Allowed
Manufacturing, processing, assembling, wholesale or storage	Not Allowed	Not Allowed	Not Allowed		Conditional Use	Not Allowed
Boat marinas and docks	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Marine transportation and port facilities	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Navigation aids and facilities	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Bulk Petroleum storage, including aviation fuel	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Junkyards, commercial, and auto wrecking yards	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Aircraft storage, loading, parking, repair and aviation-related facilities	Not Allowed	Not Allowed	Not Allowed		Conditional Use	Not Allowed
Warehousing and storage	Conditional Use	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Air transport terminals for passengers and freight	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Transportation facilities, including bus and taxi operations	Not Allowed	Not Allowed			Conditional Use	Not Allowed
Dredging and filling	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Dog kennels and lots	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Conditional Use	Not Allowed
Mining of minerals, aggregate, sand, gravel or other earth products; and accessory uses and buildings	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Permitted	Not Allowed
Helicopter landing pad	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed

Chapter 18.120 Conditional Uses

Sections:

- 18.120.010 Purpose
- 18.120.020 Conditional Use Review Process
- 18.120.030 Conditional Use Review Criteria

18.120.010 Purpose

Purpose. 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 (Chapter 18.110).

Conditional uses may be permitted subject to such conditions and limitations as the City may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

18.120.020 Conditional Use Review Process

- a. Step 1: Optional Pre-Application Conference. The applicant may attend a pre- application conference with a representative from the City. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.
- b. Step 2: Conditional Use Application Submittal. The applicant shall submit one (1) copy of the complete conditional use application package to the City and shall request that the Planning Commission review the application. Conditional use requests shall include:
 - 1. Conditional Use Application Form.
 - 2. Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
 - 3. A map showing the proposed development of the site, including building locations, parking, and utilities and drainage features.
 - 4. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance, and scale of all buildings.
 - 5. Such additional material as the City may prescribe or the applicant may submit pertinent to the application.

- c. Step 3: Conditional Use Application Certification of Completion and Report to Planning Commission.

Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Conditional Use Application form) to the City. After a complete application is received, Staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

- d. Step 4: Set Conditional Use Public Hearing Date and Notify Public of Hearing.

The City shall send notice of the public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question no less than fourteen (14) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. The City shall also publish notice in a newspaper of general circulation. The City shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than fourteen (14) days from the date of property posting and newspaper publication. If the conditional use request is accompanying another application, which is scheduled for public hearing before the Planning Commission, one public hearing may be held on both applications.

- e. Step 5: Planning Commission Public Hearing and Action on the Conditional Use.

The Planning Commission shall hold a public hearing on the conditional use application. Following the public hearing, the Planning Commission may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning Commission may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, street dedication and improvement, regulation of vehicular access and parking, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.

18.120.030 Conditional Use Review Criteria

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.

Chapter 18.130 Nonconforming Uses

Sections:

- 18.130.010 Intent
- 18.130.020 Types of Nonconformities
- 18.130.030 Requirements for Nonconforming Uses.

18.130.010 Intent

When any use, structure, or lot of record legally exists before the effective date of this Title, but does not meet the requirements of this Title, or any amendment thereto, it will be considered a nonconforming lot, structure, or use.

18.130.020 Types of Nonconformities

There are three basic types of nonconformities:

1. **Nonconforming Uses.** A nonconforming use is an activity which is prohibited under this Title, but which was lawful prior to the first application of this Title, the effective date of this Title, or the subsequent amendments to this Title.
2. **Nonconforming Structures.** A nonconforming structure is one which was lawful at the time of construction or modification but which does not presently conform to the provisions of this Title or any amendment to this Title applicable to the district in which it is located.
3. **Nonconforming Lots of Record.** Nonconforming lots of record are those lots lawfully in existence and meeting the applicable lot size and dimension requirements in effect at the time the lot was approved, but which do not conform to subsequently applicable or enacted requirements.

18.130.030 Requirements for Nonconforming Uses.

Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Title, or of any amendments to this chapter, may be continued even though such use does not conform to the requirements of this Title, provided such use has not been abandoned.

1. **Abandonment.** Whenever a nonconforming use has been discontinued for a period of two years, such use shall be deemed abandoned and shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Title.
2. **Completion.** Any building or structure for which a building permit has been issued may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within one hundred and eighty (180) days after the issuance of said permit and diligently prosecuted to completion, notwithstanding that such structure does not conform to any provisions of this Title enacted after issuance of the

permit.

3. Displacement. No nonconforming use shall be altered, extended, or restored so as to displace any conforming use. A trailer house in any district may be improved or replaced with a newer model trailer house.

4. Extensions and Expanding a Nonconforming Use or Structure. The owner of a lot upon which a nonconforming use or structure exists, may extend or expand such use or structure on said lot and any adjacent lot or lots thereto which said owner had legal title to prior to the enactment of this code, or amendment thereto, which rendered said use or structure nonconforming.

5. Repairs and Maintenance. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.

6. Restoration. A nonconforming building that has been damaged by fire or other causes may be restored to its pre-damaged condition, provided that such work is commenced within one hundred eighty (180) days of such damage.

Chapter 18.140 **Variances**

Sections:

- 18.140.010 Intent
- 18.140.020 Variance Application
- 18.140.030 Variance Criteria for Approval

18.140.010 Intent

It is recognized there are special cases where unusual physical features (including small lot size), location within a commercial district, special design features which can be incorporated into the structure, and the limited building season make strict application of the foregoing regulations unreasonable.

Variances are intended to allow a relaxation of the terms of these regulations in such cases. A variance shall not be granted merely for reason of financial hardship or inconvenience.

18.140.020 Variance Application

An applicant may request a variance from the planning commission. The planning commission must meet within fourteen days from the time a completed application is received in the clerk's office. Upon receipt of a completed application, the city clerk shall provide notice of the application and the date of the planning commission meeting at which the application will be heard, by regular mail to all adjacent property owners.

18.140.030 Variance Criteria for Approval

- .a. The planning commission may impose restrictions and conditions as necessary to assure complete compliance with the foregoing regulations as is reasonable.
- b. The planning commission may grant a variance only if the planning commission believes, based upon the facts placed before the commission by the applicant, the city, and members of the public, that all of the following are true:
 - 1. The variance is needed in order to provide the applicant or property owner rights commonly enjoyed by other similarly situated properties in the same district or neighborhood;
 - 2. The applicant or property owner did not cause the condition that requires the variance;
 - 3. The variance is not requested simply to save the applicant or property owner money;
 - 4. The variance is not requested merely because complying with the

regulations is inconvenient;

5. Unusual physical features make strict application of the applicable regulations unreasonable;

6. The variance requested is the minimal variance needed in order to alleviate the hardship to the applicant or property owner resulting from strict application of the applicable provisions of ordinance or regulation;

7. Granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws, ordinances or regulations;

8. The variance will not permit a use in a district in which that use is prohibited.

c. The planning commission may impose restrictions and conditions as necessary to assure complete compliance with the foregoing regulations as is reasonable.

d. Denials may be appealed to the Common Council.

Chapter 18.160 Appeals

Sections:

- 18.160.010 Purpose
- 18.160.020 Appeal Application
- 18.160.030 Set Public Hearing
- 18.160.040 Public Hearing and Action
- 18.160.050 Appeal Criteria for Approval

18.160.010 Purpose

The Planning Commission (Commission) shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Title.

The Common Council (Council) shall hear and decide appeals from any order, requirement, decision, or determination made by the Commission in enforcement of this Title.

18.160.020 Appeal Application

a. Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official or the Commission charged with the enforcement of this Title.

1. An appeal to the Commission or Council shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the City or by the Commission. Failure to make a timely appeal shall be considered a waiver of the right to appeal.

2. The person appealing, shall file a written notice of appeal on a form approved by the Commission with the City Clerk and pay the fee set by the current fee schedule.

3. The City Clerk shall forward a copy of the notice of appeal to the Planning Staff or other appropriate administrative officer, who shall prepare a record of the City action that is being appealed for consideration by the Commission or Council.

18.160.030 Set Public Hearing

The City Clerk shall publish notice in a newspaper of general circulation of the time and place of the public hearing at least seven days in advance of the hearing.

18.160.040 Public Hearing and Action

The Commission or Council shall make the decision on an appeal.

1. At the hearing, the parties to the appeal may present witnesses and information even if the information presented was not previously submitted to the City.
2. Members of the public shall be allowed to testify.
3. The Commission or Council may adopt rules governing the procedures to be followed at appeal hearings including reasonable time limits for presentations and public testimony.
4. The appellant has the burden of proof to establish the necessary facts to warrant favorable action of the Commission or Council.
5. The Commission or Council may in whole or in part affirm, reverse, remand for additional consideration or amend the decisions of the applicable City administrative official or the Commission.
6. The Commission or Council may impose reasonable conditions in its order on appeal to be complied with by the appellant.
7. Any decision of the Commission may be appealed to the Council and any decision of the Council may be appealed to the Superior Court as provided by law. Appeals to Superior Court must be made no later than thirty (30) days following the date of the final action taken by the Council.

18.160.050 Appeal Criteria for Approval

The Commission or Council, in hearing an appeal from an interpretation of or application of this Title, shall consider all relevant factors, including, but not limited to:

- a. The technical meaning of the provision being appealed;
- b. Evidence of the manner in which the provision has been interpreted or applied in the past;
- c. The positive or negative impact of the requested appeal on the achievement of stated City development goals and objectives; and
- d. The intent of the provision in implementing the Comprehensive Plan.
- e. Whether the decision appealed from was made based on incorrect or incomplete facts.
- f. Whether the decision appealed from was based on an incorrect conclusion regarding this Title or other applicable law.

g. The Commission or Council shall provide a written record of its findings of fact and conclusions of law on all appeals.

Chapter 18.170 Amendments

Sections:

- 18.170.010 Initiation of Amendments
- 18.170.020 General Redesignating Zoning of the City
- 18.170.030 Zoning Amendment Application Process
- 18.170.040 Criteria for Amendments to the Zoning Map
- 18.170.010 Initiation of Amendments

18.170.010 Initiation of Amendments to Text or Official Zoning Map.

The Nome Common Council may from time to time, amend, supplement, change or repeal the regulations and provisions of this Title.

Amendments to the Official Zoning Map may be initiated by the City Staff, the Planning Commission, and Nome Common Council or by a real property owner in the area to be included in the proposed amendment.

18.170.020 General Redesignating Zoning of the City

General Redesignating Zoning of the City. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Title, whether such revision be made by repeal of the existing zoning Title and enactment of a new zoning Title or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the City Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

18.170.030 Zoning Map Amendment Application Process

Zoning Amendment Application Process.

a. Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the City. The purpose of the meeting is to discuss the zoning map amendment, submittal requirements and review process.

b. Step 2: Zoning Map Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning map amendment application package to the City Clerk and shall request that the application be reviewed by the Planning Commission and Common Council.

1. Completed Zoning Application Form, Zoning Map Amendment Form, application fee, and fee agreement;

2. A legal description for all property to be considered for inclusion in a different zoning district.
3. Current proof of ownership in a form acceptable to the City.
4. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:
 - i. North arrow, scale (1" = 100' or 1" = 200'), and date of preparation.
 - ii. The subdivision or block and lot name of the area included in the proposed amendment at the top of each sheet.
 - iii. Legal description of area included in the proposed amendment (entire area and individual zoning districts). In unsubdivided property, zoning boundaries shall be determined by a metes and bounds description.
 - iv. Location and boundaries, including dimensions, of the property(s) included in the proposed amendment . Note: Zoning boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways, or such lines extended.
 - v. The acreage or square footage of the property included in the proposed amendment .
 - vi. All existing zonings in the proposed redesignated area.
 - vii. Zoning and existing zonings on all lands adjacent to the proposed redesignated area.
 - viii. The location and dimensions for all existing public rights-of-way including streets, and centerlines of water-courses within and adjacent to the property included in the proposed amendment .
 - ix. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
 - x. Certificate blocks for Surveyor, Planning Commission, Common Council, and City Clerk and Recorder.
 - xi. A digitized copy of the zoning amendment map shall be provided.

5. A written statement describing the proposal and addressing the following points:

- i. Need for the proposed redesignation;
- ii. Present and future impacts on the existing adjacent zoning districts, uses, and physical character of the surrounding area;
- iii. Impact of the proposed zoning on area accesses and traffic patterns;
- iv. Availability of utilities for any potential development;
- v. Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
- vi. The relationship between the proposal and the Comprehensive Plan; and
- vii. Public benefits arising from the proposal.

c. Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the corrected application (as specified in the zoning Map Amendment form) to the City Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

d. Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map

e. Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The City Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, for the property, and to the appropriate referral agencies no less than thirty (30) days before the initial Planning Commission public hearing. The City Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the City Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the zoning amendment request is accompanying another application that is scheduled for public hearings before the Planning Commission and Common Council, one public hearing may be held on both applications.

f. Step 6: Planning Commission Public Hearing and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map. The Commission shall then make a recommendation to the Common Council to approve, conditionally approve, or deny the zoning map amendment application.

g. Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on Planning Commission's comments and submit it to the City Clerk.

h. Step 8: Notify Parties of Interest. Not less than thirty (30) days before the date scheduled for the initial Common Council public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

i. Step 9: Set Common Council Public Hearing and Complete Public Notification Process. The Common Council shall schedule a public hearing for the purpose of taking action on the zoning map amendment. The City Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

j. Step 10: Common Council Public Hearing and Action on the Zoning Amendment. The Common Council shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Common Council shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.

k. Step 11: Post Approval Actions.

1. Upon approval of an amendment to the official zoning map by the Common Council, the City Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the Recorder. In the event an interested party initiated the zoning amendment, the petitioner shall pay the City's cost for the preparation of the revision to the official zoning map.

2. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Common Council to submit to the City Clerk two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the City for the zoning amendment.

3. The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one 11" x 17" hard copy and electronic copy of the zoning amendment map.

4. Within thirty (30) days of receipt of the zoning amendment map, the City Clerk shall review the documents for compliance with the Common Council's approval, obtain the City Officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the Recorder's Office for recordation.

18.170.040 Criteria for Amendments to the Zoning Map

Criteria for Amendments to the Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the City, the official zoning map shall not be amended except:

- a. To correct a manifest error in an ordinance establishing the zoning for a specific property;
- b. 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; or
- c. The proposed redesignation is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the City Comprehensive Plan, and the designation will be consistent with the policies and goals of the Comprehensive Plan; or
- d. 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

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.