

NONCODE ORDINANCE

By: Borough Manager
Introduced: 08/07/18
Public Hearing: 08/21/18
Defeated: 08/21/18

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 18-028**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING
MSB 17.09, AMENDMENTS AND CHANGES TO LAND USE REGULATIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and
permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of chapter. MSB 17.09 Amendments and
Changes is hereby adopted as follows:

17.09 AMENDMENTS AND CHANGES

Sections:

17.09.010 Authority

17.09.020 Manner of initiation

17.09.030 Report from planning commission

17.09.040 Hearing on boundary change

17.09.050 Boundary change may include additional
property

17.09.060 Submission to Assembly

17.09.070 Hearing Determination

17.09.080 Hearing-Required-Notice

17.09.010 Authority

In accordance with Alaska Statutes, 29.40, the assembly may, following a public hearing, a report, and recommendation from the commission, amend, supplement, modify, repeal or otherwise change the regulations in this title and the boundaries of the districts.

17.09.020 Manner of initiation

Changes in this title or zoning boundaries may be initiated in the following manner:

- (A) The assembly upon its own motion;
- (B) The commission upon its own motion; and
- (C) By petition of one or more owners of property within an area proposed to be rezoned. A petition shall be in the form of an application for a change in the boundary of a district, shall be filed in the department, be accompanied by the required fee and such data and information as may be necessary to assure the fullest practicable presentation of facts and shall set forth reasons and justification for proposing such change.

17.09.030 Report from planning commission

The commission shall report in writing to the assembly on any proposed change or amendment regardless of the manner in which such change is initiated and such report shall contain:

(A) Findings as to need and justification for a change or amendments;

(B) Findings as to the effect a change or amendment would have on the objectives of the comprehensive plan; and

(C) Recommendations as to the approval or disapproval of the change or amendment.

17.09.040 Hearing on boundary change

The commission shall hold a public hearing before considering any changes to this title or zoning boundaries. Notice shall be given in the manner prescribed in this title for conditional uses and variances except that such procedure shall specifically refer to an application for change in the boundary of a district. Where property within an area proposed to be changed is not under the same ownership, all owners of property within the area shall be notified of such hearing. Within 30 days after the date of the public hearing, the commission shall report its findings to the assembly. If such change was initiated by petition, the signers shall be notified by the department of the commission's recommendation, such notice sent not more than five days after the commission's public hearing.

17.09.050 Boundary change may include additional property

When the commission deems it necessary or expedient, it may consider other property for change or amendment in addition to the property described in an application for change in the boundary of a district, and may include such additional property in the notices of public hearing and consider amendments relating to such property at the public hearing.

17.09.060 Submission to Assembly

(A) Within 30 days after the commission has acted upon a proposed zoning change in accordance with the above provisions, a report with recommendations shall be submitted to the assembly together with the proposed ordinance. Such recommendations of the commission shall be advisory only and shall not be binding upon the assembly.

17.09.070 Hearing determination

The assembly may consider, if appropriately sponsored, an application or commission recommendation for change in the boundary of a district or any other commission recommendation proposing a change in this title, and the report of the commission. If, from the facts presented and by the findings of the report of the commission, it

is determined that the request is consistent with the comprehensive plan, and the public necessity, convenience, general welfare and good zoning practice supports the change or amendment of any portion thereof, the assembly by ordinance may adopt such amendment, supplement, change or reclassification.

17.09.080 Hearing- Required- Notice.

No ordinance of the assembly effecting an amendment, supplement, change or classification, repeal of regulations or restrictions, the boundaries of districts or classifications of property shall become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard.

At least five days' notice of the time and place of such hearing shall be published in a paper of general circulation in the borough.

Section 4. Effective date. This ordinance shall take effect upon adoption.

DEFEATED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield,
Doty, and Kowalke