

CODE ORDINANCE

Sponsored by: Sumner

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-028**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.80 NONCONFORMING STRUCTURES, TO REPEAL THE NOTIFICATION PROCESS AND FEE SECTION.

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. Repeal of section. MSB 17.80.030 is hereby repealed in its entirety.

Section 3. Repeal of subsection. MSB 17.80.060(F) is hereby repealed in its entirety.

Section 4. Amendment of section. MSB 17.80.070 is hereby amended as follows:

17.80.070 Application for a Determination of Legal Nonconforming Status.

(A) An application for a determination of legal nonconforming status may be initiated by the property owner or his authorized agent. The application shall be filed with the planning director on a form provided by the planning department. The application shall be accompanied by a nonrefundable application fee, established by the assembly, and made payable to the

Matanuska-Susitna Borough. The planning director may not grant legal nonconforming status unless [THE APPLICANT PROVIDES] there is sufficient evidence that the structure [WAS ERECTED PRIOR TO THE ADOPTION OF THE ACKNOWLEDGMENT OF EXISTING LAND USE REGULATIONS CHAPTER EXCEPT AS NOTED HEREIN] meets the applicable eligibility criteria.

(B) In addition to the completed application form, the submittal shall contain the following items:

(1) description and photographs of the structure;

(2) as-built drawing(s), prepared by a professional surveyor, registered in the state of Alaska, verifying the location(s) or the structure(s);

(3) any other documentation the planning director may deem necessary to evaluate the application.

[(C) WHEN AN APPLICATION IS SUBMITTED, THE BOROUGH SHALL GIVE NOTICE OF THE APPLICATION BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE BOROUGH AT LEAST 15 CALENDAR DAYS BEFORE THE EARLIEST DATE THE PLANNING DIRECTOR MAY RENDER A DECISION.

(D) NOTICE OF THE APPLICATION SHALL BE MAILED TO OWNERS OF ALL PROPERTY WITHIN 600 FEET OF THE LOT LINES OF THE PROPERTY CONTAINING THE NONCONFORMING STRUCTURE

AT LEAST 10 CALENDAR DAYS PRIOR TO THE EARLIEST DATE UPON WHICH THE PLANNING DIRECTOR MAY MAKE A FINAL DECISION ON THE APPLICATION. THE NOTICE SHALL CONTAIN THE FOLLOWING:

(1) THE EARLIEST DATE A DECISION MAY BE RENDERED;

(2) BRIEF DESCRIPTION OF THE APPLICATION;

(3) A VICINITY MAP OF THE AREA SURROUNDING THE SUBJECT PROPERTY;

(4) LEGAL DESCRIPTION OF THE SUBJECT PROPERTY;

(5) THE NAMES OF THE APPLICANTS AND OWNERS OF THE SUBJECT PROPERTY;

(6) THE PLANNING DEPARTMENT'S TELEPHONE NUMBER; AND

(7) IDENTIFY THE LOCATION WHERE THE APPLICATION AND OTHER SUPPORTING MATERIAL WILL BE AVAILABLE FOR PUBLIC INSPECTION.

(E) PRIOR TO THE DATE OF THE DECISION, THE APPLICANT SHALL PAY THE COST OF ALL MAILINGS OR ADVERTISEMENTS REQUIRED BY THIS SECTION.]

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2026.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)