

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-127**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.67 TO REDUCE THE MINIMUM SETBACK REQUIREMENTS FOR NEW TELECOMMUNICATIONS TOWERS.

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. Amendment of subsection. MSB 17.67.070 (A) is hereby amended to read as follows:

(A) An application for a conditional use or administrative permit to construct a new tall structure may be initiated by a property owner or the owner's authorized agent and shall include:

(1) completed application form provided by the department and signed by the property owner or authorized agent;

(2) design drawings for the proposed tall structure, drawn to scale, and certified by a registered engineer or architect;

(3) fee in the amount designated in MSB 17.99;

(4) citizen participation report in accordance with

MSB 17.67.050 (B);

- (5) a certified site plan;
- (6) copy of a determination of no hazard to air navigation from the Federal Aviation Administration; and
- (7) if breakpoint technology is **proposed** (INTENDED TO BE UTILIZED], a written statement, **certified by a registered professional engineer or architect,** specifying **the projected fall zone and** the height at which the engineered structural weakness will be located.

Section 3. Amendment of subsection. MSB 17.67.090(A) is hereby amended to read as follows:

(A) The following setback requirements shall apply to all new telecommunications towers regulated under this chapter:

(1) The equipment compound shall meet minimum setback distances from all property lines in accordance with MSB 17.55.

(2) Minimum setback for the tower base shall be a distance equal to the height of the tower **or to the extent of the projected fall zone, if the structure incorporates a frangible design or equivalent engineered collapse mitigation system.**

(a) The commission, or director if it is an administrative permit, may reduce the setback to a

distance less than the height of the tower, if the applicant demonstrates there is no risk to public health, safety, or welfare of adjacent property owners.

(i) At a minimum, the applicant must show there are no habitable structures on adjacent properties within the projected fall zone.

(b) The setback distance shall not be reduced to less than 25 feet.

(3) Setbacks shall be determined from the dimensions of the entire lot, even though the tower may be located on lease areas within the lot.

Section 4. Amendment of section. MSB 17.125.010 is hereby amended by adding two definitions:

17.125.010 DEFINITIONS.

• "Frangible design" means structural design incorporating elements that are intended to break, detach, or yield in a predictable manner under excessive load or impact, thereby limiting damage to the primary structure and reducing the collapse footprint.
"Frangible design" shall be considered synonymous with "breakpoint technology."

• "Fall zone" means the area around a telecommunications tower or other tall structure within which the structure or its components are expected to fall in the event of

structural failure.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)