

**POSSIBLE AMENDMENT TO OR 17-088**

CODE ORDINANCE

Sponsored by:  
Introduced:  
Public Hearing:  
Action:

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 17-088(SUB)**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.55 SETBACKS AND SCREENING EASEMENTS AMENDING DEFINITIONS AND ELIMINATING UNNECESSARY LANGUAGE.

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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 section. MSB 17.55.004 is hereby amended as follows:

"Aircraft hangar" means a roofed structure which is used to completely or partially enclose and store aircraft and aircraft accessories.

"Boathouse" means a roofed structure which is used to completely or partially enclose and store boats and boating accessories.

"Ordinary high water mark" means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and character of the vegetation and soil on the

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**other side of the mark.**

"Structure" means anything that is constructed or created and located on or above [UNDER] the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility boxes and other incidental structures related to utility services; utility poles and lines; guy wires; clothes lines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.

Section 3. Deletion of section. MSB 17.55.015 is hereby deleted from code.

[ "SHORELANDS" MEANS THAT UPLAND WITHIN 300 FEET OF ANY LAKE, POND, OR WATERCOURSE, AND WITHIN 300 FEET FROM ANY RIVER OR STREAM, OR TO THE LANDWARD SIDE OF THE FLOODPLAIN, IF THAT DISTANCE IS GREATER. ]

Section 4. Amendment of section. MSB 17.55.020 is hereby amended as follows:

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(A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a [WATERCOURSE OR] body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

(a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories.

(b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody.

(c) not have more than incidental

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**accessory access to a street or driveway**

**(d) not be useable as a garage or**  
**habitable structure without significant alteration.**

(C) In the city of Wasilla, this section does not apply to structures where construction was completed prior to November 16, 1982. Elsewhere in the borough, this section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The director of the planning department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

(1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this [SUB]section, a "structure" is any dwelling or habitable building or garage.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from **the ordinary high water mark of** any body of water [OR WATERCOURSE]. The

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planning commission shall require this distance be increased where necessary to protect waters within the borough.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2017.

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VERN HALTER, Borough Mayor

ATTEST:

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LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)