

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 12/19/17
Public Hearing: 01/02/18
Adopted: 01/02/18

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-142**

AN ORDINANCE OF THE MATANUSKA SUSITNA BOROUGH ASSEMBLY
ESTABLISHING A NONCONFORMING USE SECTION WITHIN MSB 17.29, AND
MODIFYING MSB 17.80, BY ELIMINATING REFERENCES TO NONCONFORMING
USES IN FLOOD HAZARD AREAS.

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 section. MSB 17.29.200, Nonconforming
Uses is hereby adopted as follows:

17.29.200 Nonconforming Uses

(A) The following structures are eligible for
pre-existing legal nonconforming status under this
chapter:

(1) structures which were under construction
or in existence prior to May 1, 1985; or

(2) structures which were brought into the
special flood hazard area as a result of the mapping
updates on June 3, 1986, or March 17, 2011.

(B) structures which meet the standards of this
section qualify for pre-existing legal nonconforming
status without an administrative determination, however,

an administrative determination may be issued if requested by the property owner.

(1) Administrative determinations may be processed upon submittal of:

(a) an application form provided by the Borough;

(b) documentation demonstrating when the subject structure was built; and

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

(C) Pre-existing legal nonconforming status is negated if a structure has been substantially damaged or substantially improved. Such structures shall come into compliance with current standards of this chapter.

(D) Any horizontal expansion of nonconforming structures in the special flood hazard area requires a flood hazard development permit and shall be constructed in accordance with the current standards of this chapter.

(E) MSB 17.29.170(A)(1)(a), does not apply to Structures which were in existence or under construction prior to July 31, 2017, except:

(1) the lowest floor, including basement, shall be elevated at or above base flood elevation.

(2) if the structure is substantially damaged or substantially improved, the structure shall conform to the current standards of this chapter.

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 MSB 17.80.060(D), is hereby repealed in its entirety:


[(D) STRUCTURES ARE NOT ELIGIBLE FOR A LEGAL NONCONFORMING STATUS DETERMINATION IF LOCATED IN A FEDERALLY-DESIGNATED FLOOD HAZARD AREA IF A DEVELOPMENT PERMIT, AS REQUIRED BY THE FLOOD DAMAGE PREVENTION ORDINANCE, WAS REQUIRED AT THE TIME OF CONSTRUCTION.]

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

ADOPTED by the Matanuska-Susitna Borough Assembly this 2 day of January, 2018.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

{SEAL}

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