

CODE ORDINANCE

Sponsored by: Borough Manager
Introduced: 05/15/18
Public Hearing: 06/05/18
Amended: 06/05/18
Adopted: 06/05/18
Motion to Amend Something Previously Adopted: 08/07/18
Postponed to 11/27/18: 08/07/18
Postponed to 12/18/18: 11/27/18
Amended: 12/18/18
Adopted: 12/18/18
Motion to reconsider filed: 12/19/18
Amended: 01/15/18
Adopted: 01/15/19

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 18-021**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.63, RACE TRACK REGULATIONS BY AMENDING THE APPLICABILITY AND MAKING THE STANDARDS MORE CONSISTENT WITH OTHER PERMITS WITHIN BOROUGH CODE.

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 17.63.005(A), is hereby amended as follows:

[• "PERMANENT FACILITY" MEANS A SITE WHERE PHYSICAL STRUCTURES RELATED TO THE RACE TRACK REMAIN ON SITE YEAR ROUND.]

"Race Event" means a day in which a race track is open to the public for the purpose of holding a race.

Section 3. Amendment of subsection. MSB 17.63.007(B), is hereby amended as follows:

(B) This section is not intended to regulate [NON-COMMERCIAL RACE TRACKS, OR] race tracks that are solely for personal use.

Section 4. Amendment of section. MSB 17.63.010, is hereby amended as follows:

(C) This chapter applies only to commercial race tracks [ON PERMANENT FACILITIES].

(D) Commercial race tracks which host 10 or fewer events per year are considered "small-scale" and do not require a permit under this section.

(1) small-scale race tracks shall comply with the requirements of MSB 17.63.020(I) (3, 8, and 10).

(2) small-scale race tracks shall register with the Borough 30 days prior to operating and shall renew such registration every year. Upon registration or renewal the following shall be submitted to the Borough:

(a) location of the event;

(b) anticipated number of events which will be held per year; and

(c) signed acknowledgement that the responsible party is aware of, and will maintain compliance with the requirements of this subsection.

(3) if the owner, operator, agent or land upon which a small-scale operation exists is convicted of

three citations involving a violation of 17.63, the small-scale designation is revoked and a conditional use permit under this chapter is required.

(E) Commercial race tracks which host more than 10 events per year are considered "large-scale" and require a conditional use permit in accordance with this chapter.

(F) This chapter does not apply to events which are held on waterbodies.

Section 5. Amendment of section. MSB 17.63.015, is hereby amended as follows:

(A) No large-scale commercial race track used by motorized vehicles carrying people on land, ice, or snow may be operated or maintained in those areas of the Borough described in MSB 17.63.010 unless a conditional use permit has been approved for that use by the commission.

[(F) RACE TRACKS/COURSES THAT ARE USED FOR MORE THAN THREE DAYS FOR MOTORIZED VEHICLE RACES WITHIN ANY 12-CONSECUTIVE-MONTH PERIOD MUST BE AUTHORIZED BY A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THIS CHAPTER.

(G) RACE TRACKS/COURSES THAT ARE USED BY MOTORIZED VEHICLES FOR MORE THAN SEVEN DAYS WITHIN ANY 12-CONSECUTIVE-MONTH PERIOD FOR PRACTICE FOR MOTORIZED

VEHICLE RACES MUST BE AUTHORIZED BY A CONDITIONAL USE PERMIT IN ACCORDANCE WITH THIS CHAPTER.

(H) RACES WHICH ARE NOT CONDUCTED ON A PERMANENT FACILITY ARE EXEMPT FROM THE PROVISIONS OF THIS CHAPTER.]

Section 6. Amendment of paragraph. MSB 17.63.020(B)(6), is hereby amended as follows:

(6) a detailed site plan or as-built drawing prepared to scale [BY A QUALIFIED REGISTERED SURVEYOR OR PROFESSIONAL ENGINEER] which shows the location and dimensions of the real property used for the business, the exterior dimensions of [THE] existing and proposed buildingss or structuress to be used for the race track business, [THE HEIGHT AND BULK OF THE BUILDING OR STRUCTURE, EXTERIOR SIGNAGE DETAIL], all points of pedestrian and vehicle access, buffering and landscaping, drainage, traffic circulation patterns, exterior illumination, location of employee and customer parking, location and orientation of public address system and loud speakers, and the general location of the race track itself.

Section 7. Amendment of paragraph. MSB 17.63.020(I)(8),
is hereby amended as follows:

(8) [MOTORIZED RACE ACTIVITIES MAY, ON
PERMANENT TRACKS, BE PERMITTED WITHIN HOURS OF
OPERATIONS BETWEEN 10 A.M. AND 10 P.M.] Racetrack
operations, including practice and training, are
permitted seven days a week, with weekday hours being
any consecutive four hours between 11 a.m. and 9 p.m.
and weekend hours being anytime between 9 a.m. and 10
p.m., except that weekend hours apply during weekdays
for race events. For conditional use permits being
approved by the Planning Commission, the Commission may
vary the hours and days of operations.

Section 8. Amendment of paragraph. MSB 17.63.020(E), is
hereby amended as follows:

(E) The property owner and the permittee shall be
responsible for maintaining all aspects of the
operation, improvements, development, and site in
compliance with the terms and conditions of the permit
and all applicable local, state, and federal
requirements. [FAILURE TO CORRECT ANY VIOLATION OF ANY
PERMIT CONDITION IS A VIOLATION OF BOROUGH CODE. IN
ADDITION TO OTHER APPLICABLE PENALTIES, FAILURE TO
CORRECT THE VIOLATION OF CODE AFTER REASONABLE NOTICE

MAY RESULT IN REVOCATION OF THE PERMIT.]

Section 9. Repeal of paragraph. MSB 17.63.020(I)(2) is hereby repealed in its entirety:

[(2) ALL OTHER RELATED AND UNRELATED FACILITIES AND LAND USES ON THE SITE OF A RACE TRACK ARE SUBJECT TO THE APPROVAL OF THE BOROUGH IN ACCORDANCE WITH THIS SECTION AND CHAPTER FOR THE PURPOSE OF REGULATING LAND USE IMPACTS.]

Section 10. Amendment of section. MSB 17.63.040, is hereby amended as follows:

17.63.040 [SUSPENSION & REVOCATION] Termination of conditional use permits.

(A) A CONDITIONAL USE PERMIT MAY BE SUSPENDED OR REVOKED FOR EITHER OF THE FOLLOWING REASONS:

(1) ANY VIOLATION OF THIS CHAPTER OR THE TERMS AND CONDITIONS OF A PERMIT ISSUED UNDER THIS CHAPTER BY THE OWNER, OPERATOR OR MANAGER OF A RACE TRACK BUSINESS; AND

(2) A MATERIAL MISREPRESENTATION OF FACT BY THE OWNER, OPERATOR OR MANAGER OF A RACE TRACK BUSINESS IN CONNECTION WITH THE ORIGINAL APPLICATION FOR A CONDITIONAL USE PERMIT.

(B) UPON THE REQUEST OF THE PLANNING AND LAND USE DIRECTOR AND WITH THE SAME NOTICE TO THE APPLICANT AND

PUBLIC AS REQUIRED UNDER MSB 17.63.025 FOR CONSIDERATION OF NEW APPLICATIONS, THE COMMISSION SHALL CONDUCT A PUBLIC HEARING OVER WHETHER A CONDITIONAL USE PERMIT ISSUED UNDER THIS CHAPTER SHALL BE SUSPENDED OR REVOKED.

(C) NO PERMIT MAY BE SUSPENDED OR REVOKED BY THE COMMISSION UNLESS THE PERSON OR ENTITY TO WHOM THE PERMIT WAS ORIGINALLY ISSUED AND THE LEGAL OWNER OF THE REAL PROPERTY UPON WHICH THE BUSINESS IS CONDUCTED HAS BEEN GIVEN AT LEAST 30 DAYS' NOTICE PRIOR TO THE HEARING SCHEDULED UNDER THIS SECTION, AN EXPLANATION PREPARED BY THE PLANNING AND LAND USE DIRECTOR OF THE REASONS FOR THE PROPOSED ACTION, AND AN OPPORTUNITY TO BE HEARD BEFORE THE COMMISSION.]

(D) Except as otherwise specified by code, a conditional use permit issued under this chapter will become null and void under the following conditions:

(1) notification of termination of the permit for failure to comply with an order to correct violations of a conditional use permit;

(2) failure to initiate the use for which the conditional use permit was issued within five years of the date of the permit issuance;

(3) cessation of the use for which the conditional use was issued for a period exceeding five consecutive years.

Section 11. Amendment of section. MSB 17.63.045, is hereby amended as follows:

(A) An appeal from a decision of the commission granting, denying, [SUSPENDING, REVOKING,] or modifying a conditional use permit under this chapter may be filed by any aggrieved party under MSB 15.39.

Section 12. Amendment of section. MSB 17.63.050, is hereby amended as follows:

[(A) THIS CHAPTER AND THE TERMS AND CONDITIONS OF ANY CONDITIONAL USE PERMIT ISSUED UNDER THIS CHAPTER MAY BE ENFORCED UNDER MSB 17.56.

(B) IN ADDITION TO THE PENALTIES PROVIDED UNDER MSB 17.56, VIOLATIONS OF THIS CHAPTER OR THE CONDITIONS OF ANY PERMIT ISSUED UNDER THIS CHAPTER MAY RESULT IN SUSPENSION OR REVOCATION OF THE PERMIT IN ACCORDANCE WITH MSB 17.63.040.]

(C) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(D) In addition to other applicable penalties, failure to correct the violation of code, after

reasonable notice, may result in revocation of the permit.

(E) Complaints received by the Borough of violations of state or federal law will be forwarded to the appropriate agency for enforcement.

(F) Authorized representatives of the Borough shall be allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

(G) The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the Borough.

Section 13. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 18 day
of December, 2018.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

Original Vote:

YES: McKee, Leonard, Mayfield, Doty, and Kowalke

NO: Sykes

12/18/18 Motion to Amend Something Previously Adopted:

PASSED UNANIMOUSLY: Sykes, Beck, Leonard, Mayfield, Sumner, and
Boeve

01/15/19 Motion to Amend Something Previously Adopted:

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Mayfield, Sumner, and
Boeve