

MATANUSKA-SUSITNA BOROUGH PORT MACKENZIE USE PERMITS

Within the Port MacKenzie Special Use District , Matanuska-Susitna Borough (MSB) Port District Use Permits are required for any of the following activities or development:

For structures greater than 400 square feet in gross area on the ground level or more than 30 feet in height above average grade.

For structures using permanent foundations such as pilings or footings.

Expansion of a structure by more than 400 square feet or 25 percent of the structure's original foot print, whichever is less.

Temporary units, including location of a mobile home.

Excavation or fill of more than 50 cubic yards of material.

Communication towers or antennae over 30 feet in height.

On-site utilities, including but not limited to water, sewer, storm drains, electric, communication, natural gas, and other wire and pipelines.

Construction of any type within rights-of-way, easements, buffer strips, utility corridors. For utility corridors also see MSB 11.30.040 (B), (C) and (E). All construction must be consistent with either a recorded plat or on an approved borough master plan.

Applications for a MSB Port District Use Permit must be submitted on forms that are available from the Port Director at (907) 745-9414. More information is available on-line at (www.co.mat-su.ak.us). Applicants should contact the Port Director to schedule a pre-application conference. Activities may be subject to other regulations. It is the applicant's responsibility to identify, and comply with, all applicable regulations and procedures of the Borough, State, and Federal governments.

MSB applications must include a completed Alaska Coastal Zone Project Questionnaire, and provide all information sufficient to show the proposal will comply with Borough code (pursuant to MSB 17.23). At a minimum, site plans and textual descriptions must depict and describe the location, setbacks, dimensions, height, bulk, area, floor plans layout, appearance, materials, use, standards of construction, operation, mitigation methods for negative impacts, schedules and all other aspects of the proposal. Other borough application forms may be required depending upon the proposal.

Information about Alaska Coastal Zone Project Questionnaires is available on-line at (www.alaskacoast.state.ak.us).

PORT MACKENZIE
APPLICATION FOR DEVELOPMENT PERMIT
MATANUSKA-SUSITNA BOROUGH
 350 East Dahlia, Palmer, AK 99645-6488
 For More Information Call (907) 745-4801

Fee Paid: No Fee Required

Date: received: _____

PLEASE READ INSTRUCTIONS CAREFULLY AND FILL OUT FORMS COMPLETELY

This permit is required for any development or use described in MSB 17.23.150.B. Please print. Submit the application to the MSB Code Compliance Division, at the address listed above. A pre-application meeting is required. For scheduling, call (907) 745-9414.

The MSB Port MacKenzie Development Permit may only be issued to the lessee or the lessee's authorized agent (written authorization required). The application must identify a contact person with authority regarding the application and permit. The application must contain all information necessary to determine compliance with Borough code, MSB lease performance standards, special conditions, development plan, lease amendments or other written MSB approval.

1. Attach, and refer to supplemental material as appropriate. Required site plans and technical drawings must be signed and sealed by an Alaska registered professional land surveyor, civil engineer, architect, or landscape architect, as appropriate to the drawing (MSB 17.23.150.E).
2. In the event of a conflict between the terms of the Lease and an applicable local, state or federal law, regulation, or permit, the applicable law, regulation, or permit, will supersede.

PROJECT LOCATION: Seward Meridian, Township 14 North, Range 4 West, Section _____

MSB Tax Parcel#: _____, MSB Tax Map#: PM: __3, __5, __6, __00

MSB Port MacKenzie Lease No. _____, MSB Temporary Use Permit No. _____

Subdivision: _____ Block: _____, Lot: _____

(US Survey, Aliquot Part, etc.): _____

Other location, such as right of way or easement: _____

WITHIN PORT DISTRICT: __PID-I, __PID-II, __WDD, __TMD

OWNERSHIP:

Name of Leaseholder

Name of Agent/Applicant, if not Leaseholder

Mailing Address

Mailing Address

e-mail

e-mail

Phone, Home

Work

Phone, Home

Work

Name of Contact

Contact's Mailing Address

CONSTRUCTION WITHIN: rights-of-way, access easements, utility corridors, gutter strips,
 fill: _____ cu. yds., excavation: _____ cu. yds.

Total gross sq. ft. of building: _____, height of structure above average grade: _____ ft.

"Brief" Project Description: (Use attachments for details) _____

Access: This project accesses what street? _____

Is street currently existing (built)? yes no, Street maintained by Borough lessee(s)

Identify lessee maintaining street(s): _____ NA

New driveway, altered driveway, existing driveway

Is road construction proposed within public right of way? yes (length: _____ ft.) no
 Road will be temporary and built per MSB authorization for less than 25 MPH standard. N/A

(call 745-4801 MSB Public Works Dept for more information about road standards)

Traffic Generation:

Probable types/size of vehicles to be used by the business: _____

Anticipated daily vehicular traffic trips generated to and from the site by the development (use average for busy season if use is seasonal);

Truck: (any vehicle greater than 10,000 pounds gross vehicle weight): _____

Vehicles less than 10,000 pounds gross vehicle weight): _____

Total anticipated average daily traffic trips: _____

Vehicle generation rate based upon standard trip generation tables: _____

Year lessee predicts anticipated truck trips will exceed 100 per day: _____

Year lessee predicts anticipated total average daily traffic trips will exceed 200 per day: _____

Type of Sewage Disposal: none, existing, proposed, onsite, community, public
 pit privy, holding tank, septic tank, other (specify) _____

APPLICATION FOR PORT MACKENZIE DEVELOPMENT PERMIT

ADEC certification needed? yes no (call ADEC at 376-5038 for information)

Type of Water Supply: none, existing, proposed onsite, private well, public/community, cistern other (specify) _____

ADEC certification needed? yes no (call ADEC at 376-5038 for information)

ADNR Water Use Appropriation Certificate needed? yes no (call ADNR 269-8600 for information)

Water bodies: Is construction proposed within 75 feet of a water body (creek, pond, inlet, etc.) yes no

If yes, describe: _____

Required Attachments:

1. Site plans of proposed development depicting (at a minimum): location, setbacks, area, dimensions and identification of; lot lines, buildings, processing facilities, water bodies, rights of way, easements, buffers, septic system, wells, signs, lighting, towers, antennae, utilities, pipe lines, under ground tanks, above ground tanks, landscaping, drainage, paved areas, gravel areas, storage (for: product, equipment, material, fuel, waste, snow, hazardous material, etc.), pads, roads, parking and loading areas, access points, traffic patterns, traffic control facilities, and other improvements. Plan must show adequate street capacity and least minimum corner sight distance at intersections of rights of way (250' minimum, 580' preferred).
(required for all applications) Attached
2. Drawings of proposed development depicting: design, materials, dimensions, height, bulk, area, floor plans, layout, appearance, and demonstrating proposed street or road construction meets or exceeds the requirements of MSB 17.23 190, or MSB lease section 36:
(required for all applications) Attached
3. Textual descriptions of:
 - (a.) proposed development explaining: materials, use, standards of construction, operations, mitigation methods for negative impacts, schedules, and all other aspects of the proposal,
 - (b.) description of traffic generated by the proposed development, and any traffic control measures to proposed to mitigate negative traffic impacts on public right-of-way
 - (c.) identification and explanation of; type, quantity, use, and management of Hazardous Materials to be located on the site
 - (d.) other applicable laws, ordinances, permits and authorizations and proposal for meeting those requirements
 (required for all applications) Attached
4. A completed Alaska Coastal Project Questionnaire: (required for all applications) Attached

APPLICATION FOR PORT MACKENZIE DEVELOPMENT PERMIT

- 5. Written consent from the Borough Manager, to place proposed improvements, including signs, on the premises, refer to authorization in lease if applicable: Not required, Attached
- 6. If construction or use standards are proposed to be different than those listed in MSB 17.23 190(Road Standards), or other applicable code, a copy of the authorizing lease condition and properly completed authorization from the Borough Manager must be attached . Not required, Attached
- 7. Written consent from the Borough Manager, to place proposed Hazardous Material on the premises: Not required, Attached
- 8. A completed application for an Encroachment Permit within MSB Right of Way, if such development is proposed: Not required, Attached
- 9. A completed application for General Construction Permit for development of roads or streets within a Public Right of Way, if such development is proposed: Not required, Attached
- 10. A completed application to Construct and Maintain Driveway on Public Right of Way, if such development is proposed: Not required, Attached
- 11. A completed application for a Utility Permit within MSB Right of Way, if such development is proposed: Not required, Attached
- 12. State Fire Marshall Approval of Plans, if Alaska law requires such review: Not required, Attached
- 13. Traffic Impact Analysis (TIA), if applicant establishes proposed development will generate more than 200 average daily traffic trips, or more than 100 truck trips per day: Not required, Attached
- 14. Written authorization by lessee, for agent to act as applicant Not required, Attached

Lessee/Applicant Certification: The Lessee of this property or lessee's authorized agent attests that the information in this application is true and agrees to conform to all applicable laws of this jurisdiction and the requirements of the applicable lease. I/We understand that additional permits and authorizations may be required and that it is the lessee's responsibility to identify and abide by all federal, state and borough laws and ordinances and to insure all necessary permits and authorizations are obtained and complied with.

Lessee or Agent/Applicant: Signature Printed Name Date

CHAPTER 17.23: POINT MACKENZIE PORT SPECIAL USE DISTRICT

Section

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17.23.010 INTENT AND PURPOSE.

(A) The intent of this chapter is to:

- (1) protect the public health, safety, and general welfare;
- (2) provide for orderly development;
- (3) stimulate systematic development of transportation, public facilities, and other infrastructure;
- (4) implement the recommendations of the Point MacKenzie port master plan; and (5) regulate nuisances.

(B) The purpose of this chapter is to:

- (1) provide for orderly development of a port and related industrial district;
- (2) provide for a sufficient water area to allow vessel movement, maneuvering, docking, servicing, and product handling;
- (3) provide for sufficient land area to accommodate factories, industrial uses, processing plants, service facilities, and circulation routes needed for port development;
- (4) maximize employment opportunities;
- (5) obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and
- (6) to provide reasonable flexibility for expansion and change in use.

(C) Use of land within this special land use district shall be in accordance with this chapter. (D) The requirements of this chapter may not address all approvals, permits, and authorizations required for a use or development. It shall be the responsibility of the applicant to identify and comply with all necessary laws, regulations, policies, and procedures of the borough, state, and federal government, any applicable plat notes, and other private covenants or restrictions.

(Ord. 00-154, § 2 (part), 2000)

17.23.020 ESTABLISHMENT OF DISTRICT BOUNDARIES.

This chapter is to establish consistency between the approved boundaries and definitions for the Port MacKenzie special use district, the Point MacKenzie port master plan, and the area meriting special attention (AMSA), for the application of the Port MacKenzie special use district authorities.

(Ord. 00-154, § 2 (part), 2000)

17.23.030 AMENDMENTS.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed pursuant to the requirements of MSB 15.24. Any amendments shall be consistent with the Point MacKenzie port master plan, the Matanuska-Susitna coastal management plan, including the area meriting special attention (AMSA), and other applicable borough, state, and federal land use plans and subsequent amendments.

(Ord. 00-154, § 2 (part), 2000)

17.23.040 CONFORMANCE REQUIRED.

(A) No building, structure, land, or water area located within the Point MacKenzie port special land use district, hereinafter referred to as "the district," shall be used or occupied, and no building, structure, or part thereof shall hereafter be erected except in conformity with the regulations specified in this chapter.

(B) Except where otherwise specified, the requirements of this chapter are cumulative to the other requirements of borough code.

(C) Where conflicting codes occur, the provisions of this chapter shall apply.

(Ord. 00-154, § 2 (part), 2000)

17.23.050 FEES.

Fees required under this chapter will be established in accordance with MSB 17.99.

(Ord. 00-154, § 2 (part), 2000)

17.23.060 ALLOWED PRINCIPAL AND ACCESSORY USES, PROHIBITED USES.

All uses authorized under borough code are allowed within the district unless specifically prohibited by this chapter. Accessory uses that are normal and customary to authorized uses are allowed on the same lot as the principal use.

(Ord. 00-154, § 2 (part), 2000)

17.23.100 PORT DISTRICTS ESTABLISHED.

(A) For purposes of this chapter, the special use district will be defined as port industrial district one (PID-I), port industrial district two (PID-II), waterfront dependent district (WDD), and terminal moraine district (TMD). These districts amend the Point MacKenzie port master plan phase I and phase II areas and conform the district boundaries to approved Port MacKenzie phase I and phase II development.

(B) Map. The official map shall be entitled "Point MacKenzie port special land use district." (1) The map shall be identified by the signature of the mayor, attested to by the clerk, and bear the seal of the borough under the following words: "This is to certify that this is the official Point Mackenzie Port Special Land Use District adopted by Ordinance Serial No. 00-154."

(2) Amendments. The map shall be amended by ordinance; such amendments shall be noted on the map. Amendments to the map shall supersede all prior maps.

(3) Location. The official Point Mackenzie port special land use district map shall remain on file in the office of the borough clerk. (Ord. 00-154, § 2 (part), 2000)

17.23.110 PORT INDUSTRIAL DISTRICT - ONE (PID-I)

(A) The following areas located within the district are designated port industrial district - one (PID-I) land use district - subject to the provisions of this chapter: portions of land within Township 14 North, Range 4 West S.M.,

Sections 23, 24, 25, and 26, that are below the 225-foot elevation and that are located within the district designated for "phase one" development as part of a port facility by the Point MacKenzie port master plan.

(B) The PID-I district is designated for port uses necessary to operate a commercial/industrial port. This district is reserved and shall not be committed to non-port-related uses.

(C) Permitted uses in the PID-I district are those commercial and industrial uses which comprise or directly support port

activity and which require close proximity and direct access to the docks, including but not limited to:

- (1) transportation corridors for rail, roads, conveyor, and pipeline transport systems; (2) light industrial uses;
 - (3) heavy industrial uses;
 - (4) commercial uses directly supporting the port work force such as restaurants and provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force;
 - (5) industrial docks;
 - (6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;
 - (7) short-term cargo storage, and marshaling areas required to efficiently conduct transshipment;
 - (8) ship yards for service, repair, and construction of ships;
 - (9) moorage, marinas, fueling, and other ship services;
 - (10) offices supporting permitted uses which are directly necessary to conduct those permitted uses at the site;
 - (11) natural resource extraction only as part of an approved plan to prepare sites for portrelated development;
 - (12) public safety and government services, public lands, and institutions.
- (D) Permits within the PID-I will be reviewed by the borough manager for approval or disapproval. (Ord. 00-154, § 2 (part), 2000)

17.23.110 PORT INDUSTRIAL DISTRICT - TWO (PID-II).

(A) The following areas located within the district are designated port industrial district - two (PID-II) land use districts subject to the provisions of this chapter: portions of land located within Township 14 North Range 4 West S.M.,

Sections 12, 13, 20, 21, 22, 23, 26, 27, 28, 29, 33, 34, and 35 that are below the 225-foot elevation and that are also designated for "phase one" and "phase two" development as part of a port facility by the Point Mackenzie port master plan.

(B) The PID-II district is designated for uses that have port related activities, support port related activities, are necessary to operate a commercial or industrial facility, or serve a public need.

(C) Permitted uses in the PID-II district are those commercial and industrial uses which comprise or support port activities, or other government or public facilities including but not limited to:

- (1) transportation corridors for rail, roads, conveyor, and pipeline transport systems; (2) light industrial uses;
 - (3) heavy industrial uses;
 - (4) bulk material storage and bulk fuel storage;
 - (5) commercial uses directly supporting the port work force such as restaurants and the provision of goods and services that require a location near the docks to meet the daily needs of port operations and work force;
 - (6) transportation facilities, roads, railways, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges, cargo storage, fueling, and other services;
 - (7) offices supporting permitted uses at the site;
 - (8) natural resource extraction only as part of an approved plan to prepare sites for development;
 - (9) correctional facilities such as jails, prisons, and community correctional facilities; and (10) public safety and government services, public lands, and institutions.
- (C) Permits within the PID-II will be reviewed by the borough manager for approval or disapproval. (Ord. 00-154, § 2 (part), 2000)

17.23.130 WATERFRONT DEPENDENT DISTRICT (WDD).

(A) The following area within the district is designated waterfront dependent (WDD) land use district subject to the provisions of this chapter: land and water comprising the tidelands and submerged lands described in MSB 18.02.020(B).

(B) The WDD is designated for waterfront uses necessary to operate a commercial/industrial port. This district is reserved and shall not be committed to nonport uses.

(C) Permitted uses in the WDD are those commercial and industrial uses which comprise or directly support port activity and which require close proximity and direct access to the docks, including, but not limited to:

- (1) transportation corridors for rail, roads, docks, mobile cranes, conveyors, and pipelines which are needed to load, unload, and service ships and barges;

- (2) short-term cargo storage and staging areas required to efficiently conduct transshipment; (3) ship yards for service, repair and construction of ships;
 - (4) moorage and marinas;
 - (5) fueling and other ship services;
 - (6) offices supporting permitted uses which are directly necessary to conduct those permitted uses at the site;
 - (7) natural resource extraction as part of an approved plan to prepare sites for port-related development;
 - (8) public safety and government services; and
 - (9) commercial uses directly supporting the port work force such as the provision of goods and services that require location very near the docks to meet the daily needs of the port operations and work force.
- (D) Activities within the WDD will be reviewed by the borough manager for approval or disapproval.
(Ord. 00-154, § 2 (part), 2000)

17.23.140 TERMINAL MORAINÉ DISTRICT (TMD).

(A) The following area within the district is designated as the terminal moraine (TMD) land use district subject to the provisions of this chapter: land and water comprising the natural topographic feature (hill) located generally above the 225-foot elevation and within portions of Township 14 North, Range 4 West S.M.,

Sections 23 and 26.

(B) The moraine has been identified in the Point MacKenzie port master plan as the boundary between phase one (port-dependent) and phase two (port-related) development areas. The moraine also serves as a natural and a necessary buffer between industrial development and sensitive electronic equipment located on Elmendorf Air Force Base. The terminal moraine also serves as a visual buffer and enhancement of the port district that will improve public acceptance and attractiveness of the port for commuters, tourists, and eventual cruise ship use of port facilities.

(C) For these reasons stated in subsections (A) and (B) of this section, the terminal moraine above the 225-foot elevation shall be managed for principal use as tourist commercial and open public park with view shed, as well as a buffer for electromagnetic energy transmission.

(D) Activities within the TMD will be reviewed by the borough manager for approval or disapproval.
(Ord. 00-154, § 2 (part), 2000)

17.23.150 DEVELOPMENT PERMIT REQUIRED.

(A) All development and use of land authorized within the special use district shall require prior authorization by issuance of a port district use permit from the borough manager. Other permits or authorization may be required for specific uses or development.

(B) Required port district use permits shall be issued to the lessee or the lessee's authorized agent as prescribed by this chapter. At a minimum, permits will be required for the following:

- (1) structures greater than 400 square feet in gross area on the ground level or more than 30 feet in height above average grade; or
- (2) structures using permanent foundations such as pilings or footings; or
- (3) expansion of a structure by more than 400 square feet or 25 percent of the structure's original footprint, whichever is less; or
- (4) temporary units, including location of a mobile home; or
- (5) excavation or fill of more than 50 cubic yards of material; or
- (6) communication towers or antennae over 30 feet in height; or
- (7) on-site utilities, including but not limited to, water, sewer, storm drain, electric, communications, natural gas, and other wire and pipelines; or
- (8) construction of any type within rights-of-way, easements, buffer strips, utility corridors, etc., shall be consistent with MSB 11.30.040(B), (C), and (E) as shown on either a recorded plat or on an approved borough master plan.

(C) Applicants may contact the borough manager to schedule a pre-application conference. It shall be the responsibility of the applicant to become familiar, and comply with the regulations, policies, and procedures of the borough.

(D) Applications for a port district use permit shall be submitted on forms provided by the borough with attached supplemental material as appropriate.

- (1) The applicant shall include all information with the application sufficient to describe the proposal and demonstrate compliance of the proposal with applicable borough codes. Applications shall include appropriate site

plans and necessary textual descriptions to depict and describe the location, setbacks, dimensions, height, bulk, area, floor plans, layout, appearance, materials, use, standards of construction, operations, mitigation methods for negative impacts, schedules, and all other aspects of the proposal necessary to show the proposed construction needed to determine compliance with borough code.

(2) The application shall be accompanied by an application fee as required under MSB 17.99. (E) Site plan and technical drawing requirements shall be signed and sealed by a professional land surveyor, civil engineer, or architect or landscape architect registered in Alaska as appropriate to the drawing.

(F) Proposals for development shall demonstrate that adequate street capacity will be provided and describe any traffic control measures proposed to mitigate negative traffic impacts on public rights-of-way. Proposals must include:

(1) a statement describing anticipated vehicular traffic to and from the site including probable types/size of vehicles to be used by the business, and vehicle generation rate based on standard trip generation tables; and may require (2) a traffic impact analysis (TIA) where applicant establishes that proposed development will generate more than 200 average daily traffic trips, or more than 100 truck trips per day.

(G) A port district use permit shall be acted upon within 45 calendar days.

(Ord. 00-154, § 2 (part), 2000)

17.23.160 PERMIT APPLICATION REVIEW.

Upon determination that a complete application has been received, the borough manager shall commence review of the project for conformance with all applicable codes and the port master plan. An application is deemed complete when all of the material listed in MSB 17.23.150(D), (E), and (F) have been received by the borough manager.

(Ord. 00-154, § 2 (part), 2000)

17.23.165 PERMIT STANDARDS.

(A) Unless otherwise specified for cause, a permit shall terminate two years from the date of issuance if the subject development or use has not commenced. Unless otherwise specified for cause, a port district use permit shall terminate 30 calendar days after written notice by the borough to the applicant of determination by the borough that substantial construction has not occurred on the permitted development for 24 consecutive months.

(B) Upon completion of construction authorized by a permit issued under this section, the permittee shall notify the borough manager in writing of completion. The borough may inspect the site to determine compliance with the requirements of the permit.

(C) Prior to construction of any structure subject to state fire codes, the permittee shall obtain a state of Alaska fire marshal approval and submit a copy of the approval to the borough manager.

(D) The borough manager may approve an application subject to any conditions that are necessary to implement the purposes of this title, or conform the application to this title or other applicable statutes or ordinances.

(Ord. 00-154, § 2 (part), 2000)

17.23.170 SETBACKS.

(A) Minimum structural setback requirements are prescribed in MSB 17.55.

(B) Structures which are subject to minimum setbacks from lot lines shall also be separated from each other by a minimum of ten feet or as required by the national fire code, most recent edition adopted by Alaska.

(C) Except within the PID-I and WDD districts, all non-water dependent driveways, vehicle parking areas, loading facilities, and vehicle or equipment storage areas shall be set back a minimum of 75 feet from any water body.

(Ord. 00-154, § 2 (part), 2000)

17.23.180 STREET INTERSECTION VISIBILITY.

(A) Fences, walls, hedges, or other plantings or structures erected, planted, or placed within a triangular area formed by intersecting right-of-way lines at a corner shall be designed to provide the minimum corner sight distance as specified in the borough subdivision construction manual as adopted, or revised, pursuant to MSB 16.20.140.

(B) Precautions shall be taken so as not to obscure visibility of oncoming cars or passing pedestrians and vehicles backing out of driveways or parking lots onto public rights-of-way.

(Ord. 00-154, § 2 (part), 2000)

17.23.190 ROAD STANDARDS.

(A) The purpose of the following provisions is to establish standards for the design of streets in the district that will promote the safety and convenience of vehicular traffic, minimize the cost of street construction, and minimize the long-term cost for maintenance and repair of streets thereby encouraging appropriate development of the lands within the district.

(B) Each proposed street within the district shall be designed for its entire length to meet or exceed the minimum standard. These standards shall be applicable to the design and construction of all new commercial/industrial streets within this special land use district.

(C) Engineering criteria are:

- (1) The road surface of all streets shall be no less than 24 feet in width and designed to provide two continuous moving lanes within which no parking is permitted;
- (2) The road cross section shall provide two feet of structural gravel with additional design necessary based on the sub-grade materials;
- (3) The top six inches of the road prism shall be gravel no larger than two inches and contain 5 percent to 15 percent fines;
- (4) Roads 1400 feet or more in length shall meet or exceed the design criteria for a roadway speed of 35 miles per hour; and
- (5) Roads less than 1400 feet in length shall meet or exceed the design criteria for a roadway speed of 25 miles per hour.

(Ord. 00-154, § 2 (part), 2000)

17.23.195 PARKING AND LOADING FACILITIES.

(A) General provisions. It is the responsibility of the applicant to provide sufficient off-street vehicle and equipment parking, loading, and storage facilities for the subject use. It is the responsibility of the permittee to determine the appropriate number of required spaces for proposed uses and ensure they are provided and maintained. In the event the provided number of parking spaces proves to be insufficient to serve the use, it is the responsibility of the permittee to immediately provide additional parking as required by this chapter sufficient to eliminate the need for parking or loading to occur on the street.

(Ord. 00-154, § 2 (part), 2000)

17.23.200 LANDSCAPING AND BUFFER SCREENING.

(A) Landscaping and buffers shall be consistent with the Point MacKenzie port master plan. Use of native species is encouraged. Existing vegetation may provide the required buffer screening. This section is intended to:

- (1) reduce incompatibility of uses by requiring a screen or buffer to minimize the harmful impact of wind, erosion, flooding, noise, dust, odor, glare or artificial light intrusion, and other impacts created by nearby uses;
- (2) Allow the surrounding lands to act as a natural drainage system and ameliorate storm water drainage problems, reduce the harmful effects to underground water reservoirs, permit the return of precipitation to the ground water strata; and
- (3) enhance the appearance of industrial uses, parking lots, storage yards, and enhance property value in the area.

(B) Standards for landscaping and screening may be waived, modified, or increased by the borough manager upon finding the change is necessary or appropriate to implement the purpose and intent of this section. Generally, use of topographic features, fences, walls, architectural features, or different locations for screening will be required in lieu of the listed standards.

(C) The permittee, his agents and assigns, shall be responsible for the maintenance, repair, and replacement of all landscaping and screening required by the provisions of this section. All vegetation shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences, walls, and other structures shall be maintained in good repair. (Ord. 00-154, § 2 (part), 2000)

17.23.210 SIGNS.

Off-premise signs of lessees are permitted within the port district in accordance with the permit issued by the borough manager. In no event shall an off-site sign exceed 32 square feet in area nor be more than 15 feet in height. A port district directory and map may be provided by the borough at the entrance to the district.

(Ord. 00-154, § 2 (part), 2000)

17.23.220 VARIANCES.

Applications and procedures for obtaining variances from standards of this chapter shall be as prescribed in MSB 18.01.030.

(Ord. 00-154, § 2 (part), 2000)

17.23.230 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Unless specified otherwise, any violation of this chapter is an infraction.

- (B) Willful failure to comply with a lawful enforcement order is a misdemeanor.
- (C) Enforcement of the provisions of this chapter and associated penalties shall be consistent with the terms and conditions of MSB 1.45.
- (D) Failure to comply with an enforcement order issued under this chapter is a misdemeanor.
(Ord. 00-154, § 2 (part), 2000)

17.23.240 SCHEDULE OF FINES.

Minimum fines for infractions of this chapter will be \$100 per violation, unless otherwise specified by code.
(Ord. 00-154, § 2 (part), 2000)

17.23.250 APPEALS.

Appeals from decisions of the port commission may be made under the provisions of MSB 15.39. Only an adjacent property owner or competing applicant who is directly affected by the decision may appeal.
(Ord. 00-154, § 2 (part), 2000)
