
CITY OF ROCHESTER HILLS

*Planning and
Development*

DATE: November 21, 2006
TO: Planning Commission
FROM: Ed Anzek
**RE: Recommend Moratorium for
Review of Development on
Steep Slopes**

A public hearing has been scheduled for the November 21, 2006 Planning Commission meeting to consider an amendment to the Zoning Ordinance which will temporarily suspend processing and acceptance of applications for development or alteration of lands with steep slopes. This amendment to the Zoning Ordinance is time certain with a 6-month deadline. Enclosed is a copy of a letter sent to potentially impacted parties, informing them of the public hearing and a copy of the proposed Ordinance. We have also included the Letter provided by John Staran to the City Council to initiate this action.

As you are aware, Staff, in conjunction with the Planning Commission, City Attorney's office, City's Planning Consultant, City's Engineering Consultant, and others are currently in the process of developing a Steep Slope Ordinance, which will be brought back to the Planning Commission with another scheduled Public Hearing in early 2007. We anticipated this to be sooner but "clearly" defining "top and toe of slope" has become complicated.

Also please note that staff is not planning on presenting the Steep Slope Ordinance at Tuesday's meeting. The draft is being reviewed by multiple entities and many comments have been received. We have also asked some Engineering consultants that do not have any projects in place to also provide their thoughts. Some site designers have also called to suggest we use caution. We've asked them for their review comments.

The need for the temporary moratorium was identified when the question was asked about how this would affect projects under review. It has been a long standing opinion that projects are not vested with the right to construct, as approved, until a Land Improvement Permit is issued. The Engineering Services Division issues the LIP once all construction documents are approved, bonds in place, and all other applicable permits are issued from the OCDC and others not including Building Permits. From staff's perspective the moratorium is a positive for any project under review. Although it may cost the developer/applicant some extra time by suspending projects, it will result in extensive savings by not redoing plans again if the ordinance should affect their project.

Also please note that this is not the first time a temporary moratorium has been put in place. The most recent was approved when an update to the Wireless Communication portion of the Zoning Ordinance (Cell Towers) was being prepared about 4 years ago.

Thank you.

Sample Motion:

Motion by , seconded by , that the Rochester Hills Planning Commission hereby recommends to City Council adoption of a proposed Ordinance to repeal the existing Section 138-47 and to add a replacement Section 138-47 to Chapter 138 of the Code of Ordinances for the City of Rochester Hills in order to establish a Temporary Moratorium suspending the City's processing and acceptance of applications and plans for development or alteration of lands with steep slopes, and to prescribe a penalty for violations.

I:\pla\ordinances\steep slope\memo anzek 11-21-06