

ORDINANCE NO. _____

AN ORDINANCE TO ADD SECTION 138-8.800, TEMPORARY MORATORIUM, TO CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO ESTABLISH A TEMPORARY MORATORIUM SUSPENDING THE CITY'S PROCESSING AND ACCEPTANCE OF APPLICATIONS AND PLANS FOR DEVELOPMENT, IMPROVEMENT, OR ALTERATION OF LAND UNDER ARTICLE 8 FLEX BUSINESS OVERLAY DISTRICTS (FB-1, FB-2, AND FB-3) OF THE ZONING ORDINANCE, TO PRESCRIBE A PENALTY FOR VIOLATIONS, AND TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-8.800 shall be added to Chapter 138 of the Code of Ordinances, as follows:

Sec. 138-8.800. Temporary Moratorium.

(a) *Purpose.*

1. The City has identified concerns relating to the location and regulation of Flex Business Overlay Districts including, but not limited to, building height, density of development, compatibility with residential zoning and development, parking, and generally whether the Flex Business Overlay Districts are appropriately located and are accomplishing the intended goals and objectives of fostering and encouraging vital, vibrant, and sustainable mixed use developments, incorporating flexible, diverse, and creative development concepts.
2. In order to maintain the status quo while the City studies and reevaluates Flex Business Overlay Districts zoning, and considers possible modification thereof, the City Council determines it is in the City's best interest to adopt a moratorium temporarily suspending the City's processing or acceptance of applications, plans, or permits for the development, improvement, or alteration of land under Flex Business Overlay Districts regulations.

(b) *Moratorium.* A moratorium is established suspending the processing and acceptance of any applications, plans, or permits for the development, improvement, or alteration of any land parcel, lot, or premises under Article 8 Flex Business Overlay Districts (FB-1, FB-2, and FB-3) of the Zoning Ordinance. This moratorium does not apply to any development or building project that received, or that has submitted complete plans to the City for, site plan approval on or before February 25, 2022.

This moratorium shall remain in effect until repealed by the city council or the expiration of 180 calendar days, whichever occurs sooner.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Oakland Press* on _____.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2022.

Leanne Scott, City Clerk
City of Rochester Hills