

09/27/2006

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REPEAL EXISTING SECTION 138-47 AND TO ADD REPLACEMENT SECTION 138-47 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 OR ALTERATION OF LANDS WITH STEEP SLOPES, TO PRESCRIBE A PENALTY FOR VIOLATIONS, AND TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Existing Section 138-47 shall be repealed and replacement Section 138-47 shall be added to Chapter 138 of the Code of Ordinances, as follows:

**Sec. 138-47. Temporary Moratorium.**

(a) *Purpose.*

1. Alteration and disturbance of steep slopes can cause or aggravate soil erosion and sedimentation resulting in a loss of topsoil, disturbance of natural habitat, degradation of water quality and wetlands, alteration of drainage patterns and obstruction of drainage structures, gullying, intensification of flooding both on and off site, slope instability and failure, and mass movement of earth which may endanger the natural environment, human-made structures and safety of persons and property.
2. Steep slopes, including vegetation located thereon, are important environmental features that contribute significantly to the natural beauty, environment and ecology of the city. Over-development of or improperly-managed disturbance to steep slopes is detrimental to the environment and to nearby areas.
3. The city's planning commission in collaboration with city staff and consultants is currently in the process of developing a proposed steep slope ordinance to regulate construction and other activities on steep slopes in an effort to protect these important environmental features in a reasonable and balanced way to avoid unnecessary disturbance of steep slopes and preserve the integrity of steep slopes and other nearby natural and environmental features.
4. In order to maintain the status quo pending the planning commission's completion of and report and recommendation concerning the proposed

steep slope ordinance, the city council determines that it is in the best interest of the city to impose a moratorium temporarily suspending the city's processing or acceptance of applications or plans for development or alteration of lands with steep slopes.

(b) *Moratorium.* A moratorium is established suspending the further processing or acceptance for processing of any and all applications and plans for the development or alteration of land located on steep slopes which, for purposes of this ordinance, shall include any geographical area, whether on a single lot or not, having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance) between the toe of slope and top of slope, whether human-made or natural, and whether created by a retaining structure or not. Known steep slope areas are identified on the city's steep slope map.

This moratorium shall remain in effect until the sooner of \_\_\_\_\_ or repeal by the city council.

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 Rochester Eccentric on \_\_\_\_\_.

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

---

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 WEDNESDAY, \_\_\_\_\_.

---

Jane Leslie, City Clerk  
City of Rochester Hills