

CITY OF ROCHESTER HILLS



Susan Galeczka, Deputy Clerk

DATE: January 10, 2007

TO: City Council Members

RE: Steep Slope Ordinance

Attached you will find an updated Agenda Summary Sheet for Legislative File 2007-0722 to reflect the correct publication date and effective date to be Thursday, January 18, 2007 and Friday, January 19, 2007, respectively for the Steep Slope Ordinance.

In addition, you will find attached a revised Ordinance from John Staran, City Attorney that was inadvertently omitted in the Council packet. The revisions accomplish the following two things:

1. Clarifies that the entire development parcel containing a steep slope, and not just the steep slope, is the subject to the moratorium, and
2. Inserts the date certain for the duration of the moratorium based on adding 180 days to the anticipated effective date of the ordinance.

Attorney Staran further indicated that these changes are viewed as clarifications and are not substantive in nature; therefore Council may proceed with Second Reading and Adoption at tonight's meeting.



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.
Rochester Hills, MI 48309
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Legislative File No: 2006-0722

TO: Mayor and City Council Members
FROM: Leanne L. Scott, City Council Coordinator
DATE: January 5, 2007

SUBJECT: Second Reading – an Ordinance to repeal existing Section 138-47 and to add replacement Section 138-47 to Chapter 138, Zoning, of the Code of Ordinances 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.

City Council at its regular meeting of Wednesday, December 13, 2006 accepted for First Reading an Ordinance to Repeal 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 Ordinance is ready to be considered for Second Reading and Adoption. If adopted, the Ordinance will become effective on Friday, ~~December~~ **January** 19, 2007, the date following its publication on Thursday, ~~December~~ **January** 18, ~~2006~~ **2007** in the *Rochester Eccentric* newspaper.

A resolution for your consideration has been included. If you have any questions or concerns, please feel free to contact me.

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

12/22/2006

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, gulying, 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 a parcel or lot that includes land located on a steep slope 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. The moratorium shall apply to the entire lot or parcel regardless of whether the proposed development or alteration will occur on a steep slope or is limited to non-steep slope areas. Known steep slope areas are identified on the city's steep slope map.

This moratorium shall remain in effect until the sooner of July 10, 2007 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