

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF BLOOMFIELD HILLS
ORDINANCE NO. 439**

TEXT AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 24 OF THE BLOOMFIELD HILLS CITY CODE, SPECIFICALLY, THE BLOOMFIELD HILLS ZONING ORDINANCE, ORDINANCE NO. 188, AS AMENDED, BY AMENDING SECTION 24-235(d) AND THE DEFINITION OF LANDSCAPED OPEN SPACE IN SECTION 24-3, TO CLARIFY THOSE ITEMS THAT CONSTITUTE LANDSCAPED OPEN SPACE AND THOSE ITEMS THAT ARE NOT TO BE CALCULATED AS LANDSCAPED OPEN SPACE.

THE CITY OF BLOOMFIELD HILLS ORDAINS:

Section 1.

Subsection (d) of Section 24-235 – Landscape Open Space, of Article IV – General Provisions, of Chapter 24 of the Bloomfield Hills City Code, specifically, the Bloomfield Hills Zoning Ordinance, Ordinance No. 188 as amended, is hereby amended to now read as follows:

- (d) For the purposes of computing the landscaped open space as required in section 24-196, the following shall apply:
 - (1) Impervious surface areas intended solely for pedestrian walkways or plant holders or structures that have no other purpose than for decoration, such as, but not limited to, sculptures and pieces of art, shall be included as open space, provided that such areas shall not exceed thirty (30) percent of the total required landscaped open space.
 - (2) Patios or terraces, including those portions of patios and terraces which can be used for pedestrian walkways, shall not be calculated as open space.
 - (3) Tennis courts that are grass or clay may be included as open space.
 - (4) Impervious surfaces adjacent to swimming pools and/or cabana areas shall not be calculated as open space.
 - (5) Only those portions of planting islands within parking lots, and open space area at the perimeter of parking lots, which are located beyond the maximum vehicle overhang as permitted in section 24-231(4) shall

be included as landscaped open space. The minimum width of a planter island shall be four (4) feet, exclusive of the vehicle overhang area.

- (6) Necessary drives of a width not exceeding ten (10) feet and the length being the single most direct route between the road right of way and a garage bay area not exceeding twenty (20) feet in width and twenty (20) feet in depth may be included as open space. Any area of a drive exceeding those dimensions are not considered open space.

Section 2.

The definition of Landscaped Open Space as contained in Section 24-3 – Definitions, of Article I – In General, of Chapter 24 of the Bloomfield Hills City Code, specifically, the Bloomfield Hills Zoning Ordinance, Ordinance No. 188, as amended, is hereby amended to now read as follows:

Landscaped open space shall mean that area of a lot which may not be used for the erection of buildings or portions thereof, or for impervious surfaces such as paved areas for parking, or access aisles, other than certain pedestrian walkways, except as provided in this chapter.

Section 3. Repealer.

Any and all Ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

Section 4. Severability.

If any one (1) or more provisions of this Ordinance shall ever be held by any Court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon publication in the manner prescribed by the Bloomfield Hills City Charter.

Section 7. Adoption.

This Ordinance is hereby declared to have been adopted by the City Commission of the City of Bloomfield Hills at a meeting thereof duly called and held on the 7th day of October, 2019, and ordered to be given publication in the manner prescribed by the Charter of the City of Bloomfield Hills.

AYES:

NAYES:

ABSTENTIONS:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Bloomfield Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 439 adopted by the City Commission of the City of Bloomfield Hills on the 13th day of October, 2019, the original of which is in my office.

Amy Burton, City Clerk
City of Bloomfield Hills