

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF BLOOMFIELD HILLS
ORDINANCE NO. 456

AN ORDINANCE TO AMEND SECTION 7.5-0 – PURPOSE AND INTENT, SECTION 7.5-2 – GENERAL GRADING REQUIREMENTS, SECTION 7.5-3 – SPECIFICATIONS OF GRADING PLANS, SECTION 7.5-6 – FINAL GRADING APPROVAL, AND SECTION 7.5-9 – APPEAL, OF CHAPTER 7.5 – GRADING, OF THE BLOOMFIELD HILLS CITY CODE, AS AMENDED, TO CLARIFY WHEN STORMWATER MANAGEMENT MEASURES ARE REQUIRED AND TO PROVIDE REQUIREMENTS FOR STORMWATER MANAGEMENT MEASURES.

THE CITY OF BLOOMFIELD HILLS ORDAINS:

Section 1.

Section 7.5-0 – Purpose and intent, Section 7.5-2 – General grading requirements, Section 7.5-3 – Specifications of grading plans, Section 7.5-6 – Final grading approval, and Section 7.5-9 – Appeal, of Chapter 7.5 – Grading, of the Bloomfield Hills City Code, as amended, are hereby amended to now read as follows:

Sec. 7.5-0. – Purpose and intent.

The purpose and intent of this chapter is to regulate grading and grading related activities in the city, in order to:

- (a) Maintain community character by not drastically altering existing topography and terrain through the final landscaping of properties located in the City of Bloomfield Hills;
- (b)
- (b) Generally prohibit mass grading;
- (c) Ensure that residences and improvements are designed and constructed to fit their respective lots and sites, and to
- (d) Ensure that development does not adversely impact drainage including the individual and cumulative effects of increased stormwater runoff quantities from more impervious surfaces.

Sec. 7.5-2. – General grading requirements.

The following general grading requirements shall be applied in the design of the site grading plan:

- (1) Applicants shall endeavor to design improvements that fit and respect the existing site conditions including drainage, topography, water features, natural features, wetlands, woodlands, landmark trees, adjacent properties, etc.
- (2) For single-family homes, filling or cutting for the construction of the home and surrounding improvements shall be limited to two (2) feet from existing grades, unless otherwise permitted by the city, taking into account current site topography and drainage, elevations of surrounding properties, necessity, and purpose of the fill. Filling/cutting for the sake of curb appeal, forcing walkouts or garden view basement windows, or to avoid additional steps between the house and garage, front walk, rear patio, etc. will not be permitted.
- (3) Drainage shall be adequately discharged off site with proper and appropriate protection for affected downstream properties including:
 - a. Single-family homes shall outlet drainage to the drainage outlet utilized prior to construction. This may require splitting flows on the property to drain to the front and rear yards as existed prior to construction.
 - b. Multiple-family, site condominium, commercial, or any other development requiring site plan approval shall provide detention or retention for the increase in stormwater runoff based on the current Oakland County Drain Commissioner method for a ten-year storm event or two (2) 100-year storm events respectively.
 - c. Additional stormwater management requirements affecting volume, rate, or water quality may be required by the city in circumstances where increased impervious surfaces, conveyance means, and/or change in drainage pattern will, or are likely to, lead to impacts.
 - d. Any stormwater management measures required by the city shall be properly maintained by the property owner at the property owner's own cost. The city reserves the right to inspect the measures and request any needed maintenance be done and verified in a timely manner.
- (4) No upstream drainage shall be restricted or the existing pass through drainage characteristics altered.
- (5) In general the developed portion of the site shall drain without standing water, unless specifically designed for retention and/or detention.

- (6) Proposed grading shall meet abutting property line elevations; provided, a deviation to this requirement may be granted by the city in cases of unique characteristics on the site which would require special treatment.
- (7) All sump pumps, roof conductors, gutters, and downspouts that do not discharge to an established wetland or surface watercourse must be directly connected to a storm drain. Where none of these outlets are available, these may discharge to grade near the home, but no closer than twenty-five (25) feet from the nearest property line. Water shall not drain onto neighboring property. Any existing sump pumps found to be connected to the sanitary or combined sewer shall be required to be disconnected and properly discharged as a condition of grading plan approval. Downspouts are not permitted to connect to the footing drains or sump pump system.
- (8) The proposed side yard swale elevation between all houses or structures must be a minimum of one and one-half (1½) feet below the adjacent building or structure grade.
- (9) Where topography prevents rear yard drainage from being practical, as determined by the city, rear-to-front drainage may drain only the specific lot in question unless specifically approved by the city. A lot shall not be graded so as to permit drainage across such lots from adjacent properties. Lots with rear to front drainage shall have swales shown around each building or structure of adequate size and depth to protect the structure.
- (10) The use of dry laid retaining walls shall be permitted providing the grade differential meets the criteria herein. Walls shall be no higher than three (3) feet unless otherwise approved by the city.
- (11) Patios shall be a minimum of six (6) inches higher than surrounding grades. The use of sunken walkout patios (i.e. patios requiring steps down from the surrounding grade) shall be prohibited.
- (12) The city reserves the right to require the applicant to provide public easements over any existing or proposed public utilities (i.e. water main or sanitary sewer), public roads, or private drainage courses or storm sewers that do not show in the records that easements were previously recorded, as a condition of grading plan approval.
- (13) Improvements to properties currently served by on-site sewage disposal systems (septic systems) shall be required to connect to the municipal system, if reasonably available, as a condition of grading plan approval. This shall include obtaining any and all necessary permits and approvals.
- (14) It is acknowledged that the grading ordinance and zoning ordinance are interrelated as far as building heights, grading, and setbacks are concerned. Any revisions required by the city engineer or planner may impact the grading plan or site plan showing building heights or setbacks. The building department shall not release the building permit until such time as the submitted plan(s) meets the approval of all departments concurrently.

Sec. 7.5-3. – Specifications of grading plans.

A grading plan shall be prepared by a licensed, registered civil engineer, surveyor or landscape architect, signed and sealed, and shall conform with the following minimum requirements, with the final sufficiency of such plan to be determined by the city:

- (1) The plan shall be submitted on 24" x 36" sheet paper.
- (2) A scale of not less than one inch equals fifty feet (1" = 50'). Scales of one inch equals twenty feet (1" = 20') are preferred.
- (3) Date, north arrow, scale and location map shall be shown on all sheets.
- (4) The name, address and telephone number of the owner and the engineer responsible for the preparation of the grading plan.
- (5) Benchmark description and location used for the development, based on United States Geological Survey datum.
- (6) A legal description of the property and a statement affirming that the property has been surveyed and the boundary corners of the property have been properly located and marked.
- (7) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- (8) The location and widths of right-of-way of all abutting streets, and any driveway locations across abutting public streets.
- (9) All required zoning setbacks shown and properly labeled.
- (10) The location of all existing and proposed structures on the subject property and all existing structures within fifty (50) feet of the subject property with tie dimensions to the nearest property lines.
- (11) The location and elevations of all existing and proposed drives, parking areas, fences, landscape walls, retaining walls, pools, patios, decks, wetlands, ponds, streams, woodlots, floodplains, sidewalks, signs, lighting, and easements on the property. Appropriate notation and dimensions shall be clearly labeled.
- (12) Any existing features to be removed or demolished shall be properly noted.
- (13) Existing and proposed ground elevations to the nearest tenth (1/10) of a foot, on the site on a twenty-five-foot by twenty-five-foot grid or by contours at one-foot intervals or other such topographic information satisfactory to the city engineer. Include existing ground elevations on adjacent land within fifty (50) feet of the subject property and

existing building, drive and parking lot elevations, and elevations of any adjacent unusual surface conditions. Proposed grading shall be limited to the area necessary for the construction of the structure and related utility and drainage improvements. Mass grading a site will generally not be allowed. Lots shall be graded so as to direct surface runoff away from the structure. Typically, six (6) inches of fall away from the structure is required within the first ten (10) feet.

- (14) Elevation data, to the tenth (1/10) of a foot, on the following must be clearly noted on the plans:
- a. Existing finished floor, finished grade, brick ledge, walkout or conventional basement floor, garage elevations for any existing structures to remain, or for the primary structure to be removed.
 - b. Proposed finished floor elevation of all new structures. This elevation should be set within two (2) feet of the existing structure or existing grade in that location. At no time shall the proposed finished first floor exceed the average finished floor elevation from the immediate adjacent homes or buildings, except in circumstances where the existing home was at the highest/lowest elevation on the street.
 - c. Proposed brick ledge elevations around the footprint of the proposed structure. At minimum this shall include the structure corners and any changes in elevation of greater than one (1) foot.
 - d. Proposed basement or walkout finished grades. Walkout elevations should be set within two (2) feet of the existing structure or existing grade in that location.
 - e. Proposed garage floor finished elevation at the garage door.
 - f. Proposed finished grades around the structure. This shall generally be within six (6) inches of the brick ledge elevation.
- (15) The proposed method of drainage including swale elevations and slopes or storm sewer sizes, lengths, slopes, inverts, structure finished grades and materials.
- (16) General direction of the overland yard drainage indicated with arrows.
- (17) The location, top and bottom finished grades and cross section (detail) of all existing and proposed retaining or landscaping walls.
- (18) All storm water management measures, including detention or retention required and proposed volumetric calculations. A maintenance plan or list of recommended maintenance items with a schedule shall be included on the plans.

- (19) The location of all existing and proposed utility leads (water, sanitary, sump pump, downspouts) including size, material and connection location and any public utilities such as gas, electric, cable, telephone, etc.
- (20) Existing and/or proposed easements over utilities, drainage courses, roads, drives, etc.
- (21) The location, type, and provisions for the installation and maintenance of proper on-site soil erosion control measures.
- (22) Additional grades shown under special conditions as required by the city.
- (23) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the chapter are being observed.

Sec. 7.5-6. – Final grading approval.

- (a) As-built plans shall be submitted to the city at least ten (10) business days prior to request for a final grading inspection and generally prior to final vegetative establishment. The as-built grading plan shall include all information as required for grading plan approval properly as-built including, but limited to, all proposed contours, floor elevations, brick ledge elevations, setbacks, lot corner elevations, drainage swales, storm sewers, berms, driveways, patios, finished floor and walkout elevations, etc. This data shall be marked “AS-BUILT.” The as-built plans shall be accepted by the city prior to scheduling of a final grade inspection.

Upon completion of the work in accordance with the approved grading plan, the owner or developer shall request a final approval of the site. Upon receipt of this request, the city shall perform a final grading inspection that will include the final grading, landscaping, road restoration under the road preservation bond section of the city ordinance, and any required storm water management measures. If all work has been completed in accordance with the approved plan, the city engineer shall notify the building department in writing. A certificate of occupancy shall not be issued without this written approval, unless final grading cannot be done due to seasonal weather conditions. In such case, a temporary certificate of occupancy may be issued, if determined appropriate by the city manager subject to deposit of an additional cash escrow in an amount to be established by the city manager to be filed with the city treasurer, for final grading inspection, to be released upon final grading inspection and approval by the city engineer. If all work has not been completed in accordance with the approved plan, the city engineer shall provide notice of specific revisions or site modification which must be made within the time frame required by the building permit as a condition to approval.

- (b) The city will enforce the approved grading plan through the landscaping and final construction of the house. Patios, landscaping walls, garden beds, berms, etc., must be shown on the approved grading plan.

Sec. 7.5-9. – Appeal.

In the event that the applicant is aggrieved by the recommendation of the city manager and/or the city engineer and/or the city building official in rejecting the applicant's grading plan, an appeal may be taken by the applicant to the planning commission whose decision shall be final. Appeals to the planning commission will require the posting of additional fees and/or escrow account as determined by resolution of the city commission.

The planning commission shall have the power and duty to hear, decide, and grant or deny the request for a grading permit where:

- (a) The granting of the grading permit would not be materially detrimental to other property owners in the vicinity.
- (b) Any unusual conditions applying to the specific property of the applicant do not apply generally to other properties in the city.
- (c) The strict application of the provisions of the grading ordinance would cause undue and unnecessary hardship to the applicant because of unique or unusual conditions pertaining to the specific parcel of property in question and the granting of the grading permit will not be contrary to the general objectives of the grading ordinance.

The applicant shall prepare a detailed exhibit highlighting the portions of the application that the appeal is being requested for. The exhibit shall follow city guidelines. The city may also require the elements of work to be staked in the field for visual observation by staff and planning commission members prior to the appeal being heard.

In granting the grading permit, the planning commission may attach thereto such conditions as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest.

Section 2. Repealer

All ordinances or parts of ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. 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 when they are commenced.

Section 4. Severability

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section,

