

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF BLOOMFIELD

**SUMMARY OF ORDINANCE NO. 675**

**Pergolas and Fountains Ordinance Amendment**

AN ORDINANCE TO AMEND ARTICLE 2.0 DEFINITIONS, SECTION 42-2.2 AND ARTICLE 3.0 ZONING DISTRICTS, SECTION 42-3.10 GENERAL EXCEPTIONS IN CHAPTER 42, ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF BLOOMFIELD TO ADD THE DEFINITION OF PERGOLA, TO ALLOW PERGOLAS ADJACENT TO A RESIDENCE AND FOUNTAINS OR WATER FEATURES ON A TERRACE OR PATIO.

The purpose of Ordinance 675 is to change the zoning ordinance so that Pergolas/Fountains that meet certain criteria do not require Zoning Board of Appeals (“ZBA”) permission or variance approval. Any and all other required permits required for these types of projects remain unchanged. Any proposals of this type that are beyond the scope of these proposed controls would still require ZBA approval.

A full copy of Ordinance 675 is posted and available in the Bloomfield Township Clerk’s Office, 4200 Telegraph Road, Bloomfield Hills, MI 48302 and on the subsequent pages of this file.

**MARTIN C. BROOK**  
**BLOOMFIELD TOWNSHIP CLERK**

Posted: April 25, 2023

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF BLOOMFIELD**

**ORDINANCE NO. 675**

**AN ORDINANCE TO AMEND ARTICLE 2.0 DEFINITIONS, SECTION 42-2.2 AND ARTICLE 3.0 ZONING DISTRICTS, SECTION 42-3.10 GENERAL EXCEPTIONS IN CHAPTER 42, ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF BLOOMFIELD TO ADD THE DEFINITION OF PERGOLA, TO ALLOW PERGOLAS ADJACENT TO A RESIDENCE AND FOUNTAINS OR WATER FEATURES ON A TERRACE OR PATIO.**

**THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:**

**Section 1.**

Article 2, Definitions, Section 42-2.2 Definitions, is hereby amended as follows:

1 through 62 [no change]

63. Pergola means an open sided, trellis style structure that includes columns and open horizontal roof beams, and not a solid roofed structure like a canopy or gazebo.

63 through 93 [renumbered]

**Section 2.**

Article 3, Zoning Districts, Section 42-3.10 General Exceptions, is hereby amended with the illustrations as follows:

**42 – 3.10 GENERAL EXCEPTIONS**

The regulations in this Chapter shall be subject to the following interpretations and exceptions:

1. through 6. [no change].
7. Terrace or patio immediately adjacent to the residence. An open, unenclosed paved terrace or patio immediately adjacent to the residence may project into a required front, rear and secondary front yard setback for a distance not exceeding ten (10) feet or no more than twenty five (25) percent of the front, secondary front, or rear yard but it shall not be interpreted to include or permit fixed canopies. Patios and terraces immediately adjacent to the principal residence may incorporate landscape walls and/or piers not to exceed four (4) ft. in height and setback at least sixteen (16) ft. from the side lot line.

A. [no change].

B. Permitted Structures.

- i. When incorporated within a patio and located in a rear or secondary front yard, gas fire pits and masonry kitchenettes, barbeques, and seat walls are allowed subject to the required setbacks.
- ii. When incorporated on a patio and located in a rear or secondary front yard, pergolas adjacent to the residence not exceeding fourteen (14) feet in height, are allowed subject to the required setbacks and screened from view by evergreen plant material for screening twelve (12) months of the year. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.
- iii. When incorporated on a patio and located in a rear or secondary front yard, fountains or water features not exceeding four (4) feet in height are allowed subject to the required setbacks and screened from view by evergreen plant material for screening twelve (12) months of the year. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant maternal shall be replaced with healthy materials of like size and kind.

**TERRACE PROJECTION INTO REAR SETBACK**



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TERRACE PROJECTION INTO FRONT SETBACK



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TERRACE PROJECTION INTO SECONDARY FRONT SETBACK



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- iv. This provision excludes fireplaces and other accessory structures pursuant to Section 42-5.1. Accessory Structures.
- 8. through 10. [no change].

**Section 3. Repealer.**

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

**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, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**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 when they were commenced.

**Section 6. Effective Date.**

The provisions of this Ordinance are hereby ordered to take effect immediately upon publication.

**Section 7. Adoption.**

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Bloomfield at a meeting thereof duly called and held on the 24<sup>th</sup> day of April, 2023, and ordered to be given publication in the manner prescribed by the Charter Township of Bloomfield.

**CERTIFICATION**

I hereby certify that the foregoing Ordinance was adopted by the Board of Trustees of the Charter Township of Bloomfield at a meeting held on April 24, 2023, and that the original of this Ordinance is on file in my office.

Martin Brook, Township Clerk

Introduced: March 27, 2023

Published: April 9, 2023

Adopted: April 24, 2023

Published: April 30, 2023