

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF ALLEN PARK**

**ORDINANCE #06-2022**

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES, AMENDING CHAPTER 52-ZONING, ARTICLE I. “IN GENERAL”, BY THE REPEAL AND READOPTION OF SECTION 52-1 “DEFINITIONS” TO ADD THE TERM “SMOKE SHOPS AND TOBACCO STORES”; AND BY THE REPEAL AND READOPTION OF SECTIONS 52-437 (5) AND 52-474 (3), TO ADD SMOKE SHOPS AND TOBACCO STORES TO REGIONAL SHOPPING DISTRICTS C-6A AND C-6B.**

**The City of Allen Park Ordains:**

**Preamble**

The City of Allen Park finds it necessary to regulate smoke shops and tobacco stores as a matter to preserve the public health, safety and welfare of the community. The City has enacted this ordinance in order to limit the concentration of smoke shops and tobacco stores resulting in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. This chapter contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zonings for such uses to locate within the City of Allen Park.

**SECTION 1. Amendment to Code.**

**Section 52-1 Definitions, of Chapter 52- Zoning, Article I. In General, is hereby repealed and readopted to hereafter read as follows:**

Chapter 52 -Zoning  
Article I. - In General

Sec. 52-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building or structure.* A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

*Accessory use.* A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

*Alteration* means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders or any change which may be referred to herein as "altered" or "reconstructed."

*Apartment* means a room or suite of rooms used as a dwelling for one family which does its cooking therein.

*Apartment house* means a residential structure containing three or more apartments.

*Automobile service station* means a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities, on or in such vehicles, and including space for facilities for the temporary storage of vehicles not over 48 hours, minor repair, or servicing, but not including bumping, painting, refinishing, steam cleaning, rustproofing, or high-speed washing thereof.

*Basement* means a portion of a building partly below grade and having less than five feet above the finished grade level of the building.

*Billboard* means any construction or portion thereof upon which a sign or advertisement is placed, painted, or otherwise designated for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

*Block* means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way,

unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier, to the continuity of development.

*Boardinghouse* means a dwelling where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement for definite periods. The term "boardinghouse" does not mean hotel, motel, or a nursing home.

*Buildable area* means the buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been complied with.

*Building* means any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel.

*Building inspector.* The person(s) designated by the Allen Park City Council to enforce the building code.

*Building line* means a line established, in general, parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this chapter.

*Building official.* The officer or other designated authority charged with the administration and enforcement of the Building Code, or a duly authorized representative.

*Building permit.* The permit is a written authority issued by the building official permitting the construction, removal, moving, alteration or use of a building, fence, or sign in conformity with the provisions of this ordinance. The permit is also an official finding that the intended activity as described in the formal permit application complies with the requirements of the ordinance and meets the special conditions of a variance or special use permit.

*Building, principal,* means a building in which is conducted the principal use of the lot on which it is located.

*Building, separate,* means any portion of any structure completely separated from every other portion by masonry or a firewall without any window, which wall extends from the ground to the roof.

*Club* means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

*Convalescent home* means a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state laws.

*Density* means the number of families residing on, or dwelling units developed on an acre of land. As used in this chapter, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, school yards, or other public lands and open spaces.

*District* means a portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

*Drive-in establishment* means a business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

*Drive-in restaurant* means a drive-in restaurant or other drive-in establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

*Dwelling* means any building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

*Dwelling, multiple*, means a building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking in said building. The term "multiple dwelling" includes three-family houses, four-family houses, and apartment houses, but does not include hotels, motels, trailer camps or mobile home parks.

*Dwelling, rowhouse or townhouse*, means a row of three or more attached one-family dwellings, not more than 2½ stories in height, in which each dwelling has its own front entrance and rear entrance.

*Dwelling, single-family*, means a dwelling or portion thereof used or designed as a residence for one family living together.

*Dwelling, two-family*, means a dwelling or portion thereof used or designed as a residence for two or more families living independently of each other and doing their own cooking in said building.

*Efficiency unit* means an efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing not less than 350 square feet of floor area.

*Erected* includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. The term "erected" includes excavations, fill, drainage, and the like.

*Essential services* means the erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general public health, safety, convenience, or welfare.

*Family* means a single individual or a number of individuals domiciled together whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. The term "family" does not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

*Fence* means any structure or partition erected for the purpose of enclosing or dividing a piece of land into distinct portions or to separate two contiguous estates.

*Filling* means the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening.

*Floor area, usable*, means any floor area within outside walls of a building exclusive of areas in cellars, basements, utility areas, unfinished attics, garages, open porches, and accessory buildings.

*Foster child* means a child unrelated to a family by blood or adoption with whom he lives for the purposes of care and/or education.

*Home occupation* means any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, including giving instruction in a craft or fine art; provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One nonilluminated nameplate, not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the

resident of the premises. Clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, millinery shops, and child care day nurseries, among other nuisance causing occupations, shall not be deemed to be home occupations.

*Hospital* means an institution providing health services, primarily for inpatients and medical or surgical cure of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel* means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five sleepingrooms, and in which no provision is made for cooking in any individual room.

*Junkyard* includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

*Kennel* means any lot or premises on which more than three dogs or cats, or combination thereof, over the age of six months are kept on one premises.

*Laboratory* means a place devoted to experimental study, such as testing and analyzing. Manufacturing of products is not permitted within this definition.

*Loading space* means an off-street space on the same parcel of property with building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Lodginghouse* means a lodginghouse, or roominghouse, is a building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangement, but not open to the public or transients.

*Lot* means land occupied or to be occupied by a use, building or structure and permitted accessory buildings together with such open spaces, lot width and lot area as are required by this chapter and having its principal frontage upon a public street or upon a private way used for street purposes. A lot need not be a lot of record.

*Lot area* means the total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, the term "lot area" means that area within lot lines separating the lot from the private street, and not the centerline of said street.

*Lot, corner,* means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition.

*Lot coverage* means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

*Lot depth* means the mean horizontal distance from the front street line to the rear lot line, including front, rear, side, street or alley lot line.

*Lot, double frontage,* means an interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street in the plat and the request for a building permit.

*Lot, interior,* means a lot other than a corner lot.

*Lot width* means the mean horizontal distance between the side lines, measured at right angles to the side lot line. Where the side lot lines are not parallel, the lot width shall be considered as the average of the width between such side lot lines.

*Mobile home* means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. In the event of any controversy concerning whether or not a particular unit is included within this definition, the zoning board of appeals shall have the right and authority to determine whether the same is so included.

*Mobile home park, including trailer camp park* means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

*Motel* means a building containing apartments, each composed of bedroom, bathroom, and closet space, but without cooking facilities, with the exception of the units occupied by the management staff. The apartment units shall be used only for the accommodation of transients, with no cooking being permitted therein.

*Motor vehicle repair.*

(1) The term "motor vehicle repair" means:

- a. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicle;
- b. Collision service such as body, frame or fender straightening and repair;
- c. Overall painting.

(2) The term "motor vehicle repair" does not include the undercoating of automobiles unless conducted in a completely enclosed spray booth.

*Motor vehicle wash establishment* means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Nonconforming use* means any use of land or structure, other than height, area, yard, greenbelt, parking or setbacks, that shall be required for the district in which it is situated, which does not conform to the use provisions of this chapter or amendments thereto at the time of its adoption.

*Nursery, day nursery, nursery school or child care center* means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. The term "child care organization" includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes. The term "child care organization" does not include a governmental or nongovernmental organization that does either of the following:

- (1) Provides care exclusively to minors who have been emancipated by court order under section 4(3) of Public Act No. 293 of 1968 (MCL 722.4).
- (2) Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of Public Act No. 293 of 1968 (MCL 722.4), at the same location.

*Off-street parking lot* means a facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two automobiles.



*Open air business uses* include the following:

- (1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (2) Retail sale of fruit and vegetables.
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
- (4) Bicycle, trailer, motor vehicle, boats or home equipment rental services.
- (5) Outdoor display and sale of garages, swimming pools, and similar uses.

*Parking space* means an area of not less than nine feet wide by 20 feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

*Reference level* means the reference level for any building within ten feet of the front lot line is the official established sidewalk grade opposite the center of the front of such building. For any building more than ten feet from the front lot line, or where no sidewalk grade is established, the reference level is the mean level of the finished grade of the ground across the front of such building. When the mean finished grade about any portion of a building varies five feet or more from that at the front, such mean may be taken as the reference level for such portion of such building.

*Roominghouse.* See *Lodginghouse.*

*Rubbish* means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

*Sign, outdoor advertising,* means any card, cloth, paper, metal, glass, plastic, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of the terms "outdoor advertising sign" and "outdoor advertising structure" include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. See also *Billboard.*

*Single parcel ownership* means the possession of a parcel of property wherein the owner does not own adjoining vacant property.

*Smoke shops and tobacco stores* means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, or tobacco paraphernalia with the prohibition of onsite smoking and/or lounge; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this Chapter. The following definitions are provided:

- (1) *Alternative nicotine product* means noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.
- (2) *Nicotine product* means a product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.
- (3) *Tobacco product* means a product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.
- (4) *Vapor product* means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means regardless of shape or size that can be used to produce vapor from nicotine in a solution or other form. Vapor products include, but are not limited to, an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

*Soil removal* means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

*Solar Energy Systems (SES):* Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar. The following additional definitions are provided:

- (1) *Building Integrated Photovoltaic (BIPV) Systems:* A solar energy system that consists of integrating photovoltaic modules into the building, such as the roof, and which does not alter the relief of the roof.
- (2) *Ground Solar Energy System (Ground SES):* A solar energy system that is placed on or directly installed in the ground and not attached or affixed to an existing primary building or structure.
- (3) *Photovoltaic (PV) Systems:* A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them.
- (4) *Roof Deck Mounted Solar Energy System (Roof Deck Mounted SES):* A solar energy system in which solar panels are mounted on top of a roof of the primary building/structure or accessory building/structure either as a flush-mounted system or as modules fixed to frames which can be tilted.
- (5) *Solar Collector:* A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
- (6) *Solar Panel:* A device for the direct conversion of solar energy into electricity.

*Special use.* A use which is subject to special land use approval by the approval from the planning commission and the mayor and council planning commission. A special use may be granted only when there is a specific provision in this ordinance. A special land use is not considered to be a nonconforming use.

*Story* means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

- (1) *Mezzanine* means a full story when it covers more than 50 percent of the story underneath said mezzanine, or, if the vertical distance from the floor next below

it to the floor next above it is 24 feet or more. For the purpose of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the finished grade level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building including the family of the same.

- (2) *Ground story* means the lowest story of a building, the floor of which is not more than 12 inches below the elevation of the reference level.
- (3) *Half-story* means the part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of said full story. A half-story containing independent living quarters shall be considered a full story.
- (4) *Street* means a thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A public street is a street accepted by dedication or otherwise by the city. A private street is a street not so accepted, or any street designated as a private street upon a recorded plat.

*Structural alteration* means any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any substantial change in the roof.

*Structure* means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

*Structure, outdoor advertising*, means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

*Swimming pool* means any permanent, nonportable structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth of greater than 24 inches at any point and a total water surface area exceeding 250 square feet.

*Tourist home* means a dwelling in which overnight accommodations are provided or offered for transient guests.

*Use* means the purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

*Yard, side*, means a yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front and rear lot lines, as the case may be except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.

*Zoning administrator*. The city appointed official designated to administer and enforce duties and responsibilities as specified in this ordinance, or a duly authorized representative.

**Further, that Section 52-437 “Permitted uses”, is hereby repealed and readopted to hereafter read as follows:**

Chapter 52- Zoning  
Article III. District Regulations  
Division 10, C-6A and C-6B, Regional Shopping Districts  
Subdivision II. - District C-6A (Fairlane Green District)

Sec. 52-437. - Permitted uses.

The following are permitted uses in C-6A, Fairlane Green District:

- (1) Health clubs.
- (2) Hotels and/or motels, including extended stay or executive motels.
- (3) Multi-screen movie theaters.
- (4) Office uses.
- (5) Retail, entertainment/restaurant and commercial land uses typically found in a retail shopping center, including, but not limited to:
  - a. Coffee shops.
  - b. Department stores, including both conventional, junior department stores, and value oriented department stores.
  - c. Open air business uses; excluding new and used automobile, boat and recreational show places, stores or lots.
  - d. Pharmacies.
  - e. Restaurants, both drive-through and sitdown and other establishments that sell food products for consumption on or off the premises or for takeout.
  - f. Shops or stores for the sale of:
    1. Art and craft supplies.

2. Books and/or music.
3. Clothing and/ or footwear.
4. Electronic merchandise, including goods using wireless technology.
5. Home improvement.
6. Household goods, such as furniture and accessories and/or household appliances.
7. Office supplies.
8. General soft goods not covered by any specific category of soft goods listed.
- g. Supermarkets, and/or specialty or gourmet food stores, or fruit and vegetable markets as a primary use or accessory to a value oriented department store.
- h. Smoke shops and tobacco stores.

**Further, that Section 52-474 “Permitted uses”, is hereby repealed and readopted to hereafter read as follows:**

Chapter 52- Zoning  
Article III. District Regulations  
Division 10, C-6A and C-6B, Regional Shopping Districts  
Subdivision III. - District C-6B (Marketplace District)

Sec. 52-474. - Permitted uses.

The following uses are permitted in the C-6B, marketplace district:

- (1) Health clubs.
- (2) Multi-screen movie theaters, provided no other such facility is constructed or previously site planned by the city for this or any other developer within one-quarter mile of the proposed development site.
- (3) Retail, entertainment/restaurant, and commercial land uses typically found in a retail shopping center, including, but not limited to:
  - a. Coffee shops.
  - b. Department stores, including both conventional, junior department stores, and value oriented department stores.
  - c. Open air business uses; excluding new and used automobile, boat and recreational show places, stores or lots.
  - d. Pharmacies.
  - e. Restaurants, both drive-through and sitdown, and other establishments that sell food products for consumption on or off the premises or for takeout.

- f. Shops or stores for the sale of:
  - 1. Art and craft supplies.
  - 2. Books and/or music.
  - 3. Clothing and/or footwear.
  - 4. Electronic merchandise, including goods using wireless technology.
  - 5. Home improvement center, which may include the retail sale of lumber and building supplies and material and an enclosed garden center.
  - 6. Household goods, such as furniture and accessories and/or household appliances.
  - 7. Office supplies.
  - 8. General soft goods not covered by any specific category of soft goods listed.
- g. Supermarkets, and/or specialty or gourmet food stores, or fruit and vegetable markets as a primary use or accessory to a value oriented department store.
- h. Smoke shops and tobacco stores.

**SECTION 2. Repeal.** All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. Saving Clause.**

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 4. Severability.**

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**SECTION 5. Codification; Scrivener's Errors:**

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

#### **SECTION 6. Publication.**

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

#### **SECTION 7. Adoption.**

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 25<sup>th</sup> day of October, 2022.

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GAIL McLEOD, Mayor  
City of Allen Park

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MICHAEL I. MIZZI , City Clerk  
City of Allen Park