

**CITY OF MELVINDALE
ORDINANCE NO. 775**

**AN ORDINANCE TO AMEND THE ZONING CODE OF ORDINANCES
OF THE CITY OF MELVINDALE ARTICLE 4 OF CHAPTER 24 BY
ADDING SECTION 24-166 TO PROVIDE NEW REGULATIONS FOR
VARIETY STORES AND SMALL BOX STORES.**

Whereas, variety/small box stores typically offer mostly inexpensive energy-dense, low-nutritive foods and beverages rather than fresh, nutritious food; and

Whereas, people choose among foods that are readily available and therefore healthy options should be at least as available and accessible as unhealthy ones; and

Whereas, a good mix of food retail has the potential to revitalize neighborhoods and commercial centers and improve access to healthy diets particularly for populations in underserved areas.

Whereas, the Mayor and City Council desires to promote the availability of fresh and quality foods by assessing the food retail environment based upon an evaluation of subject retail landscape at the time of a zoning application; and

Whereas, the City did give public notice and did hold a public hearing regarding the ordinance.

THE CITY OF MELVINDALE ORDAINS:

ARTICLE I. Section 24-166 of Article 4, Chapter 24 of the Code of Ordinances, City of Melvindale, Michigan, is hereby to added to hereafter read as follows:

Section 24-166

- A. Variety/small box stores are prohibited unless the proposed use is located more than 2,500 feet from another variety/small box store.
- B. If located at least 2,500 feet from another variety/small box store, use is permitted by conditional use permit only.

When reviewing a request for a Conditional Use Permit (CUP) for a variety/small box store use, the City shall consider;

- 1. Whether the variety/small box store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
- 2. The availability of healthy food options in the area of the proposed use, including the proximity of full service grocery stores within one half mile of the proposed use, and effect of the use on the retail food environment.
- 3. A CUP approved under this section must stipulate that a minimum of 15% of the floor area of the variety/small box store must be dedicated to fresh produce, meat, and dairy products.

Definition:

A variety/small box store under 12,000 sq. ft. of retail space which sells a wide variety of relatively small and inexpensive items, as defined by “Planner’s Dictionary” published by the American Planning Association.

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

ARTICLE III. Conflicting Ordinances: all prior existing ordinances adopted by the City of Melvindale inconsistent or in conflict with the provision of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE IV. Reading and Publication. This Ordinance shall be given a first reading on October 16 2019, a second reading on November 6, 2019, shall be adopted on November 6, 2019. The City Clerk shall post three (3) copies of the Ordinance in three (3) conspicuous places in the City. The Clerk shall also publish summary of this Ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the City Clerk’s office within one week after the adoption of this ordinance.

ADOPTED, APPROVED AND PASSED by the Common Council of the City of Melvindale this 6 day of November, 2019.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the Common Council of the City of Melvindale at a regular meeting held on November 6, 2019.

Diana Zarazua, City Clerk

The undersigned hereby certifies that the foregoing Ordinance was duly published by posting copies thereof in three (3) conspicuous places in the City of Melvindale on the 11 day of November, 2019 to wit:

1. City Hall
2. Library
3. Kessey Field House

Diana Zarazua, City Clerk