



METROPOLITAN PLANNING COUNCIL

Restrictive Covenants/Deed Restrictions

Urban Development • Restrictive Covenants Issue Brief

Restrictive covenants or deed restrictions are legally enforceable clauses in a deed that limit certain future uses of property. They are used as a tool to impose a wide range of limitations and conditions such as: limits on building density, the types of structures that can be erected, and can prevent buildings from being used for specific purposes or even from being used at all.



Chicago, IL
4014 W. Lawrence-39th ward

This former Dominick's has a restrictive covenant that 'runs with the land'; it can never be occupied by a supermarket or grocery store.



Chicago, IL
7000 S. Pulaski-13th ward

This former Dominick's has a restrictive covenant that 'runs with the land'; it can never be occupied by a supermarket or grocery store.



Chicago, IL
2551 W. 21st-28th ward

This former Jewel cannot operate as a supermarket or pharmacy exceeding 20,000 square feet until June 2012; it is currently undergoing demolition.

ISSUE BRIEF

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For More Information...

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Issue Brief prepared

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THE METROPOLITAN PLANNING COUNCIL

Founded in 1934, the Metropolitan Planning Council (MPC) is a non-profit, nonpartisan group of business and civic leaders committed to serving the public interest through the promotion and implementation of sensible planning and development policies necessary for an economically competitive Chicago region. MPC researches and develops policy recommendations and conducts outreach and advocacy in partnership with public officials and community leaders to enhance equity of opportunity and quality of life throughout metropolitan Chicago.



Chicago, IL
3649 N. Central-38th ward
 This former Dominick's has a restrictive covenant that 'runs with the land'; it can never be occupied by a supermarket or grocery store.



Chicago, IL
1425 W. Morse-49th ward
 This former Osco Drug cannot operate as a drugstore until August 2024; it has been subdivided and a portion of the former Osco is being leased to Family Dollar.



Chicago, IL
9540 S. Jeffery-7th ward
 This former Jewel cannot operate as supermarket, drugstore, liquor store, pharmacy or photo processing store until March 2010; it is currently being leased to Family Dollar.



Chicago, IL
1422 W 47th-3rd Ward
 This former Jewel cannot operate as a supermarket or pharmacy exceeding 20,000 square feet until March 2022.



Vancouver, British Columbia

Former Safeway and SuperValu stores are inundated with covenants. Thus, many communities are left without a full service grocery store. Local government has determined that restrictive covenants have a negative effect on the viability of local retail. Vancouver struggles to find an appropriate remedy.



Milwaukee, WI

In 2004 Jewel Osco purchased a vacant Piggly Wiggly. Jewel Osco recorded a restriction on the property then sold the same property to a developer. A community petition was gathered, Jewel Osco hired a lobbyist and the covenant remains. The local Alderman is struggling to have the restriction removed.



New York, NY

A&P decided to sell its Hell's Kitchen store, to a developer, after recording a restrictive covenant onto the property. A&P's new store format, Food Emporium opened blocks away from the former A&P.



Northampton, MA

According to a River Valley Market representative (a party formerly interested in the purchase of a vacant Stop & Shop), Stop & Shop not only places restrictive covenants on properties it sells, but also on property that it never owned. Reportedly Stop & Shop paid consenting landowners to place restrictions on their property. Additionally, the Connecticut Attorney General has opened an investigation into Stop & Shop for engaging in unfair restrictions on trade.