

# HOUSE BILL No. 4909

September 29, 2015, Introduced by Reps. Kivela, Faris, Moss, Heise, Chatfield, Robinson, Hovey-Wright, McBroom, Dianda, Geiss, Schor, LaVoy and Zemke and referred to the Committee on Tax Policy.

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
(MCL 125.3101 to 125.3702) by adding section 502a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 502A. (1) A NEGATIVE USE RESTRICTION ESTABLISHED AFTER  
2 THE EFFECTIVE DATE OF THIS SECTION THAT PROHIBITS OCCUPANCY OR USE  
3 THAT IS OTHERWISE LAWFUL UNDER A ZONING ORDINANCE OF A VACANT  
4 STRUCTURE THAT WAS A SINGLE RETAIL ESTABLISHMENT, OR OF LAND IN A  
5 COMMERCIAL DISTRICT, IS, BEGINNING 90 DAYS AFTER THE RESTRICTION IS  
6 ESTABLISHED, AGAINST PUBLIC POLICY, VOID, AND UNENFORCEABLE.

7           (2) THE LEGISLATIVE BODY MAY PROVIDE IN A ZONING ORDINANCE FOR  
8 SPECIAL LAND USE APPROVAL FOR SINGLE RETAIL ESTABLISHMENTS AND MAY,  
9 ALONG WITH ANY OTHER APPLICABLE REQUIREMENTS AND STANDARDS FOR THAT

1 APPROVAL, REQUIRE ANY OF THE FOLLOWING:

2 (A) THAT THE APPLICANT PRESENT DOCUMENTARY PROOF THAT THE  
3 PROPERTY BEING CONSIDERED FOR SPECIAL LAND USE APPROVAL IS NOT  
4 SUBJECT TO A NEGATIVE USE RESTRICTION DESCRIBED IN SUBSECTION (1).

5 (B) THAT THE APPLICANT SUBMIT A PLAN FOR RE-LEASE, REUSE,  
6 REDEVELOPMENT, OR SALE OF THE PROPERTY IN THE EVENT OF A VACANCY.

7 (3) THE LEGISLATURE FINDS THAT VACANT SINGLE RETAIL  
8 ESTABLISHMENTS LEAD TO BLIGHT AND THAT REDUCTION OF BLIGHT THROUGH  
9 THE ELIMINATION OF VACANT SINGLE RETAIL ESTABLISHMENTS IS A PUBLIC  
10 PURPOSE. THEREFORE, A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY  
11 REHABILITATE VACANT SINGLE RETAIL ESTABLISHMENTS UNDER 1945 PA 344,  
12 MCL 125.71 TO 125.84, OR AS OTHERWISE PROVIDED BY LAW.

13 (4) THIS SECTION IS IN ADDITION TO AND NOT IN DEROGATION OF  
14 POWERS CONFERRED BY OTHER LAWS, INCLUDING, BUT NOT LIMITED TO, THE  
15 POWER TO OTHERWISE REGULATE SINGLE RETAIL ESTABLISHMENTS AS A  
16 SPECIAL LAND USE UNDER THIS ACT.

17 (5) AS USED IN THIS SECTION:

18 (A) "NEGATIVE USE RESTRICTION" MEANS A RESTRICTION OR COVENANT  
19 IN A DEED, LEASE, CONTRACT FOR THE SALE OF REAL PROPERTY, OR OTHER  
20 WRITTEN AGREEMENT THAT OPERATES TO PROHIBIT OR LIMIT THE USE OF  
21 PROPERTY BY AN OWNER OR OCCUPANT. NEGATIVE USE RESTRICTION INCLUDES  
22 A TERM IN A COMMERCIAL LEASE THAT PREVENTS THE OWNER FROM LEASING  
23 THE PROPERTY TO ANOTHER RETAILER.

24 (B) "SINGLE RETAIL ESTABLISHMENT" MEANS A SINGLE, FREESTANDING  
25 STRUCTURE OF 7,000 SQUARE FEET OR MORE WHERE CONSUMER GOODS ARE  
26 SOLD TO THE PUBLIC. SINGLE RETAIL ESTABLISHMENT INCLUDES, BUT IS  
27 NOT LIMITED TO, DEPARTMENT STORES, DISCOUNT STORES, SPECIALTY

1 STORES, WAREHOUSE STORES, OR "BIG BOX" STORES.

2 Enacting section 1. This amendatory act takes effect 90 days  
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act does not take effect  
5 unless Senate Bill No. 524 (request no.  
6 03247'15) of the 98th Legislature is enacted into law.