



MEMORANDUM

To: City Planning Commission

FROM: Brett Lenart, Planning Manager

DATE: January 23, 2026

SUBJECT: Rezoning Protest Petitions

Summary

At a previous Planning Commission meeting, Chair Wyche requested background information be shared with the Commission regarding rezoning protest petitions. Here is an overview of the legislative background, and factors that the City considers in evaluating such requests.

Background

The Michigan Zoning Enabling Act – Public Act 110 of 2006 provides the legislative ability for the City to adopt and enforce a zoning ordinance. As part of this process, this Act prescribes a method by which property owners may file a protest petition to a zoning action, which if successful, requires a 2/3 vote of the legislative body to enact the zoning protested, rather than a simple majority vote that would otherwise be specified. In our case, it would change the required affirmative votes for a rezoning from six to eight City Council affirmative votes.

To cause this 2/3 vote standard requirement, a protest petition must be signed by one or more of the following:

- The owners of at least 20% of the area of privately-owned land proposed to be rezoned protest the proposed rezoning.
- The owners of at least 20% of the area of privately-owned land included within an area extending 100 feet from any point on the boundary of the land included in the proposed rezoning.

The law specifically excludes publicly owned land from such calculations, so property such as parks, right of way, or University of Michigan owned are excluded from related calculations. Over time, I have found that there have been numerous questions and misunderstandings regarding the application of this provision. As requested, here are a few common questions and related responses.

Who is a property owner?

While this may seem straightforward, it is a frequent area of clarification between the City and property owners. Property ownership is identified in City assessing records, typically as an owner by name or by corporation (e.g. trust, LLC, etc.) The City ensures that any identified protest petition is being filed by the property owner of record.

In many cases, this can be simple to verify. A platted lot of record in the City can often be identified by ownership in a fashion that clearly delineates a correlation between geography and ownership. In these areas, each lot typically has a single ownership entity. See figure 1.

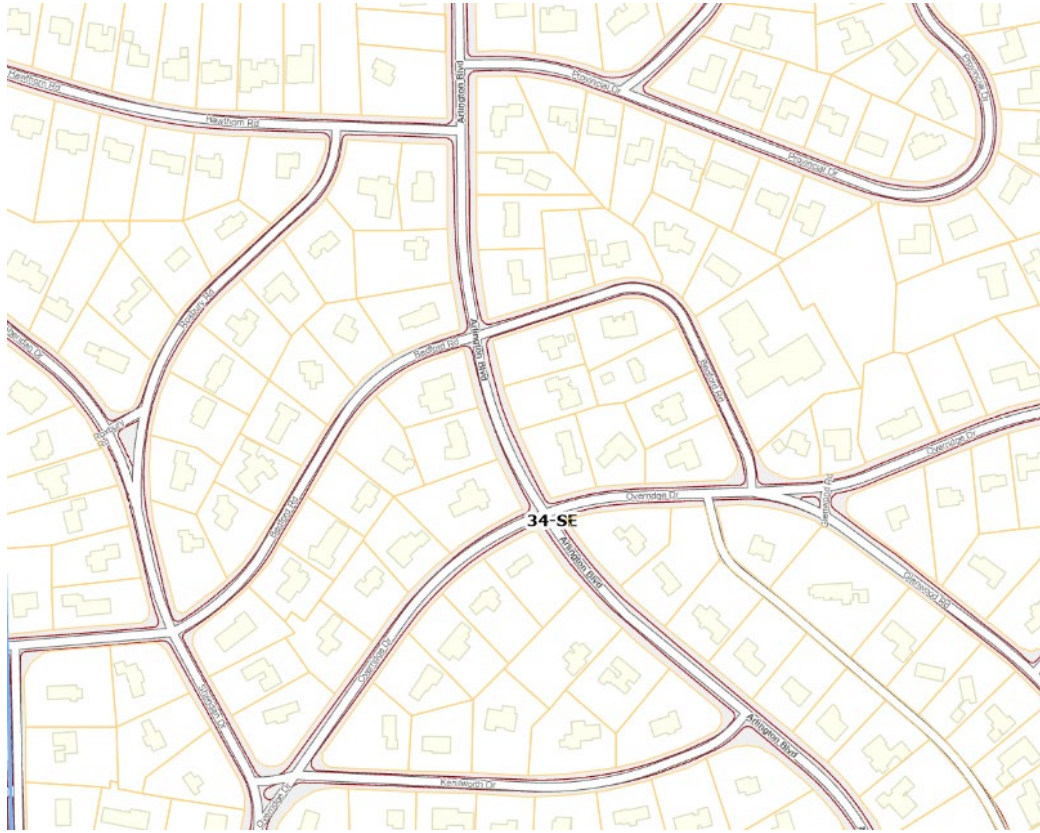


Figure 1 - Platted Lots of Record

Other times, this can be less clear. For example, the City has numerous developments that have been configured in a condominium ownership arrangement. In these circumstances, geography of ownership may contain multiple layers. For example, a resident there may have ownership of a condominium unit within a larger development, however open space area adjacent to that condominium unit may be under the common ownership of a condominium association. In these circumstances, the individual condominium unit does not have sole ownership over shared common space areas, and thus, protest from the governing body of that condominium association would be necessary to represent that geography in any protest petition.

For illustration Figure 2 below shows a buffer area for a recently considered rezoning. The map shows:

- The subject property proposed for rezoning in green outline.
- A buffer area of 100 feet from the subject property is indicated by a dashed line.
- Condominium site boundaries in orange outline, with individual condominium unit buildings shown in pink outline.
- The areas within the buffered area, that are not public right-of-way, are indicated by the percentage of total applicable buffer area that they make up, and those portions highlighted on the buffer line in purple.

In this example below, portions of Oakbrook of Ann Arbor Condos property comprise 21.16% of the applicable buffer area. However, the area in question is “common” area to the condominiums, which means that no individual condo owner can individually speak on behalf of the condominium association.

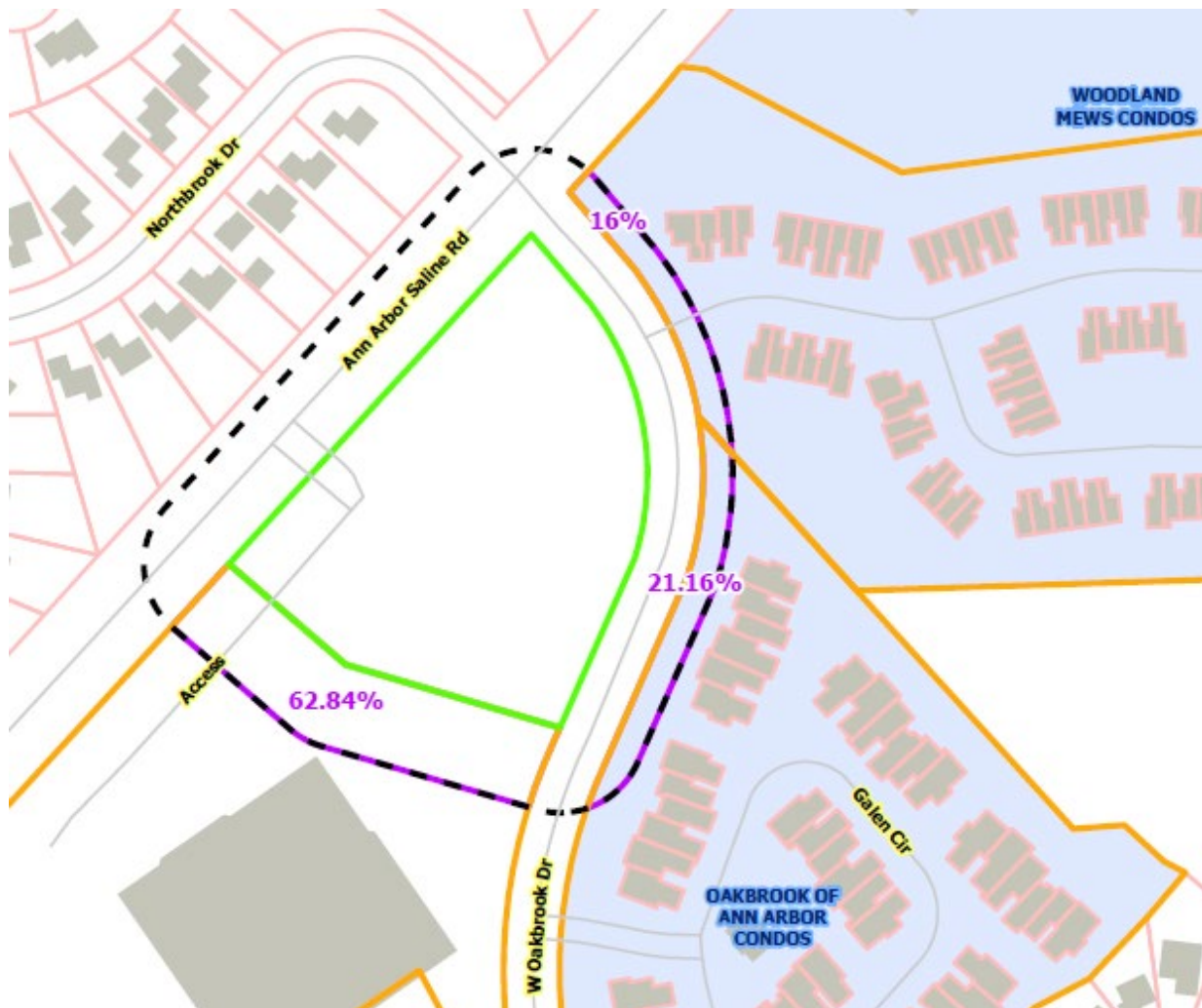


Figure 2 - Condominium Ownership

What constitutes a protest petition?

- No particular form is required.
- The petition must be physically signed by the owner, as a means of the City ensuring that it can rely upon the document as an accurate reflection of that property owner's perspective on the proposed rezoning.
- The petition must specifically state an intention to protest the rezoning. General comments for or against a project would not meet this threshold.

If I can provide any additional information regarding this provision and procedure, I am of course happy to do so.