

**LELAND TOWNSHIP PLANNING COMMISSION  
PROPOSED RESIDENTIAL LOT COVERAGE AMENDMENT  
QUESTION AND ANSWER SHEET**

The following questions were posed to the Zoning Administrator and/or to the Planning Commission at the Public Hearing on May 3, 2023, or in correspondence that was received. In addition, some questions and answers have been provided to give the public an understanding of how this Amendment has progressed since the idea was first introduced.

**Q: How did the idea for this proposed Amendment come about?**

**A:** Mr. Chris Bunbury first introduced this idea to the Leland Township Planning Commission at a meeting in October of 2017. While speaking during Public Comment, Mr. Bunbury proposed that there be some way to limit the size of building very large homes in the Township. The Planning Commission agreed to consider this request in response to comments from members of the community; people have expressed that they are concerned about the construction of very large homes in certain areas of the Township. Although the Planning Commission has proposed limiting square footage, it should be noted that large homes may still be built in the zoning districts in question.

**Q: What is the definition of “character”?**

**A:** *Residential character* means characteristics of appearance and use that are similar to typical residential use, scale, building, form, and building materials. It does not include uses or exterior appearances that are industrial or commercial in nature. (Source: lawinsider.com). (Please refer to Section 18.22 F (Dwellings) of the Leland Township Zoning Ordinance)

**Q: Why is this amendment titled the “Residential Character Amendment”?**

**A:** This is the term that was first given to this initiative when it was proposed to the Planning Commission. At this time, the Planning Commission has changed the title to: “Residential Lot Coverage Amendment”. This is due to the fact that terms such as “character” and “preservation” can be vague and people tend to interpret these terms differently.

**Q: Why was the Public Hearing for this proposed Amendment held on Wednesday, May 3<sup>rd</sup> when many of the seasonal residents who are property owners have not yet returned to the Township?**

**A:** The order of business simply follows the calendar and May was the month for when the Public Hearing was scheduled. This matter has been before the Planning Commission since October of 2017 and has been a regular part of each meeting agenda when there was information to address.

**Q: What are the R-1A, the R-2 and the R-3 zoning districts?**

**A:** As defined in the Leland Township Zoning Ordinance, these three districts are the R-1A (Medium Density Lakeshore Residential), R-2 (Medium Density Village Residential) and R-3 (High Density Residential). Under the proposed Amendment, each of these zoning districts is treated differently, but they are all affected.

**Q: Does this Amendment include the Commercial zoning district?**

**A:** The proposed Amendment does not apply to the three (3) Commercial Zoning Districts.

**Q: Does this Amendment apply to the Agricultural Conservation District or the Low Density Agricultural Residential District?**

**A:** The proposed Amendment does not apply to the AC or the AR districts.

**Q: The term “under roof” was mentioned at the Public Hearing on May 3, 2023. What exactly does this term mean?**

**A:** The term “under roof” refers to the total livable square footage of a home between the eaves. If a garage is connected to the home, the garage is also considered to be “under roof” for including lot coverage.

**Q: What does the term “footprint” mean?**

**A:** The term “footprint” refers to lot coverage.

- Q: What if a construction project is in the planning stage or has already begun? How are these projects affected by the proposed Amendment?**
- A: If the project has commenced, then the property owner is good to go. However, if the project is still in the planning stage and not permitted, the property owner will have to comply with new regulations unless a waiver is granted.
- Q: How does the proposed Amendment pertain to single-story homes versus those that are 1&1/2 stories, two stories or three stories in height? As people age, they are more inclined to want to reside in a single-story home which consumes a larger footprint.**
- A: The footprint of single-story homes could be restricted due to lot coverage. It is possible that an adjustment to the formula will be needed to accommodate this matter.
- Q: The formulas shown on the spreadsheet appear to be overly complicated. Is there an easier way for a property owner to understand what will be allowed on lots in each of the three zoning districts in question?**
- A: A simple solution would be to take a percentage of the existing lot coverage and reduce it accordingly.
- Q: Does the proposed Amendment legally represent a “taking” of property?**
- A: The proposed Amendment does not legally represent a taking of the property. Legal counsel for the Township reviewed this matter at the onset of consideration.
- Q: Does this Amendment apply to apartments?**
- A: This Amendment does apply to apartment buildings; multi-family housing is contained in the R-3 zoning district.
- Q: What has been the greatest pushback from the public regarding this Amendment?**
- A: The Planning Commission believes that the greatest pushback are the concerns regarding height and setback changes in the R-2 district.
- Q: What are the proposed changes regarding setbacks?**
- A: In the R-2 district, the proposed height restriction is being changed from 35 feet to 30 feet. The proposed side yard setback changes from a total of 15 feet with a minimum of five feet on one side to a proposed 10-foot requirement on each side.
- Q: What are some of the unintended consequences that may result if this Amendment is approved?**
- A: Some of the unintended consequences would be with regard to people who are currently in the planning process as they would be required to start over. The zoning ordinance will not solve various issues that pop up without practical application and a time period for review of these issues. There may be other consequences that result from the Amendment, but they are unknown at this time.
- Q: What is the process for approving this proposed Amendment?**
- A: The proposed Amendment language will be completed by the Planning Commission prior to sending this information to the Leelanau County Planning Committee (LCPC) for their review and comment. Once those comments are received, the Leland Township Planning Commission will review and recommend to the Leland Township Board for final approval. One thing to consider is that there was not a large turnout at the May 3, 2023 Public Hearing and a very small number of participants who spoke during Public Comment. Of those participants who spoke, comments were evenly divided between pro and con regarding the proposed Amendment.
- Q: If the proposed Amendment passes, does an individual property owner have the right to appeal to the Zoning Board of Appeals?**
- A: Yes, a property owner may submit an application to the Zoning Board of Appeals to have the matter reviewed.