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BILL



ANALYSIS

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Senate Bill 646 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Harry Gast

Committee: Natural Resources and Environmental Affairs

## **CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act's provisions concerning variances from sand dune zoning laws to change references to "unreasonable hardship" to "practical difficulty" as a criterion for obtaining a variance; define "department" as the Department of Environmental Quality (DEQ); define slopes of dunes in terms of vertical rises in horizontal planes, rather than as percentages; and give the DEQ 60 days to develop guidelines to describe the method by which it and local governments would measure slopes to implement the zoning ordinance or the model zoning plan.

Currently, the Act specifies that unless a variance is granted, a zoning ordinance may not permit certain uses in a critical dune area, including a structure on a slope within a critical dune area that is 18% to 25%, unless the structure meets certain other requirements, and a use on a slope within a critical dune area that is greater than 25%. The bill specifies, instead, that prohibited uses would include a structure on a slope that measured from a one-foot vertical rise in a four-foot horizontal plane to less than a one-foot vertical rise in a three-foot horizontal plane, and a use on a slope within a critical dune area that had a slope steeper than a one-foot vertical rise in a three-foot horizontal plane.

The Act also allows a variance to be granted authorizing construction of a permanent dwelling on the first lakeward facing slope of a critical dune area or foredune, if the construction is near the base of the lakeward facing slope on a slope of less than 12% and certain other criteria are met. The bill would allow the construction if it were on a slope of less than one-foot vertical rise in an eight-foot horizontal plane, and the other criteria were met.

Currently, the Act allows a local government to issue variances under a zoning ordinance that regulates the use of sand dunes and critical dune areas, or the Department of Natural Resources to issue special exceptions under the model zoning plan, if a property owner would experience an unreasonable hardship if the variance or special exception were not granted. Although the Act does not define "unreasonable hardship", it does specify that it must be treated as unnecessary hardship. The bill would replace "unreasonable hardship" with "practical difficulty" and delete the requirement that "unreasonable hardship" be treated as unnecessary hardship.

MCL 324.35301 et al.

Legislative Analyst: L. Burghardt

## **FISCAL IMPACT**

The bill would have no direct fiscal impact on State or local government.

Date Completed: 10-4-95

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.