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BILL



ANALYSIS

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Senate Bill 721 (as introduced 12-12-17)  
Sponsor: Senator Darwin L. Booher  
Committee: Natural Resources

Date Completed: 2-6-18

### **CONTENT**

**The bill would amend Part 353 (Sand Dunes Protection and Management) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality (DEQ) to issue a special exception to the model zoning plan if the applicant were a local unit of government and certain conditions were met.**

Under the Act, a local unit of government that has one or more critical dune areas within its jurisdiction may formulate a zoning ordinance pursuant to the Michigan Zoning Enabling Act. The zoning ordinance must consist of provisions contained in the model zoning plan described in Part 353 or comparable provisions that similarly protect critical dune areas.

A person may not initiate a use within a critical dune area unless the person obtains a permit from the local unit of government in which the critical dune area is located or from the DEQ, if the Department is implementing the model zoning plan in situations where the local unit of government does not elect to issue permits or does not receive the DEQ's approval of a zoning ordinance.

(The Act defines "use" as a developmental, landscaping, or recreational activity done or caused to be done by a person that significantly alters the physical characteristic of a critical dune area or a contour change done or caused to be done by a person. Use does not include the removal of sand from sand dune areas for commercial or industrial purposes.)

A local unit of government also may issue variances under a zoning ordinance, and the DEQ may issue special exceptions under the model zoning plan if a local unit of government does not have an approved zoning ordinance, if a practical difficulty will occur to the owner of the property if the variance or special exception is not granted.

The bill would require the DEQ to issue a special exception if all of the following conditions were met:

- The applicant was a local unit of government and the application involved public land that was public land on July 5, 1989.
- The purpose of the application was to restore a use, including public viewing areas, that was lawful and in existence on July 5, 1989.
- The proposed project for which the special exception was sought would benefit the citizens and visitors of that local unit as evidenced by the adoption of a resolution in support of the special exception by the governing body of that local unit.

The bill would take effect 90 days after it is enacted.

**FISCAL IMPACT**

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

Fiscal Analyst: Josh Sefton

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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.