

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.35312 Zoning ordinance; provisions; regulation of additional lands.

Sec. 35312.

(1) A local unit of government that has 1 or more critical dune areas within its jurisdiction may formulate a zoning ordinance pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702.

(2) A zoning ordinance shall consist of all of the provisions of the model zoning plan or comparable provisions that provide substantially equivalent protection of critical dune areas as the model zoning plan but shall not be more restrictive than the model zoning plan or the standard of review for permits or variances prescribed in the model zoning plan.

(3) A local unit of government may by an affirmative vote of its governing body following a public hearing regulate additional lands as critical dune areas under this part as considered appropriate by the planning commission if the lands are determined by the local unit of government to be essential to the hydrology, ecology, topography, or integrity of a critical dune area. A local unit of government shall provide within its zoning ordinance for the protection of lands that are within 250 feet of a critical dune area, if those lands are determined by the local unit of government to be essential to the hydrology, ecology, topography, or integrity of a critical dune area.

(4) If a local unit of government does not have an approved zoning ordinance, the department may regulate additional lands described in subsection (3). However, the lands added by the department shall not extend more than 250 feet from the landward boundary of a critical dune area, unless, following a public hearing, an affirmative vote of the governing body of the local unit of government authorizes a further extension. If the director determines that the mapping of a critical dune area designated in the "atlas of critical dune areas" dated February 1989 was inaccurate, the department may regulate additional lands. However, the lands added by the department shall not extend more than 250 feet from the landward boundary of a critical dune area.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2012, Act 297, Imd. Eff. Aug. 7, 2012

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