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## Building in Critical Dune Areas

### Frequently Asked Questions about Driveways\*

#### **How are driveways reviewed for a permit?**

The applicant applies for a permit with the driveway(s) drawn on scaled and dimensioned drawings and shown in the cross-sections. The drawings will include all existing and proposed driveways. Sample application drawings are available on the [Critical Dune Areas website](#).

The Department of Environmental Quality (DEQ) reviews the drawings and determines if a driveway meets the criteria of section MCL 324.35311a in the Critical Dune Areas statute. MCL 324.35311a describes the conditions and criteria for a driveway; its construction, improvement and maintenance. Specific criteria are written for slopes between a one-foot vertical rise on a four-foot horizontal plane and a one-foot vertical rise on a three-foot horizontal plane, and for slopes exceeding a one-foot vertical rise on a three-foot horizontal plane. The section also describes temporary construction access and defines a driveway. There can be only one driveway determined as fulfilling MCL 324.35311a. Additional driveways are reviewed under criteria found in the rest of the statute.

#### **There is a driveway on my lot that currently meets the criteria in MCL 324.35311a. Can I have another driveway?**

Maybe. The additional driveway must be reviewed according to specific sections found in the rest of the Critical Dune Areas statute. It will not be reviewed under MCL 324.35311a. If the driveway cannot be permitted using the applicable section of the statute, the applicant may submit a request for a [special exception](#) to the DEQ. A special exception is like a variance from the local zoning administrator. Please see the Frequently Asked Questions about a Critical Dune Area Special Exception and the Special Exception Application, on the [Critical Dune Areas website](#). Applying for a special exception does not guarantee that the DEQ can issue a permit for the driveway.

#### **I want to design the driveway to meet the criteria in MCL 324.35311a. How wide can my driveway be?**

The driveway may only impact a width of 16 feet or narrower through the critical dune area, regardless of the width of the drivable surface of the driveway, MCL 324.35311a (3). The driveway impact includes the use of retaining walls, bridges, or similar measures.

#### **I want a driveway as allowed by MCL 324.35311a, and with a width greater than 16 feet. Can I add an accessibility measure as defined in MCL 324.35311b?**

No. An accessibility measure cannot be added to increase the width of a driveway. Accessibility measures must meet American National Safety Institute standards. MCL 324.35311b (2) states accessibility measures do not include driveways.

*\*This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.*