



Au Sable North Branch Area Foundation

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## **A Review of the Green Belt District & the Natural Vegetation Strip Along Rivers, Creeks, and Lakes in Lovells Township**

**By Gary Neumann**

In 1987 the MI DNR designated the North Branch, as a specific tributary of the Au Sable River, a "Natural River" per the Natural River Act of 1970. This Act allows local governments to adopt waterfront protection measures provided they are compatible with MI DNR 's requirements. Lovells Township (LT) has elected to adopt such measures. In addition to the North Branch, LT included waterfront protection regulations around the East Branch of the Au Sable, the West, Middle and East Branches of Big Creek and around all lakes in LT. Via it's Zoning Ordinance, LT is both the adoption and enforcement entity of all waterfront protection measures in the township. All waterfront parcels in the township, from a zoning perspective, have been placed in the Green Belt District. The Green Belt District includes 400 feet on both sides of the rivers and creeks previously identified, and around all lakes.

For property owners within the Green Belt District it is important that they understand and respect the restrictions that are unique to this district. For example, canoe liveries, "new" commercial uses such as gas stations, motels, restaurants, retail stores and the like are prohibited. "New" industrial uses or expansion of existing ones within 1000 feet of a Natural River Act tributary are prohibited. Exploration or production of oil, gas, sand, gravel or salt brine within 1320 feet of a Natural River Act tributary is also prohibited. Various waterfront setbacks for new construction exist and they vary depending on the water body involved. These setbacks will be explained in detail during the permitting process by the township's Zoning Administrator. A significant percentage of the existing waterfront dwellings in Lovells Township are legal but non-conforming structures due to their waterfront setback. An important restriction that applies to these legal but non-conforming dwellings is that nothing can be done to these dwellings that increases their degree of non-conformity. For example, adding a deck to the front of a legal but non-conforming waterfront dwelling would not be allowed because doing so would decrease the setback distance from the water and therefore increase the degree of non-conformity. Docks are allowed on all rivers and creeks, but no more than one dock per parcel and it can be no larger than 12 feet by 4 feet and it may not extend more than 4 feet over the water. On lakes, one dock is allowed for each 100 feet of lake frontage but the dock may not be longer than 36 feet or wider than 4 feet. Docks do not require a permit provided they meet these size restrictions and are of typical construction. Non- typical construction, such as a sod covered dock, will require a permit from the MI DNR. A stairway to allow river or creek access is not permitted unless no other reasonable and safe access exists. boardwalk associated with a footpath to a river or creek edge shall only be placed in areas that are generally too wet to be traversed without significant disturbance of the soils.

Our mission is: To preserve, protect, and enhance the natural endowments of the North Branch of the Au Sable River watershed for the benefit of wild fish, game, and public enjoyment and appreciation.  
The Foundation is a non-profit 501(c)3 organization.



Within the Green Belt District regulations there is a section titled "Natural Vegetation Strip". Most violations of Green Belt District regulations occur within this strip. The purpose of this natural strip is to minimize erosion, stabilize shorelines, protect water quality, keep nutrients from the water, maintain water temps at natural levels, preserve habitat, screen man-made structures, and preserve aesthetic values of the area. Along the North Branch this strip extends 75 feet landward from the ordinary high water mark, and on creeks and lakes it extends 50 feet from the ordinary high water mark. Within this strip trees and shrubs may be selectively pruned to achieve a filtered view of the river, creek or lake from the principal structure and for reasonable private access to the water. Dead, diseased, unsafe, or fallen trees, and noxious plants and shrubs may be removed.

Green Belt District property owners are encouraged to contact the Zoning Administrator or township staff prior to commencing any activity which could be viewed as a violation of any Green Belt regulation. The Zoning Administrator is Dale Gauthier Jr. and he is the "duty expert" on the zoning ordinance. He can be reached at 989-348-7301 or [lovellzoning@gmail.com](mailto:lovellzoning@gmail.com). Business hours at the township hall are T/W/T, 9A-3P, and hall staff can be reached at 989-348-9215 or at [lovellstownship@gmail.com](mailto:lovellstownship@gmail.com).

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