

STERLING MUNICIPAL PLANNING COMMISSION ORDINANCE

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ARTICLE 1 — PREFACE

The primary purpose of this report is to point out the need for writing an Ordinance for the Village of Sterling.

Many new techniques and improved procedures have been developed over the past few years, and citizens of the Village should be allowed to benefit from this modern technology. The report discusses the definition of Zoning, relationship to planning, objective, constitutionality and local responsibility.

This material strongly indicates that this Ordinance will have a profound effect upon the future desirability and orderly development of the Village of Sterling.

A secondary purpose of this report is to provide a draft of the proposed Ordinance that will allow the kind of quality land development and construction desired by the Village. The proposed Ordinance incorporates technical provisions that reflect the goals and the objectives desirable for the citizens of the Village in the development of this plan.

ORDINANCE CONTROL

This Ordinance is an individual tool for controlling and guiding the physical development of the Village, however, the Ordinances are so far-reaching and if it is to be used to its full potential it must be understood and intelligently applied. The rights of this Ordinance arise from the Village Council to protect its citizens — the need of this Ordinance occurs because of the congestion and conflicts caused by assembling many people together within a small area. This Ordinance is thus the personal rights to protect the rights of the majority. In turn, the individual is protected from the encroachment by others or from undesirable neighboring uses.

DEFINITION OF ORDINANCE

Ordinance is the enactment of an ordinance by the Village Council which controls and regulates private property within the area of jurisdiction of the Village of Sterling.

A more complete definition of the Ordinance is given as follows:

"This Ordinance consists of dividing the Village into districts and regulating within such districts the use of land and area of building for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people in the Village of Sterling."

The map along with the regulations pertaining thereto are thus part of this plan.

PLANNING

Planning is the process used to develop LONG-

RANGE plans and programs for the development of the Village.

This planning process is composed of:

- A. Establishing accepted or agreed upon Village goals and objectives.
- B. Analyzing local considerations and making recommendations for future development.

Planning must precede the mapped zoning districts to make the recommendations truly meaningful. The Ordinance becomes the legal instrument which regulates the use of land, and partially implements the planning recommendations. Zoning may be considered the transition between the present and the future, and should assure this transition occurs in an orderly and economic pattern. It reflects short range decisions intended to carry out the long-range recommendations of the said plan.

OBJECTIVE

The Planning is the principal means for the Village to guide its future growth and achieve a logical pattern of land use development, thus provided for in such a manner that is best for both the entrepreneur and the Village.

If proper consideration is given to both the economics of land use and the physical design characteristics, a desirable Village should be the result.

Some of the generally accepted and specific objectives are:

- A. To secure pure air and safety from fire and other dangers.
- B. To conserve the taxable value of land and building.
- C. To promote the public health, safety, comfort, morals and general welfare.

CONSTITUTIONALITY

This Ordinance has been carefully written, if for no other reason than to avoid any possible litigation at some future date. However, it is impossible to foresee an all possible legal interpretation, so a clear and understandable Ordinance is essential.

The right of planning has long ago been fully accepted by the United States Supreme Court as an appropriate exercise of police power.

Real liberty for all could not exist under the operation of a principle which recognizes the rights of each individual to use his own, whether in respect of his person or his property, regardless of the injury that may be done to others.

RESPONSIBILITY

Planning is a responsibility that should be assumed by the Village Council. This plan has effect on each individual of the Village of Sterling and

the plan should not be too far removed from the people of the Village of Sterling.

Each citizen shall have a voice in the decision of this plan. This plan is part of our process and, if adequately understood and properly administered, will do a great deal to preserve our Village.

SECTION I — INTRODUCTION

1.1 AUTHORITY

Whereas, the Village Council of Sterling, Michigan deems it necessary, in order to conserve the value of property in the Village and that development may be directed to the best advantage of the entire Village.

1.2 PURPOSE

The purpose of this Ordinance is to:

- A. Promote and protect the public health, safety, morals, and general welfare of the Village.
- B. Promote the use of lands and natural resources of the Village in accordance with their character and adaptability.
- C. To protect the character and the stability of the residential, business, and manufacturing areas within the Village, and to promote the orderly and beneficial development of such areas.
- D. Reduce hazards to life and property.
- E. Lessen congestion on the public roads and streets.
- F. Provide in the interest of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used.
- G. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements.
- H. Conserve life, property and natural resources, and the expenditure of funds for public improvements and service to conform with the most advantageous use of land, resources and properties.
- I. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare.
- J. To provide for the elimination of non-conforming uses of land, building and structures which are adversely affecting the character and value of desirable development in each district.
- K. To prohibit uses, buildings or structures incompatible with the character of developmental or intended uses within specified districts.

- L. And to define and limit the powers and duties of the administrative officers and bodies as provided herein,

1.3 INTENT

An Ordinance dividing the Village of Sterling into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses.

This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreement.

1.4 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

1.5 TITLE

This Ordinance shall be known as the "Sterling Municipal Planning Commission Ordinance."

SECTION II — GENERAL PROVISIONS

2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all land within the Village limits of Sterling. All buildings erected hereafter, all use of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all additions to existing uses hereafter, shall be subject to the regulations of the ordinance which are applicable to the districts in which such buildings, uses, or land shall be located.

2.2 USE RESTRICTION

A. Principal Use — Only the principal use specified for a district on the planned development plat, their essential service and the following uses shall be permitted in that district.

B. Accessory Use and Structure — Accessory uses and structure are permitted in any district but not until their principal structure is present or under construction.

C. Temporary Dwelling — No structure shall be used for dwelling purposes that does not comply with the requirements of this ordinance. No garage or other accessory building, trailer coach, basement, partial or temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for dwelling purposes unless authorized by the issuance of a temporary permit by the Planning Commission and the Village Council.

D. Trailer Dwelling — No trailer coach shall be occupied as a dwelling except when such trailer

coach is located in a licensed and approved mobile home park or as otherwise herein provided.

E. Special Uses — Special uses and their accessory uses are permitted in districts as specified, but only according to the special use procedure. (SEE SPECIAL USES — Section 7)

F. Unclassified or Unspecified Uses — In case of uncertainty where the Planning Administrator is unable to determine whether a use is permitted as a principal or accessory use, he shall consult the Village Council for an interpretation.

G. Temporary Use — Temporary uses, such as shelters for materials and equipment being used in the construction of a permanent structure, are permitted while constructions are in progress.

H. Performance Standards — Performance standards listed (See INDUSTRIAL — Section 3,) applies to all uses in all districts.

2.3 SITE RESTRICTIONS

A. Any lot of record erected prior to the effective date of this ordinance without any frontage on a public street or way shall not be occupied unless access to a street provided by an easement or other right-of-way no less than twenty (20) feet in width. No more than one lot shall be served by such access route. Access to Commercial, Industrial or Recreational areas shall not be permitted through Residential area.

B. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties shall not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

C. Nothing in this ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premises declared unsafe or unhealthy.

D. Only one principal structure shall be located, erected or moved onto any lot or parcel of land.

E. Private Sewer and Water — In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designated in accordance with the local and Michigan State Board of Health standards. In any district where neither a public water service or public sewerage service is available the width and area for single family lots shall be no less than one hundred (100) feet and not less than twenty thousand (20,000) square feet, respectively. In no event shall an open well be permitted for a source of water nor shall privies or cesspools be permitted as a means of sewage disposal.

2.4 GENERAL DEVELOPMENT PROCEDURE

The Planning Commission and the Village Council shall continuously develop their plan, including their planning policies to guide future decisions. All adopted plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this ordinance.

SECTION III — DISTRICTS

3.1 ESTABLISHMENT

For the purpose of this Ordinance, the Village of Sterling is hereby divided into the following districts:

A. AGRICULTURAL DISTRICT

C. COMMERCIAL DISTRICT

I. INDUSTRIAL DISTRICT

M. MOBILE HOME DISTRICT

REC. RECREATIONAL DISTRICT

R. RESIDENTIAL DISTRICT

S. SCHOOL DISTRICT

3.2 DISTRICT BOUNDARIES

Boundaries of these districts are hereby established as shown on the map and which accompanies and is hereby declared to be part of this ordinance.

District boundaries shall be constructed to follow: Corporate limits, U.S. Public highway and Railroad right-of-way.

AGRICULTURAL

In an Agricultural District no land or building shall be used and no buildings or structures shall be erected or converted for any use or under any conditions other than the following:

A. PRINCIPAL USE AND BUILDINGS:

1. General farming, including truck gardens, fruit farms, orchards, nurseries and ornamental tree farms.
No business or industrial building or structure of a permanent nature shall be erected.
2. Dairy, poultry and animal farms when occupying an area of at least twenty (20) acres, provided all buildings within which animals or poultry are kept are at least six hundred forty (640) feet from adjacent boundary lines.

COMMERCIAL

In a Commercial District no land or building shall be used and no building or structure shall be erected or converted for any use or under any conditions other than the following:

A. PRINCIPAL USE AND BUILDING:

1. Agricultural Implements, retail sales and service rentals

2. Amusements — Commercial — including dance halls, bowling alleys, billiard or pool hall, skating rink, driving range and miniature golf course.
3. Animal Hospital
4. Automobile, Truck and Tractor Sales, service and rentals
5. Awning Sales and Service
6. Bakeries, retail sales
7. Banking Loan Institutions
8. Bars, Cocktail Lounge and Taverns
9. Beer, Wine and Liquor, retail sales
10. Bicycle Shop, sales and service
11. Book and Stationary Store
12. Clothing and Accessories, retail sales
13. Clubs, Private
14. Day Nurseries
15. Dental Clinic
16. Department Store
17. Drive-In Eat and Drink Establishment
18. Drug Store
19. Dry Cleaning Establishment
20. Electrical Appliances
21. Florists, retail sales
22. Food and Super Markets
23. Funeral Home and Mortuaries
24. Furniture Store, retail sales, repair and reupholstering
25. Gasoline Service Station
26. Hospitals, Rest Homes and Charitable Institutions
27. Laundromat
28. Meat Market
29. Motel, Tourist Home
30. Novelty Shop
31. Public Utility Building, Telephone exchange, Electric transformer, TV Relay Tower and Gas Regulator.
32. Radio and Television Shop and Service
33. Restaurants
34. Sporting Goods, Retail Sales
35. Theaters
36. Trade School
37. Trailer Sales, service and retail sales
38. Used Car Lot

Any other business uses, provided such uses are not objectionable to reason or emission of odor, soot, dust, noise, gas fumes or vibrations or not otherwise obnoxious or offensive.

B. ACCESSORY USES

Signs shall be limited to one (1) flat wall sign per business establishment and shall indicate or identify one the service, articles or products which are offered for sale within the building to which said sign is attached, except that for gasoline service stations, hotels, motels and motor courts

there may be erected one (1) additional sign elsewhere on the property providing it indicates or identifies the service, article or product which is offered for sale within the building on the premises.

Roadside stands offering for sale agricultural or other products may have one (1) sign on its premises. The stand must be located at least twenty five (25) feet from the front property line and provide ample off-street parking.

C. SETBACK AND YARD

1. The front line of every building hereafter erected shall be set back not less than thirty (30) feet from the front lot line of highway right-of-way as the case may be.
2. All junk yards are to be located at least thirty (30) rods from any highway right-of-way.
Junk yards containing one or more vehicles shall maintain a solid fence or structure eight feet high.
3. Any unlicensed vehicle upon property must be disposed of or else junked.

INDUSTRIAL

WE WELCOME INDUSTRY AND WILL ZONE TO THEIR BENEFIT

A. AGGREGATE MINING AREA REHABILITATION

1. The owners of any such areas wherein the mining, processing and transporting of aggregates and other minerals has ceased shall rehabilitate and reclaim the same in accordance with the standards hereafter set forth, namely:
 - a. Ridges and piles caused by stripping and the casting of overburden shall be leveled to such an extent as to reasonably conform with the surrounding topography.
 - b. Insofar as practicable precipitous banks shall be eliminated to reduce hazardous conditions on the premises, and where feasible such banks and other worked-over areas shall be seeded with grass or legumes, trees or shrubs shall be planted thereon so as to minimize erosion.
2. The foregoing requirements as to rehabilitation shall be carried out as expeditiously as possible in conformity with sound restoration practices but in any event the same shall be completed within three (3) years after the cessation of mining processing and transporting of stone, gravel sand and other minerals from or on any contiguous land being use of by the mining and processing operator. Written notice of the cessation of mining, processing and transporting of stone, gravel, sand or other minerals shall be given by the mining and processing operator to the Village Council within thirty (30) days after such cessation; which notice shall give the

description of the land and premises where said operations have ceased.

3. Sale of lands not fully rehabilitated: The owners of any lands which have been mined for aggregates, but which have not been fully rehabilitated in accordance with the provisions of the above may sell the said land to (a) the State of Michigan; or to (b) private individual or corporations. In the event of the sale of any such land to (b), then the purchaser (s) thereof shall assume all unperformed obligations of the Seller (Mining Operator and Owner) as required under this ordinance.
4. The following public utility facilities, with service or storage yards:
 - a. Electric Transformer substation
 - b. Gas regulator station
 - c. Water works, reservoirs, pumping or filtration plant
 - d. Telephone exchange building
- B. All industries shall observe the good standards of respecting smoke, dust, noise, vibration, traffic and other conditions to which people in the neighborhood or nearby would ordinarily object.
- C. All industries shall provide ample off-street or off highway parking space.
- D. All industries shall conform to all state and legal safety, sanitary and fire regulations.

MOBILE HOME

The Mobile Home District will be developed under the Michigan Trailer Park Laws, Act No. 243, Public Acts of 1959 as amended.

RECREATIONAL

A. Recreational land is land which is primarily used for one or more of the following activities:

Fishing
Skating
Swimming Pool
Picnic Area (including)
Ball Diamond
Horseshoe Pitching
Swings and Slides

and/or any other activity approved by the Planning Commission as being of a recreational nature.

B. Out door privies permissible, providing they are at least fifty (50) feet from any water supply and at least thirty (30) feet from all property lines, Health Department approval unless contrary to subdivision restrictions.

RESIDENTIAL

The following provisions shall apply to all Residential Districts:

USES

No land shall hereafter be used and no building or structure erected or used for other than one or more of the following uses:

A. One-Family and two-family dwelling

B. Home occupation, including handicrafts such as dressmaking and millinery and the sale of products produced on the premises by such handicrafts; and the office of a Physician, Surgeon, Chiropractor, Osteopath, Dentist, Teacher, Architect, Engineer, Lawyer, Magistrate, Artist, Beauty Operator, Barber, and other professional license occupations. PROVIDED, however, that such occupations shall be situated entirely within the dwelling and that there be no externally visible display of stock, goods, or facilities relating to the occupation on the premises and that not more than one name plate, not exceeding four (4) square feet in area containing the name and occupation of the person be displayed. (SEE SPECIAL PERMIT, Section 8.)

C. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses, including detached garages not exceeding a capacity for two (2) passenger automobiles when located not less than forty (40) feet from the front lot line or highway right-of-way line. Attached garages shall be deemed part of the dwelling or other main building and as such shall conform to all set back and yard requirements thereof.

D. For property owners that already have trailers parked on their property and have made the necessary investment provided for a trailer are protected under the Nonconforming Use (See Section 6, Paragraph 6.4).

This paragraph reads as follows: "Whenever a nonconforming use has been discontinued for a period of six (6) months such use shall not thereafter be reestablished and use thereafter shall conform to provisions of this Ordinance."

FLOOR AREAS

A. Every one-family dwelling hereafter erected shall contain not less than five hundred seventy six (576) square feet of floor area at the first floor level exclusive of any area in an attached garage, open porch or other open attached structure.

B. Every two-family dwelling hereafter erected shall contain not less than eleven hundred fifty-two (1152) square feet of floor area exclusive of any area in an attached garage, open porch or other open attached structure.

C. The minimum floor area for any other permitted building shall be determined by the Board of Appeals upon written application to the Board by the owner as provided under (USES, Section 2, Paragraph 2.2) may be reasonable for such use and be in conformity with (Section 1, Paragraph 1.2 PURPOSE).

LOT SIZE, SETBACK AND YARDS

A. Lot Size — The minimum lot size will be the State Standard size of sixty by two hundred (60x200) feet or twelve thousand (12,000) square feet.

B. Setback — The front line of every building hereafter erected shall be set back not less than thirty (30) feet from the highway right-of-way.

C. Side Yards — The side lines of every building hereafter erected shall be located no less than ten (10) feet from the side lines of the parcel on which the building is located.

D. Existing lots may be built on if they are at least seventy (70) percent of the Standard State Size (60x200) feet. A permit must be obtained before building on the smaller lots, such as some in the Village.

SCHOOL

The portion of land North of State Street and West of MCRR to School Road is designated as School Property, owned by the State of Michigan and has the following description:

T19N, R4E, SECTION 20, Pnt of SW ¼ of NW ¼ beg 100 Ft., W of where Wly R/W line of MCRR intersects E & W ¼ line th N 135 Ft., of Wly R/W of MCRR, NWly along street R/W to W Sec line., S to E & W ¼ line E of said ¼ line to POB.

except for the portion that is owned by Anthony Studs with the following description:

T19N, R4E, SECTION 20. Beg where E & W ¼ line intersects W R/W of MCRR then W 100 Ft., N 135 Ft. to MCRR R/W SEly along R/W 177 Ft. to POB.

SECTION IV — PARKING

The Parking provisions of this Ordinance shall apply as follows:

- 4.1 Size of each parking space shall not be less than two hundred (200) square feet exclusive of the space required for ingress and egress.
- 4.2 Surfacing and Bumper Guards — All open off-street parking areas except parking spaces accessory to a single family dwelling shall be improved with an asphaltic concrete surface, concrete, or some comparable all-weather dustless material, and shall have appropriate bumper guards where needed.
- 4.3 Lighting — Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
- 4.4 Parking on the street shall be prohibited between the hours of four (4) a.m. and eight (8) a.m.

SECTION V — SIGNS

5.1 SIGN LIMITATION

Signs shall be limited to one (1) flat wall sign per business establishment and shall indicate or identify the service, articles or products which are offered for sale within the building to which said sign is attached. (See Section 3, Commercial.)

5.2 BILLBOARDS

Billboards shall be permitted only where allowed as a permitted use in the Zoning district in which it is located.

SECTION VI — NON-CONFORMING STRUCTURE OR USES

6.1 NONCONFORMING STRUCTURE

A. Maintenance Permitted — A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained, except as otherwise provided in this section.

B. Repairs — A nonconforming structure may be repaired or altered provided no structural change shall be made.

C. Additions, Enlargements or Moving

1. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such additions or enlargements is made to conform to the use.
2. No nonconforming structure shall be moved in whole or in any part of any location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

6.2 NONCONFORMING USES

A. Continuation and Change of Use — Except as otherwise provided in this Ordinance.

1. A nonconforming use lawfully existing upon the effective date of this Ordinance may be continued. Those alleged nonconforming uses which cannot be provided conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this ordinance.

2. A nonconforming use may be changed only to a use of the same or more restricted classification.

B. Expansion Prohibited

1. A nonconforming use in a structure designed for a nonconforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
2. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

6.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF APPEALS

The Board of Appeals may authorize upon appeals in specific cases such variance from the terms of this section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit

of this section shall be observed and substantial justice done; provided, however, that no action shall be taken nor decisions made except after public hearing.

The Board's decision shall be final, subject only to judicial review of the event of an arbitrary abuse of discretion of said board.

6.4 AMORTIZATION OF NONCONFORMING USES OR BUILDINGS

A. Whenever a nonconforming use has been discontinued for a period of six (6) months, such use shall not thereafter be reestablished and use thereafter shall conform to the provisions of this Ordinance.

B. No building damaged by fire or other causes to the extent that its restoration will cost more than fifty (50) percent of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this Ordinance.

SECTION VII — SPECIAL USES

7.1 SPECIAL USES

Special uses are those which require individual review by the Planning Commission and/or Village Council to insure conformance with the intent of all comprehensive plan elements.

Special uses include three basic categories:

A. Planned Development project — A project designed to take maximum advantage of unique site characteristics and potentials along with original design and use concepts and submitted for review under the Planned Development Procedure.

B. Special Uses — Single uses or single aspects of permitted uses specifically identified in the Ordinance as requiring individual review under the special use procedure.

C. Mobile Home Park subject to the Mobile Home Park regulations.

Mobile Home Parks shall also conform to the planned development procedure.

7.2 PLANNED DEVELOPMENT PROCEDURE

A. Intent — The planned development procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use.

B. STANDARDS

1. This ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving plan for the standards to guide the approved development. A planned development project may depart from conformance with the dimension, area, and use regulations for the standard zoning district and from conformance with the design standards, however, a planned development project shall conform with all applicable elements of an officially adopted plan.

2. Required Improvements — Planned development project shall be subject to the regulations governing required improvements.

3. Planned Development project shall be subject to the regulations for parking, loading, traffic, and access of this Ordinance.

4. Special Conditions — The Planning Commission and/or Village Council may attach special conditions to approval of the final plat to insure conformance with the intent of all official plan elements.

7.3 PROCEDURE

A. General — A planned development project may be permitted only by amendment to the map according to the amendment.

B. Preliminary Map — A preliminary map of the planned project shall be submitted as required. It is recommended that this submission be preceded by pre-application conference to determine whether the developer's intent agrees with the intent of the planned element.

C. Amendment — The amendment procedure established shall be initiated after conditional approval of preliminary plat and the map by the Planning Commission and/or Village Council.

7.4 SPECIAL USE PROCEDURE

A. Procedure — In applying for a special use, the applicant shall follow the procedures set forth on the permit. The Planning Commission shall, after careful review of the application for special use, make a recommendation on each application to the Village Council. The council may approve, modify or disapprove the application. The Planning Commission may establish a schedule of reasonable fees to be charged for Special Use Permit.

B. The special use shall, in all other respects conform to the applicable regulations of the district in which it is located.

C. Special Uses in All Districts — The following are designated as special uses which may be approved in all districts: public utility and service uses such as electric substations, gas regulator station, telephone transmission structure, radio, TV and Microwave relay towers and Government Buildings.

D. Special Uses in Specified Districts — Other special uses may be approved in only those zoning districts where they are designated as special use under the Ordinance regulations.

E. Standards for Decisions and Recommendations of the Village Council and Planning Commission — No special permit shall be recommended by the Planning Commission or the Village Council unless there is a concurring vote of the majority of all members present within a minimum of five (5) concurring votes required based on findings of fact that:

1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor diminish property values within the neighborhood.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted.
4. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
5. A fee of Ten Dollars (\$10.00) shall accompany each application.

SECTION VIII — SPECIAL PERMIT

8.1 GENERAL REQUIREMENTS:

Uses by Special Permit, where provided, shall be subject to the requirements of this section in addition to the requirements and standards as set forth in this ordinance to prevent conflict with or impairment of the principal uses thereof. Such uses shall be deemed to possess characteristics of such unique form to the district that each shall be considered as an individual case.

8.2 SPECIFIC REQUIREMENTS:

A. Written application shall be made to the Sterling Municipal Planning Commission through the office of the Planning Administration as provided by and shall show the following:

1. Name of applicant and owner of the premises.
2. Legal recorded description of the premises.
3. Location of proposed building and/or use.
4. Location of existing roads and highways providing access thereto.
5. Sewage disposal facilities, existent or proposed on the premises.
6. Parking area, if required.
7. Description of proposed use.
8. Uses of properties on each adjacent premises.

B. The Planning Commission may hold a public hearing on the application. In reaching its determination on the application it shall consider the following:

1. Whether the location, the use, and the nature and intensity of operation will be in conflict with the principal permitted use of the district.
2. Whether the sewage disposal facilities will be adequate and safe and under the County Sanitary Code.
3. Whether the set back and yard conditions will be in harmony with the orderly and proper development of the district.

4. Whether the adequate access to the building and/or use will be provided by either existing or public roads to be erected.
5. Whether the buildings or use will be more objectionable to near by properties by reason of traffic, noise, vibration, dust, fumes, smoke, fire hazard, flashing lights or disposal of waste or sewerage than the operation of any permitted use.
6. Whether the building and/or use will discourage or hinder the appropriate development and use of adjacent land and buildings.

8.3 FEES

A building fee of One Dollar (\$1.00) per One Thousand (\$1,000.00) dollars estimated cost of construction but no fee for construction less than Two Hundred dollars (\$200.00) on Special Permit.

SECTION IX — BOARD OF APPEALS

9.1 The Sterling Village Council shall constitute the Board of Appeals upon all questions arising under this Ordinance and may fix rules and regulations to govern the procedure to be followed before such Board shall hear and decide appeals from and review any order, requirements, decisions or determinations made by the Administrator. This Board shall also hear and decide all matters referred to it, or upon which they are required to pass hereunder. The concurring vote of a majority of the members of the Village Council shall be necessary to reverse any order, requirement, decision or determination of the Administrator, or to decide in favor of the applicant, any matter upon which they are required to pass under this Ordinance.

9.2 Appeals may be made by any person aggrieved. Such appeals shall be taken within such times as prescribed by the Council, by general rule, by filing with the officer from whom the appeal is taken, and with the notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall further transmit to the Council all the papers constituting the record upon which the action appealed from was taken.

9.3 An appeal stays all proceeding in furtherance of the action appealed from unless the Administrator certifies to the Village Council after the notice of appeals shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property in which case proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Village Council or by Circuit Court upon application, upon notice of the officer from whom the appeal is taken and on due cause shown.

9.4 The Village Council shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time upon the hearing, any party may appear in person, or by agent, or by attorney, The Village Council may reverse or affirm wholly or

partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the Ordinance the Village Council shall have the power in passing upon appeals to interpret any of its rules, regulations, or provisions relating to the construction or structural changes in the Ordinance shall be observed, public safety secured and substantial justice done. The decision of the Council shall be final so far as it involves discretion or the finding of facts.

SECTION X — ADMINISTRATOR

10.1 ADMINISTRATION AND ADMINISTRATOR

The provisions of this Ordinance shall be administered by the Municipal Planning Commission and the Sterling Village Council in accordance with the State of Michigan Municipal Planning Commission Act 285 of the Public Acts of 1931 as amended.

The Village Council and Planning Commission shall employ a Zoning Administrator to act as its officer to insure and effect the proper administration of this Ordinance. The individual selected, the term of employment, the limits to and the extent of his authority to enforce this Ordinance, and the rate of compensation shall be established by the Village Council.

10.2 DUTIES — The Administrator shall:

A. Review all applications for permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this ordinance.

B. Review all applications for special use permits; conduct field inspections, investigations, prepare maps, charts and other material when necessary or desirable and otherwise process applications so as to formulate recommendations; report to the Planning Commission with recommendations and notify the applicant in writing of any decision of the Planning Commission.

~~Member — Harry Kocot~~

C. Receive all applications for appeals, variances or other matters which the Board of Appeals is required to decide under this Ordinance; conduct field inspections; investigations; prepare maps and other material and otherwise process applications with recommendations to the Board of Appeals for determination.

D. Receive all applications for amendments to this Ordinance; conduct field inspection; surveys and investigations, prepare maps and other material and otherwise process applications so as to formulate recommendations, report to the Planning Commission all such applications together with recommendations.

E. Maintain a map showing the current classification of all land in the Village.

F. Maintain a written record of all actions taken by the Administrator.

G. Be responsible for providing forms necessary for the various applications to the Administrator, Planning Commission and Village Council as required by this Ordinance, and shall be responsible for what information is necessary on such form for the effective Administration of this Ordinance subject to general policies of the Planning Commission and the Village Council Board of Appeals.

SECTION XI — AMENDMENTS

11.1 POWER TO AMEND

The regulations and provisions incorporated within the text of this Ordinance and the boundaries of the districts shown on the map may be amended, supplemented, or changed by ordinance of the Village Council.

11.2 WHO MAY INITIATE

Proposals for amendments, supplements, or changes may be initiated by the Village Council on its own motion by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment.

11.3 PROCEDURE FOR INITIATION AND PROCESSING AN AMENDMENT

A. Each petition by one or more persons for an amendment shall be submitted in application to the Planning Commission through the Administrator on a standard form provided, and shall be accompanied by a fee of \$50.00 to cover administrative and publication costs. ~~\$50.00~~ *\$30.00 fee* GF

No part of such fee shall be returned to a petitioner, if a public hearing is held.

B. When a request for amendment is initiated, the Administrator shall notify the Village Council of the request for an amendment at the same time he transmits the amendment request to the Planning Commission.

C. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to individual proposal and in terms of most likely effect on the community. The Planning Commission may recommend any additions or modifications to the original amendment proposed.

D. After deliberation on any proposal, the Planning Commission shall conduct at least one public hearing, notice of time and place which shall be given by two publications in a newspaper of general circulation in the County; the first to be printed not more than 30 days and not less than 20 days and the second not more than 8 days before the date of such hearing.

Not less than 20 days notice of the time and place of such hearing shall also be given by certi-

fied mail to each public utility company and to each railroad within the zone affected. The notices shall include the place and time at which the tentative text and any maps of the Ordinance may be examined.

E. Following the conclusion of the Public Hearing, the Planning Commission shall transmit the proposed amendment to the Village Council and they shall deem any amendments, changes, additions or departures advisable as to the proposed text, or boundaries, it shall refer the same to the Planning Commission within a specified time. The Village Council shall grant a hearing on the proposed amendment to the property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.

Therefore the Village Council may adopt the amendment with or without changes in accordance with the provisions and procedure of Act 183 of the Public Acts of 1943 as amended.

F. No application for rezoning which has been denied by the Village Council shall be resubmitted for a period of one year from date of last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Village Council to be valid.

A piece of property proposed for rezoning must be posted at least 8 days in advance of public hearing.

SECTION 12 — RULES AND DEFINITIONS

12.1

One of the most important parts of any Ordinance and especially a Zoning Ordinance is a list of rules and definitions of the terms that are used in this Ordinance.

12.2

In determining which words to define, the Planning Commission has gone over the tentative text and looked at each word in the context in which it is used to see if there could be any possibility that the word could be given a different meaning than is intended by the Council and the Planning Commission.

12.3

"The following are a list of rules and definitions that have been developed by the Planning Commission.

12.4 RULES

1. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.

2. The word "shall" is mandatory and not discretionary.

3. The word "may" is permissive.

4. The word "lot" shall include the words "piece," "parcel," and "tract;" the phrase "used for" shall include the phrase "arranged for" and "occupied for."

5. All measured distances shall be to the nearest integral foot — if a fraction is one half foot or less the integral foot next below shall be taken.

6. Any words not defined as follows shall be construed in their general meanings as defined in Webster's Dictionary.

7. The words and terms set forth herein under "Definitions" wherever they occur in this Ordinance shall be interpreted as herein defined.

12.5 DEFINITIONS

Accessory Use or Structure

A use or structure subordinate to the principle use and located on the same premises serving a purpose customarily incidental to the principal use. Example, a retail business is not considered customarily incidental to a residential use. Residential accessory use may include storage of household goods, parking area, gardening, private swimming pools, private shelters and other similar uses.

Acreage

Any tract or parcel of land which has not been subdivided and platted.

Agriculture

The art of science of cultivating the ground including the production of crops and livestock on a farm.

Agriculture Use

A use of any land or building for the purpose of producing grain, orchards, nurseries, dairying, vege-

tables, livestock, or fowl or other crops and animal husbandry.

Alley

A narrow public thoroughfare or service right-of-way located at the rear or side lines of property and affording only a secondary means of access to abutting property and not intended for general traffic.

Alterations

Any changes, additions, or modification in use or type of occupancy; any change in structural members of a building, such as walls, partitions, columns, beams, or any changes which may be referred to herein as "altered" or "reconstructed."

Automobile Car Wash Establishment

A building or portion thereof where automobiles are washed as a commercial enterprise.

Automobile Repair

The general repair, tune-up, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; but not including undercoating and overall painting of automobiles unless conducted in a completely enclosed spray booth.

Automobile Trailer

Any house car, house trailer, trailer home, trailer coach or similar vehicle used, or so constructed as to permit its use as a conveyance upon the public streets, or highways, and duly licensable as such, including any self-propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons.

Auto Court or Motel

A combination or group of two or more detached or semi-detached permanent dwellings occupying a building site integrally owned and used to furnish overnight transient living accommodations.

Basement

That portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height, measurement, nor counted as floor area.

Billboard

Any structure or portion thereof upon which a sign or advertisement is used as an outdoor display for the purpose of making anything known to the public, but not including bulletin boards used to display official court, church, or other public office notices.

Block

The property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Building

Any structure having a roof supported by columns

or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Line

A line established in a general parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this ordinance.

Building Permit

The written authority issued by the Planning Administrator permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this ordinance.

Club

An organization of persons for special purpose or the promulgation of agriculture, sports, arts, science, literature, politics or like, but not for a profit.

Co-op

A commercial building or group of buildings owned jointly in which benefits or profits are shared by the common owners.

District

A portion of the unincorporated area of the Village of Sterling within which on a uniform basis, certain uses of land buildings are prohibited as set forth in this ordinance, or within which certain yards and other open spaces are required or which certain lot areas are established or within such a combination of such aforesaid conditions are applied.

Dwelling

A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

Dwelling Group

A group of two or more single family, semi-detached, or multiple dwelling occupying a parcel of land in common and having yards or courts in common.

One-Family Dwelling

A dwelling occupied by but one family and so designed and arranged as to provide living, cooking and eating space for one family only.

Two-Family Dwelling

A dwelling occupied by but two families and so designed and arranged as to provide living, cooking and eating space for two families only.

Erected

Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building excavations, fill drainage and the like, shall not be considered.

Essential Services

"The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables,

fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare."

Excavating

The removal of sand, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be higher. However, this term shall not apply to the removal of sand, gravel, or fill dirt when such removal is made in connection with the construction of a building or structure.

Existing Building

An existing building is a building existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the date of this Ordinance.

Farm

All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of twenty (20) acres or more in area.

Farm Buildings

Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities, including the storage or housing of farm implements, products or farm animals.

Floor Area — Usable

Any floor area within outside walls of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

Frontage

All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of a dead end street, or Village boundary measured along the street line.

Garage — Private

A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premises on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot, for the occupant thereof, of not more than one (1) commercial licensed commercial vehicle but not to include utility trucks, wreckers, garbage pick-up trucks and septic tank pumpers.

Grade

The established "grade" of the street or sidewalk shall be the elevation of the curb at the mid-point

of the front of the lot, where no curb exists, the grade shall be the average elevation of the street adjacent to the property line. When the word "grade" is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been officially established.

Highway

Any public thoroughfare except alleys in the public road system of the Village, including county, state, and federal roads.

Home Occupation

Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the character thereof.

Junk Yards

Any establishment or premises where worn-out or discarded material is bought, kept, sold and/or stored; also any premises upon which one (1) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more. Junk yards containing one (1) or more vehicles shall maintain a solid fence or structure eight feet high.

Lot

Any portion, piece or division of land.

Lot, Area

The total horizontal area within the lot lines, as defined of a lot. For lots fronting or lying adjacent to private streets, lot areas shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the center line of said private street.

Lot, Corner

A lot located at the intersection of two (2) streets or a lot bound on two (2) sides by a curving street, and any two (2) tangent of which form an angle of one hundred thirty-five (135) degrees or less measured on the lot side. The point of intersection of the street lines is the "corner." In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot Depth

The main horizontal distance from the front street line to the rear lot line.

Lot Lines

The property lines bounding the lot.

Front Lot Line

A front lot line, in the case of a lot abutting upon one public street or private street means the line separating such lot from such street right-of-way. In the case of any other lot the owner shall for the purpose of this ordinance have the privilege of electing any street lot line, the front lot line, providing that such a choice, in the opinion of the Administrator, will not be injurious to the existing, or the desirable future development of adjacent properties.

Rear Lot Line

A rear lot line is ordinarily that lot line which is opposite and most distant from the front lot line of the lot.

Side Lot Line

A side lot line is any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Street or Alley Lot Lines

A street or alley lot line is a lot line separating the lot from the right-of-way of a street or an alley.

Lot, Interior

A lot other than a corner lot. Any portion of a corner lot more than one hundred twenty (120) feet from the "corner" measured along a front street lot line, shall be considered an interior lot.

Lot of Record

One whose dimensions are shown on a plat recorded in the office of the County Register of Deeds or a lot described by metes and bounds in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

Lot Width

Horizontal distance between the side lines, measured at right angle to the side lot line. Where side lot lines are parallel, the lot side shall be considered as the average of the width between such side lot lines.

Mobile Home or Trailer Coach

Any enclosure or vehicle used for living, sleeping, business or storage purposes on a foundation or wheels which is, has been, or reasonably may be equipped with wheels or other devices for transporting it from place to place, whether by motive power or other means suitable for year-around occupancy and containing both facilities and self-contained toilets. This definition is not intended to include travel trailers or camper buses.

Mobile Home or Trailer Coach Park

This park means an area of land upon which two or more occupied trailer coaches or mobile home are harbored either free of charge or for revenue purposes and shall include any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such trailer coach park.

Nonconforming Structure

A structure which lawfully occupies a building site or land at the time of adoption of this ordinance and which does not conform with the regulations of the district in which it is located.

Nonconforming Use

A use which lawfully occupies a building or land at the time of adoption of this ordinance and which does not conform with the use regulations of the district in which it is located.

Performance Standards

A criterion established to control noise, odor, smoke particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or

heat generated by or inherent in use of land or buildings.

Planned Development

A parcel or tract of land initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Parcel

A part or portion of land; in this ordinance it is to be considered synonymous with the term lot.

Park

Any non-commercial recreational area.

Premises

Any piece of land or real estate and buildings thereon.

Public Utility

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under state or municipal regulations to the public, electricity, gas, steam, communications, transportation, water service, sewers or sewage treatment, or any other service normally considered as a public utility service.

Setback

The minimum horizontal distance between the front of the building excluding steps, and unenclosed porches and the front street or right-of-way line.

Setback Lines

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within setback lines" means between the setback line and the nearest boundary of the highway right-of-way.

Soil Removal

The removal of any kind of soil or earth matter including topsoil, sod, sand, gravel, clay or similar materials, or combination thereof, except common household, gardening and general farm care.

Structure

Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached projecting shall be construed to be a structure.

Structure Alteration

Any change in the supporting members of a building or structure such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits or any substandard change in the roof or any additional floor space added to the building through an addition.

Subdivision Plat

A subdivision plat shall for the purpose of this ordinance mean the proposed division of land in accordance with the subdivision Control Act of 1967, Act No. 288 of Public Acts of 1967, as amended.

Swimming Pool

Any permanent, non-portable structure or container located either above or below grade designed

to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory use structure for purpose of computing lot coverage.

Temporary Building and Use

A structure or use permitted by the Administrator to exist during periods of construction of the main use or for special events.

Use

The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Use Accessory

A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking area, gardening, private swimming pool and private emergency shelters.

Use Permitted

A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

Use Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

Use Special

Uses of such variable nature as to make control by rigid preregulations impractical. After due consideration in each case by the Council and the Planning Commission, after receiving the report and recommendation relative to the impact of such use upon neighboring land and the public need for the particular use at the particular location such "Special Use" may or may not be granted by the Commission and Council.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tank, power and communication transmission lines, electrical power substations, telephones and telegraphs exchange, microwave radio relays and gas regulation stations, but not including sewage disposal plant, municipal incinerator, warehouse, shops and storage yards.

Yard

An open space of uniform width or depth on the same land with a building or group of buildings, which open space lies between the buildings or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front

A yard extending across the full width of the lot and lying between the front line of the lot and nearest line of the building.

Yard, Rear

A yard extending across the full width of the

lot and lying between the rear line of the lot and the nearest lot line of the building.

Yard, Side

A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be necessary for the Public Welfare, Health, Peace, Safety, Morals and shall be in effect on and after May 11, 1971.

Enacted by the Village Council of the Village of Sterling, Deep River Township, Arenac County and reaffirmed on June 9, 1971.

VILLAGE COUNCIL

President—Verl Mann
Clerk—Pearl Templin
Treasurer—Ruth White
Trustee—Neil Adams
Trustee—Bruce Ireland
Trustee—Edward Goodroe
Trustee—Ray Kerr
Trustee—Joe Miscisin

PLANNING COMMISSION

Chairman—Ruth Scott
Secretary—Virginia Adams
Member—Edith Armstrong
Member—Ray Kerr
Member—Ron Sweet
Member—Ellis Chaffee
Member—Harry Kocot

Adm. - Virginia Adams

Asst. Adm. Ruth Scott