



# CHEBOYGAN COUNTY PLANNING COMMISSION

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870 SOUTH MAIN ST. ■ PO Box 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, JANUARY 2, 2019 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## AGENDA

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**UNFINISHED BUSINESS**

1. Continued discussion regarding five-year review of the adopted Cheboygan County Master Plan (2014), including proposed Zoning Ordinance changes based on Master Plan Goals.
2. Continued discussion regarding amending the Planning Commission Bylaws.

**NEW BUSINESS**

1. 2019 Annual Meeting

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**



# CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
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## MEMORANDUM

**Date:** December 28, 2018  
**To:** Planning Commissioners  
**From:** Michael Turisk, Planning Director  
**Re:** 2014 Master Plan Five –Year Review/Zoning Plan

Planning Commissioners,

Recall that during our last meeting on December 19 we began a discussion regarding the statutory requirement to evaluate our adopted 2014 Master Plan (“Plan”) at the five-year mark to determine its relevancy. You’ll note in the Plan document that what emerged from the 2014 effort, in part, were a number of proposed Zoning Ordinance amendments based on the adopted Plan’s Goals, including corresponding target years for completion (ranging from 2014 through 2018) (Table 2; pp. 30-31). However, a number of the proposed amendments have yet to be completed or even begun. To this point, during our discussion it was suggested that, rather than working through a potentially exhaustive (and unwarranted) revision, we should prioritize the identified proposed Zoning Ordinance changes in Table 2 in order to enhance our focus in helping to honor the applicable Goals in the 2014 Plan.

Attached to this memorandum is a slightly different color-coded table that includes the proposed Zoning Ordinance changes, their respective anticipated year of completion and staff’s suggested order of precedence or prioritization. Please review this table in anticipation of a discussion on January 2 regarding the projects that you collectively feel should be prioritized. Staff will have this table available digitally at our meeting so that we may edit accordingly.

In addition,, the attached memorandum dated February 9, 2018 and “use terminology review work plan” (adopted February 17, 2016) includes items that were identified at those times as priority items by the Planning Commission. You’ll note that several align to varying degree with a number of the proposed Zoning Ordinance changes in Table 2 of the Plan. However, several listed items are not clearly identified in Table 2, so we’ll have a discussion about these items to determine if any not identified in Table 2 of the Plan should be included with the proposed Zoning Ordinance changes listed in said Table.

Note that, historically, annual work plans have been adopted in order to help provide clarity of direction for the upcoming year regarding long-range planning-related projects, for example. Given that we are closing in on 2019, perhaps it's timely to *consider* a formal long-range work plan reflecting what we decide are priority items.

Enc.:

1. Color-coded table regarding proposed Zoning Ordinance changes based on Master Plan Goals.
2. Memorandum dated February 9, 2018 regarding remaining priority items.
3. Use terminology review work plan adopted February 17, 2016.

Zoning Ordinance Changes, per Table 2 of Cheboygan County Master Plan (pp. 30-31)	Target	Status	Staff Priority
Update renewable energy facility accommodations	2016	Continuing	High
Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts.	2014	Continuing	High
Provide more flexibility in Industrially zoned areas - consider uses to be permitted by expedited administrative review and additional uses such as indoor recreation, renewable energy, medical research, movie industry, IT/office uses.	2014	Not started	High
Update home occupation regulations to allow more and appropriate home-based business opportunities.	2015	Not started	High
Create use and design standards that, if adhered to, provide an expedited administrative approval which attract business opportunities. (e.g., use of property to be redeveloped, standards for common allowable uses).	2015	Not started	High
Include where appropriate accommodations for accessory dwelling units to accommodate needs of an extended family.	2017	Not started	High
Update PUD language, consider allowing other uses and PUD rezoning options to provide more flexibility.	2015	Continuing	Moderate
Review zoning ordinance to ensure adequate provisions to allow for a variety of agri-tourism uses.	2018	Not started	Moderate
Identify and rezone as needed those areas that should be Forest separate from Agriculture, and vice-versa.	2018	Not started	Moderate
Accommodate commercial storage uses.	2014	Continuing	Moderate
Clarify subdivisions and their zoning districts.	2017	Not started	Moderate
Revise zoning ordinance so that the zoning district, such as in Resource Conservation (P-RC), does not depend on ownership alone. (Current regulations of Section 12.1 state that ownership determines the zoning district, which does not support due process for zoning changes.)	2018	Not started	Moderate
Update parking requirements for more flexibility and more accurate standards.	2016	Not started	Moderate
Create <i>maximum</i> parking requirements for big box stores.	2016	Not started	Moderate
Update shared parking standards	2016	Not started	Low
Update sign standards to allow sign size to be proportional to building façade size.	2014	Not started	Low
Allow for signs along recreational trails. Create appropriate sign regulations considering recreational trails in a similar manner to public rights-of-way with sign sizes appropriate for trailside placement.	2014	Not started	Low
Add standards for access management.	2017	Not started	Low
Create a new, user-friendly zoning map.	2014-2015	Not started	Low
Clarify recycling operation use requirements.	2016	Not started	Low
Accommodate small commercial uses in rural areas not appropriately zoned (e.g., Rural Commercial Nodes on FLU Map).	As requested	Not started	Low



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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**Date: February 9, 2018**

**To: Planning Commissioners**

**From: Scott McNeil**

**Re: Remaining Priority Items**

In order to provide a single document listing priority items please find below the items which the Planning Commission has identified as priority projects.

- Use Terminology Work Plan (copy included with this memo)
- Amend Article 19 – Planned Unit Development
- Study and consideration of an overlay zoning district regarding small lots in Topinabee area.
- Review requirements of Minimum Floor Area for a Dwelling.
- Review allowing Communication Facilities in the Lake and Stream Protection zoning district.
- Consider establishing separate Agriculture and Forestry land uses and zoning districts.

The Planning Commission is currently undertaking item #3 of the Use Terminology Review Work Plan. Listed below are use categories which have different and related use listings based on my review of the Table of Uses which remain to be addressed pursuant to the work plan.

Campgrounds  
Commercial Farms  
Commercial Recreation/Outdoor Recreation  
Contractors Yard  
Essential uses  
Farm Markets  
Green Houses/Nurseries  
Retail  
Single family, Two family, Multi-family  
Tourist/Travel Lodging (cabins, hotel, motel, lodging houses etc.)

Please note that the Planning Commission has identified Campgrounds and Commercial Recreation/Outdoor Recreation as a single use category and Tourist/Travel Lodging and Single family, Two family, Multi-family as single use category, as the next use listing categories to study under item 3 of the work plan. Included you will find separate folder with reports

providing current definitions, current use listings and related recommendations regarding these use categories.

Items 4 through 7 of the work plan are to be addressed upon completion of item 3 and read as follows:

4. Remove references to permitted uses in other districts by adding those referenced uses to zoning district. (*Propose Amendment*)
5. Review uses by zoning district. Define remaining uses.
6. Identify new uses to be added. Define.
7. Create table of allowable uses by zoning district. (*Propose Amendment from results of steps 5-7*)

Use terminology review work plan.  
Adopted by the Planning commission on February 17, 2016

The Planning Commission adopted a project at the July 1, 2015 regular meeting as recommended for future projects In the Master Plan under Zoning Ordinance Changes which is written as follows:

Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts.

The following work plan was approved by the Planning Commission on February 17, 2016:

1. Conduct inventory and table of existing allowable uses.
2. Identify redundant and antiquated uses as well as items which are not uses, per se. These items would be recommended for deletion.
3. Identify similarly worded uses to be standardized under common terminology; propose common terminology. Define. (*Propose Amendment from results of steps 2 and 3*)
4. Remove references to permitted uses in other districts by adding those referenced uses to zoning district. (*Propose Amendment*)
5. Review uses by zoning district. Define remaining uses.
6. Identify new uses to be added. Define.
7. Create table of allowable uses by zoning district. (*Propose Amendment from results of steps 5-7*)



# CHEBOYGAN COUNTY

## PLANNING AND ZONING DEPARTMENT

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**Date:** December 27, 2018

**To:** Planning Commission

**From:** Michael Turisk, Planning Director

**Re:** Planning Commission Bylaws; annual meeting and election of officers

Planning Commissioners,

The Bylaws of the Planning Commission require that Officers be chosen (Chairperson; Vice Chairperson and Secretary) from its members by the Planning Commission at its annual meeting in January.

Also, recall that we discussed amending the latest adopted Planning Commission Bylaws at our December 19 meeting, and per your direction staff has drafted amended language pertaining to Sections 4.1, 7.1 and 8.3 and propose adding a new Section 10 regarding ex parte communication. Bylaws are reviewed, amended, and adopted by a majority vote of the Planning Commission members.

Attached is a draft copy of the Bylaws showing the proposed edits in red.

**CHEBOYGAN COUNTY  
PLANNING COMMISSION  
DRAFT Bylaws 1.2.2019  
Proposed additions/changes in RED**

1. **PURPOSE.** These Bylaws are adopted to provide for the efficient and uniform administration of the Cheboygan County Planning Commission.
2. **MEMBERSHIP.** The Planning Commission shall be composed of nine (9) members as provided in Cheboygan County Ordinance No. of 2009.
3. **OFFICERS AND COMMITTEES.**
  - 3.1 **Officers.** The officers of the Planning Commission shall be a Chairperson, Vice Chairperson, and Secretary/Recording Secretary.
  - 3.2 **Election of Officers.** The officers of the Planning Commission shall be chosen from its members by the Planning Commission at its annual meeting held in January of each year. The County Board liaison to the Planning Commission shall not be eligible to serve as Chairperson or Vice Chairperson. The term of office for each officer shall be one (1) year, or until his or her successor is chosen and assumes office.
  - 3.3 **Chairperson.** The Chairperson shall preside over all meetings of the Planning Commission.
  - 3.4 **Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.
  - 3.5 **Secretary/Recording Secretary.** The Secretary/Recording Secretary shall assure that the minutes of all meetings of the Planning Commission are properly recorded and that notices for all meetings are duly given. He or she shall also perform such other duties as may be assigned by the Chairperson or the Planning Commission.
  - 3.6 **Vacancies.** If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office of Chairperson for the remainder of the term. All other vacancies in offices shall be filled by the Planning Commission from its members for the unexpired term of the office.
4. **MEETINGS**
  - 4.1 **Regular Schedule.** The regular meetings of the Planning Commission shall be scheduled at the ~~first annual~~ meeting in January each year and posted as required by the Open Meetings Act, as amended. If any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. Notice of this alternate date shall be given as provided in Section 5.3.

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- 4.2 Special Meetings.** Special meetings of the Planning Commission shall be held at the call of the Chairperson or upon written request of two (2) of the members of the Planning Commission filed with the Secretary/Recording Secretary. No less than eighteen (18) hours before the scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall provide each member of the Planning Commission with a written notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This written notice shall be mailed to each member of the Planning Commission, given personally to each member, or left at the member's usual place of residence.
- 4.3 Place of Meeting.** Meetings of the Planning Commission shall be held at the Cheboygan County Building in Room #135, Commissioner's Room. Whenever the Chairperson determines that the place of the meeting will likely have inadequate space for members of the public, the location of the meeting may be changed to a larger meeting facility. A notice of the change in meeting location shall be prominently posted at the County Building so that it is visible from outside and shall be published in a newspaper of general circulation within the county, if such publication can be accomplished prior to the meeting.
- 4.4 Time of Meetings.** Meetings of the Planning Commission shall begin at 7:00 p.m., unless the Planning Commission, by a vote of a majority of its members, specifies a different starting time. The Planning Commission shall not begin considering any matter on the agenda after 10:30 p.m., except by unanimous consent of the members present. Matters on the agenda which have not been considered may be heard at an adjourned meeting/hearing, provided a motion specifies the time, date, and place of the adjourned meeting/hearing, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.
- 4.5 Change in Schedule.** Changes in the schedule of a regular meeting shall not be made except by a vote of a majority of the entire Planning Commission. If a quorum is not present at a regular meeting, the meeting shall be rescheduled, and a notice of the rescheduled regular meeting shall be posted as required in Section 5.3.
- 4.6 Meeting Attendance.** Each member of the Planning Commission shall attend all regular and special meetings of the Planning Commission, unless excused by the Chairperson for good cause. A member of the Planning Commission with three (3) consecutive unexcused absences may be removed from office by the County Administrator, subject to the approval of the County Board, following notice and a hearing before the County Board.

4.7 **Adjournment of Rezoning Request or Administrative Proceeding.** A property owner or applicant who has requested a rezoning of property or a property owner or applicant who has an application pending before the Planning Commission for a special use permit, planned unit development, site plan, or other administrative proceeding shall be entitled to no more than two (2) adjournments of the matter pending. Any request for an adjournment shall be received by the Planning and Zoning Department no less than four (4) business days before the matter is scheduled for consideration by the Planning Commission. Any written request for an adjournment shall also include a future date of a regularly scheduled meeting of the Planning Commission for future consideration of the matter. The failure of a property owner or applicant to comply with these procedural requirements shall result in the Planning Commission considering the matter as scheduled, or shall require the property owner or applicant to withdraw the pending matter. Any such withdrawal shall require the payment of a new fee in the event the matter is resubmitted.

## 5. PUBLIC NOTICE OF MEETINGS

5.1 **Public Notice of Meetings.** The Secretary/Recording Secretary or his/her designee shall be responsible for providing the proper notice of all meetings of the Planning Commission. Notices shall comply with the Open Meetings Act, as amended, the Michigan Zoning Enabling Act, as amended, and the Cheboygan County Zoning Ordinance, as amended.

5.2 **Regular Meetings.** The Secretary/Recording Secretary or his/her designee shall post at the County Building so that it is visible from outside a notice within ten (10) days after the first meeting of the Planning Commission in each calendar year indicating the dates, times, and places of regular meetings.

5.3 **Schedule Change.** Whenever the Planning Commission changes its schedule of regular meetings, the Secretary/Recording Secretary or his/her designee shall, within three (3) days after the regular meeting at which the change was made, post at the County Building so that it is visible from outside a public notice stating the dates, times, and places of the new schedule of regular meetings.

5.4 **Special Meetings.** No less than eighteen (18) hours before any scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall post at the County Building so that it is visible from outside a notice of the special meeting, including the purpose for which the special meeting is called.

## 6. QUORUM AND VOTING

6.1 **Quorum.** A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business at all meetings of the Planning Commission.

6.2 **Voting.** An affirmative vote of a majority of the entire Planning Commission shall be necessary to approve the county master plan and any amendment to the master plan. Unless the Cheboygan County Zoning Ordinance requires otherwise, an affirmative vote

of a majority of the Planning Commission members present shall be necessary to decide in favor of the applicant on any matter before the Planning Commission and to make all other decisions.

**6.3 Conflict of Interests.** A member of the Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- a. The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the Planning Commission member or the member's spouse.
- b. The Planning Commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- c. The Planning Commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- d. The Planning Commission member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the Planning Commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- e. The Planning Commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

## **7. REGULAR MEETING AGENDA.**

**7.1 Regular Meeting Agenda.** The agenda for a regular meeting of the Planning Commission shall be as follows:

- a. Call to order.
- b. Pledge of Allegiance.
- ~~bc.~~ Roll call.
- ~~ed.~~ Approval of Agenda.
- e. Approval of minutes.
- f. New business, including scheduled public hearings.
- g. Unfinished business.
- ~~d.~~ ~~New business, including scheduled public hearings.~~
- ~~eh.~~ Unfinished-New business.
- ~~if.~~ Correspondence/Staff rReports.
- gj. Planning Commission comments.
- k. Public comments.
- ~~hl.~~ Adjournment.

The Planning Commission reserves the right to alter the agenda by a majority vote of the members present at the meeting.

- 7.2 Special Meeting Agenda.** Whenever the Planning Commission meets in a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members of the Planning Commission are present and concur.

## **8. CONDUCT OF MEETINGS.**

- 8.1 Public Hearing Procedure.** The procedure for a public hearing of the Planning Commission shall be as follows:

- a. The Chairperson shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the Planning Commission's decision must be based.
- b. Determination by the Chairperson whether a time limitation will be imposed on members of the public wishing to address the Planning Commission during the public hearing.
- c. Staff report, if applicable.
- d. Compilation of list of all exhibits to be considered by the Planning Commission when making its decision.
- e. Presentation by the applicant or applicant's attorney or other agents.
- f. Correspondence and/or persons speaking in favor of the application.
- g. Correspondence and/or persons speaking in opposition to the application.
- h. Rebuttal comments by the applicant or applicant's attorney or other agents.
- i. Chairperson declares public hearing portion of the case closed.
- j. The Planning Commission begins its deliberations on the case.
  1. During deliberations the Planning Commission may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the Chairperson. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.
  2. During deliberations the Planning Commission shall also specify in writing the findings of fact on which it bases its decision.
  3. If during deliberations the Planning Commission determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relevant to that issue.
- k. At the conclusion of its deliberations, the Planning Commission shall adopt a motion documenting its decision.

- 8.2 Members of the Public.** Members of the public wishing to address the Planning Commission during the meeting or during a public hearing shall first be recognized by the Chairperson, and each person who speaks shall state his or her name and shall address the entire Planning Commission.
- 8.3 Opportunity for Public Comment.** Each member of the public desiring to address the Planning Commission (outside public hearings) shall be given an opportunity to speak. The time provided each member of the public desiring to address the Planning Commission shall be at the discretion of the Chairperson.  
~~equal to the time allotted for public comments divided by the number of speakers desiring to address the Planning Commission during the public comment period, or five (5) minutes, whichever is less.~~
- 8.4 Limitation of Public Comments during Public Hearings.** Prior to opening a public hearing, the Chairperson may establish a reasonable time limitation for each member of the general public when addressing the Planning Commission during the public hearing. Members of the general public expressing a desire to address the Planning Commission may transfer their allotted time to another individual, who may act as a spokesperson for the group. The time limitation imposed pursuant to this section, however, shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the Planning Commission.
- 8.5 Written Statements Submitted by the Public.** All written statements (both during public hearings and outside public hearings) should be given to the Secretary/Recording Secretary or his/her designee prior to the commencement of the meeting or public hearing. All written statements and documents presented to the Planning Commission by an individual are considered public documents and shall be retained in the public record of the meeting.
- 8.6 Disorderly Conduct at Meetings.** Individuals addressing the Planning Commission (both during public hearings and outside public hearings) should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the Planning Commission or county staff. The Chairperson may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the Chairperson determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the Planning Commission members present. If the person continues to be disorderly to the extent that the Planning Commission cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The Planning Commission shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of the peace committed at the meeting.
- 8.7 Rehearings.**
- a. Except as provided in this subsection and the Cheboygan County Zoning Ordinance, a decision of the Planning Commission shall be final. The Planning Commission

may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission made misrepresentations concerning a material issue which was relied upon by the Planning Commission in reaching its decision.
  2. There has been a material change in circumstances regarding the Planning Commission's findings of fact which occurred after the public hearing.
  3. The county attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.
- b. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission on its own motion, pursuant to the following procedure:
1. A request for a rehearing which is made by an applicant or the Zoning Administrator must be made within twenty-one (21) days from the date of approval of the Planning Commission's minutes regarding the decision for which the rehearing is being requested.
  2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  3. Whenever the Planning Commission considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission holds a hearing at which it considers whether to grant a rehearing.
  4. If the Planning Commission grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**8.8 Robert's Rules of Order.** Except as modified by these Bylaws and state or federal law, the Planning Commission shall follow Robert's Rules of Order, as Revised, for all procedural questions.

## **9. RECORD OF MEETINGS.**

**9.1 Recording Responsibility.** The Secretary/Recording Secretary or his/her designee shall be responsible for maintaining the official records and minutes of each meeting of the Planning Commission. The minutes shall include all the actions of the Planning Commission with respect to motions. The minutes shall include the names of Planning Commission members who present motions and Planning Commission members who second motions as well as the vote of the Planning Commission on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.

**9.2 Voting.** Whenever a question is put by the Chairperson, every Planning Commission member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the county attorney. Once the conflict of interest is declared or confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.

**9.3 Requests for Remarks to be Included.** Any Planning Commission member may request to have his or her comments printed as part of the minutes. If there are no objections by any Planning Commission member, the comments may be included. If there is an objection to including the requested comments in the minutes, the Planning Commission shall decide the matter by a majority vote of the Planning Commission members present.

**9.4 Public Access to Meeting Records.** The Secretary/Recording Secretary or his/her designee shall make available to the public the minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the Secretary/Recording Secretary or his/her designee but not approved by the Planning Commission shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Planning Commission shall be available within five (5) business days after the meeting at which they were approved. The Secretary/Recording Secretary or his/her designee shall promptly mail copies of minutes to persons who have subscribed and paid the required fee as determined by the County Board.

**10 Ex Parte Communication.** The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. Therefore, for the purposes of these Bylaws, ex parte communication shall mean oral or written, off-the-record communication made to or by Planning Commissioners without notice that are directed to the merits or lack thereof or outcome of a business item(s). If any such communications are received, Planning Commission members shall disclose the nature of the communication at the Planning Commission meeting(s) after the introduction of the agenda item(s) to which the ex-parte communication regarded.

Planning Commission members may attend meetings held by applicants with adjacent property owners, for example; however, only in the capacity of an observer, and only if a quorum of the Planning Commission is not present unless proper notice of the meeting was provided. If a Planning Commission member(s) decides to take part in discussions at said meeting(s), the Planning Commissioner(s) shall disclose the nature of their participation to the Planning Commission prior to participating in a hearing, deliberation

or voting on a request. The Planning Commission shall make a determination as to whether or not the Planning Commissioner(s) can impartially consider the request.

**11.** Annual Training. Planning Commissioners are to receive a minimum of four (4) hours of zoning and/or land use training each year during their term of office. This training may be accomplished as individuals or a group during a regular or special Planning Commission meeting and/or other venue. Failure to meet the annual training requirements may result in the Commissioner(s) not being reappointed to the Planning Commission.

**102. AMENDMENTS.** These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members shall be required to amend these Bylaws.

**11-13. SEVERABILITY.** If any section, provision or clause of these Bylaws or the application thereof to any person or circumstance shall be invalid, such invalidity shall not ~~effect~~affect any remaining portion or application of these Bylaws which can be given effect without the invalid portion or application.

These Bylaws were adopted by the Cheboygan County Planning Commission on September 16, 2009 and amended by adding ~~s~~Section 4.7.10 on ~~August 8,~~ \_\_\_\_\_, 20139.

CHEBOYGAN COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Its: Chairperson

By: \_\_\_\_\_  
Its: Secretary