

Land Use Series

May 1, 2008

Bringing
Knowledge
to Life!

#8: Sample Planning Commission and Zoning Board of Appeals Code of Conduct

The following represents a sample Code of Conduct for a zoning board of appeals and a Planning Commission in Michigan. Reference to a Code of Conduct appears in *Land Use Series*: “Sample #1E: Bylaws for a Planning Commission” and *Land Use Series*; “Rules of Procedure for a Zoning Board of Appeals” (both available at www.msue.msu.edu/lu) and this is one example of what a Code of Conduct might look like. This Code is written in attempt to cover most needs that may occur. Before adoption they should be reviewed, and parts which are not pertinent omitted.

*“Thirty seven million
acres is all the Michigan
we will ever have.”*

Former Governor
William G. Milliken

For any step of this process, the Michigan State University Extension members of the MSU Land Use Team can assist with sample materials; coordinating efforts between the township, county, and the state; and providing guidelines.

This pamphlet is not designed as a substitute for reading and understanding the Michigan Zoning Enabling Act. This outline is not a substitute for legal advice or for professional planner services. This is not designed as a substitute for reading and understanding the Michigan Zoning Enabling Act (M.C.L. 125.3101 *et seq.*) and the Michigan Planning Enabling Act (M.C.L. 125.3801 *et seq.*). This outline is not a substitute for legal advice.

This sample Code of Conduct is also available in a separate word processor document (Microsoft Word™ and WordPerfect™) at the website www.msue.msu.edu/lu. Then use the “search and replace all” function to replace “[local unit of government]” with the name of your municipality and “[date]” with the effective date the rules are adopted.

Michigan State University
Extension Land Use Team

<http://ntweb11a.ais.msu.edu/luaoe/index.asp>

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Author:

Kurt H. Schindler, REGIONAL LAND USE
EDUCATOR, member MSU LAND USE TEAM
Phone: (231)779-9480
Fax: (231)779-9105
e-mail: schindl9@msu.edu
overland mail:

MSU Extension, Wexford County
401 N. Lake Street – Suite 400
Cadillac, Mich. 49601-1891

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- Mary Ann Heidemann, REGIONAL LAND USE
EDUCATOR, member MSU LAND USE TEAM
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- Lincoln Sweet, MSU GRADUATE STUDENT

**SAMPLE _____ [PLANNING COMMISSION / ZONING BOARD OF APPEALS]
CODE OF CONDUCT and OATH OF OFFICE**

The Appointed Member of the _____ [Planning Commission / Zoning Board of Appeals] agree to abide by this Code of Conduct

As a member I will:

1. Accept responsibility to represent the [Planning Commission / Zoning Board of Appeals] which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the responsibility to promote and support [Planning Commission / Zoning Board of Appeals] to develop an effective planning and zoning program.
5. Attend the meetings of the [Planning Commission / Zoning Board of Appeals] on a regular basis and provide prior notification of any necessary absences.
6. Read the plan, zoning ordinance, other ordinance, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the [Planning Commission / Zoning Board of Appeals] and continue to gain knowledge (and understanding) through self-study, inquiries and attending appropriate training.
7. Attend training programs on planning and zoning in order to stay current on issues of concern for my community and in planning and zoning law.
8. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the [Planning Commission / Zoning Board of Appeals].
9. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
10. Refrain from deciding cases before the meeting discussion.
11. Participate in the [Planning Commission / Zoning Board of Appeals] deliberation at the meetings when appropriate.

Related Publications

There are also separate procedural checklists for performing other planning and zoning functions. They are:

- *Land Use Series*: "Check List #1A; To Create a Planning Commission or Amend an Existing Planning Commission Ordinance."
- *Land Use Series*: "#1B; Sample Ordinance to create a planning commission"
- *Land Use Series*: "#1C; Summary of changes between new Michigan Planning Enabling Act and the three old planning acts: Municipal Planning Act, County Planning Act, and Township Planning Act."
- *Land Use Series*: "Checklist #1D; Steps to Transition an Existing Planning Commission to Comply with the Michigan Planning Enabling Act"
- *Land Use Series*: "#1E; Sample Bylaws for a planning commission."
- *Land Use Series*: "Checklist #1F; What Should be in a Master Plan"
- *Land Use Series*: "Checklist #1G; For Adoption of a Plan in Michigan"
- *Land Use Series*: "Checklist #1H; The Five Year Plan Review."
- *Land Use Series*: "Checklist #1I; For Adoption of an Amendment to a Plan"
- *Land Use Series*: "Checklist #1J; Adopting and Updating a Capital Improvement Program"
- *Land Use Series*: "Checklist #1K; Review of Infrastructure and Public Capital Expenditure"
- *Land Use Series*: "Checklist #1L; Adoption or Amendment of Subdivision Rules"
- *Land Use Series*: "#1M; How Governments Make Submissions on a Neighbor's or County's Proposed Plan"
- *Land Use Series*: "#1N; How a Planning Commission Should Respond to Submissions"
- *Land Use Series*, "Checklist #2; for Adoption of a Zoning Ordinance in Michigan."
- *Land Use Series*, "Checklist #3; for Adoption of an Interim Zoning Ordinance in Michigan."
- *Land Use Series*, "Checklist #4; for Adoption of a Zoning Ordinance Amendment (Including PUD) in Michigan"
- *Land Use Series*, "Checklist #5; for Processing a Special Use Permit (Including PUD) Application in Michigan."
- *Land Use Series*, "Checklist #6; for Processing a Zoning Appeal and Variance in Michigan."

All of these are available at www.msue.msu.edu/lu/.

12. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, incompatible office, *ex parte* contact, not voting on the same issue twice by virtue of serving on two different bodies, or accepting gifts as a form of influencing your vote.
13. In public forums, after a vote by the [Planning Commission / Zoning Board of Appeals] has been taken, I will represent the adopted majority position of the [Planning Commission / Zoning Board of Appeals] when speaking on behalf of the [Planning Commission / Zoning Board of Appeals].
14. I will follow, and will help my community follow the *Community Planning Principles* established by the Michigan Association of Planning (MAP), the Michigan Chapter of the American Planning Association. (For a copy: <http://www.planningmi.org/resources4560087.asp> or Michigan Association of Planning, 219 South Main Street – Suite 300, Ann Arbor, Michigan 48104, phone (734)913-2000, fax: (734)913-2061.)

It is important that all appointees comply with this Code of Conduct.

OATH OF OFFICE:

I, _____ solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will discharge the duties of the office of a member of [Planning Commission / Zoning Board of Appeals] in and for _____ [name of municipality] to the best of my ability.

Signed:

Name:

Date:

[April 30, 2008; Wexford MSUE CED: C:\Documents and Settings\Kurt Schindler\My Documents\wp\Presentation Handouts\2008MiPlanningEnablingAct\pamphlet8PhCommZBA CodeOfConduct.wpd]