



Michigan State University Extension
Land Use Series

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

Original version: May 1, 2008

Last revised: May 1, 2008

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.

For any step in the process of reviewing a code of conduct and facilitating the discussion and decisions about how your code of conduct is written, your county Michigan State University Extension can assist. Contact through your county MSU Extension office or go to [http://www.canr.msu.edu/land use education services/](http://www.canr.msu.edu/land_use_education_services/) and find a list of contacts toward the bottom of this web page.

This pamphlet 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.

The following represents one sample set of a code of conduct for a planning commission and zoning board of appeals in Michigan. These are written in an attempt to cover most needs that may occur. Before adoption they should be reviewed, and sections which are not pertinent omitted. In the sample code of conduct, below, text which appears in brackets ([like this]) should be replaced with the specific name, number, or date as indicated. Commentary in a box, includes additional discussion and alternatives to consider.

The following is offered as sample code of conduct. It is intended as a starting point for a community to use when considering this issue.

“Thirty seven million acres is
all the Michigan we will ever have”
William G. Milliken

This is a fact sheet developed by experts on the topic(s) covered within MSU Extension. Its intent and use is to assist Michigan communities making public policy decisions on these issues. This work refers to university-based peer reviewed research, when available and conclusive, and based on the parameters of the law as it relates to the topic(s) in Michigan. This document is written for use in Michigan and is based only on Michigan law and statute. One should not assume the concepts and rules for zoning or other regulation by Michigan municipalities and counties apply in other states. In most cases they do not. This is not original research or a study proposing new findings or conclusions.

This is a sample, meaning that it is not a definitive recommendation by the authors or MSU Extension. A sample is a starting point for discussion and development of a code of conduct that is appropriate for a particular community. Conversely a model, would be presented as the ideal or utopia intended as a recommended approach. This is not a model code of conduct. That means any numerical requirement offered in the sample by laws is just a starting point for discussion. Often there is already discussion about it in the commentary which is intended to provide a community with information to decide what it would wish to have.

This document is written for use in Michigan and is based only on Michigan law and statute. One should not assume the concepts and rules for planning commission by laws for Michigan municipalities and counties apply in other states. In most cases they do not.

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.

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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.
 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:

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<http://msue.anr.msu.edu/experts>.

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Appendix A - Glossary

The following terms are used in this publication, and have the following specific meanings.

§ means the section number of Public Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*),

Chief administrative official means the manager or other highest nonelected administrative official of a city or village.

Chief elected official means the mayor of a city, president of a village, supervisor of a township, or chair of a county board of commissioners.

Ex officio member means a member of a planning commission, with full voting rights unless otherwise specified by city or village charter, by virtue of holding another office.

Legislative Body means the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village.

Local Unit of Government means a county, township, city, or village.

Municipality means a city, village or township.

Plan means any plan adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

Planning Commission means the local unit of government planning commission created under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled. In a few communities it may still be a “zoning board” (townships) or “zoning commission” (city and villages). Has used here, the use of the term “planning commission” includes all of these terms.

Zoning jurisdiction means the area encompassed by one of the following:

- legal boundaries of a city or village for a city or village respectively;
- legal boundaries of a township outside the limits of a city(ies) and village(s) for a township;
- legal boundaries of a county outside the limits of a city(ies) and village(s); or the county including any city(ies) and village(s) which has adopted the county plan (See §209, M.C.L. 125.3209).

Appendix B – 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*: #1O; Sample joint Planning Commission Ordinance and Agreement”
- *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.”
- *Land Use Series*, “#7: Sample Zoning Board of Appeals Rules of Procedure”
- *Land Use Series*, “#8: Sample Planning Commission and Zoning Board of Appeals Code of Conduct”

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