

## ARTICLE XI. - BOARDS AND COMMITTEES

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### **Sec. 33-121. - Planning board.**

33-121.01. *Establishment.* The City of DeLand planning board as previously established by ordinance of the City of DeLand shall continue in existence subject to the provisions in this section.

33-121.02. *Membership.*

(a) *Number.* The planning board shall consist of seven members, who shall be residents of the City of DeLand, Florida, as now or hereinafter defined, appointed by the city commission of the city.

(b) *Terms.* The terms of the members shall be for four years. Board members may serve only two consecutive full terms on the board to which they are appointed. Once a member has completed his second consecutive full term, he will not be eligible for reappointment to that board unless there are no other qualified applicants. An individual must wait a minimum of one year before reapplying for membership on the board or any other boards. The members of the existing planning board, and their terms, shall not be affected by the adoption of this section.

1. *Expiration of terms.* At the expiration of the term assigned to any seat, the appointee in that seat shall continue to serve until the appointment of his or her successor and shall not affect the expiration date of the successor's term. The expiration date of the successor's term shall be determined by measuring the term of office forth at seat from the usual expiration date of the predecessor's term for that seat. When a position becomes vacant before the end of the term, the city commission shall appoint a substitute member to fill the vacancy for the duration of the unexpired term. Any person appointed to fill an unexpired term will be eligible for reappointment for two consecutive full terms in addition to the remainder of the unexpired term.

(c) *Vacancies.* Any vacancy in membership shall be filled for the unexpired term by the city commission, which shall also have the authority to remove any member for cause, or written charges, after a public hearing. An individual who misses three regularly scheduled meetings during any calendar year without good cause shall be deemed to have resigned from that board and is not eligible for reappointment to that or any other board for at least one year. In that event, the city clerk shall notify the individual that this position will be declared vacant by the commission at the next regularly scheduled commission meeting unless the individual demonstrates good cause for having been absent. In addition, the commission may terminate the appointment of any board member for cause including, but not limited to, excessive absences and conflicts of interest, upon giving notice and an opportunity to be heard. The commission shall take any and all action it deems appropriate

in its sole discretion.

(d) *Compensation.* All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

33-121.03. *Organization, rules, staff, and finances.*

(a) *Chair.* the planning board shall elect its chair and vice chair from among its members. The term of the chair shall be one year with eligibility for reelection.

(b) *Secretary.* The planning director shall appoint a city employee to serve as secretary to the board, recorder, and custodian of all board records.

(c) *Rules of procedure.* The planning board shall make its own rules of procedure and determine its time of meeting.

(d) *Meetings.* All meetings of the planning board shall be open to the public and all records of the planning board shall be a public record.

(e) *Staffing.* The planning board may appoint such employees and staff as it may deem necessary for its work and may contract with the other planning agencies, planning consultants and other consultants for such services as it may require.

(f) *Expenditures.* All expenditures of the planning board, including gifts, shall be within the amounts and for the purpose appropriated by the city commission, and shall be first approved by the city commission.

(g) *Application fees.* The city commission shall adopt by resolution a schedule of application fees for functions performed by the planning board in response to applications submitted by any person, corporation, organization or governmental entity.

33-121.04. *General functions, powers and duties.* The functions, powers and duties of the planning board shall be as follows.

(a) *Collection and maintenance of information.* To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work causing changes in these conditions. Such basic information and material may include maps and photographs of manmade and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

(b) *Comprehensive planning.* To prepare and recommend to the city commission a comprehensive and coordinated general plan for meeting present requirements and such future requirements as may be foreseen. To prepare and recommend amendments to the Comprehensive Plan.

(c) *Planning principles.* To recommend to the city commission principles and policies for guiding action in the development of the area.

(d) *Zoning regulations.* To prepare and recommend for adoption to the city commission a zoning ordinance and map for its political jurisdiction, and to, from time to time, recommend amendments or supplements to the zoning regulations and districts adopted.

(e) *Other regulations.* To prepare and recommend to the city commission other ordinances and resolutions promoting orderly development along the lines indicated in the Comprehensive Plan for the growth and improvement of the area.

(f) *Review of proposed development.* To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan for the growth and improvement of the area.

(g) *Public hearings.* To conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive Plan, and such additional public hearings as deemed necessary.

(h) *Facility studies.* To make, cause to be made or obtain special studies on the location, condition and adequacy of specific facilities of the area. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, parks, playgrounds and other recreational facilities, public and private utilities, and traffic, transportation, and parking.

(i) *Dissemination of information.* To keep the governing body and the general public informed and advised as to the foregoing matters.

(j) *Variances.* The planning board shall have the duty and power to grant variances and hear and decide appeals as provided for in Article IX of this Chapter.

(k) *Other duties.* To perform any other duties which may be lawfully assigned to it by the city commission.

(Ord. No. 2008-39, § 24, 9-3-08)

33-121.05. *Local planning agency.*

(a) *Designation.* The DeLand Planning Board is hereby designated as the local planning agency.

(b) *Preparation of Comprehensive Plan.* The planning board is authorized to prepare the Comprehensive Plan elements in compliance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, and that upon adoption of the Comprehensive Plan the planning board has the continuing responsibility for monitoring the effectiveness of the plan and making recommendations for change.

(c) *Procedures.* The planning board's bylaws and rules of procedure shall set out the duties and responsibilities of the agency and govern its methods of choosing its officers.

(d) *Funding.* The city commission will appropriate funds for salaries, fees and expenses necessary for the preparation of the Comprehensive Plan elements.

(e) *Meetings.* All meetings of the planning board will be open to the public and all records thereof will be public records.

(Ord. No. 2002-09, §§ 1, 2, 2-18-02)

**Sec. 33-122. - Reserved for future use.**

**Editor's note**— Ord. No. 2008-39, § 25, adopted Sept. 3, 2008, deleted § 33-122, which pertained to board of adjustment. See the Code Comparative Table for complete derivation.

**Sec. 33-123. - Historic preservation board.**

33-123.01. *Establishment.* The historic preservation board is hereby established to implement the historic preservation provisions of this chapter.

33-123.02. *Board membership, officers, etc.*

(a) *Membership.*

1. The historic preservation board shall have seven members appointed by the city commission. One member of the board shall be a registered architect, if available. The remaining six appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The city commission should, whenever possible, appoint a representative from each of the following areas of expertise:

- a. History.
- b. Real estate or real property appraisal.
- c. Urban planning.
- d. Engineering or building construction.

2. At least four of the seven members shall be residents of the City of DeLand. Three of the seven members may be nonresidents who own land in a Historic District.

3. Each member shall be appointed to a three-year term except that, initially, two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. No person may serve more than two consecutive three-year terms. Persons disqualified by this provision may be reappointed after one year elapses after the expiration of the second term of service.

4. When a position becomes vacant before the end of the term, the city commission shall appoint a substitute member within 60 days to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

5. An individual who misses three regularly scheduled meetings during any calendar year without good cause shall be deemed to have resigned from that board and is not eligible for reappointment to that or any other board for at least one year. In that event, the city clerk shall notify the individual that this position will be declared vacant by the commission at the next regularly scheduled commission meeting unless the individual demonstrates good cause for having been absent. In addition, the commission may terminate the appointment of any board member for cause including, but not limited to, excessive absences and conflicts of interest, upon giving notice and an opportunity to be heard. The commission shall take any and all action it deems appropriate in its sole discretion.

(b) *Officers.* The members of the board shall annually elect a chair and vice chair from among the members and may create and fill other offices, as the board deems necessary.

(c) *Subcommittees.*

(1) The board shall create whatever subcommittees it deems necessary to carry out the purposes of the board.

2. The chair of the board shall annually appoint the membership of each subcommittee from the members of the board.

(d) *Staffing.* The historic resource coordinator shall appoint a city employee to serve as secretary to the board, recorder and custodian of all board records.

(e) *Compensation.* Members shall not be compensated.

(f) *Funding.* The city commission shall appropriate funds to permit the historic preservation board to perform its prescribed functions.

(g) *Required meetings.* The board shall meet at least four times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the board.

33-123.03. *General functions, powers and duties.*

(a) *Generally.* It shall be the general responsibility of the historic resource coordinator to take appropriate action to ensure that the historic preservation provisions of this chapter are implemented.

(b) *Specifically.* It shall be the specific responsibility of the historic preservation board to:

1. Update the official inventory of cultural resources and submit to the city commission recommendations and documentation concerning the updating.

2. Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.

3. Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archeological, and cultural resources.

4. Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.

5. Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.

6. Advise the city commission concerning the effects of local governmental actions on cultural resources.

7. Review and recommend the designation of sites, buildings, structures, objects,

and districts, both public and private, as historically or architecturally significant.

8. Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this chapter.

9. Notify the historic resource coordinator who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this chapter.

10. Assist in developing a historic preservation element to be incorporated into the City of DeLand's Comprehensive Plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.

(Ord. No. 2002-09, §§ 1, 2, 2-18-02)

**Sec. 33-124. - Technical review committee.**

33.124.01. *Created; appointment of chair.* There is hereby established a technical review committee (TRC). The TRC shall be chaired by the planning director.

33-124.02. *Membership.* Membership of the TRC shall include the following, or their designated representative:

- (a) City planning director;
- (b) City planner;
- (c) City engineer;
- (d) City utilities director;
- (e) City fire marshal;
- (f) City forester;
- (g) City chief building official;
- (h) Other members as may be designated by the city manager.

Other city, county, state or federal agencies may be consulted by the TRC for advice or recommendations on any matter or application being considered by the TRC. The city manager may add or delete such additional members of the TRC as he may deem necessary to promote the implementation of this chapter.

33-124.03. *Duties and responsibilities.* The duties and responsibilities of the TRC shall include:

- (a) Reviewing applications under this chapter for recommendation to the planning board or city commission.
- (b) Approving applications under this chapter for development orders.
- (c) Performing such additional duties as the city manager may, from time to time, assign.

33-124.04. *Meetings.* The TRC shall meet as required as such time and place as

determined by the TRC. An agenda shall be prepared and distributed to each member and to the applicant at least five working days prior to each meeting. All applicants having requests to be reviewed by the TRC shall be invited to attend and participate in the meeting. Such records of the proceedings of the TRC meetings as required by law shall be kept.

(Ord. No. 2002-09, §§ 1, 2, 2-18-02; Ord. No. 2005-65, § 13, 12-19-05)

**Sec. 33-125. - Code enforcement board. [Reserved for future use.]**

(Ord. No. 2002-09, §§ 1, 2, 2-18-02)

**Secs. 33-126—33-130. - Reserved for future use.**