

**Sec. 66-112. Appointment of code enforcement special magistrate**

An alternative local government code enforcement system is hereby created and established to be filled by a special magistrate to enforce the ordinances and code of the town instead of a code enforcement board pursuant to F.S. ch. 162.  
(Ord. No. 475, § 2, 1-18-11)

**Sec. 66-113. Powers of special magistrate.**

The special magistrate shall have to power to:

- (1) Adopt rules for the conduct of code enforcement hearings, subject to amendment or modification by the town commission.
- (2) Subpoena alleged violators and witnesses to code enforcement hearings. Subpoenas may be served by the police department.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring violation into compliance.

(Ord. No. 475, § 2, 1-18-11)

**Sec. 66-114. Special magistrate qualifications and removal.**

(a) The special master shall be a person licensed to practice law in the state. Appointments shall be made by the town manager on the basis of experience or interest in code enforcement.

(b) The town manager shall appoint as many special masters as are deemed necessary. The town manager shall have authority to remove a special master with or without cause.

(c) A special master shall not be a city employee but shall be compensated at a rate to be determined by administrative order.

(Ord. No. 475, § 2, 1-18-11)

**Secs. 66-115—66-130. Reserved.**

DIVISION 5. HISTORIC PRESERVATION BOARD\*

**Sec. 66-131. Established; membership.**

There is hereby established the historic preservation board. The historic preservation board shall consist of seven members, to be appointed by the town commission. Each of the seven voting members shall reside within the town limits of the town.

Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The town commission shall attempt to nominate architects,

\***Cross reference**—Historic district and structures designated, § 74-332.

realtors, archaeologists, historians, neighborhood activists, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession, business or civic involvement, have demonstrated concern for historic preservation. Lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall make up the board in the event that professionals are not

available. Membership on the board should be representative of the community at large and reflect a broad cross section of the community. When a vacancy occurs, it shall be filled within 60 days.

(Ord. No. 312, § 1, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV B., C., 9-21-93; Ord. No. 366, § 1, 6-18-96; Ord. No. 399, § 1, 11-20-01; Ord. No. 429, § 2, 10-26-05)

**Sec. 66-132. Term of office; vacancies.**

(a) The members of the historic preservation board shall be appointed for terms of two years.

(b) Vacancies of the historic preservation board shall be filled for an unexpired term in the same manner in which the original appointments are required to be made. Any member who is absent from three consecutive meetings may, at the discretion of the town commission, be immediately removed from office and such vacancy filled as provided in this section.

(Ord. No. 312, § 2, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV C., 9-21-93; Ord. No. 399, § 1, 11-20-01)

**Sec. 66-133. Voting.**

Four members of the historic preservation board shall constitute a quorum. No member of the historic preservation board shall vote on any matter in which that member has a direct financial interest.

(Ord. No. 312, § 3, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV D., 9-21-93; Ord. No. 366, § 2, 6-18-96; Ord. No. 399, § 1, 11-20-01)

**Sec. 66-134. Officers; meetings.**

The historic preservation board shall elect a chair, as well as any other officers determined necessary to advance its purpose. The board shall have the authority to establish a regular meeting time. The chair or any other officer or any two board members may call other meetings as needed. All meetings shall be open to the public. Minutes shall be kept of the meetings.

(Ord. No. 312, § 4, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV E., 9-21-93; Ord. No. 399, § 1, 11-20-01)

**Sec. 66-135. Duties.**

(a) The duties of the historic preservation board are advisory only and may specifically include:

- (1) Adoption of its own procedural rules and regulations as necessary for the conduct of its business.
- (2) Conduct of surveys of historically and architecturally significant structures and districts within the town.
- (3) Increasing public awareness of the value of historic and architectural preservation by developing and participating in public education programs.

- (4) Investigating and recommending to the town commission the adoption of ordinances designating buildings, landmarks or structures having special historic or architectural value as "significant structures."
- (5) Investigating and recommending to the town commission the adoption of ordinances designating areas having special historical or architectural value as "historic districts."
- (6) Making recommendations to the town commission concerning utilization of state, federal and private funds to promote the preservation of significant structures and historic districts within the town.
- (7) Making recommendations to the town commission concerning acquisition of a significant structure where its preservation is essential to the purposes of this act and where private preservation is not feasible.
- (8) Review applications for special certificates of appropriateness and make recommendations to the town commission regarding such applications.
- (9) Propose designations of significant structures and historic districts for protection under this Code. Review proposed national register nominations within the town. When a discipline is not represented on the board, the board shall seek expertise in the relevant field when considering national register nomination proposals and other actions that will impact properties which are normally evaluated by a professional in such discipline before rendering its recommendations.
- (10) Undertaking any other action or activity specifically delegated to it or requested by the town commission.

(b) The historic preservation board shall develop a set of guidelines and standards which are designed to encourage the protection of historically and architecturally significant structures and historic districts should such districts be designated by the town. Upon the development of the guidelines and standards by the historic preservation board, the proposed guidelines and standards shall be submitted to the town commission for its review and consideration. The town commission shall adopt guidelines and standards, and may revise and amend the proposed guidelines and standards as developed by the historic preservation board. Such guidelines and standards may be incorporated into the land development code as the town commission deems appropriate or necessary.

(c) The historic preservation board shall meet no less than four times per year and minutes of each meeting shall be kept. At a minimum of one meeting of the historic preservation board each year, the board shall identify those additional structures or districts, if any, within the town which are historically and architecturally significant. The findings of the board shall be transmitted to the town commission after each meeting of the historic preservation board, for the review and consideration of the town commission. The board shall otherwise encourage the identification, preservation and protection of historically and architecturally significant structures and districts within the town.

The town shall make available town staff or consultants to the town as necessary in order to sufficiently undertake the requirements for state certification and carry out the duties and responsibilities authorized under the state certification program.

(d) Each board member should make a reasonable effort to attend the state historic preservation office orientation program and any subsequent training programs for certified local governments. Also, each member should make every effort to be represented at any informational or educational meetings, conferences or workshops pertaining to duties and functions of the board scheduled by the state historic preservation officer.

(Ord. No. 312, § 5, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § V, 9-21-93; Ord. No. 399, § 1, 11-20-01; Ord. No. 429, § 2, 10-26-05)

**Sec. 66-136. Reserved.**

**Editor's note**—Section 2 of Ord. No. 429, adopted October 26, 2005, repealed § 66-136 in its entirety. Former § 66-136 pertained to review of permit applications for alteration or destruction of historic structures and derived from Ord. No. 317, adopted April 21, 1992; and Ord. No. 399, adopted November 20, 2001.

**Secs. 66-137—66-160. Reserved.**

### ARTICLE III. DEVELOPMENT REVIEW

**Sec. 66-161. Pre-application conference.**

Prior to filing for development plan review, the developer shall meet with the manager to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed development plan or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(Ord. No. 300, § III(14.02.01), 11-7-90; Ord. No. 399, § 1, 11-20-01)

**Sec. 66-162. Designation of plans as minor or major development.**

(a) *Generally.* For purposes of the review procedures set out in this article, all development plans shall be designated by the manager as either minor development or major development according to the criteria in this section. Before submitting a development plan for review, the developer shall provide the manager with sufficient information to make this determination.

(b) *Major development.* A development plan shall be designated as a major development if it satisfies one or more of the following criteria:

- (1) The activity involves combined land and water area of five acres or more.
- (2) The development is a residential project of ten or more dwelling units per acre of land and water area or of 50 or more dwelling units.