

**Historic Preservation**

An ordinance of the Town of Yankeetown to protect structures and sites deemed worthy of preservation; adopting an historic preservation certification program; Providing definitions; Establishing an Historic Preservation Advisory Committee; Providing criteria and procedures for the designation, protection and preservation of historic resources; Providing for repeal of inconsistent ordinances; Providing for territory embraced; Providing for severability; PROVIDING for inclusion into the code of ordinances; and Providing for an effective date.

**WHEREAS, The Town of Yankeetown comprehensive plan directs the Town to** evaluate the need for designation of historic structures and historic district(s) within the Town; and

**WHEREAS, The Town** seeks to preserve the visible **reminders of the history and** scenic beauty of the town for future generations; and

**WHEREAS, The Town seeks** to protect structures and sites deemed worthy of preservation; and

**WHEREAS, The Town seeks to encourage property owners against destruction of, or addition of features to significant structures likely to have adverse effects on the visible reminders of the Town historic character; and**

**WHEREAS, The Town seeks to be a Florida Certified Local Government to be eligible to apply for special matching grants from the Florida Bureau of Historic Preservation to assist the Town and** interested property owners of historically significant housing to **preserve those structures; and**

**WHEREAS, An Historic structure designation may improve property values associated with historic structures.**

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANKEETOWN, FLORIDA AMENDING CHAPTER 18 ADDING SECTION 18-480 HISTORIC PRESERVATION:**

**Section 1. Legislative Findings and Intent.**

The Town Council of the Town of Yankeetown hereby adopts and incorporates into this Ordinance the above “WHEREAS” clauses to this Ordinance legislative findings of the Town Council as if fully set forth in this Section.

**Section 2. Purpose**

The purpose of this ordinance is to protect, preserve and enhance the distinctive architectural and cultural heritage of Yankeetown

**Section 3.**

CODE OF ORDINANCES Chapter 18- LAND DEVELOPMENT CODE ARTICLE XXI. -  
HISTORIC PRESERVATION

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*ARTICLE XXI. HISTORIC PRESERVATION*

(a) **Sec. 18-480 Short Title**

This article shall be known and may be cited as the "Historic Preservation Code."

(b) **Sec. 18-481 Declaration of legislative intent and purpose.**

(a) It is hereby declared that the protection, enhancement, and perpetuation of cultural resources and properties and structures of historical, architectural, and archaeological merit within the town boundaries, as described in the Town Charter, Section 1, constitute a public policy of the Town of Yankeetown and in the interest of the Town's future prosperity, and the economic, educational, and general welfare of the residents of the Town of Yankeetown, and of the public generally. It is further declared that the preservation of lands containing historical and archaeological sites during a development application process, until completion of that process, constitutes a minimal development control and furthers the health, safety, and welfare of the Town of Yankeetown, by preventing disturbance of valuable community prehistoric and historical sites during the application process, and by allowing governmental and private land planning activities to provide for appropriate incorporation of historic resource sites, archaeological zones, and sites containing archaeological materials into development plans. It is further declared that this public policy is intended to:

- (1) Effectuate and accomplish the protection, enhancement, and perpetuation of buildings, structures, improvements, archaeological resources, landscape features, and architectural resources of sites and districts which represent distinctive elements of the town's cultural, social, economic, political, scientific, religious, prehistoric, and architectural history.
- (2) Safeguard the town's historical, cultural, archaeological, and architectural heritage as embodied and reflected in such individual structures, sites, and districts and to protect such structures, sites, and districts in order to maintain physical evidence of the town's heritage.
- (3) Foster civic pride in the accomplishments of the past.
- (4) Protect and enhance the town's attraction to visitors and to support, stimulate, and strengthen the economy thereby.
- (5) Promote the use of individual structures, sites, and districts for the education, pleasure, and welfare of the residents of and visitors to the Town of Yankeetown.
- (6) Stabilize and improve property values in Town by combating decay and deterioration through rehabilitation, revitalization and renovation of existing assets.
- (7) Preserve a sense of the Town's past, historic patterns of development, and history as a discreet, unique, and self-sufficient rural community.

(b) In order to implement and give effect to this public policy, the Town of Yankeetown Town Council shall appoint  
Yankeetown, Florida, Code of Ordinances

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a Board who shall have the authority to make recommendations on historic resource designations; approve, approve with conditions, or deny certificates of appropriateness and certificates to dig; and carry out any other duties assigned to it by the Town of Yankeetown Town Council.

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(c) **Sec. 18-482. Scope and exemptions.**

- (a) Unless expressly exempted below, no building permits shall be issued for new construction, demolition, alteration, rehabilitation, signage, or any other physical modification of a designated historic resource, without the prior issuance of a certificate of appropriateness by the Town of Yankeetown Historic Preservation Board, in accordance with the procedures specified in this article.
- (b) The following permits are exempt from the regulations of this article:
- (1) All permits for plumbing, heating, air conditioning, elevators, fire alarms, and fire extinguishing equipment, and all mechanical and electrical equipment that do not involve exterior changes, or changes to an interior not previously designated as a historic resource.
  - (2) Any permit necessary for compliance with a lawful governmental order necessary for the immediate preservation of public health or safety.

(d) **Sec. 18-483. Definitions.**

The following terms and phrases shall specifically apply to the provisions provided within this article:

- (a) *Addition*. Shall mean any new construction that adds mass to an existing historic resource.
- (b) *Alteration*. Shall mean any act or process that alters any of the following aspects of a historic resource:
- (1) The exterior architectural appearance;
  - (2) Any interior or exterior feature that has been designated as a historic resource.
- (c) *Archaeological materials or artifacts*. Shall mean human skeletal materials or human-manufactured objects, or natural objects altered by human activity, found on or beneath the surface of the ground and shall include, but not be limited to,, basketry, bottles, weapons, weapon projectiles, tools, structural and building ruins, graves, any earthen mounds, middens or landscape features of human manufacture, or any portion or piece of any of the foregoing items. Unmarked human remains and associated burial artifacts and materials that are seventy-five (75) years of age or more are considered archaeological materials for the purpose of this article. Structures, and non-fossilized and fossilized paleontological resources, or any portion or piece thereof, shall not be considered archaeological materials under this article, unless found within an archaeological site, archaeological zone, or during an archaeological salvage excavation. Except as specified in this paragraph, no item shall be treated as a historic resource under this article unless such item is at least one hundred (100) years of age.
- (d) *Archaeological site*. Shall mean a location that has yielded or is likely to yield the presence of archaeological materials on or below the ground and information indicating the past use of the site by humans. An archaeological site may be identified using onsite investigations or site-predictive models pursuant to the criteria set forth in this Code.
- (e) *Board*. Shall mean the Town of Yankeetown Historic Preservation Board.
- (f) *Building*. Shall mean a structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, store, office hotel, or similar structure. Building may also refer to a historically-related or architecturally-related complex.
- (g) *Certificate of appropriateness (COA)*. Shall mean a certificate issued by the Board indicating approval of plans for specified alteration, rehabilitation, construction, reconstruction, removal, relocation, or demolition of a historic resource.

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- (h) *Certificate to dig (CTD)*. Shall mean a certificate indicating approvals of plans for specific digging projects that are anticipated to yield archaeological in an archaeological zone or site designated as a historic resource. This certificate shall be issued by staff of the Board, when required and approved pursuant to this Code.
  - (i) *Certified local government (CLG)*. Shall mean a local historic preservation program which has been certified by the Florida Department of State, Division of Historical Resources in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).
  - (j) *Construction*. Shall mean the erection of an onsite improvement to a designated site or to a building, parcel, or grounds located within a historic resource site, whether the resource is presently improved or unimproved, or hereafter becomes unimproved by demolition or as a result of destruction of an improvement located thereon by fire, windstorm, or other casualty, or otherwise.
  - (k) *Contributing resource*. Shall mean a building, site, structure, or object that adds to the historic, architectural, or archaeological, significance of a historic district.
  - (l) *Demolition*. Shall mean any act that destroys in whole or in part a historic resource.
  - (m) *Demolition by neglect*. Shall mean improper or inadequate maintenance of a historic resource that results in its substantial deterioration and threatens the continued preservation of the historic resource.
  - (n) *Designated exterior*. All outside surfaces of any improvement listed in the designation report as having significant value to the historic character of the building or district.
  - (o) *Designation report*. A document prepared by the HPO for all properties and districts that are proposed for local historic designation. The designation report at a minimum must include a boundary description of the proposed historic property or district, an evaluation of its historic significance as it relates to the criteria for significance, location map, representative photographs, and physical description of the historic resource.
  - (p) *Exterior*. Shall mean all outside surfaces or elements of a building or structure.
  - (q) *Florida master site file (FMSF)*. Shall mean an archive and database of all known archaeological and historical sites and districts recorded within the State of Florida, as maintained by the Florida Department of State, Division of Historical Resources.
  - (r) *Historic district*. Shall mean an area designated by the Board, located within defined geographic boundaries, which contains two (2) or more contributing resources and which may contain noncontributing resources and vacant land within its boundaries.
  - (s) *Historic preservation officer (HPO)*. Shall mean any person appointed by the Town council who shall be directly responsible for administering this article and for carrying out the duties and responsibilities delegated by the State of Florida CLG Program. The HPO may not be a member of the Board.
  - (t) *Historic resource*. Shall mean a building, structure, object, site, or other real or personal property, of historic, architectural, or archaeological value, including an individual resource, contributing resource, or noncontributing resource, landscape feature, or vacant land within a historic district that is individually designated by the board as a historic resource.
  - (u) *Historic survey*. Shall mean a comprehensive listing or inventory of buildings, sites, landscape features and structures of any historical, cultural, archaeological, or architectural importance in the town.
  - (v) *Integrity*. Shall mean the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.

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- (w) *Landscape feature*. Shall mean any improvement or vegetation on a site, including outbuildings, walls, fences, courtyards, fountains, trees, sidewalks or pathways, planters, gates, street furniture, rock formations, solution holes, statuaries, or exterior lighting.
- (x) *Mass*. Shall mean the envelope or cubic footage of the structure, including, but not limited to, all habitable space, garages, attics, storage areas, and porches.
- (y) *Material alteration*. Any construction, or change in appearance of the exterior. For buildings, structures or objects, material alteration shall include, but it is not limited [to], the changing of roofing or siding design and/or color; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies or other trim or ornamentation. For buildings, structures, or objects, material alteration shall not include ordinary maintenance.
- (z) *Minor alteration*. Any work proposed that is deemed to have a minimal impact on historic resources or when the work is deemed to be a replacement in kind. Examples of work that may be considered to have a minimal impact could include: minor alterations to the rear of the historic building that is not visible from the public right-of-way or the construction of a deck to the rear of a historic building that does not obscure architectural features, and that is easily removable.
- (aa) *National Register of Historic Places*. Shall mean the list of historic properties significant in American history, architecture, archaeology, engineering, and culture, maintained by the secretary of the interior, as established by the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).
- (bb) *New construction*. Shall mean any new building, structure, object, or addition to a historic resource. (cc) *Noncontributing resource*. Shall mean a resource within a historic district that is not historically or Architecturally compatible with contributing resources within the district.
- (dd) *Ordinary maintenance*. Shall mean minimal work conducted on a historic resource which specifically stems deterioration and exactly replicates the pre-existing appearance of the portion of the resource upon which the work is performed.
- (ee) *Relocation*. Shall mean the movement of a historic resource, including movement on its own site. Relocation shall also include the introduction of a historic resource or previously non-designated resource onto the site of a historic resource.
- (ff) *Scale of a building*. Shall mean the ratio of the mass of the building to the total buildable area of the property, as defined by maximum setback, step-back, and height requirements.
- (gg) *Secretary of the interior's standards*. Shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and Archaeological Documentation, codified at 36 C.F.R. Part 68, and the Archaeological Program, codified at 36 C.F.R. Part 79, published by the United States Department of the Interior, and those guidelines developed by the secretary of the interior to guide work undertaken on historic and archaeological resources.
- (hh) *Setting*. Shall mean the environment in which a historic resource is located, including, but not limited to, the view shed, water frontage, or streetscape.
- (ii) *Streetscape*. Shall mean the appearance or view along the public right-of-way adjacent to a historic resource.
- (jj) *Structure*. Shall mean a man-made object built or constructed for a functional use that is not intended to shelter human activity, such as a fence or a windmill.
- (kk) *View shed*. Shall mean the views to and from a historic resource.

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(e) **Sec. 18-484. Criteria and procedures for designation of a historic resource.**

(a) *Criteria of designation.*

- (1) Any site, building, structure, object, or district that is listed in the National Register of Historic Places may be designated.
- (2) A resource must be at least fifty (50) years of age or, if less than fifty (50) years old, must possess exceptional importance.
- (3) A site, building, structure, object, landscape feature, or district that is not listed in the National Register of Historic Places may be designated only if it conveys an overall sense of past time and place by possessing at least three (3) of the following attributes of integrity: location, design, setting, materials, workmanship, feeling, and association, and is characterized by one (1) or more of the following:
  - a. Events associated with, or the feeling of, the site, building, structure, object, landscape feature, or district have made a significant contribution to the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history and have contributed to the pattern of history in the community, the town, coastal portions of the central and north coastal regions of Florida, the State of Florida, or the nation; or
  - b. The site, building, structure, object, landscape feature, or district is associated with the lives of persons significant in local, state, or national history; or
  - c. The site, building, structure, object, landscape feature, or district embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master builder, architect, or designer; possesses high artistic values; or represents a significant and distinguishable entity, the components of which may lack individual distinction; or
  - d. The site, building, structure, object, landscape feature, or district has yielded, or may be likely to yield, information important in prehistory or history; or
  - e. The site, building, structure, object, or district has achieved significance as a result of the extraordinary importance of an event that occurred at the site on a local, state, or national level; the uniqueness or singularity of the resource, whether locally, regionally, or nationally; the community's strong associative attachment to the resource; or the significance of a building's association with a renowned architect, engineer, or builder; or
  - f. The archaeological site is located within an archaeological zone, the site has been previously recorded with the Florida Master Site file, and the town has made a good-faith effort to obtain access to the property to conduct a reconnaissance level archaeological survey, but access to the property has been denied.
- (4) Interior spaces shall not be designated unless the interiors have exceptional architectural, artistic, or historic importance, and are customarily open to the public.

(b) *Procedure for designation.*

- (1) The owner of any property in the Town may petition the Board for designation of the property as an individual resource, site or archaeological site or zone by submitting a preliminary application for historic designation to the HPO. The HPO shall prepare, or cause to be prepared, a designation report recommending to the Board approval or denial of the application. The Board shall, at its next regularly scheduled public meeting for which consideration of the recommendation may properly be noticed, schedule the recommendation for discussion and review, and approve or deny the same.

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- (2) The owners of eighty percent (80%) of the property within a proposed district may petition the Board for designation of the property as an historic district by submitting a preliminary application for historic designation to the HPO. The HPO shall prepare, or cause to be prepared, a designation report recommending to the Board approval or denial of the application. The Board shall, at its next regularly scheduled public meeting for which consideration of the recommendation may properly be noticed, schedule the recommendation for discussion and review, and approve or deny the same. The Board shall either accept or deny the application only after written verification that the applicants are the owners of record or their authorized agents of eighty percent (80%) of the property within the proposed district..
- (3) The Board is empowered to initiate the designation process pursuant to this section. If the Board is initiating designation it shall direct the HPO to complete an application, prepare a designation report, and submit the same to the Board with the HPO's recommendation to approve or deny the application. Any application fee will be waived and the application, designation report, and recommendation of the HPO shall be brought before the Board for discussion and review, and a determination of whether to accept or reject the application, at the next regularly scheduled public meeting of the Board for which consideration of the recommendation may properly be noticed.
- (a) No individual historic resource or site will be designated without consent of the property owner and no historic district will be designated without the consent of the owners of at least eighty percent (80%) of the properties in the proposed district.. For those designations initiated by the Board, the HPO will notify the legal owner or owners of record of the proposed designation (as determined by the most current Levy County Tax Rolls), by registered or certified U.S. mail, return receipt requested, at least thirty (30) days before the Board meeting at which the matter is scheduled.
- (b) The notice will explain the designation process and its implications, and inform the owner or owners that they may object to the designation of their property. The notice from the Town will also include the required form, which must be completed by the owner of record indicating their support or objection. Evidence of their objection will be documented by a copy of the required form, which must be received by the HPO within twenty-one (21) days after the owner's receipt of the notification. If the owner objects to an individual designation within twenty-one (21) days of notification, then the designation process will be withdrawn. If in excess of twenty percent (20%) of the owners of properties within a proposed district object to designation of a district within sixty (60) Days of notification, then the designation process will be withdrawn.
- (4) After establishing the owner's consent for the designation of a historic resource, district or site, and prior to the designation of an individual resource, a district, a site, or an archaeological site or zone, an investigation and designation report must be prepared by the HPO and filed with the Board. All reports must address the following:
- (a) Legal description of the property or district;
- (b) Historical, cultural, architectural or archaeological significance of the property or district and how the property fulfills the criteria for designation;
- (c) Boundaries for individual historic sites and a recommendation of boundaries for archaeological zones shall be drawn to encompass, but not exceed the extent of the significant resources and land areas comprising the property. For example, in defining the boundaries for a residence, the boundary should be drawn so that it incorporates the footprint of the building as well as the yard, as the green space acknowledges the setting and context of the property. Buffer zones, or acreage not directly contributing to the significance of the property shall not be included. If a portion of the original site containing the historic resource has been sold or developed, that portion of the site that is currently associated with the historic resource shall constitute the boundary;



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- (d) Every historic site and historic district designation report may include detailed zoning regulations compatible with its designation. Such regulations may be designed to supplant or modify elements of existing zoning regulations, including, but not limited to, use, floor/area ratio, density, height, setbacks, parking, minimum lot size and transfer of development rights, or create any additional regulations provided for in this section. The zoning amendment may identify individual properties, improvements, landscape features, or sites; or categories of properties, improvements, landscape features or sites for which different regulations, standards and procedures may be required. For designations that require a modification or variance in the zoning, the Board must first send its recommendations to the Planning and Zoning Committee for its review. The Planning and Zoning Committee shall then send its recommendations along with the Board's recommendation to the Town Council for final approval;
  - (e) All reports shall be based on the existing conditions of the property, and shall address whether or not the historic integrity of the property, and each property within a district, has been maintained;
  - (f) The report shall also contain a location map and photographs of all exterior surfaces and interior features if applicable;
  - (g) Normally interior spaces shall not be subject to regulation under this section. However, in cases of existing structures having exceptional architectural, artistic or historical importance, interior spaces that are normally open to the public may be specifically designated. The designation report shall describe precisely those features subject to review;
  - (h) Designation reports shall also include the parcel identification number and tax account number related to such property, the property appraiser's records of such property, and a copy of the public hearing newspaper advertisement.
- (5) Upon receipt of an application for designation, the HPO shall review the application and supporting documentation for completeness and accuracy. Once determined complete and accurate by the HPO, the application shall be placed on the agenda of the next available, regularly scheduled public meeting of the Board for which consideration of the recommendation may properly be noticed. At that meeting, the Board will conduct a public hearing and make a determination of eligibility for historic designation and whether to recommend to the town council approval, approval with conditions, or denial of the application or, if necessary, make the determination whether to recommend designation at a subsequent date.
- (6) The designation of the site, building, structure, object, landscape feature, or district as a historic resource shall not exceed the scope of the actual application for, or the extent of notice of public hearing on, the site, building, structure, object, landscape feature, or district for designation.
- (7) Notice of the Board's public hearing to consider the application shall be provided by the HPO by placing an advertisement in a newspaper of general circulation at least fifteen (15) calendar days prior to the hearing pursuant to this section. Additionally, the HPO shall mail notice of the Board's public hearing by certified mail, return receipt requested, to all addresses of the owner that are on record with the Levy County Property Appraiser's Office and the address listed on the application at least fifteen (15) calendar days in advance of the public hearing.
- (8) The Board shall act upon the application within sixty-five (65) calendar days after the date of the meeting at which the application is first considered. In the event the Board does not act upon the application within the sixty-five (65) calendar days, the application shall be deemed to be denied without prejudice, so as to permit the applicant to file a subsequent application. A written recommendation shall be

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forwarded to the town council for approval, approval with conditions, or denial of the application, based upon the evidence presented at a public hearing before the Board.

- (9) Notice of the town council hearing to consider the application shall be provided by the HPO by placing an advertisement in a newspaper of general circulation at least fifteen (15) calendar days prior to the public hearing. Additionally, the property owner, or the owner's authorized agent, as indicated on the town tax roll, unless staff is presented evidence of a different owner, will be mailed notice by the HPO at least fifteen (15) calendar days in advance of the public hearing. Such notice shall be by certified mail, return receipt requested.
  - (10) A simple majority vote of the town council shall be required to designate an individual historic resource. Designation of a district shall require, absent unanimous consent of the owners of contributing resources within the proposed district, the vote of a majority plus 1 of the town council.
  - (11) No permits for any demolition, alteration, construction, relocation, land disturbance, or development activities which would require a CPO upon designation of the resource as historic shall be issued once a notice of application is delivered to the property owner until the town council acts to approve or deny the nomination, the owner withdraws the application, or for six (6) months after delivery of the notice, whichever shall first occur.
  - (12) Appeals of a decision of the town council regarding the designation or failure to designate a property as a historic resource shall be by appropriate action pursuant to the Florida Rules of Civil Procedure and Florida Rules of Appellate Procedure.
  - (13) Whenever an application for designation has been denied, the HPO shall not accept the same or substantially the same application for designation for a period of one hundred eighty (180) days from the date of the denial. The above time limit may be waived by the Board or town council by an affirmative vote of a majority of individuals on the Board or town council when the Board or town council, as applicable, deems, based upon evidence provided by the applicant, such action necessary due to changed circumstances, to prevent an injustice, or to facilitate the proper development of the town.
- (f) **Sec. 18-485. Historic resource designation – effect and documentation.**
- (a) Once designated a historic resource shall be subject to Sections 18-486 – 18-490 of this Section.
  - (b) A historic resource shall be designated in accordance with this article by resolution of the town council describing the historic resource designated by folio number and any other information that further specifies the resource so designated and, upon adoption, shall be recorded in the public records of Levy County at the expense of the applicant.
  - (c) The HPO shall forward the resolution of the town council designating a historic resource to the planning and zoning board for review and consideration for designation on the town land use plan map as a cultural resource/local area of particular concern.
- (g) **Sec. 18-486. Certificate of appropriateness (COA).**
- (a) *Certificate of appropriateness (COA) required:*
    - (1) No person shall undertake any of the following actions affecting a designated historic resource without first obtaining a COA from the Board:
      - a. Alteration of the exterior architectural appearance or features of a building or a structure or designated interior portion of a building, structure, object, or site;
      - b. New construction;

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- c. Relocation;
  - d. Demolition or removal;
  - e. Land disturbance;
  - f. Development activities; or
  - g. Significant landscaping additions and landscape improvements such as patios, gazebos, trellises, walkways, lighting poles, pools, and fountains.
- (2) Review of new construction and alterations to designated buildings and structures shall be limited to the exterior of a site. Interiors of a designated historic resource site shall be excluded from review unless included as historically or architecturally significant in the scope of the designation.
  - (3) A COA shall be a prerequisite and in addition to any other permits required by law. The issuance of a COA by the Board shall not relieve the property owner of the duty to comply with other state and local laws and regulations.
  - (4) Ordinary repairs and maintenance to a building or structure that are otherwise permitted by law may be undertaken without a COA, provided the work on a historic resource does not alter the exterior architectural appearance or features of the exterior or designated interior.
  - (5) If a COA for relocation is approved, the historic resource shall remain designated during and after its relocation. After relocation, the historic resource site designation shall be amended to reflect the new site location.
  - (6) Except as set forth in this article, no building permit shall be issued by the town building official which affects any historic resource without an authorized COA.
- (b) *Application procedures for a COA:*
- (1) The property owner or agent shall complete and file an application with the HPO.
    - a. Applications shall be accompanied by drawings, plans, or specifications of sufficient detail to show the proposed exterior or designated interior alterations, additions, changes, or new construction as are reasonably required for decisions to be made by the Board.
    - b. Such drawings, plans, or specifications shall include as built or original drawings of exterior elevations, floor plans, and architectural design. Project information, including proposed materials, textures, and colors, and all improvements such as walls, walks, terraces, plantings, accessory buildings, signs, lights, and other appurtenant elements.
    - c. A preapplication meeting between the applicant and HPO is recommended prior to application submittal so that a preliminary assessment of the project's compliance with standards and suggestions for modifications can be made.
- (c) *Public meetings for COAs:*
- (1) The Board shall schedule a public hearing on each application for a COA within forty-five (45) calendar days after receipt of a completed application. The HPO shall determine when an application is complete and provide staff analysis and review to the Board. No hearing shall be scheduled, sooner than fifteen (15) Calendar days after mailing the applicant notice of the hearing. Within twenty-five (25) calendar days after the hearing, the Board shall issue an order based on the criteria outlined in this section. The Board's hearing may be continued with good cause shown, supported on the record, for a period not to exceed ninety (90) calendar days. If the Board fails to issue an order on an application within the specified time period, the application shall be deemed denied. The Board shall approve, approve with conditions, or disapprove each application based on the criteria contained in this article. In the event an applicant has alleged that strict enforcement of the provision of this article would result in the deprivation of all

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reasonable economically beneficial use of such property, the Board shall hear evidence pertaining to the allegation simultaneously with the hearing for the issuance of the COA.

- (2) Appeals of the denial or the approval with conditions of a COA, where the applicant has alleged that the enforcement of the provisions of the article would result in the deprivation of all reasonable economically beneficial use of such property, shall be heard by the town council. The hearing shall be noticed and heard in accordance with the provisions of this article regarding other quasi-judicial hearings before the town council. All other appeals of a decision of the Board with regard to the issuance of a COA shall be by writ of certiorari to the circuit court pursuant to the Florida Rules of Civil Procedure, within thirty (30) calendar days after the rendition of the Board's order.
- (d) *General criteria and guidelines for granting COAs:* In addition to the secretary of the interior's standards, the HPB shall consider the following general criteria and guidelines:
- (1) Whether the proposed modification has a material effect on the historic resource.
  - (2) Whether the proposed modification will affect the historic and architectural significance, architectural style, design, arrangements, texture, materials, and color of the historic resource.
  - (3) Whether denial of a COA would deprive the property owner of all reasonable economically beneficial use of such property.
  - (4) Whether the plans may be reasonably carried out by the applicant.
  - (5) Whether the proposed work will have a negative impact on the historic resource upon which such activity is to be done.
  - (6) Whether the proposed work will have a negative impact on other historic resources on the site or on other historic resources within its view shed.
- (e) *Additional guidelines relating to alterations:* In approving or denying applications for a COA for alterations, in addition to the general criteria listed in subsection (d) above, the Board shall determine:
- (1) Whether the distinguishing original qualities or character of a building, structure, or site and its surrounding environment will be retained. Whenever reasonably possible, historic material or distinctive exterior architectural features will not be removed or altered.
  - (2) Whether the proposed alterations change, destroy, or adversely affect any exterior architectural feature upon which the alterations are to be performed.
  - (3) Whether the alterations will protect, enhance, or perpetuate the structure, building, or site.
  - (4) If replacement of an architectural feature is necessary, whether the new material is compatible with the material being replaced in composition, design, color, and texture.
  - (5) Whether distinctive stylistic features or examples of craftsmanship which characterize a building, structure, or site will be preserved.
  - (6) Whether every reasonable effort is being made to protect and preserve archaeological resources on or adjacent to the site, or that may be affected by, any alterations, rehabilitation, restoration, or reconstruction project.
- (f) *Additional guidelines relating to new construction:* In approving or denying applications for a COA for new construction, the Board shall consider the following criteria, in addition to other general criteria listed in subsection (d) above, in order to determine whether:
- (1) The height of the proposed building is visually compatible with adjacent or surrounding buildings or structures.

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- (2) The width of the proposed building is visually compatible with the height of the building, as well as with adjoining or surrounding buildings or structures.
  - (3) The open space area between the proposed building, and adjoining or surrounding buildings or structures, is visually compatible.
  - (4) The materials, textures, and colors of the facade of the proposed building or structure are compatible with the predominant materials used in adjacent or surrounding buildings or structures to which they are visually related.
  - (5) Appurtenances of a building or structure, such as walls, wrought iron fences, landscaping, or building facades are visually compatible with the building or structure to which they are visually related.
  - (6) Additions to historic resources are sited as inconspicuously as reasonably possible and, with the exception of waterfront properties, towards the rear. All additions shall be designed to complement the historic resource in terms of scale, shape, and materials, while at the same time being readable as differentiated from and compatible with the old work.
- (g) *Additional requirements relating to request to relocate a historic resource:* In approving or denying applications for a COA for relocation of a historic resource, the Board, in addition to the general criteria listed in subsection (d) Above, shall consider the following:
- (1) Whether the relocation will affect the contribution the building or structure makes to its present setting.
  - (2) Whether there are definite plans for the site to be vacated.
  - (3) Whether the building or structure can be moved without significant damage to its physical integrity.
  - (4) Whether the building or structure is compatible with the building or structure on its proposed site or adjacent properties.
  - (5) Whether it has been demonstrated that no viable preservation alternatives exist at its present location.
  - (6) Whether all necessary measures will be taken to protect and preserve archaeological resources affected by, or adjacent to, a historic resource. A CTD shall also be required for relocation of a historic resource if the resource is one hundred (100) years old or older.
- (h) *Additional requirements relating to requests for demolition:* The purposes and intent of these additional requirements is to determine that no other feasible alternative to demolition of a historic resource can be found. Demolition of a historic resource may occur pursuant to an order of a government agency, a court of appropriate jurisdiction, or, if granted, pursuant to an application by the owner or owner's agent for a COA for demolition from the Board.
- (1) In approving or denying applications for a COA for demolition of a historic resource, in addition to the general criteria listed above, the following criteria shall be considered:
    - a. Whether the application concerns a noncontributing resource;
    - b. Whether the historic resource no longer retains its significance due to permitted alterations or extensive damage caused by fire, flood, or storm;
    - c. Whether the demolition is of major benefit to a historic district;
    - d. Whether the historic or architectural importance of the historic resource is significant;
    - e. Whether the historic resource is one (1) of the last remaining examples of its kind in the neighborhood, the town, or the region;
    - f. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;

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- g. Whether reasonable measures can be taken to save the historic resource; and
  - h. Whether failure to issue the COA for demolition will deprive the owner of all reasonably economically beneficial use of the owner's property.
- (2) In addition to the items listed in subsection (b)(1) above, the applicant shall provide the following information to the Board:
- a. Name of owner of record.
  - b. Site plan showing all buildings and structures located on the property.
  - c. Recent photographs of the building or structure proposed for demolition.
  - d. Reasons for requesting demolition and method of demolition to be used.
  - e. Proposed future use of the site and of the materials from the demolished building or structure.
- (3) In addition to the notice requirements set forth in subsection (c), notice shall be provided by the HPO, by U.S. mail, postage prepaid, to record owners of land lying within three hundred seventy-five (375) feet of the historic resource, mailed at least fifteen (15) calendar days before the quasi-judicial hearing.
- (4) The Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition.
- (5) The Board shall review the evidence provided and shall determine whether the historical resource can be put to a reasonable beneficial use or the applicant can receive a reasonable return without the approval of the demolition application. The applicant has the burden of proving that there is no reasonable beneficial use of the property or that the owner cannot receive a reasonable return. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Board shall deny the demolition application unless:
- a. The Board determines that the property no longer has significance as a historic, architectural, or archaeological landmark; or
  - b. The Board determines that the demolition is necessary to achieve the purposes of a community redevelopment plan or the Town's Comprehensive Plan.
- (6) In considering an application for a COA for demolition of a historic resource, the Board shall consider any evidence, reports, or testimony as to whether the criteria have been met. The Board shall render a decision either to deny, approve with conditions, or approve the application for demolition within forty-five (45) calendar days after the public hearing. If the Board fails to issue an order on an application within the specified time period, the application shall be deemed approved.
- (7) If an application for demolition of a COA for a historic resource is filed, the approval of the COA for demolition shall be a prerequisite to the issuance of any other town permits for a historic resource. However, the issuance of a COA for a demolition shall not occur until all other approvals required for the redevelopment of the subject site by the Town of Yankeetown. If no approvals are required for the redevelopment, the issuance of a COA for a demolition shall not occur until the preliminary permit is issued by the Town of Yankeetown, for any ground disturbance for the redevelopment of the subject site.
- (8) Notwithstanding the foregoing, demolition may not commence for a period of thirty (30) days following the approval, or deemed approval, of an application for demolition without the express consent of the Board.
- (i) *Application for economic hardship exception:* Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to a particular historic resource or site upon which a resource is located, strict enforcement of the provisions of this article would result in the deprivation of all

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reasonable economically beneficial use of the historic resource or site upon which the resource is located, the Board shall vary or modify adherence to this article; provided always that its decision shall ensure harmony with the general purposes of this article and will not adversely affect the Town of Yankeetown. In any instance where there is a claim of undue economic hardship, the applicant shall submit, by affidavit, to the Board at least fifteen (15) calendar days prior to the public hearing, the following information:

- (1) Amount paid for the property, date of purchase, the description of the entire property purchased, and party from whom the property was purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
  - (2) Assessed value of the land and improvements thereon according to the most recent assessment of the Levy County Property Appraiser.
  - (3) For depreciable properties, a pro forma financial statement, indicating the profits and losses of the property for the current and preceding two (2) years, prepared by an accountant or broker of record.
  - (4) All appraisals obtained by the applicant in connection with the purchase or financing of the property, or obtained during the applicant's ownership of the property.
  - (5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any.
  - (6) Any consideration by the applicant as to profitable, alternate uses for the property.
  - (7) The Board may further require that an applicant furnish such additional information as relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and appraisals required by the Board or the HPO. In the event an applicant has alleged that strict enforcement of the provisions of this article would result in the deprivation of all reasonable economically beneficial use to the applicant, evidence pertaining to this allegation shall be provided before or at the hearing for the issuance of the COA as set forth in this article. All interested persons shall be allowed to participate in the hearing.
- (j) All alterations or repairs shall be performed pursuant to the terms and conditions of the COA.
- (k) It shall be the responsibility of the appropriate building official and the HPO to inspect from time to time any work being performed in their respective jurisdictions to ensure compliance with a COA. In the event work is not being performed in accordance with the COA, the building official shall issue a stop work order until it is demonstrated that work will commence consistent with the COA or, if necessary, that an amended COA has been obtained. No additional work shall be undertaken as long as the stop work order remains in effect.
- (l) Whenever the Board has taken action to deny a request for a COA, the HPO shall not accept the same or substantially the same request for a COA for a period of one hundred eighty (180) calendar days from the date of the denial by the Board, without an affirmative vote to reconsider cast by a majority of individuals on the Board or town council.
- (h) **Sec. 18-487. Certificate to dig (CTD), protection, and preservation.**
- (a) *Certificate to dig (CTD) required:*
- (1) Within a designated archaeological site, or designated historic resource site or property containing archaeological resources or artifacts, no person shall undertake any of the following actions affecting the site or property, without first obtaining a fully executed CTD from the HPO for:
    - a. Any new construction, filling, digging, removal of trees, or other activity that may alter or reveal archaeological material; or
    - b. Any alterations, relocations, new construction, or demolitions when ground disturbance is likely to occur within an archaeological site.

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- (2) A CTD shall be a prerequisite and in addition to any other permits required by law. The issuance of a CTD by the HPO shall not relieve the property owner of the duty to comply with other state and local laws and regulations.
- (b) *General criteria and guidelines for granting a CTD:* In addition to the secretary of the interior's standards, the HPO shall consider the following general criteria and guidelines:
- (1) Whether the proposed work will have an effect on a known or anticipated historic resource;
  - (2) Whether the extent to which the historic or archaeological significance of the historic resource will be affected by the proposed work is within the secretary of the interior's standards;
  - (3) Whether denial of a CTD would deprive the property owner of all reasonable economically beneficial use of such property;
  - (4) Whether the plans may be reasonably carried out by the applicant;
  - (5) Whether the proposed work will have a negative impact on the historic resource upon which such activity is to be done; and
  - (6) Whether the proposed work will have a negative impact on other historic resources on the site or on other historic resources within its view shed.
- (c) *Application procedures for a CTD:*
- (1) The owner or agent shall complete and file an application with the HPO.
    - a. Applications shall be accompanied by drawings, plans, or specifications of sufficient detail to show the proposed alterations, additions, changes, or new construction and locations of ground disturbance activities as are reasonably required for decisions to be made by the HPO.
    - b. Within twenty (20) calendar days after the date that the application has been deemed complete, the HPO shall approve the application for a CTD, approve the application with conditions, or deny the application. In the event that no decision has been rendered within twenty (20) calendar days, the application shall be deemed to be approved.
    - c. The CTD may be made subject to specified conditions, including, but not limited to, those regarding site excavation.
    - d. The determination of the HPO shall be mailed to the owner or agent by registered mail within seven (7) calendar days after the decision of the HPO.
    - e. The owner or agent shall have the opportunity to appear before the Board to challenge the HPO decision or any conditions attached to the CTD by requesting a meeting of the Board within ten (10) calendar days after the receipt of notification of the decision on the CTD application is made to applicant either through mailing with proof of delivery or otherwise in writing with proof of delivery.
    - f. Whenever a request for a CTD has been denied, the HPO shall not accept the same or substantially the same request for a CTD for a period of one hundred eighty (180) calendar days from the date of the denial. The above time limit may be waived by the Board or town council by an affirmative vote of a majority of individuals on the Board or town council when the Board or town council, as applicable, deems, based upon evidence provided by the applicant, such action necessary due to changed circumstances, to prevent an injustice, or to facilitate the proper development of the town.
      1. The request shall be placed on the agenda of the next available, regularly scheduled meeting of the Board to review the original HPO decision. The Board may uphold or modify the HPO



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decision after considering de novo, the application, statement, and evidence presented by the owner or agent, and statements and evidence presented by the HPO.

2. The decision of the Board shall be mailed to the owner within fourteen (14) calendar days after the date of the meeting.
  3. An approved CTD shall contain an effective date, not to exceed sixty (60) calendar days after the decision, at which time the proposed activity may begin, unless the Board initiates the nomination process for the site in question as a historic resource or historic district. In such a case, all the rules and regulations pertaining to the nomination process for a historic resource shall apply.
- (d) All work performed pursuant to the issuance of a CTD shall conform to the requirements of such certificate. It shall be the responsibility of the appropriate building official and the HPO to inspect from time to time any work being performed to ensure compliance with a CTD. In the event work is not being performed in accordance with the CTD, the building official shall issue a stop work order until it is demonstrated that work will commence consistent with the CTD or, if necessary, that an amended CTD has been obtained. No additional work shall be undertaken as long as the stop work order remains in effect.
- (e) To assist in implementing this section, the town shall adopt a map of known archaeological sites and conservation areas. Said map shall be kept and maintained in the offices of the HPO and shall be available for public inspection.
- (f) At least annually, the HPO shall review the map and the Florida master site file (FMSF) for possible map amendments.
- (g) In the event that any archaeological materials are uncovered during development activities for which a CTD is required, such development activities in the immediate vicinity of the discovery site shall be discontinued, and certain actions shall be taken by the property owner.
1. The property owner shall:
    - a. Notify the HPO of the discovery.
    - b. Allow a Phase 1 level survey of the property completed by a professional archaeologist meeting the qualifications and standards established by 36 C.F.R. Part 61.
    - c. Submit the survey to the HPO for review and evaluation, and to the FMSF section of the Florida Division of Historical Resources.
  2. If the professional archaeologist determines that the site is not significant, and said determination is verified by the HPO, then development activities may resume immediately. If the HPO fails to respond within fourteen (14) calendar days after receipt of said survey, the determination of the professional archaeologist that the site is not significant shall be presumed to be valid.
  3. If the site is determined to be significant, within thirty (30) calendar days after the determination of significance of the Phase 1 level survey, the Board shall initiate procedures to (i) provide for proper excavation of the site, including inventorying of artifacts and preservation of site information which might be lost by proceeding with development activities; or (ii) preserve the site by any of the following:
    - a. Recommend approval of incorporation of the site into a site development plan;
    - b. Initiate public acquisition of the site;
    - c. Offer transfer of development rights to the owner or developer, if available;
    - d. Recommend offering tax incentives to the owner or developer pursuant to Section 193.505, Florida Statutes; or

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- e. Allow development activities to proceed under the supervision of a professional archaeologist, at a level of supervision to be determined by the archaeologist, to ensure protection of the site or preservation of artifacts and information to be determined by proper archaeological excavation.

The Town recognizes that it lacks, and is unlikely to have, the resources to quickly acquire parcels or compensate an owner for long-term interruption of approved development activities and it shall generally be most appropriate for the board to provide for development of sites after (1) relatively short term delays to provide an opportunity for proper excavation of areas which shall necessarily be disturbed or destroyed by development, and (2) imposition of reasonable alternative construction methods and designs which will reasonably minimize the area impacted, the foregoing to be completed within the time frame contemplated by subsection 4. Below.

- 4. If preservation of the site is not feasible, development activities in the immediate area of the discovery shall be delayed for a period of time not to exceed three (3) months after the date of receipt of the Phase 1 level survey. During this three (3) month period, representatives of the State Division of Historical Resources, the Board, the HPO, or the agents and employees of the Town of Yankeetown shall seek the right of access to the immediate area to survey. A professional archaeologist retained by the owner or developer shall conduct an archaeological salvage excavation of the area within which the discovery was made; provided, however, that development shall resume upon either the completion of such archaeological salvage excavation or the expiration of the three-month period, whichever first occurs. If necessary, the three-month time period may be extended for an additional three-month time period to allow for completion of the survey and archaeological salvage excavation. If access to the site is denied, the CTD shall be denied.

(i) **Sec. 14-488. Maintenance of historic resource.**

- (a) Every owner of a historic resource shall properly maintain and keep in good repair and shall not permit demolition by neglect to occur:
  - (1) All of the exterior portions of such buildings or structures;
  - (2) All interior portions which, if not maintained, may cause the building or structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and
  - (3) If the site contains archaeological materials, the owner shall be required to maintain the property in such a manner so as not to adversely affect the integrity of the archaeological zone or historic resource; or
  - (4) In the alternative to [subsections] (1)—(3) above, seek a COA based upon a deprivation of reasonable economically beneficial use of such property.
- (b) In order to preserve, the Board may refer violations of this section to the town's special magistrate per chapter 2, Article III.
- (c) The requirements of this section shall be in addition to any and all requirements of the local government having jurisdiction and the Florida Building Code that require buildings or structures to be maintained in good repair. It is the intent of this section to preserve, from either deliberate or inadvertent neglect, the exterior features of historic resources and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the historic resource. All such historic resources shall be preserved against such decay and deterioration and be maintained free from structural defects through correction of any of the following deficiencies:
  - (1) Facades which may fall and injure the subject or adjoining structure or building, or members of the public.
  - (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

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- (3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
  - (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors
  - (5) Any fault or defect in the structure or building which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
- (d) A property owner who believes that the application of this section creates an undue economic hardship may request relief pursuant to Code.
- (j) **Sec. 18-489. Public nuisance.**

The Town of Yankeetown hereby finds that the unauthorized alteration, demolition, or demolition by neglect, of structures or sites designated as historic resources is a violation of this article, constituting a public nuisance; and, as such, the town attorney, upon approval, the town council may seek an injunction, in addition to any other legal remedies available.

(k) **Sec. 18-490. Enforcement.**

The provisions of this article shall be enforceable by the town pursuant to chapter 6 of the Town Code.

(l) **Sec. 18-491. Historic preservation board.**

- (a) The Board is hereby established to perform the duties assigned herein, as well as any other duties assigned by the town council. The Board shall also review National Register nominations in accordance with the National Historic Preservation Act of 1966. The actions of the Board shall be complementary to the responsibilities of the State Historic Preservation Office (SHPO).
- (b) The Board shall be comprised of five (5) members, each of whom shall be appointed by the town council. Each councilmember shall nominate one (1) member to the Board. All members of the Board shall be residents of the town and shall possess demonstrated knowledge, experience and commitment to historic preservation. To the extent available in the community, the town shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned. The town may also appoint persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines to make up the balance of the membership.
- (c) The term of office of the board members shall be four (4) years, provided that the initial term of the members shall be staggered. The initial term of members shall be staggered so that the end of the term of the initial members shall not end simultaneously. The initial appointments shall be made such that three (3) members shall be appointed for a term of four (4) years and two (2) members shall be appointed for a term of three (3) years.
- (d) The Board shall conduct at least four (4) meetings per year at regular intervals. Vacancies, including expired terms, shall be, to the extent available and willing to serve, filled by persons with the same background as the original appointee, or related field, within sixty (60) days.
- (e) The Board shall maintain rules of procedure including, but not limited to, procedures for recording of minutes, training opportunities for board members, for election of officers, and for seeking assistance on historic preservation matters requiring expertise not represented within its membership.
- (f) The Board shall be subject to the requirements of Section 12, of the Town of Yankeetown Charter.

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- (g) In addition to the duties described elsewhere in this article, the duties of the Board shall include, but not be limited to:
- (1) Developing and updating any forms necessary for the implementation of this article, including, but not limited to, historic designation, certificated of appropriateness (COA), and certified to dig (CTD) applications.
  - (2) Providing historical markers, plaques, and other recognition for individual historic resources, districts, and archaeological sites.
  - (3) Recommending zoning and building code amendments to the proper authorities to assist in promoting historic preservation.
  - (4) Developing and applying design guidelines.
  - (5) Initiating, reviewing, and updating historic site surveys in the town.
  - (6) Reviewing National Register nominations and providing comments to the appropriate entities. In accordance with Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).
  - (7) Reviewing and making recommendations to town staff regarding grants and financial incentives that assist in promoting historic preservation within the town that are available to property owners and to the town.
  - (8) Promoting the awareness of historic preservation and its community benefits.
  - (9) Preparing and maintaining records of the Board's actions and decisions.
  - (10) Fulfilling all obligations and requirements associated with the Certified Local Government (CLG) Program.
  - (11) Promoting and assisting in the creation, program, and work of local historical, archaeological, and genealogical societies.
  - (12) Maintaining a detailed inventory of sites within the town compatible with the FMSF.
  - (13) Maintaining a detailed inventory of designated districts, site and structures open to the public.
- (h) The town shall provide staff for the operational support of the Board to undertake the requirements for certification as a CLG and to carry out the duties and responsibilities delegated to the CLG.
- (i) The town and the Board shall maintain the historic preservation ordinance and practices in compliance with the CLG requirements.
- (j) The individual members of the Board must file a statement of financial interest in accordance with Sec. 112.3145, Florida Statutes.
- (m) **Sec. 18-492. Local government certification program.**

The Town of Yankeetown shall become certified pursuant to the certified local government program administered by the SHPO.

- (n) The HPO shall perform all activities required for compliance with the CLG program administered by the SHPO. The HPO shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation.
- (o) The HPO shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:
  - (1) Changes in board membership.

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- (2) Amendment of regulations governing the board; provided, however, that the SHPO shall review and approve any amendments prior to adoption by the board.
  - (p) The HPO shall provide duplicates of all relevant documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.
  - (q) The HPO shall submit advance written notice of each board meeting to the SHPO at least thirty (30) calendar days before each meeting.
  - (r) The HPO shall submit proposed amendments to any ordinance governing the Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Board until after the SHPO has reviewed and approved such amendments.
  - (s) The HPO shall submit draft minutes of each board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
  - (t) The HPO shall submit approved minutes of each board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.
  - (u) The HPO shall submit written records of attendance by board members at each board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
  - (v) The HPO shall submit written records of attendance by the public at each board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
  - (w) The HPO shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:
    - (1) A copy of the rules of procedure for the Board;
    - (2) A copy of the historic preservation ordinance;
    - (3) Resumes of all board members;
    - (4) Changes to the membership of the Board;
    - (5) The total number of projects reviewed by the Board;
    - (6) A review of survey and inventory activity with a description of the system used;
    - (7) New historic landmark designations;
    - (8) New listings on the National Register of Historic Places; and
    - (9) A report of all grant assisted activities.

**Secs. 18-493- 18-499. Reserved.**

#### **SECTION 4. REPEAL OF ORDINANCES.**

Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

#### **SECTION 5. TERRITORY EMBRACED.**

All territory within the legal boundaries of the Town of Yankeetown, Florida, including all incorporated areas, shall be embraced by the provisions of this Ordinance.

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**SECTION 6. SEVERABILITY.**

If any section, paragraph, provision or term of this Ordinance, or any portion thereof, shall be determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance that were not declared to be invalid. If any particular section or subsection or definition in the Town HISTORIC PRESERVATION regulation conflicts with a Florida Statute, or the Constitution of the United States or State of Florida, the Florida Statute or Constitution will prevail. The Town Council intends all other provisions not in conflict with state or federal law to remain in effect.

**SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.**

It is the declared intent of the Town Council of the Town of Yankeetown, and it is hereby provided that the provisions of this Ordinance shall become and be made part the Code of Ordinances of the Town of Yankeetown, Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-lettered to accomplish such intention. The word Ordinance may be changed to section, article, or other appropriate designation.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption.

**PASSED AND DULY ADOPTED, with a quorum present and voting, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.**

First Reading held on: \_\_\_\_\_, 2022

Second Reading held on: \_\_\_\_\_, 2022

TOWN OF YANKEETOWN, FLORIDA

By: \_\_\_\_\_  
Eric Erkel, Mayor of Yankeetown

ATTEST:

\_\_\_\_\_  
William Ary, Town Clerk

APPROVED AS TO FORM AND CONTENT FOR THE RELIANCE OF THE TOWN OF YANKEETOWN ONLY:

\_\_\_\_\_  
RALF BROOKES, Town Attorney