



HISTORIC PRESERVATION MEETING ZEPHYRHILLS, FLORIDA

**Thursday, December 15, 2022
6:00 PM**

**Zephyrhills
City Hall**

**Council
Chambers**

Call to Order – Council President
Roll Call – City Clerk Lori Hillman
Invocation – Councilman Alan Knight
Pledge of Allegiance – Council President

1. CONSENT ITEMS

- 1.1 Meeting Minutes - *October 2022 Regular Meeting*

2. BUSINESS ITEMS

- 2.1 **5412 9th Street - Certificate of Appropriateness (Solar)**

- 1. Staff Report_5412 9th

3. NOTED ITEMS

- 3.1 Historic Marker Update
- 3.2 Oakside Cemetery

ADJOURN

*** PLEASE NOTE: This is a Public Meeting. Should any interested party seek to appeal any decisionmade by the Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S. 286.0105. If you are a person with a disability which requires reasonable accommodation in order to participate in this meeting, please contact the City Clerk at 813/780-0000 at least 48 hours prior to the public hearing. A.D.A. and F.S. 286.26.**



Staff Report

To: Historic Preservation Board
From: Audrey McGuire, AICP
Re: 5142 9th Street – Solar Panels
Date: December 15, 2022

I. BACKGROUND INFORMATION

APPLICATION SUMMARY

Building permit application submitted by Modern Concepts Solar Roofing, Inc. on behalf of Catherine Rognas (owner) for the addition of roof-mounted solar panels at 5142 9th Street, a designated contributing resource to the Zephyrhills Historic District. The district and resources within fall under the regulations of city ordinance No. 774-01, as amended.

Where building permits are submitted, historic preservation staff is added to the review within our permitting system to ensure compliance with COA requirements.

APPLICATION HISTORY | TIMELINE

1. Application submitted on 11/07/2022 and assigned permit case # **ELCMISC-005149-2022**;
2. Historic review (per case in system) required before 12/21/2022;
3. Need for COA noted in the plan case by HP staff on 11/07/2022;
4. **Permit issued by Building Department without COA on 11/15/2022** (applicants unaware of COA issue);
5. HP staff pulled permit for review & realized it was already issued;
6. **NOTE: inspections have not been completed & hold has been placed on the case preventing close-out.**

SUBJECT PROPERTY INFORMATION

c. 1935 frame vernacular residential structure featuring a gable roof with composition shingles. Original exterior siding obscured by asbestos shingles.

II. DATA & ANALYSIS

The applicants are requesting to install a roof-mounted solar system, Staff reviewed the following in its recommendation:

CRA DESIGN STANDARDS

All properties located within the historic district are also located within the CRA. The CRA Design Standard provide minimal guidance under Accessory Structures:

- ***"Solar Panels.*** *The use and placement of solar panels (energy devices based on renewable resources) shall be consistent with Section 163.04, Florida Statutes. The placement of such devices should strive to minimize their visibility from public rights-of-way, where possible. Nothing in this standard shall be interpreted to*

preclude the placement of devices on structures or their placement to achieve optimum efficiency.” (Page 18)

The proposed location of the solar panels meet CRA standards.

DESIGN GUIDELINES FOR HISTORIC STRUCTURES

The current design guidelines for historic properties provide minimal guidance pertaining to roof-mounted equipment and solar collectors.

- *“All roof-mounted equipment... shall be shielded from view from the public right-of-way (i.e. sidewalks, streets); (Page 3-23)*

“Solar collectors, if utilized, should be located to the rear or sides of a building” (Page 3-23)

US SECRETARY OF THE INTERIOR’S STANDARDS

The US Secretary of the Interior’s Standards – specific to Rehabilitation, address the installation of mechanical/service equipment on the roof, recommending that they are inconspicuous on the site and from the public right-of-way, and do not damage or obscure character-defining features.

The proposed location of the solar installation is not anticipated to obscure or damage any character-defining features of 5142 9th Street. Visibility of panels from the street/sidewalk will be limited.

FL STATUTE 163.04(1-2)

Florida law **expressly forbids the prohibition of solar panels** by local entities, including HOAs. Some rules regarding the design and appearance may be allowed, for example, in historic districts. The law states:

1. *“Notwithstanding any provision of this chapter or other provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibit or has the effect of prohibiting the installation of solar collectors, clotheslines or other energy devices based on renewable resources is expressly prohibited.” (FS 163.04(1))*
2. *“A deed restriction, covenant, declaration or similar binding agreement may not prohibit or have the effect of prohibiting solar collectors, clotheslines or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restriction, covenant, declaration or binding agreement. **A property owner may not be denied permission to install solar collectors or other energy devices by any entity granted the power or right** in any deed restriction, covenant, declaration or similar binding agreement to approve, forbid, control or direct alteration of property with respect to residential dwellings and within the boundaries of a condominium unit. Such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45 degrees east or west due south if such determination does not impair the effective operation of the solar collectors.*

III. RECOMMENDATION

Staff recommends approval of a certificate of appropriateness for the installation of roof-mounted solar energy system at 5142 9th Street.

NOTE: Please be advised, the CITY CANNOT DENY or PROHIBIT the installation of solar panels; nor can it impose restrictions on the location which negatively impact the effectiveness of the panels operation. The CRA Standards and Historic Design Guidelines in place make recommendations which do not prohibit or negatively impact the functionality of the solar panels.

