

Legislative #  
140692A

**ORDINANCE NO. 140692**

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**An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to rooftop solar photovoltaic power systems; by amending Section 30-23 to add a definition; by amending Section 30-343 to allow rooftop solar photovoltaic power systems in all zoning districts; and by amending Section 30-112 to provide regulations for installation of such systems on structures on the local register of historic places; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

10       **WHEREAS**, notice was given as required by law that the text of the Land Development  
11 Code of the City of Gainesville, Florida, be amended; and

12       **WHEREAS**, the City Plan Board, which acts as the local planning agency pursuant to  
13 Section 163.3174, Florida Statutes, held a public hearing on January 22, 2015, and voted to  
14 recommend that the City Commission approve this ordinance; and

15       **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
16 newspaper of general circulation notifying the public of this proposed ordinance and of public  
17 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of  
18 Gainesville; and

19       **WHEREAS**, public hearings were held pursuant to the notice described above at which  
20 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

21       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
22 **CITY OF GAINESVILLE, FLORIDA:**

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24       **Section 1.** Subsection 30-23(c) of the Land Development Code (Chapter 30 of the City  
25 of Gainesville Code of Ordinances) is amended to add the following definition as follows.

26 Except as amended herein, the remainder of Section 30-23 shall remain in full force and effect.

1 **Sec. 30-23. Definitions.**

2 Rooftop solar photovoltaic power system means a system that uses one or more photovoltaic  
 3 panels installed on the surface of a roof, either parallel to a sloped roof/surface or rack-mounted  
 4 on a flat roof, to convert sunlight into electricity and is 10kw or less for residential structures and  
 5 300kw or less for nonresidential structures.

6  
 7 **Section 2.** Subsection 30-112(d)(5) of the Land Development Code is amended as  
 8 follows. Except as amended herein, the remainder of Section 30-112 shall remain in full force  
 9 and effect.

10 (d) *Local register of historic places.*

11 (5) *Certificate of appropriateness required.*

12 a. ~~A certificate of appropriateness must be obtained before making certain~~  
 13 ~~alterations, described below as regulated work items, to contributing structures~~  
 14 ~~within a local register district and structures listed individually on the local~~  
 15 ~~register.~~

16 b. ~~For each of the regulated work items listed below, the following applies:~~

17 1. ~~Ordinary maintenance.~~ If the work constitutes ordinary maintenance as  
 18 ~~defined in this chapter, the work may be done without a certificate of~~  
 19 ~~appropriateness.~~

20 2. ~~Staff approval.~~ If the work is not ordinary maintenance, but will result in the  
 21 ~~original appearance as defined in this chapter, or meet the design standards~~  
 22 ~~in the preservation design and procedure manual for existing~~  
 23 ~~historic/cultural resources on file in the planning and development services~~  
 24 ~~department, the certificate of appropriateness may be issued by the city~~  
 25 ~~manager or designee.~~

26 3. ~~Historic preservation board approval.~~ If the work is not ordinary  
 27 ~~maintenance and will not result in the original appearance, and cannot be~~  
 28 ~~approved by the city manager or designee, a certificate of appropriateness~~  
 29 ~~must be obtained from the historic preservation board before the work may~~  
 30 ~~be done.~~

31 e. ~~The following are regulated work items:~~

32 1. ~~Abrasive cleaning.~~ Cleaning of exterior walls by blasting with abrasive  
 33 ~~materials.~~

34 2. ~~Awnings or canopies.~~ Installation or removal of wood or metal awnings or  
 35 ~~wood or metal canopies.~~

36 3. ~~Decks.~~ Installation of all decks above the first floor level and/or on the front  
 37 ~~of the structure.~~

- 1                   4. ~~Exterior doors and door frames.~~ Installation of an exterior door or door  
2                   frame, or the infill of an existing door opening.
- 3                   5. ~~Exterior walls.~~ Installation or removal of any exterior wall, including the  
4                   enclosure of any porch or other outdoor area.
- 5                   6. ~~Fencing.~~ The installation or relocation of wood, chainlink, masonry (garden  
6                   walls) or wrought iron fencing, or the removal of masonry (garden walls) or  
7                   wrought iron fencing.
- 8                   7. ~~Fire escapes, exterior stairs and ramps for the handicapped.~~ The  
9                   installation or removal of all fire escapes, exterior stairs or ramps for the  
10                  handicapped.
- 11                  8. ~~Painting.~~ Painting unpainted masonry, including stone, brick, terracotta and  
12                  concrete.
- 13                  9. ~~Porch fixtures.~~ Installation or removal of railings or other wood, wrought  
14                  iron or masonry detailing.
- 15                  10. ~~Roofs.~~ Installation of new materials, or removal of existing materials.
- 16                  11. ~~Security grilles.~~ Installation or removal of security grilles, except that in no  
17                  case shall permission to install such grilles be completely denied.
- 18                  12. ~~Siding.~~ Installation of new materials, or removal of existing materials.
- 19                  13. ~~Skylights.~~ Installation or removal of skylights.
- 20                  14. ~~Screen windows and doors.~~ Installation of screen windows or screen doors.
- 21                  15. ~~Windows and window frames.~~ Installation of a window or window frame or  
22                  the infill of an existing window opening.
- 23                  d. ~~In addition to the foregoing, a certificate of appropriateness must be obtained~~  
24                  ~~from the historic preservation board to:~~
- 25                  1. ~~Erect a new building, structure, fence or parking lot within a district listed~~  
26                  ~~on the local register.~~
- 27                  2. ~~Demolish a building, structure or object listed individually on the local~~  
28                  ~~register, or designated as contributing to a district listed on the local~~  
29                  ~~register.~~
- 30                  3. ~~Relocate a building, structure or object listed individually on the local~~  
31                  ~~register, or designated as contributing to a district listed on the local~~  
32                  ~~register.~~
- 33                  4. ~~Increase the size of a noncontributing structure within a district listed in the~~  
34                  ~~local register by constructing an addition, adding an additional floor, or~~  
35                  ~~enclosing one or more porches, carports or any other architectural features~~  
36                  ~~that will increase the size of the structure or change the roof form.~~
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- 38                  a. Ordinary maintenance, as defined in this chapter, may be performed without first  
39                  receiving a certificate of appropriateness. A property owner/agent shall obtain a  
40                  certificate of appropriateness before: 1) performing any of the following external  
41                  regulated work items on a structure listed individually on the local register or

1 designated as contributing to a district listed on the local register, or 2) taking any of  
2 the actions listed in subsection c. below.

3 1. Abrasive cleaning. Cleaning of exterior walls by blasting with abrasive materials.

4 2. Awnings or canopies. Installation or removal of wood or metal awnings or wood  
5 or metal canopies.

6 3. Decks. Installation of all decks above the first-floor level and/or on the front of  
7 the structure.

8 4. Exterior doors and door frames. Installation of an exterior door or door frame, or  
9 the infill of an existing door opening.

10 5. Exterior walls. Installation or removal of any exterior wall, including the  
11 enclosure of any porch or other outdoor area.

12 6. Fencing. The installation or relocation of wood, chainlink, masonry (garden  
13 walls) or wrought iron fencing, or the removal of masonry (garden walls) or  
14 wrought iron fencing.

15 7. Fire escapes, exterior stairs and ramps for the handicapped. The installation or  
16 removal of all fire escapes, exterior stairs or ramps for the handicapped.

17 8. Painting. Painting unpainted masonry, including stone, brick, terracotta and  
18 concrete.

19 9. Porch fixtures. Installation or removal of railings or other wood, wrought iron or  
20 masonry detailing.

21 10. Roofs. Installation of new materials, or removal of existing materials.

22 11. Security grilles. Installation or removal of security grilles, except that in no case  
23 shall permission to install such grilles be completely denied.

24 12. Siding. Installation of new materials, or removal of existing materials.

25 13. Skylights. Installation or removal of skylights.

26 14. Screen windows and doors. Installation of screen windows or screen doors.

27 15. Windows and window frames. Installation of a window or window frame or the  
28 infill of an existing window opening.

29 16. Rooftop solar. Installation of a rooftop solar photovoltaic power system.

30 b. Staff approval. The City Manager or designee may issue a certificate of  
31 appropriateness if the work will either result in the original appearance of the  
32 structure, as defined in this chapter, or will meet the City's Historic Preservation  
33 Rehabilitation and Design Guidelines on file in the Planning and Development  
34 Services Department. For the installation of a rooftop solar photovoltaic power  
35 system, as defined in this chapter, the City Manager or designee may issue a  
36 certificate of appropriateness if the system: 1) will not be seen from any street  
37 frontage, 2) will meet the City's Historic Preservation Rehabilitation and Design  
38 Guidelines, and 3) will meet the following additional design criteria as applicable:

- 1           1. The system will be installed on a non-contributing accessory structure, such as a  
2           shed or garage, to a contributing or individually listed structure, or on a non-  
3           historic portion of a contributing or individually listed structure;
- 4           2. The system will be located in a manner such that it does not affect the primary  
5           roof façade elevations;
- 6           3. Installation will not result in the permanent loss of significant character-defining  
7           features of a historic resource, such as existing roof lines or dormers;
- 8           4. Installation will not result in the removal or permanent alteration of historic fabric  
9           and is reversible;
- 10          5. The system will be flush to the roof or low profile, to the extent feasible;
- 11          6. On flat roofs, the system will be set back from the edge. If there is a parapet, the  
12          system will be located behind the parapet walls; and
- 13          7. The system will blend into the surrounding features of the historic resource.
- 14          c. Historic Preservation Board approval. A property owner/agent shall obtain a  
15          certificate of appropriateness from the Historic Preservation Board before: 1)  
16          performing any external regulated work items on a structure listed individually on the  
17          local register or designated as contributing to a district listed on the local register that  
18          cannot be approved by the City Manager or designee pursuant to subsection b. above,  
19          or 2) taking any of the following actions:
  - 20               1. Erecting a new building, structure, or parking lot within a district listed on the  
21               local register.
  - 22               2. Erecting a new auxiliary structure within a district listed on the local register  
23               when the action does not meet the guidelines for staff approval established in the  
24               City's Historic Preservation Rehabilitation and Design Guidelines.
  - 25               3. Demolishing a building, structure or object listed individually on the local register  
26               or designated as contributing to a district listed on the local register.
  - 27               4. Relocating a building, structure or object listed individually on the local register  
28               or designated as contributing to a district listed on the local register.
  - 29               5. Increasing the size of either a contributing or noncontributing structure within a  
30               district listed in the local register by constructing an addition, adding an additional  
31               floor, or enclosing one or more porches, carports or any other architectural  
32               features that will increase the size of the structure or change the roof form, when  
33               the action does not meet the guidelines for staff approval established in the City's  
34               Historic Preservation Rehabilitation and Design Guidelines.

1           **Section 3.** Subsection 30-343(1) of the Land Development Code is amended to read as  
2 follows.

3 **Sec. 30-343. – Permitted utility uses.**

4           (1) Electric facilities:

- 5           a. All underground transmission facilities;
- 6           b. All overhead utility transmission facilities not exceeding three feet in diameter  
7           and 75 feet in height;
- 8           c. All transformers, meters and associated appurtenances; ~~and~~
- 9           d. Any electric structure or facility that is sited on property 10,000 square feet or less  
10           and no more than 20 feet in height (utility poles, light poles and telemetry towers  
11           shall not be considered a structure); and
- 12           e. Rooftop solar photovoltaic power systems as defined in this chapter. The  
13           installation of such systems on structures that are subject to the historic  
14           preservation/conservation provisions of Sec. 30-112 shall be subject to the  
15           requirements provided in that section.

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18           **Section 4.** It is the intent of the City Commission that the provisions of Sections 1  
19 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the  
20 City of Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may  
21 be renumbered or relettered in order to accomplish such intent.

22           **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
23 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
24 finding shall not affect the other provisions or applications of this ordinance that can be given  
25 effect without the invalid or unconstitutional provision or application, and to this end the  
26 provisions of this ordinance are declared severable.

27           **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
28 such conflict hereby repealed.

29           **Section 7.** This ordinance shall become effective immediately upon adoption.

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1 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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\_\_\_\_\_  
EDWARD B. BRADY  
MAYOR

9 Attest:

Approved as to form and legality:

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\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

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16 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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18 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

