


SEPTEMBER 1, 2020

A photograph of a worker in a grey shirt, dark cap, and safety harness installing blue solar panels on a brown shingled roof. A chimney is visible in the background under a blue sky with light clouds. A large yellow sun graphic is overlaid on the right side of the image.

# DISCUSSION: REVIEW OF SOLAR ARRAYS ON HISTORIC STRUCTURES



# FLORIDA SOLAR RIGHTS ACT

FL STATUTE 163.04

ENERGY DEVICES BASED ON RENEWABLE RESOURCES

The 2019 Florida Statutes

[Title XI](#)

COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

[Chapter 163](#)

INTERGOVERNMENTAL  
PROGRAMS

[View Entire](#)

[Chapter](#)

## **163.04 Energy devices based on renewable resources. –**

(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 prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources is expressly prohibited.

(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° east or west of due south if such determination does not impair the effective operation of the solar collectors.


(3) In any litigation arising under the provisions of this section, the prevailing party shall be entitled to costs and reasonable attorney's fees.

(4) The legislative intent in enacting these provisions is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of driving the costs of owning and operating commercial or residential property beyond the capacity of private owners to maintain. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

**History.**—s. 8, ch. 80-163; s. 1, ch. 92-89; s. 14, ch. 93-249; s. 1, ch. 2008-191; s. 3, ch. 2008-227.

- <http://www.leg.state.fl.us/statutes/index0199/0163/Sections/0163.04.html>

# NPS TECHNICAL PRESERVATION SERVICES: SOLAR PANELS ON HISTORIC PROPERTIES



## Technical Preservation Services

National Park Service  
U.S. Department of the Interior

- About
- The Standards
- Tax Incentives
- How To Preserve
- Sustainability
- Historic Surplus Property
- Education & Training
- Hot Topics

Home > Sustainability > New Technology > Solar Panels

### Solar Panels on Historic Properties

**Overview**



- On a New Addition
- On a Flat Roof
- Pole-Mounted Array
- On a Low-Slope Gable
- On a Cross Gable
- On a Rear Porch Roof
- Avoided Impact

Additional examples will be added to this site over time, so please check back to see more installations of solar panels on historic properties.

### Installing Solar Panels and Meeting the Secretary of the Interior's Standards

Solar panels installed on a historic property in a location that cannot be seen from the ground will generally meet the Secretary of the Interior's Standards for Rehabilitation. Conversely, an installation that negatively impacts the historic character of a property will not meet the Standards. But what about the grey area between out-of-sight and obviously obtrusive installations?

Although every project is different and must be evaluated on its own merit, the National Park Service has developed this information on how to apply the Standards to the installation of solar panels.



This installation negatively impacts the character of this mid-twentieth century house and does not meet the Standards.

[Click Here to Visit Site](#)

## 4 QUESTIONS ASKED OF THE OTHER FL CERTIFIED LOCAL GOVERNMENTS (CLGS)

1. How are you interpreting the "effective operations of solar collectors"?
2. Do you have specific language in you guidelines which dictate solar collector placement? If so, where can they be found?
3. Have you had had any of your decisions challenged in court? If so, what were the specifics and outcomes?
4. Any other considerations or insights into specific cases where you have encountered a request for solar on highly visible frontages of historic structures?

## 4 RESPONSES

- “We have reluctantly decided to allow whatever location is proposed based on the email attached from our attorney. The solar panel company I’ve worked with is adamant that the law allows them to install wherever they think is most efficient and uploads the law in all their applications.” - City of Sanford
- “Our general rule is that the panels must not be visible from any street elevations. We have also permitted the use of the hybrid barrel roof tiles (Artezanos is the brand) where not visible from any street elevations.” - City of Coral Gables

## 4 RESPONSES

- “Here in Key West we were challenged with this statute, but more specific with painting white our metal and v-crimp roof materials, as painting roofs white was considered by a judge as “energy devise”. We are allowing people to install or paint their roofs white now. We revised our guidelines for solar panels after the determination of white roofs, back in 2011-2012.” – City of Key West
- “We simply say no and hope no one questions it.” – City of Fernandina Beach

# CITY OF GAINESVILLE

## HISTORIC PRESERVATION, REHABILITATION, & DESIGN GUIDELINES

- “Solar collectors, antennae and satellite dishes which are placed on portions of the roof not visible from the right-of way and do not destroy or damage historic roofing features, shapes or materials.” –pg. 95
- “Other contemporary devices such as satellite dishes, pool filtration systems and solar collectors should be located in such a manner that they do not detract from the historic character of the property.” –pg. 147
- “Staff Approval Guidelines... Solar collectors and satellite dishes that do not obscure or damage significant features of the structure or setting.” –pg. 149

