



MINUTES

FOX CHAPEL BOROUGH PLANNING COMMISSION MEETING HELD JULY 18, 2022

PRESENT: Harrison S. Lauer, Chairperson; Wesley Posvar, Nanette Bennett, James Royston, Members; A. Bruce Bowden, Esq., Borough Solicitor; Dante Moretti, Zoning Administrator; Shawn M. Peterson, Borough Secretary

ALSO

PRESENT: Bradley Harrison, Sarah Hanna, Mandy Steele, Councilmembers; Gary J. Koehler, Borough Manager; Michael and Maggie Pohl, residents

VIA ZOOM: Jeffrey Todd, member; two other attendees

Mr. Lauer called the meeting to order at 5:02 PM

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Mr. Posvar moved that the April 18, 2022, meeting minutes be approved. The motion was seconded by Mr. Lauer and passed by a unanimous vote.

NEW BUSINESS

Solar Panel Ordinance Revision Discussion

Mr. Lauer started the discussion with the Borough Council's recommendations to the Planning Commission regarding the proposed revision of the Solar Panel Ordinance.

1. Remove the approval process of applications for front sloped roof panels from conditional use provisions of the Ordinance and make them permitted use. The Code Compliance Officer would review the applications, and they would not come before the Planning Commission.

Mr. Bowden's revision to the Ordinance regarding this recommendation from Council consists of removing language from Article IV section H.(10)(a) so that it would now only read: *Roof-mounted solar panels shall, upon application to and approval by the Code Compliance Officer, be permitted accessory use in all zoning districts in the Borough. The chart set forth in Attachment 1 to Code Chapter 400 is hereby amended to reflect this additional accessory use.*

Mr. Posvar moved to approve the changes to Article IV section H.(10)(a) of the Ordinance. The motion was seconded by Mr. Royston and passed by a unanimous vote.

2. Remove the requirements in the Ordinance that state rooftop panels need to be located on the side or rear slopes instead of front slopes.

Mr. Bowden's revision to the Ordinance regarding this recommendation from Council consists of removing Article IV section H.(4) and H.(10)(c).

Mr. Posvar moved to approve the changes to Article IV section H.(4) and H.(10)(c). The motion was seconded by Mr. Royston and passed by a unanimous vote.

3. Planning Commission should review ordinances from other municipalities to see if there are provisions that bear on aesthetics when residents place solar panels on rooftops.

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Mr. Bowden's revision to the Ordinance regarding this recommendation from Council consists of adding language to Article IV section H.(10)(b) so that it would now read: *Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface. No signage or graphic content may be displayed except the manufacturer's logo, safety information, and equipment specifications.*

Mr. Royston moved to approve the additional language to Article IV section H.(10)(b). The motion was seconded by Mr. Posvar and passed by a unanimous vote.

Mr. Bowden also added language to Article IV section H.(10)(d) so that it would now read: *Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak or below the gutter-line or horizontally beyond the edge of the roof to which it is attached or project more than five feet above a flat roof installation.*

Mr. Todd moved to approve the additional language to Article IV section H.(10)(d). The motion was seconded by Mr. Royston and passed by a unanimous vote.

Mr. Bowden made additional suggestions to the Ordinance. The first was to add language to the definition of Solar Panel, Roof-Mounted.

Mr. Posvar also suggested removing language from the definition regarding the panels being "parallel to the surface on which they are mounted."

Mr. Royston moved to approve the additional language to the Solar Panel, Roof-Mounted definition. The motion was seconded by Ms. Bennett and passed by a unanimous vote.

Mr. Royston moved to approve removing some language from the Solar Panel, Roof-Mounted definition. The motion was seconded by Mr. Posvar and passed by a unanimous vote.

The definition would now read Solar Panel, Roof-Mounted: *A Solar Panel which is attached to the roof of the principal structure or accessory structure on a property. On pitched roofs, Solar Panels must be separated by no more than 12 inches from that surface, measured at right angles from that surface, and not extend higher than the peak of that roof. On flat roofs, Solar Panels must be located so as not to be visible from adjoining properties or streets.*

Mr. Bowden made a technical point suggestion to remove the Editor's Note under the Ground-Mounted Solar Panel definition as it is not true.

Mr. Todd moved to approve the removal of the Editor's Note from the Ordinance. The motion was seconded by Mr. Royston and passed by a unanimous vote.

Next, the Planning Commission looked at Mr. Posvar's comments about revising the Ordinance. The first comment Mr. Posvar had was to redefine solar panels to refer only to solar panels as permanently mounted on a primary or accessory structure or permanently mounted on the ground.

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After discussion, the Planning Commission agreed to have Mr. Moretti research other municipal ordinances to see how they define solar panels and what comes under the ordinance and what doesn't (i.e., size and portability). This item will be discussed at the August 15, 2022, Planning Commission meeting.

Regarding the Solar Panel, Roof-Mounted definition, Mr. Posvar asked why must flat roof-mounted panels not be visible from adjoining properties or streets when pitched roof-mounted panels may be visible? He stated that the flat-roof visibility restriction should be removed to be consistent.

Mr. Lauer answered that there probably would not be a restriction if flat-roof panels were flush with the roof. The Ordinance states that flush-mounted solar panels installed on a building or structure can project vertically up to five feet above a flat roof installation.

The other point is that the definition for Solar Panel, Roof-Mounted states that on flat roofs, solar panels must be located so as not to be visible from adjoining properties or streets. Mr. Posvar questioned whether this is a viable restriction because if the Ordinance allows panels on a flat roof, these restrictions cannot be in place, or else no one with a flat roof would be able to install solar panels on their roof.

Mr. Lauer recommended the removal of the language that says "from adjoining properties" and limit the standard to "visible from the right-of-ways and streets."

Mr. Posvar said that most model ordinances from Mr. Moretti suggested a radius. Mr. Lauer read from one of the model ordinances that building mounted systems mounted on a flat roof shall not be visible from a public right of way within a _____ radius as defined by the Ordinance and a level of five feet above the ground.

After discussion, the Planning Commission agreed to have Mr. Moretti research other municipal ordinances to define the word radius better (i.e., the radius from the building, property, public right-of-way, etc.). This item will be discussed at the August 15, 2022, Planning Commission meeting.

Mr. Bowden was asked to remove wall-mounted from section H.(10) as ground-mounted panels are defined as any panel, not on a rooftop, so wall-mounted panels, according to the Ordinance, are considered ground-mounted. Wall-mounted should be moved to section H.(9), as it addresses ground-mounted solar panels.

Mr. Bowden will also look into the Editor's Note under section H.(10)(a) to see if it should be deleted.

There being no other business to come before Council, the meeting was adjourned at 5:59 PM.

SHAWN MARIE PETERSON
Borough Secretary