



**TOWNSHIP OF NORTH FAYETTE  
PUBLIC HEARING  
JANUARY 11, 2022  
7:00 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

**Board of Supervisors:** James Morosetti, Chairman  
Bob Doddato, Vice Chairman  
Mark O'Donnell, Treasurer

**Township Manager:** James Mangan

**Assistant Township Manager:** Andrew Hartwell

**Chief of Police:** Donald Cokus

**Solicitor:** Michele Cromer

**Township Secretary:** Marlyn Jordan

4. NEW BUSINESS

- 4.1. The North Fayette Township Board of Supervisors is holding this Public Hearing to take public comment on the following: Proposed Ordinance No. 488 – An ordinance amending the Subdivision and Land Development Ordinance, Chapter 22 of the Township Code of Ordinances, regarding vehicular access to residential developments.

Documents:

[DRAFT ORD. 488 - VEHICULAR ACCESS.PDF](#)  
[ACED REVIEW LETTER \(12-28-2021\).PDF](#)

5. COMMENTS FROM THE FLOOR
6. ADJOURNMENT



**TOWNSHIP OF NORTH FAYETTE  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 488**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ITS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ESTABLISHING MINIMUM REQUIREMENTS FOR VEHICULAR ACCESS TO SUBDIVISIONS AND LAND DEVELOPMENTS.**

**WHEREAS**, as authorized by the Pennsylvania Municipalities Planning Code (MPC), the Board of Supervisors of the Township of North Fayette regulates land use within the Township through its Subdivision and Land Development Ordinance, currently codified as Chapter 22 of the Township Code of Ordinances, as amended;

**WHEREAS**, upon the recommendation of the Director of Community Development, the Township Engineer, and Planning Commission, the Board of Supervisors wishes to establish minimum requirements for vehicular access to Subdivisions and Land Developments, and, therefore, wishes to amend the Subdivision and Land Development Ordinance to add a new §22-504.10, Vehicular Access;

**WHEREAS**, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting held on December 2, 2021;

**WHEREAS**, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendment to the Allegheny County Planning Agency, for review and comment on December 3, 2021; and

**WHEREAS**, on January 11, 2022, the Board of Supervisors held duly noticed and advertised public hearing to take public comment on the proposed subdivision and land development ordinance text amendment; and

**WHEREAS**, the Board of Supervisors, having received such public comment as may have been given at the Public Hearing, and having received the recommendations of the Planning Commission, the Township Engineer, and Director of Community Development, finds that enactment of the proposed subdivision and land development ordinance amendment will be beneficial to the health, safety, and welfare of the Township and consistent with the MPC.

**NOW THEREFORE**, be it Ordained and Enacted by the Township of North Fayette Board of Supervisors, and it is hereby Ordained and Enacted by authority of same, as follows:

**SECTION 1: ORDINANCE AMENDMENT.**

That the Subdivision and Land Development Ordinance, codified as Chapter 22 of the Township Code of Ordinances, as amended, is hereby amended to add the following as Section 22-504.10:

22-504.10. Vehicular Access.

A. Local streets or driveways providing access to subdivision or land development plans shall comply with the following:

(1) Residential Land Developments:

(a) Residential land developments with 10 or fewer dwelling units shall have a minimum of one fully functional point of access with an Arterial Road or Collector Road.

(b) Residential land developments with 11 to 40 dwelling units shall have a minimum of one point of access with an Arterial Road or Collector Road, and one fully functional point of access via an emergency access road. The emergency access road shall connect to an Arterial Road or Collector Road.

1) The emergency access road shall be privately owned and maintained, and shall be kept clear and accessible at all times. In addition, emergency access roads shall be installed in accordance with the following standards:

a) Shall connect with such a street at the most practical location most remote from the entrance to such street.

b) Shall be designed to transport vehicular traffic from such street to a public street carrying through traffic.

c) Shall be located within a thirty-foot wide access easement. The access easement shall be delimited on each side by decorative fencing for the entire length of the easement. Acceptable materials for fencing are wrought iron, tubular steel, and decorative masonry.

d) Shall consist of a bituminous surface with a minimum six-inch subbase, four-inch bituminous binder and double seal coat.

e) Shall have a twenty-foot minimum cartway width with stabilized shoulders.

f) Shall be a maximum 15% grade with vertical curves at connection points.

- g) Decorative fencing and gates will be installed to restrict access to the emergency access road, with detail for fencing and gates to be approved by the Township. Acceptable materials for fencing and gates are wrought iron, tubular steel, and decorative masonry.
  - h) Auto-turn data shall be provided by the developer for vertical and horizontal for the size of trucks specified by the local Fire Chief.
- (c) Residential land developments with 41 or more dwelling units shall have a minimum of two fully functional points of access to an Arterial Road or Collector Road.
- (d) The calculation of dwelling units shall include all existing and planned dwellings using the same point of access to an Arterial Road or Collector Road. New land developments extending existing local streets shall include existing dwellings in the calculation of dwelling units.
- (e) The configuration and location of required access points and emergency access roads shall be approved by the Director of Public Safety and the Township Engineer.
- (2) Non-Residential Land Developments:
- (a) Non-residential land developments generating 200 or more daily trips shall have a minimum of two fully functional points of access located on different sides of the development to an Arterial Road or Collector Road. A signed and sealed trip generation report, prepared by a qualified traffic engineer, shall be provided if requested by the Township.
    - 1) If emergency access roads are proposed, such roads shall meet the standards referenced in Section 22-504.10.A(1)(b)1).
  - (b) The calculation of daily trip generation shall include all existing and planned development using the same point of access to an Arterial Road or Collector Road. New land developments extending existing local streets shall include existing development in the calculation of trip generation.
  - (c) The configuration and location of required access points and emergency access roads shall be approved by the Director of Public Safety and the Township Engineer.

**SECTION 2: SEVERABILITY.**

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3: CONFLICT.**

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4: EFFECTIVE DATE.**

That this Ordinance shall take effect immediately upon enactment as provided by law.

**ENACTED AND ORDAINED into Law this the 11th day January 2022.**

**ATTEST:**

**TOWNSHIP OF NORTH FAYETTE**

\_\_\_\_\_  
James R. Mangan  
Township Manager

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James Morosetti  
Chairman, Board of Supervisors



December 28, 2021

Andrew Hartwell, AICP  
Assistant Township Manager  
Township of North Fayette  
400 North Branch Road  
Oakdale, PA 15071

**RE: Township of North Fayette - Proposed SALDO Amendment – Vehicular Access**  
ACED File #: 21068-OR  
Mail Date: December 3, 2021  
45 Day DL: January 17, 2022

Dear Mr. Hartwell:

The Planning Division of Allegheny County Economic Development (ACED) has reviewed the aforementioned matter pursuant to the Pennsylvania Municipalities Planning Code (MPC). As a result, the County offers the following for your consideration.

## GENERAL OVERVIEW

The proposed ordinance is an amendment to the Township of North Fayette amending its Subdivision and Land Development Ordinance establishing minimum requirements for vehicular access to subdivisions and land developments.

## COMMENTS

Upon review of the ordinance, the following comments are offered for your consideration:

1. With respect to §22-504.10.A.(1), *Residential Land Developments*, there is language with respect to the emergency access road being privately owned and maintained.
  - a. In the cases of residential subdivisions that do not have a homeowners' association, it should be clarified that the emergency access roads will be within an easement on the lots of the private residential dwelling units. This should be clearly identified on the record plan and a deed restriction, in addition to a seller's disclosure, are recommended so that the property owners are aware that they are responsible for maintenance of the emergency access road.
    - i. In addition, with respect to decorative fencing and gates, the maintenance responsibility should be explicitly clear. In the absence of a homeowners'

association, are the property owners responsible for this maintenance as well or will the Township take care of this responsibility?

- b. Finally, we do recommend that there be monuments installed to explicitly delineate the area of the emergency access road so homeowners do not install any fencing, landscaping, or other amenities.
2. Procedurally, please be advised of the following Municipalities Planning Code (MPC) requirements related to zoning/subdivision and land development ordinance amendments:
- a. **County Review Period: 45 days.** Since MPC §304 is applicable in Allegheny County, *the county review time is 45 days for all applications*. MPC §304(b) states that municipalities may not take any action on an application until the county's comments are received, or the 45-day review period has passed.
  - b. **Timing of Public Hearings: 30 days.** Other sections of the MPC apply in regard to the timing of public hearings. For proposed amendment to a zoning ordinance, for example, MPC §609(e) applies. Municipalities may not hold the public hearing less than 30 days from the date the application was submitted to the county for review. However, MPC 304(b) still applies in regard to when the municipality may *act* on the application.
  - c. **Timing of Public Hearings: 45 days.** If the application is for a proposed new or substantially revised zoning ordinance, SALDO, or comprehensive plan, the public hearing may not be held less than 45 days from the date the municipality forwards the application to the county planning agency for its review.
  - d. **Failure to Comply.** If the municipality does not follow the applicable procedures of the MPC when amending or adopting land use ordinances and comprehensive plans, or taking other actions authorized by the MPC, it can leave a municipality vulnerable to challenges. Municipalities should always be careful to comply with the MPC, and consider consulting their solicitor if they have questions about the required procedures. (See also MPC §108)

If the proposed amendment is adopted, please send a copy of the fully executed ordinance to the County, including the signed and dated signature pages, within 30 days of adoption as required by the MPC. If the proposed amendment is modified, please resubmit the ordinance for review and reference the ACED file number for this review in your request.

Feel free to direct any inquiries or comments to my attention at 412.350.1361 or [wmclain@alleghenycounty.us](mailto:wmclain@alleghenycounty.us).

Sincerely,



William McLain  
Planning Division