



**TOWNSHIP OF NORTH FAYETTE
BOARD OF SUPERVISORS
Public Hearing
6:30 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: Ordinance No. 486, a proposed ordinance amending the Zoning Ordinance (Chapter 27) regarding the Township Planning Commission.

Documents:

[22003-OR FINAL REVIEW.PDF](#)
[DRAFT NO. 486 - PC AMENDMENT.PDF](#)

5. PUBLIC COMMENTS

6. ADJOURNMENT

COUNTY OF



ALLEGHENY

January 31, 2022

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

**RE: Township of North Fayette - Proposed Zoning Ordinance Amendment –
Planning Commission**

ACED File #: 22003-OR
Mail Date: January 7, 2022
45 Day DL: February 21, 2022

Dear Andrew:

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 Zoning Ordinance regarding the Township Planning Commission.

COMMENTS

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

1. Overall, we have no concerns with respect to the proposed ordinances as written. As a general comment, we do recommend that all Planning Commission duties be aligned with the Pennsylvania Municipalities Planning Code (MPC).
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 purposed 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.

Sincerely,



Matthew T. Trepal, AICP
Manager, Planning Division

MTT:ms



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

ORDINANCE NO. 486

AN ORDINANCE OF TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE REGARDING THE TOWNSHIP PLANNING COMMISSION.

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 Zoning Ordinance, currently codified as Chapter 27 of the Township Code of Ordinances, as amended; and

WHEREAS, the Board of Supervisors has reviewed the current Zoning Ordinance (Ord. 477, adopted 5/11/2021) and determined that various changes need to be made to the ordinance regarding the Township Planning Commission; and

WHEREAS, upon the recommendation of the Director of Community Development, the Township Engineer, and the Planning Commission, the Board of Supervisors wishes to amend its Zoning Ordinance, as specified in Section 1 of this ordinance; and

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendment to the Planning Commission, which gave its recommendations regarding the proposed amendment at a duly noticed public meeting on January 6, 2022; and

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 January 7, 2022; and

WHEREAS, comments were received from the Allegheny County Planning Agency on <INSERT DATE>; and

WHEREAS, the Township advertised the time, place, and date of the public hearing on <INSERT DATE> in the Beaver County Times; and

WHEREAS, on <INSERT DATE>, the Board of Supervisors held duly noticed and advertised public hearing to take public comment on the proposed Zoning 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, the Director of Community Development, and the Allegheny County Planning Agency,

finds that enactment of the proposed Zoning Ordinance text amendment is consistent with the overall Comprehensive Plan as adopted by the Township, and will be beneficial to the health, safety, and welfare of the Township and consistent with the MPC.

NOW THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Board of Supervisors of the Township of North Fayette:

SECTION 1: ORDINANCE AMENDMENT.

That the Township Zoning Ordinance, codified as Chapter 27 of the Township Code of Ordinances, as amended, is hereby amended as follows:

Section 27-1512, Township Planning Commission, is hereby repealed and replaced in its entirety as follows:

- A. The Planning Commission shall perform all duties as required by the laws of the Commonwealth of Pennsylvania including, but not limited to, the following:
 1. The Planning Commission shall receive from the Zoning Officer copies of all applications for amendments to this chapter and shall make findings and recommendations thereon, after which the Commission shall forward such findings and recommendations, in writing, to the Supervisors before the date set for a public hearing on the proposed amendment.
 2. The Planning Commission shall receive from the Zoning Officer copies of all applications for planned developments and shall make findings and recommendations thereon as set forth in Article XII and Article XIII of this chapter, after which the Commission shall forward such findings and recommendations, in writing, to the Supervisors before the date set for a public hearing on the proposed planned development.
 3. The Planning Commission shall receive from the Zoning Officer all applications for conditional uses and shall make findings and recommendations and shall forward such written findings and recommendations to the Supervisors before the date set for a public hearing on the proposed conditional use.
 4. The Planning Commission shall, furthermore, initiate, direct, and review, from time to time, the provisions of this chapter and make reports of its findings and recommendations to the Supervisors in writing not less frequently than annually and to recommend and update of the provisions of the Comprehensive Plan not less frequently than every ten years.
 5. The Planning Commission shall also have the duty of reviewing subdivision and land development applications and reporting to the Supervisors in accordance with the Subdivision and Land Development Ordinance [Chapter 22].

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 ____ day of ____ 2022.

ATTEST:

TOWNSHIP OF NORTH FAYETTE

James Mangan
Township Manager

James Morosetti
Chairman, Board of Supervisors