



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