

## County Review of Municipal Land Use Ordinances and Comprehensive Plans

The *PA Municipalities Planning Code* (MPC) establishes procedures and requirements that municipalities must follow when adopting or amending land use ordinances, comprehensive plan, and other planning matters. For example, before the municipality can adopt a proposed zoning amendment or a comprehensive plan, a copy must be forwarded to county planning agency for an advisory review. The MPC establishes time limits for county review, holding public hearings and acting on applications. This and other information is summarized below..

1. **Effect of a County Comprehensive Plan.** When a county has adopted a comprehensive plan, MPC §304 applies. Municipalities must forward certain applications to the county planning agency, who will review it for consistency with the county's comprehensive plan. They include the following:
  - a. The location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
  - b. The location, erection, demolition, removal or sale of any public structures located within the municipality;
  - c. The adoption, amendment or repeal of any comprehensive plan, official map, subdivision or land development ordinance, zoning ordinance or provisions for planned residential development; or
  - d. The construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
2. **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.
3. **Timing of Public Hearings: 30 days.** Other sections of the MPC apply in regard to the timing of public hearings. For a 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.
4. **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.
5. **Post-Enactment: 30 Days.** A hard copy of the enacted land use ordinance, amendment or comprehensive plan, including the signed and dated enactment page or resolution, must be forwarded to the county planning agency within 30 days of the date of adoption.

6. **Failure to Comply.** If a 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 the 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)

### **Submittal of Applications to ACED Planning Division**

1. **Complete application required.** *Incomplete applications will not be accepted for review.* Please contact Planning Division if you have any questions about what constitutes a complete application.
2. **Official Date of Receipt.** The date of the municipality's cover letter or transmittal letter is usually counted as the official date of receipt of the application. However, if there is a difference of more than 3 consecutive working days (M-F, excluding official holidays) between the postmark date of the application and the date of the cover letter or transmittal included with the application, the later of the dates will be entered as the date of receipt of the application.
3. **Emailed Applications.** Planning Division will accept e-mailed submittals of proposed amendments to ordinances and adopted ordinances; however, *e-mailed submittals must be followed up promptly with a hard copy submittal.*
4. **Advice to Municipalities:**
  - Double-check all submittals for completeness.
  - Forward applications to Planning Division in a timely manner.
  - When scheduling public hearings allow some margin for errors (incorrectly addressed mail; incomplete submittals) and mishaps (lost mail or e-mails).