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COUNTY EXECUTIVE

Advisory Reviews of Land Use Ordinances, Comprehensive Plans, and Other Applications.

In addition to applications for proposed subdivisions and land developments, municipalities are also required to forward applications for proposed land use ordinances, comprehensive plans and other matters to ACED’s Planning Division for advisory review before taking action on the application or matter. See below for more information.

1. **Effect of a County Comprehensive Plan.** When Allegheny County adopted a comprehensive plan in 2008, §304 of the PA Municipalities Planning Code (MPC) became effective. MPC §304 requires municipalities to forward certain applications to the county planning agency for an advisory review, including 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. **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.

6. **Act 39 of 2008.** Act 39 amended the MPC in 2008 to add §108, which provides an optional notice of adoption of a land use ordinance or land use decision to establish a period of limitations for raising procedural challenges of such adoptions. Municipalities that want to learn more about §108 should consult their municipal solicitor.
7. **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.
8. **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.
9. **e-mailing Applications.** Planning Division will accept e-mailed submittals of proposed amendments to ordinances and adopted ordinances but the e-mailed submittal must be followed up by a hard copy submittal.
10. **Advice to Municipalities.** Double-check all submittals for completeness. Mail or otherwise forward applications to Planning Division in a timely manner. We recommend that public hearings be scheduled to allow some margin for errors (incorrectly addressed mail; incomplete submittals) and mishaps (lost mail or e-mails). This could help to avoid the need to reschedule and re-advertise a public hearing.