



## MPC §304

### ACED Review Policy and Advice about Scheduling of Public Hearings

1. The Pennsylvania Municipalities Planning Code (MPC) §304 requires the submittal of certain types of applications to a county with an adopted county comprehensive plan. Now that Allegheny County has adopted a comprehensive plan, *Allegheny Places*, §304 applies. Proposed actions of the governing body of a municipality, its departments, agencies and appointed authorities are to be sent to the county for review if the proposed action relates to:
  - 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. **The review period is 45 days for all §304 reviews.** This is a change from some review periods specified elsewhere in the MPC which are applicable when a county has not adopted a comprehensive plan. §304 provides that the proposed action is not to be taken by the municipality until the receipt of the county recommendation, or until the county planning agency fails to act within 45 days.
3. Other provisions of the MPC still govern how many days **before the public hearing** the proposed action must be sent to the County for review. For example, for enactment of zoning ordinance amendments, MPC §609(e) provides that “at least 30 days prior to the public hearing on the amendment by the local governing body, the municipality shall submit the proposed amendment to the county planning agency for recommendations.”
4. For new or substantially revised ordinances and comprehensive plans there is no change. The date of the public hearing may not be less than 45 days from the date the municipality submits the application to the county planning agency. The county planning agency has 45 days from the date the municipality submits the application to the county for its review.
5. Failure to comply with procedural requirements of the MPC could jeopardize the actions taken or make them vulnerable to challenge, so we recommend careful compliance with all MPC requirements.
6. In addition, the MPC was amended by Act 39 of 2008 adding §108, 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. Please consult with the municipal solicitor about whether your municipality should take advantage of this new provision.



ALLEGANY COUNTY  
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7. **ACED does not accept requests for reviews mandated by the MPC unless and until all information necessary for the review has been provided. The date of the County review period does not begin until a complete application has been received by the County.**
8. The date of the postmark on the mailer or the date of hand delivery establishes the official beginning of the review period, not the date of the municipality's cover letter or transmittal letter.
9. Municipalities should double-check all submittals to be sure they are complete and ensure that the application is mailed in a timely manner. When a public hearing is required, we especially recommend allowing more than the absolute minimum number of days required before the public hearing is held so that there is some margin for mishaps and problems.

The most recent edition of the Municipalities Planning Code is available at:

<http://www.newpa.com/get-local-gov-support/local-government-law-library>