

# PLANNING PROCESS

## legal basis

historic preservation enabling laws

**HISTORIC DISTRICT ACT OR MUNICIPALITIES PLANNING CODE**

*which is appropriate for your community?*

Historic District Act	Municipalities Planning Code
<ul style="list-style-type: none"><li>• is legislation that focuses solely on the preservation of historic buildings and structures, their exterior alterations and is intended to protect them from demolition</li></ul>	<ul style="list-style-type: none"><li>• is legislation that can be used comprehensively to preserve not only historic buildings and structures but their environments; can also provide zoning incentives</li></ul>
<ul style="list-style-type: none"><li>• reviews and regulates within a defined area</li></ul>	<ul style="list-style-type: none"><li>• review and regulate dispersed historic resources or districts</li></ul>
<ul style="list-style-type: none"><li>• Board of Historical Architectural Review is advisory only and issuance of COA</li></ul>	<ul style="list-style-type: none"><li>• special exception or conditional use zoning permits</li></ul>

cont.

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### HISTORIC DISTRICT ACT OR MUNICIPALITIES PLANNING CODE

Historic District Act	Municipalities Planning Code
<ul style="list-style-type: none"><li>governing body approves or disapproves and building inspector issues permit</li></ul>	<ul style="list-style-type: none"><li>zoning permit in accordance with MPC regulations: may go before planning commission and governing body or directly to the zoning hearing board</li></ul>
<ul style="list-style-type: none"><li>PHMC certification of the district's historical significance</li></ul>	<ul style="list-style-type: none"><li>no PHMC participation in establishment of HP articles in zoning</li></ul>
<ul style="list-style-type: none"><li>has been challenged in all three PA court levels: common pleas, commonwealth, and supreme; courts affirm constitutionality of regulations</li></ul>	<ul style="list-style-type: none"><li>has not (to our knowledge) been legally challenged</li></ul>