

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

cont.

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