

**CHAPTER 4**

**BUILDINGS**

**Part 1**

**House Numbering**

**§101. Numbering Buildings**

**§102. Enforcement and Penalties**

**Part 2**

**Historic Preservation District**

**§201. Short Title**

**§202. Legal Authorization**

**§203. Purposes**

**§204. Interpretation**

**§205. Severability**

**§206. Certification by Pennsylvania Historical and Museum Commission**

**§207. Interpretation of Terms**

**§208. Definition of Terms**

**§209. District Description**

**§210. HARB**

**§211. HARB Duties**

**§212. Additional Functions of the HARB**

**§213. Application and Approval Procedures**

**§214. Application Review**

**§215. Unreasonable Economic Hardship**

**§216. Demolition by Neglect**

**§217. Immediate Hazards**

**§218. Notice of Violation**

**§219. Enforcement**

**§220. Violations and Penalties**

**§221. Amendments**

**§222. Repealer**



**Part 1**

**House Numbering**

**§101. Numbering Buildings.**

1. Numbering of Buildings Required. The Stroudsburg Borough Council hereby declares with the adoption of this Part that all dwellings, residences, offices, stores and places of business within this Borough, whether fronting on public streets or alleys or not, shall be numbered in accordance with the system adopted and used as follows:
2. Numbers Allotted to Each Block. Except as hereinafter provided, 100 numbers shall be allotted to each block.
3. Odd/Even Sides Designated.
  - A. All streets and alleys extending in a general north and south direction shall have the odd numbers on the west side and even numbers on the east side; and the numbers shall increase from south to north.
  - B. All streets and alleys extending in a general east and west direction shall have the odd numbers on the south side and even numbers on the north side.
4. Numbering of Rear Buildings. Buildings at the rear of others shall be numbered by adding the unit number followed by the word "rear" to the proper number of the building in front. The unit numbers shall be numbered starting with the number corresponding to the floor level where the unit is located.
5. Duties of Owners. It is hereby made the duty of every owner or part owner of a building required by this Part 1 to be numbered, to properly number the same within 10 days after the passage of this Part and to keep the same so numbered; and in case the owner of any such building shall not reside within the Borough, said duty shall devolve upon the resident agent of such owner; and if there be no such resident agent, then said duty shall devolve upon any tenant or occupant of such building. The tenant or occupant of any such building shall furnish to the proper Borough authorities, on demand, the name of the resident owner of such building, or of the proper agent, if such owner be a nonresident; and any such tenant or occupant who shall fail or refuse to do so shall be held liable to number such building in the first instance.
6. Requirements for Numbers.
  - A. House numbers shall be a minimum of 4 inches in height with a contrasting background showing the address. Numbers shall be placed in such a position as to be plainly visible from the street adjoining the property.

Exception: Properties with numbers, existing prior to the adoption of this Part, that are less than 4 inches in height can be retained provided they are still

## BUILDINGS

easily visible from the street.

- B. Buildings located greater than 50 feet from the street or which are not visible from the street adjoining the property shall have a sign or other method of display of the numbers complying with subsection .6A and shall be located and be visible no further than 50 feet from the street adjoining the property.

(Ord. 940, 5/4/2011)

### **§102. Enforcement and Penalties.**

Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, together with the costs of prosecution, or to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 940, 5/4/2011)

## Part 2

### Historic Preservation District

#### §201. Short Title.

The short title of this Part is "Stroudsburg Historic Preservation District Ordinance" of 2008.

(Ord. 901, 2/19/2009)

#### §202. Legal Authorization.

In accordance with the provisions of the Pennsylvania Historic District Act, as amended, there is hereby created in the Borough of Stroudsburg a historic district to be known as the "Stroudsburg Historic Preservation District." This Part 2 shall apply within such Historic District.

(Ord. 901, 2/19/2009)

#### §203. Purposes.

This Part is enacted:

- A. To protect an architecturally distinctive and historical area of Stroudsburg by protecting those portions and buildings of the Borough which reflect the cultural, economical, social, political and architectural history of the Borough of Stroudsburg.
- B. To encourage interest in Stroudsburg's past.
- C. To promote the general welfare and education of the Borough's people.
- D. To improve property values.
- E. To enhance the Borough's attractiveness to residents and visitors.
- F. "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the commonwealth shall conserve and maintain them for benefit of all the people." (Article 1, Section 27, of the Pennsylvania Constitution)

## BUILDINGS

- G. To serve the historic preservation purposes as are authorized by the Pennsylvania Municipalities Planning Code, as amended,<sup>2</sup> and the Pennsylvania Historic District Act.

(Ord. 901, 2/19/2009)

### **§204. Interpretation.**

All standards in this Part are to be interpreted as minimums required. Nothing prevents property owners from using higher standards, as long as they meet or exceed the standards of this Part.

(Ord. 901, 2/19/2009)

### **§205. Severability.**

If any section or subsection of this Part shall be declared by a court of competent jurisdiction to be invalid, such decision shall be limited to such provision and shall not affect the validity of this Part as whole or any part thereof.

(Ord. 901, 2/19/2009)

### **§206. Certification by Pennsylvania Historical and Museum Commission.**

This Part recognizes that the Pennsylvania Historical and Museum Commission has certified, by resolution, to the historical significance of the Stroudsburg Historic Preservation District.

(Ord. 901, 2/19/2009)

### **§207. Interpretation of Terms.**

Unless otherwise expressly stated, the following shall, for the purposes of this Part, have the meanings herein indicated:

- A. Words in the present tense include the future tense.
- B. The word "person" includes a profit or nonprofit corporation, company, partnership, or individual or any other applicant, legal entity or landowner.
- C. The term "structure" includes "building." The term "building" includes parts thereof.

---

<sup>2</sup> Editor's Note: See 53 P.S. §10101 et seq.

- D. The word "shall" is always mandatory, while "should" is recommended.
- E. If a term is not defined by this Part but is defined by the Zoning Ordinance [Chapter 27], the Zoning Ordinance definition shall apply to this Part.

(Ord. 901, 2/19/2009)

**§208. Definition of Terms.**

- 1. Where a term is not defined by this Part, but the term is defined in the Zoning Ordinance [Chapter 27], the definition in the Zoning Ordinance shall also apply to this Part.
- 2. The following terms shall the meanings indicated:

ALTERATION — changing the architectural features of a structure.

APPURTENANT ELEMENTS — significant items subordinate to a building. Features such as doghouses, mailboxes, house numbers and similar improvements shall not be regulated by this Part.

BOARD OF HISTORICAL ARCHITECTURAL REVIEW (HARB) — the Agency that advises the Borough Council on any requests for authorization to demolish, raze, construct or alter all or a part of any building or structure within the Historic District.

BOROUGH COUNCIL — the governing body of the Borough of Stroudsburg.

BUILDING — any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human habitation and is permanently affixed to the land, including manufactured homes.

BUILDING OR DEMOLITION PERMIT — an approval statement signed by the Code Administrator/Code Enforcement Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building.

BUILDING PERMIT APPLICATION — for the purposes of this Part, the request filed by any person with the Code Administrator/Code Enforcement Officer that seeks authorization to undertake an activity or change regulated by this Part.

CERTIFICATE OF APPROPRIATENESS — the statement signed by the President of the Borough Council which certifies that the Borough Council has approved or disapproved an activity or change that is regulated by this Part.

## BUILDINGS

**CODE ADMINISTRATOR or CODE ENFORCEMENT OFFICER** — a municipal employee of or individual retained and designated by the Borough Council as the individual who enforces compliance with construction and/or fire codes and issues the permit for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within the Historic District.

**COMPLETED APPLICATION** — a completed certificate of appropriateness application that conforms to the submittal criteria of this Part.

**DEMOLITION BY NEGLECT** — the absence of routine maintenance and repair which can lead to a building's structural weakness, decay and deterioration, which could eventually result in its demolition.

**DEMOLITION/RAZING** — the dismantling or tearing down of all or part of any building and all operations incidental thereto.

**ERECTION** — the result of construction, such as a building, structure, monument, sign, or object on the ground or on a structure or building.

**PERMIT** — an approval statement signed by the Code Enforcement Officer authorizing the demolition, razing, construction or alteration of all or part of any building or structure.

**RECONSTRUCTION** — the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.

**STRUCTURE** — anything constructed or erected, having a permanent or semipermanent location on another structure or in the ground, including but not limited to buildings, sheds, manufactured homes, garages, and billboards.

(Ord. 901, 2/19/2009)

### **§209. District Description.**

1. The Stroudsburg Historic Preservation District shall be described in writing in this section and delineated on a map designated as the "Historic Preservation District Map of the Borough of Stroudsburg." Such map shall be located in the office of the Borough Manager and made available for public inspection.
2. The Stroudsburg Historic Preservation District is hereby created and described as follows:

ALL that certain piece or parcel of land situate in the Borough of Stroudsburg, County of Monroe and Commonwealth of Pennsylvania, being more fully described as follows:

BEGINNING at a point, said point being located at the northwesterly property corner of 827B Ann Street; thence in a westerly and then northwesterly direction along the southerly side of Ann Street to the southeasterly property corner of 921-923 Main Street; thence westerly along the southerly property line of said 921-923 Main Street and 1009 Main Street to the southerly side of Main Street; thence crossing said Main Street in a northerly direction and along the westerly property line of 1012 Main Street and 5 Elm Street to the northwesterly property corner of said 5 Elm Street; thence in an easterly direction along the northerly property line of said 5 Elm Street to the westerly side of Elm Street; thence in a northerly direction to the northerly side of said Elm Street; thence easterly along the northerly side of said Elm Street to the westerly side of an unnamed alley; thence northerly along 9 and 11 Elm Street to a point located on the property line of 39 North 10th Street; thence easterly along the northerly line of said unnamed alley to the intersection with the westerly side of said North 10th Street; thence crossing said North 10th Street in a northeasterly direction to the northwesterly property corner of 36 North 10th Street; thence easterly along the southerly side of Sarah Street and northerly property lines of 36 and 34 North 10th Street and 917, 915, 913, 911-909 Sarah Street and 31 North 9th Street to the northeasterly property corner of said 31 North 9th Street; thence in a northeasterly direction crossing North 9th Street to the northwesterly property corner of 30 North 9th Street, said corner being located at the intersection of the easterly side of said North 9th Street and the southerly side of said Sarah Street; thence in a southerly direction along the easterly side of said North 9 Street to the intersection with the northerly side of Monroe Street; thence easterly along the southerly property line of 828 Monroe Street to the southwest property corner of 816-826 Monroe Street; thence along the westerly property line of said 816-826 Monroe Street and crossing Sarah Street to the southerly common property corner of 822 and 862-864 Sarah Street; thence in a southwest direction along the southerly property line of said 862-864 Sarah Street to the southwest corner of said lot; thence northerly along the westerly property line of said 862-864 Sarah Street to the intersection with the southeasterly property corner of 827 Thomas Street; thence from 862-864 Sarah Street proceed east on the north side of Sarah Street, northerly property line of 822, 816, 814, 806, 804, 802, 800A, 800 and across North Eighth Street to the northeast corner, 730 Sarah Street; proceed north on the east side of North Eighth Street to and including 214, 220 North Eighth Street, to the southeast corner of 722 Scott Street, to and including 308 North Eighth Street to southeast corner of 729 Scott Street and then to the northeast corner 730 Scott Street; thence easterly along the northerly property line of 730, 726, 724, 722, 720, 716, 714-712, 710, 708-706 and 626 Scott Street to a point on the northerly property line of said 626 Scott Street; thence northerly along the westerly property line of Tax Parcel I.D. 18730118409212 Fulmer crossing Fulmer Avenue and along the westerly property line of 704 Fulmer Avenue to the northwesterly property corner of said 704 Fulmer Avenue; thence easterly along the northerly property line of 704 Fulmer Avenue to the northwesterly property corner of said 700 Fulmer Avenue; thence in a southerly direction along the westerly property line of said 700 Fulmer Avenue and crossing to the southerly side of Fulmer Avenue, said point being located on the northerly property line of 626 Scott Street; thence along

## BUILDINGS

the northerly property line of said 626 Scott Street and 602, 600 Scott Street and 613 and 611 Fulmer Avenue to a point on line of 611 Fulmer Avenue; thence northerly crossing Fulmer Avenue and along the westerly property line of 610 Fulmer Avenue to the northwesterly property corner of said 610 Fulmer Avenue; thence easterly along the northerly property line of 610, 608, 606, 604, 602, 600 Fulmer Avenue to the northeasterly property corner of said 600 Fulmer Avenue; thence southerly along the easterly property line of said 600 Fulmer Avenue and crossing Fulmer Avenue to the northeasterly property corner of 307-315 Wallace Street; thence easterly and crossing said Wallace Street to the northeasterly property corner of 312 Wallace Street, said property corner being located on the southerly side of Fulmer Street; thence southerly along the easterly property line of 312 and 306-308 Wallace Street to the southeasterly property corner of said 306-308 Wallace Street, said property corner being located on the northerly property line of 520-522 Scott Street; thence along the northerly property line of 520-522, 516-518, 512-514, 508-510 and 500 Scott Street in an easterly direction to the northeasterly property of said 500 Scott Street, said property corner being located on the westerly side of North 5th Street; thence along said westerly side of North 5th Street in a southerly direction along 500 Scott Street crossing said Scott Street and along the easterly property line of 501 Scott Street and 209 North 5th Street crossing an alley to a point on the easterly property line of 500 Thomas Street; thence easterly crossing said North 5th Street and along the northerly property line of 200 North 5th Street to the northeasterly property corner of said 200 North 5th Street; thence following various southerly and southwesterly directions along the easterly property line of 200, 124-126 and 122 North 5th Street to the southeasterly property corner of said 122 North 5th Street; thence westerly to the southwesterly property corner of said 122 North 5th Street; thence northerly along the westerly property line of said 122 and 124-126 North 5th Street to the northwesterly property corner of 124-126 North 5th Street, said point being located on the easterly side of North 5th Street; thence southwesterly along the easterly side of said North 5th Street and crossing the Sarah Street Extension to the northeasterly property corner of 32 North 5th Street; thence along the easterly property line of said 32 North 5th Street to the southeasterly property corner of said lot; thence southwesterly crossing an alley to the northerly most corner of 26 North 5th Street; thence along various southeasterly and southwesterly directions along the easterly property lines of said 26 and 20 North 5th Street crossing McConnell Street to the northwesterly property corner of 15 North 4th Street; thence along various northeasterly directions crossing North 4th Street and along the northerly property line of Tax Parcel I.D. 18730007695 McConnell, 344, 340, 336, 334, 330, 312 Main Street crossing Kane Street and continuing along the northerly property line of 306 and 304-300 Main Street to the northeasterly corner of said 304-300 Main Street, said property corner being located on the westerly side of North 3rd Street; thence southeasterly along the easterly property line of said 304-300 Main Street to the southeasterly property corner of said lot, said corner being located at the northwesterly intersection of Main Street and North 3rd Street; thence southwesterly along the southerly property line of said 304-300, 306 and 308 Main Street to a point on the property line of said 308 Main Street; thence southeasterly crossing Main Street and along the easterly property line of 315 Main to the southeasterly property corner of said 315 Main; thence following

along various southerly courses to the southeasterly property corner of 355 Main, said property corner being located along the northerly side of McMichaels Creek; thence along said northerly side of a creek following various southwesterly and northwesterly courses and the southerly property line of 355, 411-415, 427-429 and 437 Main crossing North 5th Street to a point on the easterly property line of the Ann Street Park; thence continuing along said northerly side of a creek by various courses and distances and also along the southerly property line of said Ann Street Park and 537, 539, 541, 543, 559-561, 563, 601, 603, 605-607, 613-615, 617, 621 Ann Street crossing Garden Street and continuing along the southerly property line of 701, USA and 727 Ann Street to a point on the southerly side of an alley, said point being located due south of the southeasterly property corner of said 727 Ann Street; thence westerly along the southerly side of said alley to the easterly side of South 8th Street, thence in a southerly direction along said South 8th Street to the southeasterly property corner of 117 South 8th Street; thence following along the southerly property line of said 117 South 8th Street crossing Palmer Alley and along the southerly property line of 821 and 825 Ann Street to the easterly side of an alley that lies between 825 and 827B Ann Street, by various westerly and northwesterly courses; thence southerly along said alley to a point; thence by various westerly and northwesterly courses crossing said alley and along the southerly and westerly property line of 731 and 827B Ann Street to a point, said point being the POINT OF BEGINNING.

(Ord. 901, 2/19/2009)

## **§210. HARB.**

1. **Creation and Membership.** The existing Board of Historical Architectural Review (HARB) is hereby continued and shall be composed of seven members appointed by the Borough Council. One member shall be a registered architect, one member shall be a licensed real estate broker, one member shall be the Building Inspector, at least two members shall be resident property owners of the Historic District, and all members shall have knowledge of and an interest in preservation of historic structures.
2. **Terms of Office.** Of the initial appointees to the Board, one shall be designated until the first day of January following July 19, 2006, two until the first day of the second January thereafter, two until the first day of the third January thereafter, and two until the first day of the fourth January thereafter. These successors shall be appointed on the expiration of their respective terms to serve four-year terms.
3. **Vacancies.** The term of the registered architect, the licensed real estate broker or the Code Enforcement Officer shall be considered vacant if the member no longer engages in the occupation. The membership of the resident property owners in the district shall cease if the member no longer resides or owns property in the district. The Board shall promptly notify the Borough Council of vacancies. Vacancies shall be filled for the unexpired term.

## BUILDINGS

4. Conflict of Interest. It shall be the duty of each HARB member to remain conscious of and sensitive to any possible conflict of interest (including but not limited to financial considerations) that may arise by virtue of her or his membership on the HARB. A member, promptly upon her or his determining a conflict relative to any matter brought, shall disqualify herself/himself from participating as a HARB member in the presentation or deliberation of and the voting on any such manner.

(Ord. 901, 2/19/2009)

### **§211. HARB Duties.**

1. Advisory Role. The HARB shall provide recommendations to the Borough Council regarding the advisability of issuing a certificate of appropriateness required under this Part.
2. Board Rules and Guidelines. The HARB may make and alter rules and bylaws for its own organization and procedure, provided that they are consistent with the laws of Pennsylvania and this Part. The HARB may also prepare advisory guidelines that are intended to provide recommendations to applicants on the types of changes the Borough is likely to approve and likely to deny.
3. Removal of Members. A HARB member may be removed for malfeasance, misfeasance, or nonfeasance in office or for any other just cause by a majority vote of the Borough Council. The Borough Council shall notify the Board member of the charges 15 days before the vote. A hearing on the vote shall be held if the member requests it in writing.
4. Annual Reports. The members of HARB shall make an annual report to the Borough Council, which shall include:
  - A. Any recommendations for changes in this Part;
  - B. The number and types of cases reviewed;
  - C. The number of cases for which a certificate of appropriateness was either approved or denied;
  - D. The number of HARB meetings which each member attended;
  - E. Historic-preservation-related training which each member attended; or
  - F. A narrative summary describing the state of preservation in the preservation district, with recommendations in policy, goals, and objectives for Borough Council consideration.

5. **Organization.** The Board will meet at least once each month if the Code Enforcement Officer has received applications for review. If no such applications have been submitted, no meeting shall be necessary. The HARB Chairperson may call any additional meetings considered necessary to carry out its duties indicated in this Part. Such meetings shall be open to the public. Officers, elected from the membership, shall serve annual terms and may succeed themselves. A majority of the HARB members shall need to be present to constitute a quorum. Affirmative actions shall require a majority vote of the members present, provided that there is a quorum. No HARB member shall take part as a HARB member in a discussion or vote on issuing a certificate of appropriateness for any property in which that member has a direct interest. The Board shall keep full public records of its business.
6. **Expenditures for Services.** Within the limits of funds appropriated by the Borough Council, the HARB may employ or contract for technical and clerical services. HARB members shall serve without compensation, except that the Borough Council may reimburse members for expenses incurred in the performance of their duties.
7. **Training.** The Borough Council may require that HARB members and support staff attend up to eight hours of seminars, conferences or workshops related to historic preservation and HARB administration.

(Ord. 901, 2/19/2009)

**§212. Additional Functions of the HARB.**

1. The HARB may conduct research and recommend to the Borough Council whether to modify this Part or the Historic Preservation District boundaries.
2. The HARB shall apply the guidelines included in this Part and shall require plans, drawings or other information necessary to review and recommend action upon a certificate of appropriateness.
3. The HARB may advise owners of properties in the Historic District on the physical and financial aspects of preservation, rehabilitation and reuse.
4. The HARB may call upon experts in historic preservation and in other technical fields for advice.
5. The HARB Chairperson may testify before the Borough Council, boards and commissions on any matter affecting buildings or sites of historic or architectural significance in the Borough.

(Ord. 901, 2/19/2009)

## BUILDINGS

### §213. Application and Approval Procedures.

1. Certificate of Appropriateness.
  - A. A review by the HARB and the issuance of a certificate of appropriateness by the Borough Council shall be required for the following activities or changes affecting all or part of any building or structure located in the Historic Preservation District that is visible from a public street or adjacent public sidewalk or Quaker Alley, Church Alley or Bank Alley:
    - (1) Changes to rooflines.
    - (2) Changes in the size, style, shape or number of doors, windows or other openings or a proposed blocking of a window or door opening.
    - (3) Any erection, placement, rehabilitation, removal, exterior alteration, expansion, or demolition of any building or portion thereof
    - (4) Enclosure of a porch or demolition, removal and/or construction of walls and fences, provided that this Part shall not regulate removal of wooden or chain-link metal fences.
    - (5) Structural enlargement or partial or complete demolition of principal or accessory buildings, or parts thereof.
    - (6) Construction or placement of a new building, other than a single accessory building of 100 square feet of floor area or less.
    - (7) Changes in exterior surface materials, such as covering brick, stone or wood trim with vinyl, stucco or other siding.
    - (8) Painting of previously unpainted brick and other masonry exterior surfaces.
    - (9) Any erection or posting of a freestanding sign of more than 20 square feet or an internally illuminated wall sign of more than 20 square feet.
    - (10) Sandblasting of masonry surfaces.
    - (11) Removal, replacement or covering of cornices, pillars, shutters and architectural details.
    - (12) Installation of a wind turbine.
  - B. No other Borough permit for such activity or change shall be valid until the Borough Council has approved a certificate of appropriateness as required under this Part.

- C. Visibility. If a feature regulated by this Part is only obstructed by landscaping or a fence from being visible from a street, such feature shall still be considered to be visible.
- D. Changes Needing Review. The following actions shall be provided to the HARB for review but shall not need Borough Council approval, provided that the following standards are met:
  - (1) Chemical or mechanical cleaning (other than sandblasting or low-pressure water cleaning) of masonry surfaces of a building. The gentlest possible method shall be used to clean brick and stone, such as low-pressure water cleaning with a mild detergent and soft brushes.
  - (2) Replacement of existing siding with new siding. The original trim shall be maintained, and window openings shall be maintained in size and number. Existing siding may only be replaced with new siding if the siding will not cover brick, stone or architectural details.
  - (3) The replacement of windows or the addition of storm windows and storm doors, provided that the size and shape of the door or window opening is not changed and the windows maintain the same appearance, unless the window or door opening is being restored to its original size and shape, and provided that any front storm door shall be a minimum of 75% clear. If an existing window had an upper and lower sash, the replacement window shall also appear to have an upper and a lower sash.
  - (4) The construction of a deck that is raised an average of more than 24 inches above the ground level. A rear deck that is raised an average of less than 24 inches and does not have a roof is not regulated by this Part.
  - (5) The installation of solar energy collection devices that are visible from a street.
- 2. Exceptions. The following actions shall not require review and approval under this Part:
  - A. Repairs, interior changes and below-ground changes that do not affect the exterior appearance of a building.
  - B. Changes that are not visible from a public street or adjacent public sidewalk, such as changes that would only be visible from an alley; provided, however, that features visible from Quaker Alley, Bank Alley and Church Alley shall be regulated by this Part.
  - C. Painting, other than painting of previously unpainted masonry, or removing paint.

## BUILDINGS

- D. The repointing of brick or stone with mortar that is similar in color across a facade and that does not involve an excessive percentage of cement in the mix that would make the mortar stronger than the brick or stone and thereby cause the brick or stone to crack over time. However, the applicant or his/her contractor shall first discuss such work with the Borough Codes Office before initiating the work. Applicants are encouraged to review Preservation Briefs 1 and 2, which are available for free at [www.nps.gov/hps](http://www.nps.gov/hps).
- E. The cleaning of a building, provided that the exterior is not sandblasted or permanently harmed by the cleaning process.
- F. The installation of outdoor light fixtures, other than as part of regulated signs.
- G. The installation, repair or replacement of curbing or sidewalks.
- H. The erection or placement of an accessory building of 100 square feet or less of floor area within a rear yard.
- I. The construction or placement of a swimming pool, hot tub, children's swing set, unroofed deck or unroofed patio within a rear yard or the construction of a ground-level patio. A deck that is raised an average of more than 24 inches above the ground level that is visible from a street shall need HARB review.
- J. The installation or replacement of gutters and downspouts, provided that the same style, shape and attachment system are used and provided that character-defining features are not covered.
- K. Other work which does not change the exterior appearance of the building but which consists solely of normal and routine maintenance designed and carried out to protect and preserve the building, such as caulking and weatherstripping.
- L. Installation of heating, air-conditioning or ventilation equipment, other than a ventilation system for a restaurant, and provided that a new system is not placed within the front yard or on the front porch.
- M. Satellite dishes with a diameter of three feet or less each, an antenna for receiving broadcast television signals, or utility lines or meters.
- N. Demolition of an accessory building, deck or porch that is less than 50 years old. Any repairs to a principal building that are needed as part of the demolition shall need HARB review.

- O. If a feature would not need approval under this Part if that feature was newly placed on the lot, that same type of feature shall also not need approval if the feature is removed.
  - P. Changes that are listed in Section 500.A.4 as only needing review, but not approval.
3. Color. This Part shall not regulate colors. Particular emphasis should be placed upon avoiding colors that are clearly and seriously incompatible, such as garish or day-glow colors. However, painting of previously unpainted masonry surfaces shall need approval under this Part.
  4. Preapproval. Based upon recommendations of the HARB, the Borough Council may, by resolution, preapprove certain standard designs, such as specific types of porches, fences, walls, or window replacements. Once such preapproval is granted, then a separate approval is not needed under this Part for a change that meets such standard design. If such standard design is met, then the Code Enforcement Officer may issue permits in the same manner as would apply outside of the Historic District.
  5. Procedures of the Code Enforcement Officer. When the Code Enforcement Officer receives an application for an activity or change regulated by this Part, the procedures of this section shall be followed. A fee shall not be required under this Part.
    - A. If the proposed work requires HARB review and/or Borough Council approval, no related permit(s) shall be issued by the Code Enforcement Officer until proper actions have been rendered by the HARB and the Borough Council as described in this Part. All applications requiring review must be received at least seven days prior to a scheduled HARB meeting to be considered.
    - B. Application Materials. The applicant shall complete the Borough's application form and shall provide a written description of the changes that are proposed for approval. If needed to determine compliance with this Part, the Code Enforcement Officer may require that the applicant submit photos of the existing features of the lot, photos of adjacent buildings, a detailed sketch of proposed changes, an elevation drawing to scale showing the front facade of any proposed new building or building addition, and photographs, drawings or manufacturer cut sheets showing materials to be used.
      - (1) If a proposed demolition is involved, the applicant shall submit evidence showing the condition of the building, shall describe the reasons for the demolition, and shall comply with §214, Subsection 4, concerning any future building.
      - (2) For a sign regulated by this Part, the applicant shall provide a sketch showing the design of the sign and a plan showing its proposed location and shall describe the proposed size and dimensions.

## BUILDINGS

6. **Schedule.** Within seven days of receipt of an application requiring review, the Code Enforcement Officer shall notify the HARB of said application. Upon receipt of the notice from the Code Enforcement Officer that an application requiring review has been filed, the HARB should, within 30 days of receipt of such notice, schedule a meeting to consider the recommendation which it will present to the Borough Council. The Borough Council will then make a final decision based on information obtained from the HARB. The applicant or his/her representation shall be notified of the HARB and Borough Council meeting place and time.
7. **Recommendation.** If the HARB decides to recommend against the granting of a certificate of appropriateness, the HARB shall indicate to the applicant the changes in the plans and specifications, if any, which would protect the distinctive historic character of the district. If the applicant determines that he/she will make the changes suggested by the HARB, he/she shall so notify the HARB and the Borough Council.
8. **Action.** (Note: The goal of the Borough in most cases is to provide a decision within 45 days after receiving a complete application.) The Borough Council shall approve, conditionally approve or disapprove an application under this Part within a maximum of 90 days after a complete application has been duly received by the Code Enforcement Officer, unless a written time extension is provided by the applicant. If such time limit is not met, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, to an extension of time.
9. **Denial.** If the Borough Council denies an application for a certificate of appropriateness, it shall be in writing, stating reasons for the denial, and a copy shall be given to the applicant, to the Code Enforcement Official and to the Pennsylvania Historical and Museum Commission. The Borough Council shall also indicate the types of changes that would be needed to a denied application to increase the likelihood of it being approved if resubmitted. A denial may be appealed within a maximum of 30 days after the applicant receives a written decision to the County Court of Common Pleas.

(Ord. 901, 2/19/2009)

### **§214. Application Review.**

1. **Standards.** In determining the recommendations to be made to the Borough Council concerning the issuance of a certificate of appropriateness, the HARB shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, or structure site, area, or district, certified to have historical significance. The HARB shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and the following additional standards:

- A. The effect of the proposed change upon the general historic and architectural nature of the district shall be considered.
- B. The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the district shall be considered, including but not limited to the following standards:
  - (1) Proportion of Building Front Facades. The relationship between the width of the front of the building and the height of the front of the building should be maintained. The Borough may require that a long building be designed to have the appearance of two or more smaller buildings.
  - (2) Proportion of Openings Within the Building. The relationship of the width to height of windows and doors should be maintained. For example, if adjacent historic buildings have window openings of a certain size, that size should be maintained on a new building.
  - (3) Rhythms of Solids to Voids in the Front Façade. The relationship between a recurrent alteration or strong and weak architectural elements should be maintained, thereby maintaining a rhythm of solids to voids. Building walls that have few or no window and door openings along a public sidewalk shall be avoided. Where a window opening to the interior of the building is not possible for a security reason, then an enclosed display window may be used.
  - (4) Rhythm of Spacing of Buildings on Streets. The existing rhythm of recurrent or repeated building masses to spaces between each building should be maintained.
  - (5) Entrance and/or Porch Projections. The existing rhythm of entrances or porch projections should be maintained to continue a pedestrian scale.
  - (6) Materials. Whenever feasible, existing historic materials shall be repaired, as opposed to being replaced. When materials need to be replaced, the replacement shall have the same or a more-original appearance when viewed from a public street or adjacent public sidewalk or Quaker Alley, Bank Alley or Church Alley. A particular emphasis shall be placed upon preserving the predominant historic materials of brick, stone and wood siding. Such replacement features do not necessarily need to involve the same materials. No substitute material should be approved which is incompatible with the original fabric of the building or structure.

## BUILDINGS

- (7) Textures. The predominant historic textures should be maintained, such as rough or smooth brick.
- (8) Architectural Details. Architectural details and character-defining features of buildings shall be preserved and shall not be covered, such as but not limited to cornices, lintels, arches, quoins, trim, balustrades and iron work, stained glass, and chimneys. Historic porches shall not be removed, and enclosures of porches shall be consistent with older styles of construction.
- (9) Roofs. Existing historic roof shapes and pitches shall be maintained. Where adjacent historic buildings have a pitched roof, a new building or addition should include a similarly pitched roof. Roof styles shall follow a style that is present among historic buildings in the Historic District. A building shall not have the appearance of a flat roof as viewed from the street, unless it has a decorative cornice or overhanging eaves or a parapet wall.
- (10) Walls of Continuity. Physical elements which provide visual continuity and cohesiveness as part of a streetscape shall be maintained, such as brick walls, wrought-iron fences, building facades or combinations of these elements.
- (11) Directional Expression of Front Elevation. The orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical or horizontal character to the building's facade should be maintained.
- (12) Scale. The scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons shall be maintained. In addition, building masses should be maintained in relation to open space.
- (13) Siding, Stucco and Capping. No vinyl or aluminum siding, stucco or similar material shall be allowed to cover the exterior of brick or stone wall of a building or structure. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character-defining features of a building or structure, unless the HARB determines that there is no reasonable alternative.
- (14) Storage and Parking. The views of outdoor storage and vehicle parking lots from public streets shall be minimized.
- (15) Placement of the Building on the Lot. A new principal building shall be constructed with a front setback that is similar to existing buildings on the same block.

- (16) Placement of Additions. Where feasible, a building addition shall be located and designed to maintain a consistent streetscape along the front lot line. A more modern addition shall be placed to the rear of a building.
  - (17) Heights. Buildings should be similar in height to adjacent historic buildings. Buildings fronting along Main Street shall include two or more stories; except where two or more stories are not feasible, the front of the building shall be designed to have the appearance of a two-story building, such as through the use of parapet walls.
  - (18) Signs. Signs should not be internally illuminated. See the provisions of the Zoning Ordinance [Chapter 27], which may prohibit internally illuminated signs in certain areas. Where a sign may be approved to be internally illuminated, it should include individual letters as opposed to a box-type design. Animated, blinking or flashing signs shall not be allowed, except for time-and-temperature signs. Signs shall not cover architectural details.
  - (19) Door and Window Gates. Gates that roll over doors and windows (such as a roll-down metal gate over a business) shall be prohibited, except that the Borough Council may approve a design that can be seen through if needed for security reasons.
  - (20) Sandblasting. Abrasive sandblasting of stone and brick surfaces shall not be allowed in a manner that erodes the outer surface of the material and causes deterioration.
- C. The HARB may also consider the Guidelines for Rehabilitating Historic Buildings and other explanatory guidelines and reports issued by the United States National Park Service.
  - D. In such rare cases where the HARB recommends and the Borough Council approves demolition of an historic building or structure, a good-faith effort shall be made by the Borough Council and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the Borough of Stroudsburg.
  - E. Financial Feasibility. The HARB shall consider any evidence provided by an applicant or others regarding the financial feasibility of its recommendations in response to a request for a certificate of appropriateness. Financial feasibility shall include considering whether a proposed repair, rehabilitation or replacement in kind would cause an unreasonable cost and whether an acceptable alternative exists that is more cost-effective. The HARB may require that an applicant provide up to three estimates from bona-fide contractors and/or vendors substantiating her or his claims regarding financial

## BUILDINGS

feasibility. The HARB shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the Code Enforcement Officer or consultant.

2. Other Ordinances. All other requirements of any Borough ordinance must be complied with.
3. Markers. Historical markers may be authorized by the HARB, subject to the provisions stipulated, and such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historic markers by the HARB.
4. Demolition.
  - A. Purpose. The intent of this subsection is to ensure that valuable historic resources are not permanently destroyed unless there are no reasonable alternatives available.
  - B. This Subsection 4 shall apply to any existing principal building or enclosed portion of a principal building within the Historic District. Such building shall not be demolished unless one or more of the following standards is satisfied, in the determination of the Borough Council, considering the recommendations of the HARB:
    - (1) That the building is noncontributing to the Historic District, based upon the advice of the HARB, and any additional professional evaluation of historic significance that may be available;
    - (2) That the applicant proves by credible evidence that no reasonable beneficial use of the building is possible and that such situation is not the result of intentional neglect by the current owner;
    - (3) That the applicant proves by credible evidence that the denial of the demolition would result in unreasonable economic hardship to the owner and the hardship was not self-created, following the process of §215; or
    - (4) That there is substantial credible evidence that the demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the historic building.
  - C. The burden of proof shall be upon the applicant to prove compliance with this Subsection 4. The HARB and/or the Borough Council may require the applicant to submit written documentation and/or expert testimony to support the applicant's claims, such as but not limited to a professional appraisal, income and expense statements for the property, estimates of the

rehabilitation costs, testimony concerning efforts to market the property over time, and similar relevant information.

- D. If a building is proposed to be demolished to provide a site for a new building, the applicant shall provide a preliminary architectural elevation of the new building. The applicant shall describe the proposed timeline for the new building. The Borough Council may require that evidence be provided that the applicant has the resources to construct the new building and that the project is feasible and not merely speculative.
- E. The Borough Council may place a condition on a proposed building demolition to state that the demolition permit shall not be issued until after zoning approval, land development approval and/or construction permits for a new building on the site have been approved by the Borough.

(Ord. 901, 2/19/2009)

**§215. Unreasonable Economic Hardship.**

- 1. When a claim of unreasonable economic hardship is made due to the effect of this Part, the applicant, with the cooperation of the owner of record, must present credible evidence sufficient to prove that, as a result of a requirement under this Part, the owner of record is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The following shall be submitted to the Borough, as applicable to the claim:
  - A. Date the property was acquired by its current owner.
  - B. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.
  - C. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two years.
  - D. Current market value of the property.
  - E. Equity in the property.
  - F. Past and current income and expense statements for the past two years.
  - G. Past capital expenditures during ownership of the current owner.
  - H. Appraisals of the property obtained within the previous two years.
  - I. Income and property tax factors affecting the property.

## BUILDINGS

- J. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none were obtained.
  - K. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
  - L. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the HARB for changes necessary for it to approve a certificate of appropriateness.
  - M. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
- 2. The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
  - 3. The applicant's claim shall consider whether there are any other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes.
  - 4. Should the applicant satisfy the Borough Council that she/he will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, and should an alternative solution not be identified which can relieve the owner's economic hardship, the Borough Council must recommend a certificate of appropriateness for demolition.

(Ord. 901, 2/19/2009)

### **§216. Demolition by Neglect.**

All buildings and structures within the Historic Preservation District shall be maintained in good repair, so as to remain structurally sound and reasonably protected against decay and deterioration. Examples of such deterioration, which shall not be allowed to occur, include:

- A. Deterioration of exterior walls and other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration or crumbling of exterior stucco or mortar.

- E. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken window(s) or doors.
- F. Deterioration of any features so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

(Ord. 901, 2/19/2009)

**§217. Immediate Hazards.**

1. In the event that a building within the Historic District suffers from an unforeseen emergency situation that requires immediate action to stabilize and secure the building, because of fire, explosion or similar causes, in order to avoid a clear and present danger, the property owner may take such necessary action without completing the procedures established in this Part. The property owner shall notify the Code Enforcement Official as soon as possible and apply for a permit for such work at the earliest possible date. The owner shall accomplish the minimal amount of work regulated by these Historic District regulations that is necessary to stabilize and secure the building.
2. The Code Enforcement Official may approve the demolition of part or all of a building or the removal of certain features if there is an immediate hazard to public safety, without requiring prior approval under this Part. However, an application shall then be required by the owner under this Part to determine a resolution of the matter, including whether any removed features need to be reattached or replaced.
3. If demolition or other actions regulated by this Part occur that the Code Enforcement Official determines were not of a necessary emergency nature, then the owner shall bear the expense of remedying the unauthorized demolition and actions, including reconstructing and replacing historic features.

(Ord. 901, 2/19/2009)

**§218. Notice of Violation.**

The Code Enforcement Officer or his/her designee shall provide a notice of violation of this Part in the same manner as is provided under the Zoning Ordinance [Chapter 27]. Prior to issuing a formal notice of violation, the Code Enforcement Office may also informally notify a person of a violation and request compliance. Violations of this Part shall include but are not limited to: (1) failure to apply for and receive approval by the Borough Council when it is required; (2) failure to apply for a review by the HARB when it is required; (3) completing work without having received a certificate of appropriateness required by this Part; or (4) failure to comply with Borough-approved work. Such notice shall direct the abatement of said violation within a specified time period.

## BUILDINGS

(Ord. 901, 2/19/2009)

### **§219. Enforcement.**

The Code Enforcement Officer or his/her designee shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Part. Enforcement shall occur in the same manner as is provided in the Construction Code in effect in the Borough, under the Pennsylvania Construction Code Act, as amended,<sup>3</sup> with such provisions hereby included by reference.

### **§220. Violations and Penalties.**

Any person, firm or corporation who shall fail to comply with the requirements of this Part or shall violate the terms hereof shall, upon conviction thereof before a District Magistrate, be sentenced to pay a fine of not more than \$500 per violation, plus court costs and reasonable attorney's fees incurred by the Borough. Each day's continuance of a violation of any of the provisions of this Part shall constitute a separate offense, subject to an additional fine. Each removal of an architectural feature shall constitute a separation violation, as well as any other action regulated by this Part.

(Ord. 901, 2/19/2009)

### **§221. Amendments.**

The provisions of this Part may be amended in the future by the Borough Council after notice and hearing as provided by law.

(Ord. 901, 2/19/2009)

### **§222. Repealer.**

Any portions of Borough ordinances or resolutions which are clearly in direct conflict with this Part are hereby repealed. This Part shall replace the existing Historic Preservation District Ordinance.

(Ord. 901, 2/19/2009)

---

<sup>3</sup> Editor's Note: See P.S. §7210.101 et seq.