

§ 11-1305, as renumbered by Ord. #9-2005, Oct. 2005, and Ord. #10-2013, Dec. 2013, and replaced by Ord. #17-2015, Jan. 2016)

**14-1506. Design procedure.** (1) Historic zoning commission responsibilities. The Historic Zoning Commission (HZC) is responsible for reviewing changes in the exterior facades visible from the street. HZC reviews new construction and relocated buildings to ensure compatibility with existing buildings in the district. No structure can be demolished until reviewed by the HZC. The HZC reviews setbacks, building shape and height, facades, window and door proportions and groupings, overhangs, roofline, streetscape, signage and landscaping. Form and proportion shall harmonize with existing design elements in the district.

The HZC recommends that property owners and builders meet with the HZC at the pre-design stage to familiarize the HZC with the site and discuss the guidelines. A Certificate of Appropriateness (COA) from the HZC as well as approval from planning and zoning commission and the board of mayor and alderman is required before construction or renovation begins. The COA is available at town hall. (as added by Ord. #17-2015, Jan. 2016)

**14-1507. Building and fire codes.** Applicants shall comply with all town-adopted building and fire codes. (as added by Ord. #17-2015, Jan. 2016)

**14-1508. Certificate of Appropriateness (COA).** (1) After applying and getting approval from the planning and zoning commission for a building permit, the property owner or authorized agent must apply to the historic zoning commission for a Certificate of Appropriateness (COA) before beginning any work on exterior changes or any new construction. A complete application for certificate of appropriateness shall be received at town hall on or before the first Tuesday of the month and approval of the application will be issued or denied at the next scheduled meeting of the historic zoning commission or within thirty (30) days, except when the time line has been extended by written mutual agreement between the property owner and the HZC. Inaction of the HZC on a completed application after thirty (30) days will result in an application's default approval.

(2) The chairman for the HZC, or town hall, shall notify the applicant of the result of the application at the scheduled meeting or by registered mail (on or before thirty (30) days after receipt of a complete application) and shall file a copy with town hall for planning and zoning. If an application is denied, such notice shall include the reasons for such actions as defined in the design guidelines. If the applicant is available at the HZC meeting the result can be noted in the minutes and a copy given to the applicant. (as added by Ord. #17-2015, Jan. 2016, and amended by Ord. #6-2018, Dec. 2018 **Ch7\_01-07-19**)

**14-1509. Architectural style.** The town's largest commercial buildings in the historic district are characterized by a horizontal division with the upstairs being more private spaces such as apartments or offices, thus residential. And the downstairs is a commercial zone such as stores or banks. (as added by Ord. #17-2015, Jan. 2016)

**14-1510. Design guidelines for existing structures.** (1) Essential principles. In reviewing applications for certificates of appropriateness for existing structures, the HZC shall consider the historic and architectural significance of the structure. In its review, the HZC shall also take into account the following elements to ensure that the exterior form and appearance of the structure is consistent with the historic character of the district:

- The height of the building in relation to the average height of the nearest adjacent and opposite buildings
- The setback and placement on the lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings
- Exterior construction materials, including textures and patterns
- Architectural detailing, such as doors, windows, lintels, cornices, brick bond, and foundation materials
- Roof shapes, overhangs, forms, and materials
- Proportions, shapes, positioning and locations, patterns and sizes of any elements of fenestration (an opening in a structure, such as a door or window)
- General form and proportions of buildings and structures
- Appendages, fixtures and other features such as lighting
- Architectural scale
- The rhythm of doors and windows
- The size, location, number, and materials of signage
- The type, materials, and character of the streetscape

In considering the appropriateness of alterations to existing buildings, the HZC shall be guided by the following principles:

- Avoid removing or altering original historic material or distinctive architectural features: if original and in good shape, it should not be removed or altered.
- Repair rather than replace wherever possible. If replacing, replicate the original based on existing materials. Do not invent something that "might have been."
- When extensive replacement is necessary for severely deteriorated material and replication to exactly match the original is not feasible, the new work should match the character of the original in terms of scale, texture, design, and composition.

- Do not try to make the building look older than it really is. Rehabilitation work should fit the character of the original building.
- The building may contain clues to guide decisions during rehabilitation. Original detailing may be covered with later materials or there may be physical evidence of what the original work was like and where it was located.
- A later addition to an old building, or a non-original facade or storefront may have gained significance over the years. Do not assume it is not historically significant just because it is not part of the original building.
- If no evidence of original materials or detailing exists, alterations should be simply detailed and new in design, yet fit the character of the building.

(2) Facades. Property owners shall preserve original facades, including windows, doors, transoms, and decorative architectural details by maintaining or restoring rather than replacing and base reproduction for replacement of missing elements on historic evidence such as photographs. If no evidence exists, property owners shall use similar examples from adjacent structures.

Original foundation materials and design shall not be concealed with concrete block, plywood panels, corrugated metal, or other non-original materials.

(3) Paint and paint colors. Unpainted masonry should be left unpainted. For other areas needing painting, acceptable paint colors are those listed in historic preservation literature.

(4) Screen and storm doors.

- Screen and storm doors shall be correctly sized to fit entrance openings. Door openings shall not be enlarged, reduced, or shortened for new door installation.
- New screen doors, in full-view, shall be wood or complementary materials. Structural members shall align with those of the original door.
- Rear and side entrances may be enhanced by adding simple signage, awnings, and lighting that is related to those of the front elevation. New windows and doors may be added when needed if in keeping with the size, design, materials, proportions, and location of the originals.

(5) Windows.

- Original windows shall be preserved in their original location, size, and design and with original materials and numbers of panes when available.
- Non-original windows shall not be added to primary facades or to secondary facades where readily visible.
- Windows of modern manufacturing are acceptable at the rear or sides of dwellings that are not readily visible from the street.
- Windows shall be repaired with materials to match the era. If repair is not feasible, replacement shall be with new windows to resemble the original in materials and dimensions.

- Decorative glass windows shall be similar to those in original location, in size, and design, and with their original materials and glass pattern and shall be repaired rather than replaced. If repair is not feasible, replacement shall be with new decorative glass windows to resemble the original in materials and dimensions. Consultation with a glass specialist is recommended when extensive repairs are needed.
  - Screens shall be correctly sized to fit the window opening including arched windows. Screens shall be wood or complementary materials and fit within frames, not overlap the frames. Screen window panels shall be full-view design or have the meeting rail match that of the window behind it.
  - Storm windows should be of wood or aesthetically complementary materials
  - Storm windows shall be sized and shaped to fit the window opening and shall be full-view design or with the central meeting rail at the same location as the historic window. Storm windows with built-in screens are acceptable. Interior storm windows are acceptable.
  - Window shutters that are original to the building shall be maintained, but shall not be added unless they are consistent with a historical look. Shutters shall be of louvered or paneled wood construction and shall fit the window opening so that if closed, they would cover the opening. Vinyl or aluminum construction shutters are not permissible unless they have dimensions and textures that are compatible with historic dwellings.
- (6) Porches.
- Porches on front and side facades shall be maintained in their original design and with original materials and detailing unless changes are approved by HZC.
  - Porches shall not be removed if original to the building.
  - Porches shall be repaired or replaced to match the original in design, materials, scale, and placement.
  - Porch staircases and steps original to a property shall be retained in their original location and configuration.
  - Porches on the fronts of buildings shall not be enclosed with wood, glass, or other materials that would alter the porch's open appearance.
  - Porches may be screened if the structural framework for the screen panels is minimal and the open appearance of the porch is maintained. Screen panels shall be placed behind the original features such as columns or railings. Screen panels shall not hide decorative details or result in the removal of original porch materials.
  - Porches with open areas in the foundation may be filled-in as traditional for the type and style of the house, or with decorative wood-framed skirting, vertical slats, or lattice panels.

- On front porches, columns and railings shall be consistent with historic designs in the district. Balusters and railings shall be appropriate for the building's style and period. Porch staircases and steps added to a building shall have posts, balusters, treads and risers to match original porch construction.
- (7) Roofs.
- Roofs shall be retained in their original shape and pitch with original features such as cresting, chimneys, finials, cupolas, etc.
  - Replacement gutters and downspouts shall not result in the removal of significant architectural features on the building. Gutters and downspouts of boxed or built-in type shall be repaired rather than replaced if possible.
  - Original roof materials such as metal shingles or metal sheet roofing shall be retained. Slate, asphalt, or fiberglass may be substituted if the original roof material is not available or economically feasible.
  - The color of new asphalt or fiberglass shingles shall be colors complementary to the historic district's time period.
  - Dormers, roof decks, balconies, or other additions shall not be added on fronts of dwellings, but may be added on the rear or sides of dwellings if not readily visible from the front.
- (8) Maintenance. In considering the appropriateness of alterations to existing buildings, the HZC requires specific methods of material maintenance:
- Never sandblast. Cleaning dirt or old paint from a building shall be done by the gentlest means possible. No method to clean the brick or masonry surface shall be used that destroys the outer patina or "crust" of the brick and exposes the soft inner core which can lead to deterioration. Low-pressure water, detergent, and natural bristle brushes are adequate.
  - Existing metal shall be maintained. If the metal needs to be stripped, use only a chemical paint remover designed, for that purpose, not dry grit blasting.
  - Preserve cast iron by maintaining and restoring original cast iron columns and pilasters. Original cast iron columns or pilasters shall not be concealed or obscured.
  - In general, do not seal historic brick and masonry.
  - Brick shall be clean and free of vines, ivy and other plant material.
  - Deeply recessed and crumbling mortar joints shall be re-pointed. Re-pointing masonry walls shall be done with a soft lime-based mortar mix rather than Portland cement. The mortar color, texture, type, and size of joint shall match the original.
  - When it is necessary to replace brick, it shall match the original in color and size. If mismatched brick is unavoidable, painting is acceptable.
  - Previously painted surfaces shall be repainted rather than chemically cleaned.

- Re-point mortar, if necessary, before repainting the brick.
- Wood siding shall match other historic homes in the district. If replacement is necessary, wood siding and shingles shall be replaced with new siding or shingles to match the original in size, placement, and design. Synthetic replacement materials such as vinyl, masonite, or aluminum are not acceptable. Siding shall not be of wood-based materials such as particleboard, gyp board, or pressboard.
- If possible, cracks in wood siding shall be repaired with appropriate material.
- Wood siding may be insulated if the addition of insulation does not result in alterations to the siding. Plugs or holes for blown-in insulation are not acceptable.
- Removal of asbestos siding shall follow hazardous material guidelines. (as added by Ord. #17-2015, Jan. 2016)

**14-1511. Design guidelines for new construction.** (1) Essential principles. The construction or erection of any structure within the district, including additions to existing buildings and new construction that utilizes existing party walls is subject to review by the Historic Zoning Commission (HZC) pursuant to the historic zoning ordinance. New construction shall compliment and harmonize with other buildings in the district and shall be consistent in terms of height, scale, rhythm, texture, and other design characteristics. Pre-fabricated structures are not allowed in the historic district unless a specific design is approved by the historic committee.

(2) New commercial buildings shall:

- Be compatible in height with adjacent buildings.
- Have exterior wall construction of materials consistent with those in the area.
- Be aligned with adjacent buildings along the street and conform to existing setbacks.
- Be of similar width and scale and have similar proportions as adjacent buildings.
- Be oriented toward the primary street on which it is sited.
- Have roof forms consistent with adjacent buildings.

(3) Commercial building additions.

- Are acceptable at the rear of buildings. Rear additions shall be compatible with the original building in scale, proportion, rhythm of openings, and size.
- Such as rooftop or additional stories shall not be constructed unless the addition will not be readily visible from the street or other pedestrian viewpoints. Roof additions shall be set back from the main facade.
- Shall be of exterior materials similar to the existing building.

- Shall be built as to result in minimal removal of original walls and details from the rear of the building and shall try to connect the addition with the original building through existing door or enlarged window openings.
- (4) Residential building additions shall:
- Be located at the rear of dwellings, not on the front or readily visible areas of the sides of dwellings.
- Be secondary (smaller and simpler) than the original dwelling in scale, design, and placement.
- Be of a compatible design in keeping with the original dwelling's design, roof shape, materials, color, and location of window, door, and cornice heights, etc.
- Not imitate an earlier historic style or architectural period.
- Be constructed to avoid extensive removal or loss of historic materials and to not damage or destroy significant original architectural features.
- Impact the exterior walls of the original dwelling as minimally as possible.

When building additions, existing door and window openings shall be used for connecting the addition to the dwelling.

(5) New primary residential buildings (principal structures).

- Shall maintain, not disrupt, the existing pattern of surrounding historic buildings along the street.
- Primary facades and main entrances shall be oriented toward the street in any new construction.
- Front and side yard setbacks shall match the block setbacks (see Planning and Zoning codes).
- Porches shall have roof forms of gable, hipped, or shed design and at least cover the entrance. Porches shall have columns and railings with balusters that are traditional in design and compatible with the overall character of the building.
- Window shape and proportions shall be historic in design.
- Wood construction is preferred for windows, but aesthetically complementary materials are acceptable when sized for historic window openings. Dark tinted windows, reflective glass and coatings for windows are not acceptable on front or readily visible sides of buildings.
- Height of foundations shall be similar to foundation heights in the area. Foundation heights may increase along the sides or at the rear of a building if necessary to follow slope contours.
- New construction shall continue the appearance of stone, brick, or cast concrete. Poured concrete, concrete block, and split-faced concrete are acceptable foundation materials. Stucco or other finishes may be required to provide a textured surface.
- Porch heights and depths shall be consistent with those of adjacent dwellings.

- New brick construction shall closely match typical mortar and brick color tones found in the Town of Cumberland Gap's historic dwellings. Artificial laminate type siding materials (e.g. artificial brick veneer, stone, etc.) are prohibited.
- The details and textures of building materials shall be applied in a manner consistent with traditional construction methods and compatible with surrounding structures.
- Replications are new buildings that closely imitate historic dwellings typically found in the locally designated districts. Replications are acceptable if they are consistent with historic dwellings in their overall form and plan, porch design and placement, window and door treatments, roof forms, and architectural details.
- (6) New secondary residential buildings (accessory structures).
- Garages, sheds and other outbuildings shall be smaller in scale than the dwelling.
- Outbuildings shall be simple in design but reflect the general character of the associated dwelling. For example, use gable roof forms if the dwelling has a gable roof; hipped roof forms if the dwelling has a hipped roof, etc.
- Outbuildings shall be built at traditional locations including at rear lot lines, adjacent to side streets, and at the rear of a dwelling.
- New secondary structures shall be compatible with the associated dwelling in design, shape, exterior materials, and roof shape. (as added by Ord. #17-2015, Jan. 2016)

**14-1512. Guidelines for streetscapes.** (1) Signs and graphics. Signs and graphics shall follow the provisions of the Town of Cumberland Gap's codes.

- Internally illuminated or neon signs are normally not acceptable.
- New signs shall be of traditional materials such as wood, glass, copper or bronze. Sandblasted and painted wood signs are appropriate.
- Signs shall not cover or obscure architectural features. Appropriate sign locations include upper facade walls, hanging or mounted inside windows, hanging or projecting from the face of the building with mounting brackets and hardware anchored into mortar.

(2) Driveways and parking lots. All driveways and parking lots, including landscaping shall comply with the Town of Cumberland Gap's codes. In the historic district:

- Driveways and parking lots shall not be sited in front yards. Parking lots shall be located in rear yards. If side yard or adjacent lot parking is required, the parking lot's edge landscape screening shall not extend past the front wall of adjacent buildings.
- Driveways in side yards should be of brick, gravel, concrete, textured asphalt, or concrete molded to look like period materials.



- The HZC requires that parking lots include a minimum of twenty percent (20%) green spaces and be screened with trees, shrubs, hedges, and/or fences at edges.
- (3) Sidewalks and walkways.
- Original sidewalks and walkways shall be preserved. Imitation of original or early sidewalks materials, details, dimensions, and placement is appropriate.
- Preexisting stone retaining walls shall be maintained, repaired or reconstructed.
- (4) Fences.
- Original cast or wrought iron fences shall be preserved. Iron fences may be added around late 19th and early 20th century structures.
- Hedges and shrubs are acceptable alternatives for fences.
- Chain link, louver, concrete block, shadowbox or stockade fences are not acceptable in front yards or visible side yards.
- Painted or stained wood picket, baluster, wrought iron, or similar historic material fences are appropriate.
- The HZC requires historical period fences, if fences are used.
- (5) Lighting.
- Original fixtures should be preserved, if possible.
- Light fixtures may be introduced to the exterior of a building when compatible in period, scale and style and mounted on porch ceilings or adjacent to entrances.
- Security lights shall be small, simple, and mounted on the rear or sides of buildings.
- Early American freestanding fixtures, based on traditional designs early, to mid- 20th century, are appropriate.
- (6) Utility and mechanical systems. HVAC units, dumpsters and large trash receptacles shall be located inconspicuously at the rear or sides of buildings. In new construction, wall or window air conditioning units, water, gas or electric meters, electric conduit and any other utility or mechanical systems shall not be located on front facades.
- (7) Solar panels. Solar panels, when used, shall be located on rear sections of the roof, behind dormers or gables or other areas not visible from the street. Freestanding solar panels shall be located at rear yards or on side facades not readily visible from the street. If side yard locations are readily visible, landscaping, fencing, or lattice panels shall effectively screen freestanding panels.
- (8) TV satellite dishes. Satellite dishes shall be located discretely and not visible from the front of the structure. (as added by Ord. #17-2015, Jan. 2016)

**14-1513. Building relocation.** Moving buildings into any locally designated district shall be acceptable if compatible with the district's architectural character through style, period, height, scale, materials, setting, and placement on the lot.

Moving existing buildings that contribute to the historic and architectural character of the districts shall be avoided unless demolition is the only other alternative. Moving outbuildings from one location to another on the same lot is acceptable if the relocation is approved by the HZC and meets zoning regulations. (as added by Ord. #17-2015, Jan. 2016)

**14-1514. Building demolition.** (1) Demolition shall be inappropriate under any of the following conditions:

- A building, object, or structure is of such architectural or historical interest and value that its removal would be detrimental to the public interest and the residents of town.
- The proposed reuse or new construction would diminish or detract from the predominant character of the district.
- A building, object, or structure is of such old, unusual, or uncommon design and materials that it could not be reproduced without great difficulty and expense.
- A proposed replacement or lack of replacement would make a less positive visual contribution to the district, would disrupt the character of the district, or would be visually incompatible.
- The demolition of a building, object, or structure would negatively impact the character, streetscape, or other buildings, objects, or structures in the district.

(2) Demolition shall be appropriate under any of the following conditions:

- The town, county, or state has ordered demolition for the public safety because of an unsafe or dangerous condition that constitutes an emergency.
- The demolition is required by a final and non-appealable order or ruling of a court, governmental body, or agency having appropriate jurisdiction, and such order or ruling does not allow for the restoration and continued use of the applicable building, object, or structure.
- A building, object, or structure that does not contribute or does not have the potential to contribute to the importance of the historic district may be removed.

(3) **Requirements for demolition.** A certificate of appropriateness as well as written permission by planning and zoning commission and board of mayor and alderman is required to demolish a structure in the historic district, whether the structure is classified as contributing or noncontributing. (as added by Ord. #17-2015, Jan. 2016)

**14-1515. Amendment.** Property owners within the community may recommend amendments to these guidelines to the HZC. (as added by Ord. #17-2015, Jan. 2016)

**14-1516. Enforcement.** Work performed without obtaining a COA, or in conflict of an approved COA is a violation of the town's zoning ordinance and is subject to a stop work order and/or a fifty dollar (\$50.00) fine. Each day's continuance of a violation is considered a separate offense. (as added by Ord. #17-2015, Jan. 2016)