

Ordinance Number _____

**AN ORDINANCE TO AMEND
THE CUMBERLAND GAP CODE, TITLE 14 CHAPTER 3
REGARDING HISTORIC ZONING REGULATIONS**

WHEREAS, the Town of Cumberland Gap has authority under its charter, section 3.01 (25) to regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with the general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary prevent their use and require any alteration or changes necessary to make them healthful, clean or safe; and

WHEREAS, the state of Tennessee, through the *Tennessee Code Annotated*, section 13-7-401 et seq. grants cities the right and authority to establish special historic districts or zones, and to regulate the construction, repair, alteration, rehabilitation, relocation and demolition of any building or other structure which is located or is proposed to be located within the boundaries of any historic district or zone; and

WHEREAS, the Town of Cumberland Gap already has minimal standards regarding historic zoning; and

WHEREAS, the Town of Cumberland Gap desires to strengthen its current regulations; and

NOW THEREFORE BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF CUMBERLAND GAP, TENNESSEE that:

SECTION 1. Town of Cumberland Gap's Municipal Code is hereby amended by deleting section 14-305 in its entirety and replacing it with the following:

14-305. Historic District. The Cumberland Gap Historic District gained status when it was listed on the National Register of Historic Places. Eligibility was based upon (1) the area's significance to Claiborne County's history as a late nineteenth and early twentieth century mining town; and (2) the area's significance as an example of late nineteenth century town architecture in Claiborne County.

(1) Introduction.

(a) Geographic Overview. The Town of Cumberland Gap Historic District is located in the rural community of Cumberland Gap in north central Claiborne County in East Tennessee. The town of Cumberland Gap is located near a pass or gap in the Appalachian Mountains and is built in the valley below the gap adjacent to Cumberland Gap National Park. The district is in the valley on the eastern approach to the Cumberland Gap. Towering on the north is the

sheer wall of the Pinnacle; to the west is the Tri-State Peak, with the Cumberland Gap between. Poor Valley Ridge is to the east with a spur ridge from it thrusting into the district. From its origin at Cudjo's Cave, Gap Creek flows south through the town, joining a branch which follows the base of the Poor Valley Ridge Spur from the east. The town is located off U.S. 25E [ADD Hwy. 58?] on the Virginia and Kentucky state lines. The central business district, intermixed with some housing and the adjacent residential areas, compose the Cumberland Gap Historic District.

- (b) **Historic Overview.** For over two hundred years, Cumberland Gap served as a significant passageway to the lands west of the Appalachian mountains. Over 300,000 people traveled the Wilderness Road from 1775 to 1840. A small town comprised of trading posts, inns, taverns, stores, and blacksmiths developed on the Tennessee side of the Gap. The Town of Cumberland Gap, Tennessee, developed as the number of travelers along the Wilderness Road increased in the late eighteenth century. By the middle of the nineteenth century, the development of railroads and the popularity of other more direct western routes left the Wilderness Road largely abandoned. Both the North and the South used the town as a camp as their armies struggled over the rough and deteriorated Wilderness Road route. The movement of troops back and forth destroyed almost everything that remained of the original settlement as the armies took what they needed from the town and the surrounding countryside.

The cultural resources contained within the Cumberland District today document a later, yet still vitally significant chapter of Claiborne County history: the arrival of foreign capital. In the eyes of a group of English investors, the Cumberland Gap area was rich in coal, iron, and timber resources, and these were ready for the taking. In 1886, a group of British investors formed the American Association, Limited Gap. Middlesboro, Kentucky served as the headquarters of the company, and on the southern side of the town, the association created two company towns which survive today: Cumberland Gap and Harrogate. Of the two communities, Cumberland Gap was designated for the company's construction of the two-story brick; Queen Anne influenced American Association Building.

It is located at the head of a newly reconfigured town plan which consisted of two primary streets: Colwyn (largely commercial) and Pennlyn (largely residential).

The town's relative isolation from the local major highway has resulted in the survival of a number of cultural resources which document the town's period of significance. Sadly, the same is not true for its once sister city Harrogate. Fires, the construction of a four-lane highway through the town, and the forces of economic change mean that Harrogate shares none of the Cumberland Gap's qualities as a boom-bust company town of the turn of the century. The

Town of Cumberland Gap is the best representative remaining in Claiborne County of the significance of the American Association and the mining and timber industry in the county's late nineteenth and twentieth century history.

The majority of resources in the Cumberland Gap Historic District were built between the 1890's and the 1930's and include several single-family and multiple-family dwellings, commercial building, public buildings, a church, and an unevaluated archaeological site.

- (c) Architectural style. The Town of Cumberland Gap is the best representative remaining in Claiborne County of the significance of the American Association and the mining and timber industry in the county's late nineteenth and early twentieth century history.

Because of the town's economic structure, the commercial buildings of the historic district are primarily one and two-part commercial blocks, constructed of brick with storefront display windows and central, first floor entrances. The decorative features are almost always confined to simple window treatments and brick corbelling. Due to the town's size and its relationship with Middlesboro, it made little sense for a merchant to construct anything more grandiose. The town's largest commercial buildings are characterized by a horizontal division into two district zones. The division reflects different uses inside. The zone at the street level is designed for public uses, such as stores or banks, while the upper zone is designed for more private spaces, such as offices or apartments. The one-part blocks have only a single story which is treated in much the same way as the lower zone of a two-part block. Also noteworthy is the American Association Building, built in 1890 in a vernacular Queen Anne residential style, but used for commercial purposes. The building's site at the head of Colwyn Street is symbolic of the dominant position the American Association held in the community's economic development.

Residential buildings are primarily one and two story frame structures with gable roofs and front porches predominating. Residences include a wide variety of late nineteenth and early twentieth century houses with Queen Anne and Craftsman detailing. The earliest houses in the district are primarily two-story gable and wing frame buildings with Queen Anne decorative features. The district also contains one, one-and-a-half, and two-story brick houses built in the 1890's and 1900's with asymmetrical floor plans, front porches, and Queen Anne detailing. Residences in the district built after the turn of the century include a wide variety of stylistic influences. Most are one and one-and-a-half stories with Craftsman elements prevailing. Stylistically the town's most dominant twentieth century influence is that associated with the Craftsman style, especially the bungalow.¹

¹ Source for Section 1: National Register of Historic Places Registration Form, Town of Cumberland Gap

(2) Purpose of Design Guidelines

(a) Design Goals

- (i) To preserve historical buildings and sites in the Town of Cumberland Gap.
- (ii) To create an aesthetic atmosphere with civic beauty
- (iii) To stabilize property values
- (iv) To restore and preserve historic character of rehabilitated buildings
- (v) To encourage new construction that respects and is compatible with the scale, texture, setback, and rhythm of existing buildings
- (vi) To avoid demolition by properly maintaining existing buildings
- (vii) To ensure that public improvements complement district character
- (viii) To promote visual harmony among existing buildings while allowing for variety and creative design.
- (ix) To enhance the small town charm of the historic district as an interesting and appealing visual center of the community for residents and visitors
- (x) To develop an environment that increases pedestrian activity, contributes to citizen's quality of life and enhances commerce.
- (xi) To preserve the historic character and architectural resources of downtown for present and future generations

- (b) Design Guidelines and Design Review. The design guidelines address exterior features, particularly the defining characteristics on facades and publicly visible areas. Rather than rules dictating a particular style, the guidelines offer a range of options for achieving design compatibility within the district. As the standards for the design review process, the guidelines emphasize preservation over complete restoration. This approach is illustrated by descriptors such as repair, retain, maintain, and protect. The emphasis is to retain original mid-twentieth century and earlier structures. The preference is to repair rather than replace original material; to maintain, for example, original brick details, timbers and clapboarding; and to protect original façade features that mark a building's historical integrity.

For new development, traditional building materials such as stone, brick and wood are encouraged. Alternative new materials must replicate historical period materials in texture, scale, and color. Alternative new materials are subject to approval by the historic commission.

- (c) Uses and Benefits of Guidelines and Design Review. The guidelines are based on design principles and preservation standards referenced in *The Secretary of the Interior's Standards for Rehabilitation*, a nationally recognized source used in historic districts across the country (This book is available for your use at the HZC reference library located in Town Hall). The guidelines will be the standard in the review process for all publicly visible renovations, new construction projects, and for all demolition/relocation projects within the district. Design guidelines for

landscaping, as well as signs and other streetscape elements are included. Building owners, tenants, and designers are encouraged to use guidelines early in the planning of buildings, alterations, or improvement projects to assure appropriateness and minimize later design changes.

- (i) Beginning a design. Unnecessary guesswork as to the appropriateness or acceptability of a design is avoided.
- (ii) Working with an architect. Knowing which types of designs are encouraged helps owners formulate clear design requests.
- (iii) Working with the Historic Zoning Commission. The guidelines establish a common reference point for building designers and the Historic Zoning Commission.

The guidelines are intended to promote and protect the architectural integrity of the individual buildings as well as the unique character of the historical district as an entity. All of Claiborne County benefits, particularly the Town of Cumberland Gap residents and local property owners, whose actions impact the adjacent property values.

- (i) Benefits to all of Claiborne County. Revitalizing the Town of Cumberland Gap will contribute to economic development, increase property values and increase the tax base. Historic districts attract business, promote tourism, and encourage involvement in on-site educational and recreational activities.
- (ii) Benefits to the Town of Cumberland Gap. Design guidelines encourage authentic rehabilitation that reinforces the historical character and preserves the intrinsic values of the district. Design review assists in preventing deterioration or demolition of contributing buildings and inappropriate new development.
- (iii) Benefits to local property owners. Downtown buildings represent financial assets for owners. Historic district designation and use of design review guidelines protect investments from inappropriate new construction and misguided remodeling or demolition. Historic-designation and design review not only benefits existing owners, but also typically attracts new buyers and merchants with the assurance that their investment will be protected also.

- (d) Design Guidelines do not:
 - (i) Affect the use or zoning of the property; nor do they
 - (ii) Affect the interior (remodel the interior as you choose without review); nor do they
 - (ii) Require or force owners or tenants to make changes to a property. Design review only occurs when an owner proposes change, construction, or demolition that requires a Certificate of Appropriateness and a possible Building Permit; nor do they

- (iii) Prohibit new construction or additions to historic buildings; nor do they
- (iv) Dictate design decisions.

(3) Design Procedures.

- (a) Historic District Design Guidelines are intended to guide in the design of buildings, additions, and renovations. Guidelines shall not apply to routine building maintenance or interior changes. The Historic Zoning Commission (HZC) is responsible for reviewing changes in the exterior facades visible from the street. HZC reviews new construction to ensure compatibility with existing buildings in the District. Relocated buildings also come under review, and no structure can be demolished until reviewed by the HZC. The HZC will also review setbacks, building shape and height, facades, window and door proportions and groupings, overhangs, roofline, streetscape, signage and landscaping. Initial consideration of these design elements is essential. Form and proportion must harmonize with existing design elements in the district.

It is beneficial for the property owner and builder to meet with the HZC at pre-design stages to familiarize HZC with the site and discuss the guidelines. This will help ensure that the site plan, proportions, and details will complement the existing buildings that have earned the district historic status. A Certificate of Appropriateness from the HZC as well as approval from Planning and Zoning and the Town Council is required before construction begins.

- (b) Building and Fire Codes. Applicants are expected to meet all building and fire codes as designated by the Town of Cumberland Gap and its Planning and Zoning Commission.
- (c) Design Review Process
 - (i) It is the sole responsibility of the applicant to obtain a Certificate of Appropriateness before applying to the Planning and Zoning Commission for a building permit or beginning work on exterior changes. A complete Application for Certificate of Appropriateness must be received at Town Hall on or before the first Tuesday of the month and will be heard at the next scheduled meeting of the Historic Zoning Commission. Although every attempt will be made to render a decision by the next month's Town Meeting, the HZC reserves the right to the full thirty days to evaluate an application
 - (ii) The HZC must issue or deny a Certificate of Appropriateness within thirty (30) days after the acceptance of an application, except when the time line has been extended by mutual agreement between the applicant and the HZC. Acceptance is defined to be the time at which the Secretary certifies the application to be complete. If the applicant

is not notified with the thirty (30) days of the HZC receipt of a completed application, the application shall be deemed approved.

(iii)

(iii) The Secretary for the HZC shall notify the applicant of the disposition of the application by registered mail (on or before thirty 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.

(d) Design Review Criteria. In reviewing applications for Certificates of Appropriateness, 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:

- (i) The height of the building in relation to the average height of the nearest adjacent and opposite buildings
- (ii) 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
- (iii) Exterior construction materials, including textures and patterns
- (iv) Architectural detailing, such as doors, windows, lintels, cornices, brick bond, and foundation materials
- (v) Roof shapes, overhangs, forms, and materials
- (vi) Proportions, shapes, positioning and locations, patterns and sizes of any elements of fenestration (an opening in a structure, such as a door or window.
- (vii) General form and proportions of buildings and structures
- (viii) Appurtenant fixtures and other features such as lighting
- (ix) Architectural scale
- (x) The rhythm of doors and windows
- (xi) The size, location, number, and materials of signage
- (xii) The type, materials, and character of the streetscape

(4) Guidelines for Rehabilitation and Renovation

(a) Essential Principals. The alteration of any façade of an existing building within the District is subject to review by the Historic Zoning Commission (HZC) pursuant to the Historic District Ordinance. Since the purpose of historic zoning is to protect historic properties, the alteration to any original facade of existing buildings should be avoided. Facades contribute historically and architecturally to the character and significance of the district.

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

- (i) Avoid removing or altering original historic material or distinctive architectural features: if original and in good shape, it should not be removed or altered.
 - (ii) Repair rather than replace wherever possible. If replacing, replicate the original based on existing materials. Do not invent something that “might have been.”
 - (iii) 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.
 - (iv) Do not try to make the building look older than it really is. Rehabilitation work should fit the character of the building.
 - (v) 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.
 - (vi) 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.
 - (vii) 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.
- (b) Facades. The front elevations or facades of buildings in the historic district are particularly important. Preserve original facades, including windows, doors, transoms, and decorative architectural details by maintaining or restoring rather than replacing. Base reproduction for replacement of missing elements on historic evidence such as photographs. If no evidence exists, use similar examples from adjacent structures.
- Preserve original foundation materials and design. Foundations should not be concealed with concrete block, plywood panels, corrugated metal, or other non-original materials.
- (c) Recommendations for Paint and Paint Colors. Unpainted masonry should be left unpainted. Paint colors should be appropriate for the dwelling’s architectural style and design. The HZC strongly recommends the book *Century of Color: Exterior Decoration for American Buildings, 1820-1920* to guide your paint color selections. This book is available for your use at the HZD reference library located in Town Hall. Recommendations for appropriate colors for particular architectural styles are also available at all recognized paint dealers.
- (d) Screen and Storm Doors

- (i) Screen and storm doors must be correctly sized to fit entrance openings. Door openings should not be enlarged, reduced, or shortened for new door installation.
- (ii) New screen doors must be in full-view wood or aluminum with baked-on white enamel or anodized finish in colors complimentary to the house. Structural members must align with those of the original door.
- (iii) Rear and side entrances can 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.

(e) Windows

- (i) Original windows should be preserved in their original location, size, and design and with original materials and numbers of panes.
- (ii) Non-original windows should not be added to primary facades or to secondary facades where readily visible.
- (iii) Windows or anodized aluminum or baked-on aluminum are acceptable at the rear or sides of dwellings that are not readily visible from the street, way, or place.
- (iv) Windows must be repaired with materials to match the era. If repair is not feasible, replacement should be with new windows to resemble the original in materials and dimensions.
- (v) Decorative glass windows should be similar to those in original location, in size, design, and with their original materials and glass pattern and should be repaired rather than replaced. Consultation with a glass specialist is recommended when extensive repairs are needed.
- (vi) Screens should be correctly sized to fit the window opening including arched windows. Screens should be wood or baked-on or anodized aluminum and fit within the window frames, not overlap the frames. Screen window panels should be full-view design or have the meeting rail match that of the window behind it.
- (vii) Storm windows should be of wood, but aluminum full-view design with baked-on white enamel or anodized finish in dark colors is also acceptable.
- (viii) Storm windows should be sized and shaped to fit the window opening and should 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.
- (ix) Window shutters that are original to the building should be maintained, but should not be added unless they are consistent with a historical look. Shutters should be of louvered or paneled wood construction and should fit the window opening so that if closed, they would cover the opening. Vinyl or aluminum construction shutters generally have dimensions or textures that are not compatible with historic dwellings.

- (f) Porches
 - (i) Porches on front and side facades should be maintained in their original design and with original materials and detailing.
 - (ii) Should not be removed if original to the building
 - (iii) Should be repaired or replaced to match the original in design, materials, scale, and placement.
 - (iv) Porch staircases and steps original to a property should be retained in their original location and configuration.
 - (v) Porches on the fronts of buildings should not be enclosed with wood, glass, or other materials that would alter the porch's open appearance.
 - (vi) May be screened if the structural framework for the screen panels is minimal and the open appearance of the porch is maintained. Screen panels should be placed behind the original features such as columns or railings. Screen panels may not hide decorative details or result in the removal of original porch materials.
 - (vii) Porches with open areas in the foundation should be filled in as traditional for the type and style of the house, or with decorative wood-framed skirting, vertical slates, or lattice panels.
 - (viii) On front porches, columns and railings must be consistent with historic designs in the district. Balusters and railings should be appropriate for the building's style and period. Porch staircases and steps added to a building should have posts, balusters, treads and risers to match original porch construction.

- (g) Roofs
 - (i) Roofs should be retained in their original shape and pitch with original features such as cresting, chimneys, finials, cupolas, etc.
 - (ii) Replacement gutters and downspouts should not result in the removal of significant architectural features on the building. Gutters and downspouts of boxed or built-in type should be repaired rather than replaced if possible.
 - (iii) Original roof shape and pitch should retain original materials such as metal shingles or metal sheet roofing. Slate, asphalt, or fiberglass may be substituted if the original roof material is not economically feasible.
 - (iv) New asphalt or fiberglass shingles must be in appropriate colors such as dark grey, black, brown, dark red or dark green.
 - (v) Dormers, roof decks, balconies, or other additions may not be added on fronts of dwellings, but may be added on the rear or sides of dwellings if not readily visible.

- (h) Maintenance. In considering the appropriateness of alterations to existing, buildings, the HZC recommends specific methods of material maintenance:
 - (i) Never sandblast. Cleaning dirt or old paint from a building should be done by the gentlest means possible. No method to clean the brick or masonry surface should 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.

- (ii) Existing metal should be maintained. If the metal needs to be stripped, use only a chemical paint remover designed for that purpose, not dry grit blasting.
- (iii) Preserve cast iron by maintaining and restoring original cast iron columns and pilasters. Do not conceal or obscure original cast iron columns or pilasters.
- (iv) Brick and other masonry should not be coated with silicone-based water sealants. Water sealants or water repellants generally have the effect of keeping interior moisture from evaporating through walls and damaging the brick.
- (v) Keep brick clean and free of vines, ivy and other plant material.
- (vi) Deeply recessed and crumbling mortar joints must be re-pointed. Re-pointing masonry walls must be done with a soft lime-based mortar mix rather than Portland cement. The mortar color, texture, type and size of joint must match the original.
- (vii) When it is necessary to replace brick, it should match the original in color and size. If the new brick is extremely mismatched, painting is acceptable.
- (viii) Previously painted surfaces should be repainted rather than chemically cleaned. Re-point mortar, if necessary before repainting the brick.
- (ix) Missing details and appropriate materials can sometimes be recreated with a one-dimensional paint scheme.
- (x) Wood siding should match other historic homes in the district. If replacement is necessary, wood siding and shingles must 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 should not be of wood-based materials such as particle board, gyp board, or pressboard which do not possess textures or designs which closely match original wood siding.
- (xi) Cracks in wood siding may be repaired with waterproof glue or plastic wood. Large cracks may be filled with caulk followed by putty or plastic wood.
- (xii) 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.
- (xiii) Removal of asbestos siding must follow hazardous material guidelines.

(5) Guidelines for New Construction

- (a) 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 should compliment and harmonize with other buildings in the District and should be consistent in terms of height, scale, rhythm, texture, and other design characteristics. Pre-fabricated structures are not allowed in the Historic District.

- (b) New Commercial Buildings
 - (i) Should be compatible in height with adjacent buildings.
 - (ii) Should have exterior wall construction of materials consistent with those in the area.
 - (iii) Should be aligned with adjacent buildings along the street and conform to existing setbacks.
 - (iv) Should be of similar width and scale and have similar proportions as adjacent buildings.
 - (v) Should be oriented toward the primary street on which it is sited.
 - (vi) Should have roof forms consistent with adjacent buildings.

- (c) Commercial Building Additions
 - (i) At the rear of buildings are acceptable. Rear additions should be compatible with the original building in scale, proportion, and rhythm of openings, and size.
 - (ii) Such as rooftop or additional stories should not be constructed unless the addition will not be readily visible from the street or other pedestrian viewpoints. Roof additions should be set back from the main façade.
 - (iv) Should be of exterior materials similar to the existing building.
 - (v) Should be built as to result in minimal removal of original walls, and details from the rear of the building. Try to connect the addition with the original building through existing door or enlarged window openings.

- (d) Residential Building Additions
 - (i) Should be located at the rear of dwellings, not on the front or readily visible areas of the sides of dwellings.
 - (ii) Should be secondary (smaller and simpler) than the original dwelling in scale, design, and placement.
 - (iii) Should 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.
 - (iv) Should not imitate an earlier historic style or architectural period.
 - (v) Should be constructed to avoid extensive removal or loss of historic materials and to not damage or destroy significant original architectural features.
 - (vi) Should impact the exterior walls of the original dwelling as minimally as possible. When building additions, use existing door and window openings for connecting the addition to the dwelling.

- (e) New Primary Residential Buildings (Principal Structures)
- (i) Should maintain, not disrupt, the existing pattern of surrounding historic buildings along the street.
 - (ii) Variations of rectangular forms are most appropriate for the Town of Cumberland Gap.
 - (iii) Most historic dwellings in the Town of Cumberland Gap have their primary facades and main entrances toward the street and this characteristic should be maintained in any new construction.
 - (iv) New construction roof slope ratio must be a 6:12 minimum to a 12:12 maximum.
 - (v) Front and side yard setbacks must respect their typical block setbacks (see Planning and zoning codes).
 - (vi) Location and proportion of porches, entrances, and divisional bays. Porches should have roof forms of gable, hipped, or shed design and at least cover the entrance. Porches extending partially or fully across the front of the building are recommended. Porches should have columns and railings with balusters that are traditional in design and compatible with the overall character of the building.
 - (vii) New window openings should be rectangular in shape. Window proportions should be historic in design.
 - (viii) Wood construction is preferred for windows, but vinyl clad or aluminum-clad windows are acceptable on readily visible sides of buildings.
 - (ix) Height of foundations should be similar to foundation heights in that area. Foundation heights can increase along the sides or at the rear of a building if necessary to follow slope contours. No slab foundations or at-grade foundations should be utilized on the fronts or readily visible sides of buildings.
 - (x) Most historic dwelling foundations are of stone, brick, or cast concrete and new construction should continue the appearance of these foundation materials. Poured concrete, concrete block and split-faced concrete are acceptable foundation materials. Stucco or other finishes are required to provide a textured surface.
 - (xi) Porch height and depth. Porch heights and depths should be consistent with those of adjacent dwellings.
 - (xii) New brick construction should 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.
 - (xiii) The details and textures of building materials should be applied in a manner consistent with traditional construction methods and compatible with surrounding structures.
 - (xiv) Replications are new buildings that closely imitate historic dwellings typically found in the locally designated districts. Replications are acceptable if they consistent with historic dwellings in their overall

form and plan, porch design and placement, window and door treatments, roof forms, and architectural details.

- (f) New Secondary Residential Buildings (Accessory Structures)
 - (i) Garages, sheds and other outbuildings must be smaller in scale than the dwelling.
 - (ii) Outbuildings should 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.
 - (iii) Outbuildings must be built at traditional locations including at rear lot lines, adjacent to side streets, and at the rear of a dwelling.
 - (iv) New secondary structures must be compatible with the associated dwelling in design, shape, exterior materials, and roof shape.

- (6) Guidelines for Streetscapes
 - (a) Signs and Graphics. Signs and Graphics must follow regulations subject to the provisions of the Town of Cumberland Gap's codes.
 - (i) Internally illuminated or neon signs are not acceptable.
 - (ii) New signs must be of traditional materials such as wood, glass, copper or bronze. Sandblasted and painted wood signs are appropriate.
 - (iii) Signs may not cover or obscure architectural features. Appropriate sign locations include upper façade walls, hanging or mounted inside windows, or projecting from the face of the building with mounting brackets and hardware anchored into the mortar.

 - (b) Driveways and Parking Lots. All driveways and parking lots, including landscaping must comply with the Town of Cumberland Gap's codes. In the Historic District:
 - (i) Driveways and parking lots should not be sited in front yards. Parking lots should be located in rear yards. If side yard or adjacent lot parking is required, the parking lot's edge landscape screening must not extend past the front wall of adjacent buildings.
 - (ii) If possible, driveways in side yards should be of brick, gravel, concrete tracks, or textured asphalt or concrete designed to look like brick.
 - (iii) The HZC suggests that parking lots include a minimum of 20% green spaces and be screened with trees, shrubs, hedges, and/or fences at edges.

 - (c) Sidewalks and Walkways
 - (i) Original sidewalks and walkways should be preserved. Imitation of original or early sidewalks materials, details, dimensions, and placement is appropriate.
 - (ii) Maintain, repair, or reconstruct preexisting stone retaining walls.

- (d) Fences
 - (i) Original cast or wrought iron fences should be preserved. Iron fences may be added around late 19th and 20th century structures.
 - (ii) Hedges and shrubs are acceptable alternatives for fences.
 - (iii) Chain link, louver, concrete block, shadowbox or stockade fences are not acceptable in front yards or visible side yards.
 - (iv) Painted or stained wood picket, baluster, wrought iron, or similar historic material fences are appropriate.
 - (v) The HZC encourages historical period fences.

- (e) Lighting
 - (i) Original fixtures should be preserved.
 - (ii) 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.
 - (iv) Security lights must be small, simple, and mounted on the rear or sides of buildings.
 - (v) Early American freestanding fixtures, based on traditional designs of the late 19th and early 20th centuries are appropriate.

- (f) Utility and Mechanical Systems. Locate HVAC units, dumpsters and large trash receptacles 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 should not be located on front facades.

- (g) Solar Panels. Solar panels must be located on rear sections of the roof, behind dormers or gables or other areas not visible from the street. Freestanding solar panels must 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 must effectively screen freestanding panels.

- (7) Building Relocation. Moving buildings into any locally designated district may be acceptable if compatible with the district's architectural character through style, period, height, scale, materials, setting, and placement on the lot. Moving buildings that contribute to the historic and architectural character of the districts should be avoided unless demolition is the only alternative. Moving outbuildings from one location to another on the same lot is acceptable if the relocation will not be readily visible.

- (8) Building Demolition.
 - (a) Demolition is inappropriate under any of the following conditions:
 - (i) 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 the town.

- (ii) The proposed reuse or new construction would diminish or detract from the predominant character of the District.
- (iii) 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.
- (iv) 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.
- (v) The demolition of a building, object, or structure would negatively impact the character, streetscape, or other buildings, object, or structures in the District.

- (b) Demolition is only appropriate under any of the following conditions:
 - (i) A Competent Governmental Authority has ordered demolition for the public safety because of an unsafe or dangerous condition that constitutes an emergency.
 - (ii) The Commission determines by the provisions outlined in the Historic/Conservation Ordinance for Economic Hardship for demolition based on financing.
 - (iii) 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 applicable building, object, or structure.
 - (iv) A building, object, or structure does not contribute to the historical or architectural character and detracts and does not have the potential to contribute to the importance of the District and its removal and the proposed new construction will result in a more positive, appropriate visual effect on the District.
- (c) Requirements for Demolition. A Certificate of Appropriateness as well as permission by Planning and Zoning and Town Council is required to demolish a structure in the Historic District, whether the structure is classified as contributing or noncontributing.

(9) Legality

- (a) Amendment. Property owners of the District may recommend amendments to these Guidelines upon:
 - (i) Application by any property owner of the District to the HZD; and
 - (ii) Notice to all property owners in the District of the proposed amendment(s); and
 - (iii) Approval of such amendments by the HZC pursuant applicable law to approve such amendments.
- (b) Boundaries. The boundaries of the District shall be designated as outlined on the official Historic Zoning Map, located in the Town Hall of Cumberland Gap, Tennessee.

SECTION 2. Repealer. Any ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this ordinance.

SECTION 3 Severability. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 4 Effective Date. This ordinance shall become effective upon final reading, the public welfare requiring it.

Passed on: _____

SIGNED: _____
Mayor

ATTEST: _____
Town Recorder