



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Historic Preservation Commission
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for September 20, 2023
Date: September 8, 2023

The **Town of Black Mountain Historic Preservation Commission** will meet on **Wednesday, September 20, 2023, at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from June 21, 2023, July 19, 2023, and August 16, 2023; and
3. HPC Standard Amendments.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@tobm.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@tobm.org.

CC: Jessica Trotman, Planning Director
Russell Cate, Planner 1/Zoning Administrator



PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

REGULAR MEETING
REUNIÓN ORDINARIA

Wednesday, September 20, 2023, at 6:00 p.m.
Miércoles 20 de septiembre de 2023, a las 6:00 p.m.

The Black Mountain Historic Preservation Commission will meet for their regular monthly meeting on **Wednesday, September 20, 2023, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, NC.

La Comisión de Preservación Histórica de Black Mountain realizará su meeting mensual regular **el miércoles 20 de septiembre de 2023 a las 6:00 p.m.** en el Ayuntamiento, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public.
La reunión está abierta al público.

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact Jennifer Tipton at (828) 419-9371 or by email at Jennifer.tipton@tobm.org.

La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 08/31/23
www.townofblackmountain.org



**Historic Preservation Commission Regular Meeting
September 20, 2023**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of June 21, 2023; July 19, 2023; and August 16, 2023, as presented [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- HPC Standards Amendments

VI. COMMUNICATION FROM HISTORIC PRESERVATION COMMISSION

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

The Black Mountain Historic Preservation Commission held its regular meeting on Wednesday, June 21, 2023, at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

The meeting was called to order at p.m. with the following members present:

Jay Parmar, Chair
Amy Pate
Leigh Vidrine

Absent:

Matthew Turner
Richard House

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:05 p.m. and duly constituted and opened for business with a quorum of three (3) regular members.

II. ADOPTION OF AGENDA

Amy Pate made a motion to adopt the agenda as presented. The motion was seconded by Jay Parmar and approved by a vote of 3-0.

III. ADOPTION OF MINUTES

Leigh Vidrine made a motion to adopt the minutes of March 18, 2023, as written. The motion was seconded by Amy Pate and approved by a vote of 3-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. HPC Changes

Jennifer Tipton said that she is working on changes to the existing historic standards that will include changes to minor works, making sure any changes or amendments from the new unified development ordinance are in place, and making the document easier to read and follow. Jay Parmar suggested looking at Blowing Rock, Boone, and Greenville, SC for examples of their standards. Amy Pate asked if there were penalties or ramifications if someone deviates from an approval from the Commission such as changing the paint color. Ms. Tipton said she will check the ordinance and see what it says. Jay Parmar asked if there were time limits on a project. Ms. Tipton explained that there are time limits on the building permit and she will check with Town Attorney Ron Sneed to see if the Commission can impose their own time limits. Other items discussed were looking at the possibility of adding signage at the entrances to the historic district, having placards on the outside of some of the buildings, having a QR code that would direct people to the history of the buildings, and looking at the National Trust for Historic

Historic Preservation Commission Regular Meeting
June 21, 2023

Preservation to see if they have an historic color registry. Ms. Tipton will have a draft in August that the Commission will start working on.

2. Training

The Commission and staff are required to have annual training as part of the CLG requirements. Most of the training courses in the last couple of years have been virtual, and Ms. Tipton will send out a list of those training opportunities. Once a member completes the training, then they just need to send a summary of the training to Kristi Brantley, who is the CLG/Local Government Coordinator.

Ms. Brantley will be in town in July and would like to attend the July 19th meeting and conduct an in-person training along with Jennifer Cathey, Restoration Specialist.

**VI. COMMUNICATION FROM HISTORIC PRESERVATION
COMMISSION**

Jay Parmar asked about the food truck at the Grange on Broadway. Ms. Tipton will check the approval and see if there was anything in the approval about the color of the food truck. As for the cow, Ms. Tipton will check with Mr. Sneed about that because it is not a sign and more of a decoration and will get clarification on if the Commission can regulate decorations. There was also mention of some pop-up tents at the Grange and Ms. Tipton will notify the Building Inspector and Fire Marshal to check on the tents.

VII. COMMUNICATION FROM STAFF

None.

VII. ADJOURNMENT

With no further business, the meeting was adjourned at 7:17 p.m.

Prepared by:

Jay Parmar, Chair

Jennifer Tipton, Senior Admin

**TOWN OF BLACK MOUNTAIN
HISTORIC PRESERVATION COMMISSION**

The Black Mountain Historic Preservation Commission held its regular meeting on Wednesday, July 19, 2023, at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

There was not a quorum, so no business was conducted.

Kristi Brantley, SHPO, and Jennifer Cathey, Restoration Specialist, provided some training with a PowerPoint about historic commissions and their roles and responsibilities and information about regulating colors and allowing alternative materials. Jennifer Tipton will distribute the materials to the commission members as well as place them on the website.

Prepared by:

Jay Parmar, Chair

Jennifer Tipton, Senior Admin

**TOWN OF BLACK MOUNTAIN
HISTORIC PRESERVATION COMMISSION**

The Black Mountain Historic Preservation Commission held its regular meeting on Wednesday, August 16, 2023, at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

There was not a quorum, so no business was conducted.

Richard House asked if the changes to the standards could be redlined and Jennifer Tipton said yes, and she will also add page numbers to the standards.

Prepared by:

Jay Parmar, Chair

Jennifer Tipton, Senior Admin

Town of Black Mountain Historic Preservation District

DESIGN PRINCIPLES AND STANDARDS



Downtown Black Mountain during the 1930s

ADOPTED MARCH 8, 2004
REVISED OCTOBER 15, 2014
REVISED MAY 19, 2021
REVISED AUGUST 2, 2021

Special Thanks and Credit given to:

All those who devoted their time and talents in providing historic information and technical assistance.

Town of Black Mountain Town Council

- Mike Sobol, Mayor
- Pam King
- Archie Pertiller
- Bill Christy
- Alice Berry
- Doug Hay

The first Historic Preservation Commission (created 2004):

- Susan Robinson
- Sara Marcia Rafter
- Gay Currie Fox
- Maury Hurt
- Bill McMurray

The Black Mountain Swannanoa Valley Museum

Town of Black Mountain Planning & Development Services Staff

- Jessica Trotman, Planning Director
- Russell Cate, Planner I/Zoning Administrator
- Jennifer Tipton, Senior Admin
- Rick Burton, Building Inspector
- Anne Phillip, Stormwater Technician

Town of Black Mountain Historic Preservation Commission

- Jay Parmar
- Richard House
- Amy Pate
- Matthew Turner

Adopted by the Town of Black Mountain Historic Preservation Commission on January ??, 2023

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Published by the Town of Black Mountain, Black Mountain, North Carolina, 2004

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I. INTRODUCTION

The Black Mountain area was settled about 1780 and was originally known by the name of “Grey Eagle” (said to be a name of a local Indian Chief). The first settlers came from settlements in Eastern North Carolina and Virginia, into lands previously held by the Cherokee Indians.

The completion of the railroad from Old Fort to Grey Eagle allowed the accomplishment of what had previously only been aspirations for commercial development. The effects on the settlement of Grey Eagle were almost immediate. In late January 1880, eight months before the train had reached Asheville, the name of the post office was officially changed to Black Mountain, after Black Mountain Station, the railroad’s name for the new depot. The Town of Black Mountain was incorporated in March of 1893. The district grew rapidly to serve the summer tourists and the population that was settling among the surrounding coves and ridges, drawn to the scenery and to the climate with its cool summers. The earliest commercial structures in Black Mountain were built on Sutton and Black Mountain Avenue adjacent to the railroad station. The first commercial street was Black Mountain Avenue, which contains the oldest buildings in the commercial district. Many of these were frame structures and no longer exist. Following the fire of 1912, commercial development continued up Cherry Street from the Depot. Nearly all of the buildings currently on Cherry Street were built after 1912 and before the stock market crash of 1929. The downtown business have come and gone, but very little change was made to physical characteristics of downtown Black Mountain.

Most other development since 1950 has been outside any proposed historic district boundary. The architecture of downtown provides a tangible reminder of the rich and diverse history of Black Mountain and its people, as well as transportation changes. Along with this diversity, the patchwork of the downtown was formed and is recognized on the National Historic Register of Historic Places.

The Town of Black Mountain established the downtown Historic District in 2004.

The purpose of local historic district designation and regulation is to preserve the historic character of architectural fabric of Black Mountain’s historic district for the benefit of present and future generations. Through historic district overlay zoning, Black Mountain’s local historic district is protected from unmanaged change by a design review process that is based on these Design Principles and Standards. The role of the Design Principles and Standards is twofold:

1. They provide guidance to property owners within Black Mountain’s local historic district as they plan exterior changes – including maintenance, alterations, additions, and new construction – to ensure that changes maintain, and do not detract from, the special character of the district.
2. They also provide specific standards to guide the Black Mountain Historic Preservation Commission and the Town of Black Mountain Planning and Development staff in determining congruity with the special character of the district when considering Certificates of Appropriateness (COA) applications for proposed new construction, alterations, additions, moving, and demolition.

The intent of these Design Principles and Standards is not to prevent physical change, but to manage change by encouraging the retention and restoration of historic structures, materials, and exterior features and by guiding the design of new construction, alterations, additions, and building relocations within the district, to ensure that the special character and “sense of place” that existing within the district is maintained.

The Design Principles and Standards are organized with a consistent format in order to produce a document that is both easy to read and allows for individual sections to stand alone. Each section includes principles in narrative form providing context and explanations. These are followed by specific enumerated Standards, listed on a separate standards page, that the Commission will apply, when relevant, when making COA decisions.

The Design Standards prioritize the following principles:

- Maintain existing features and materials whenever possible.
- Repair, when necessary, with like materials.

- Replace only when repair is not possible.
- Utilize substitute materials only when like materials are not available and when the substitute material can be made to visually replicate the original material.
- Design additions and new construction to be congruous with and subordinate to the historic building(s) in scale, spacing, setback, design, and materials.
- Avoid the removal of historic materials and the demolition and/or relocation of historic buildings.
- Avoid the application of building features or construction of new buildings that would present a false historic narrative.

In addition to outlining the Design Principles and Standards themselves, this document also includes an outline of the COA application and review process; information about the interrelationship of preservation, sustainability, and economics; glossaries that identify architectural styles and vocabulary; suggested plantings; and other resources and information about historic preservation.

AUTHORITY OF HISTORIC DISTRICTS AND DESIGN STANDARDS

The designation of Local Historic Districts is allowed by North Carolina General Statute 160D-940-951, 160D-102, 160D-303, and 160D-404(c) which reads in part:

Any local government may, as part of a zoning regulation adopted pursuant to Article 7 of this Chapter or as a development regulation enacted or amended pursuant to Article 6 of this Chapter, designate and from time to time amend on or more historic districts within the area subject to the regulation. Historic districts established pursuant to this Part shall consist of areas that are deemed to be of special significance in terms of their history, prehistory, architecture, or culture and to possess integrity of design, settings, materials, feeling, and association.

Such development regulation may treat historic districts either as a separate use district classification or as districts that overlay other zoning districts. Where historic districts are designated as separate use districts, the zoning regulation may include as uses by right or as special use those uses found by the preservation commission to have existed during the period sought to be restored or preserved or to be compatible with the restoration or preservation of the district (Section 160D-944(a)).

HISTORIC DISTRICT AS AN OVERLAY ZONING DISTRICT

To preserve the district's historic character, the Town uses overlay zoning. An overlay zone creates a district in which different requirements are imposed on certain properties within one or more underlying general use districts. Within an overlay district, the standards of both the underlying zoning and the overlay district apply. Thus, all work done on properties within Black Mountain's historic district requiring a COA must adhere both to the regulations associated within the underlying zoning and satisfy the congruity standards based on the Commission's application of these Design Standards. Therefore, projects that may be permissible in other parts of town that share the same underlying zoning might not be permissible in the historic district.

TOWN OF BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

BENEFITS TO AND RESPONSIBILITIES OF PROPERTY OWNERS

Property owners within the historic district benefit in a number of ways including protection from uncontrolled change, technical assistance for proposed alterations, and a provide of ownership in these distinctive areas. Further, studies indicate that the conservation and preservation of historic districts stabilized and increase property values in their areas and strengthen the overall economy of the Town and State. For these reasons, property owners, as stewards of Black Mountain's unique cultural and architectural heritage, have a responsibility to maintain and protect the building and site features within the district for future generations. Thus, any changed made to the exterior of the property, including both the buildings and the site, require a COA from Town Staff or the Black Mountain Historic Preservation Commission. Failure to obtain a COA is a violation of Black Mountain's Land Use Code and is subject to fines.

RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION

The Black Mountain Historic Preservation Commission, created by the Black Mountain Town Council in 2004, is charged with task of maintaining and enhancing the character of the local historic district. They are supported in this task by Town Staff. The Commission and Town Staff accomplish this, in part, by reviewing COA applications to ensure that proposed changes to buildings and sites are consistent with the special character of the historic districts and adhere to the Design Principles and Standards presented in this document and by carrying out its other duties and responsibilities as directed by the Town Council.

The Commission does not require property owners to make changes to their properties. Its COA review is limited to taking action to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district that would be incongruous with the special character of the landmark or district.

Interior alterations, routine maintenance, and minor exterior repairs of any exterior architectural feature that does not involve a change in design, material, or appearance are not subject to the Certificate of Appropriateness review process.

The Historic Preservation Commission is comprised of five members appointed by the Town Council for three-year terms. It is assisted by the Black Mountain Planning and Development Department staff in executing its duties. The Commissioners are all residents of Black Mountain, most of whom demonstrate special interest, experience, or education in architecture, archaeology, history, historic preservation, or other preservation-related fields.

Based upon its established Commission and Town Staff support, Black Mountain qualifies for the Certified Local Government (CLG) program, a federal program that provides advice and funding to state and local historic preservation efforts and that is administered in conjunction with the North Carolina State Historic Preservation Office (SHPO). CLG status benefits the community in a number of ways, including affording eligibility for preservation-related grant opportunities. In North Carolina, the following is required for local government certification:

- Enforce appropriate state or local legislation for the designation and protection of historic districts and properties. The latter is achieved through adoption of Design Principles and Standards and the review of COA applications.
- Establish and adequate and qualified historic preservation commission, with a designated staff liaison. Commission members are required to complete regular training through the State Historic Preservation Office.
- Maintain a system for surveying and inventorying historic properties that is compatible with the statewide survey.
- Provide adequate public participation in the local historic preservation program, including the process of recommending properties for the National Register of Historic Places.

- Satisfactorily perform responsibilities delegated under the 1066 National Historic Preservation Act.

CERTIFICATE OF APPROPRIATENESS APPLICATIONS

A Certificate of Appropriateness (COA) is required for any change to the exterior of a property, except those classified as Ordinary Maintenance and Repair. Early in the planning process, property owners should review these Design Principles and Standards and contact the Town of Black Mountain Planning and Development Department staff to obtain a copy of a COA application. Typically, a completed COA application will include:

- A written description of the proposed work;
- Architectural drawings and materials specifications;
- Photographs of the existing conditions; and
- A summary of how the proposed work meets the Design Standards.

The applicant bears the burden of proving, through the application, that the proposed changes to form and materials are not incongruous with the special character of the district guided by these Design Principles and Standards. The Commission will use the numbered Standards in this document to evaluate the congruity of proposed alterations. Specific application requirements are outlined in the COA application. Additionally, Town Staff are available to answer questions about what specific information and drawings are required for the COA application and to guide applicants through the COA process.

COA's are issued in the form of a certificate and corresponding letter to the property owner. A COA is valid for 365 calendar days from the date of issuance, or in the case of a certificate for demolition, from the effective date. If the authorized work does not commence within that period, has not been extended by the commission, or has been discontinued for more than 365 days from the date of the issuance, the COA expires. The applicant will then be required to reapply for a new COA before commencing further work.

The COA certificate must be obtained before a building permit can be issued and it must be posted at the building site while the approved work is in progress. Additional permits, such as building permits, may be required for a project. A COA does not supersede other land use and zoning requirements and does not replace requirements for other permits.

LEVELS OF REVIEW

Exterior changes to properties in Black Mountain's Historic District are separated into three categories: Ordinary Maintenance and Repair, Minor Works/staff-level review, and Major Works/commission-level review. The Design Review Chart on the following pages includes examples of maintenance and repair items that do not require approval, minor works that require Town Staff approval, and exterior changes that require Commission approval. Town Staff can assist property owners in the historic district in determining whether the proposed work is classified as Ordinary Maintenance and Repair, Minor Work, or Major Work.

Ordinary Maintenance and Repair includes cleaning and general repair (for example, painting previously painted surfaces, and repairing or reglazing a window). The standards for Building Materials give guidance on appropriate cleaning techniques for masonry, wood, metal, and painted surfaces, and the Standards for District Siting gives guidance on the maintenance and repair of site features. Regular maintenance and repair does not require a COA.

Minor Works includes two types of changes: 1) In-kind replacement of materials or features, and 2) minor alteration to a site or structure that do not significantly impact the property or the district and are consistent with the Design Standards and the special character of the historic district.

Within the historic district, in-kind replacement means the limited replacement of a feature or surface using the exact same material, design, or appearance. In-kind replacement must be limited to architectural features or surfaces that have deteriorated beyond repair. The full replacement of architectural features or surfaces including siding, windows, porches, etc. is not appropriate unless the surfaces and features are deteriorated beyond repair. Full replacement must be reviewed and approved by the Commission.

While Minor Works may or may not require a building permit, they do require a COA. Applications for Minor Works must include information regarding the location of changes to be made, including photographs and sketches of site plans where necessary. However, full architectural drawings may not be necessary. The application must also include description (including color, profile, dimensions, and texture) of both existing and proposed materials, manufacturer's specifications, or "such sheets", when available, should be included.

Major Works are significant changes that affect the appearance of a property. These include all changes to the building's architectural features or materials as well as new construction, additions, relocation, and demolition. Major Works require review by the full Historic Preservation Commission to receive a COA. The Commission evaluates applications against the Design Principles and Standards to ensure they are not incongruous with the special character of the district.

Applications must include information necessary for the Commission to fully understand existing conditions and all the proposed changes. Dimensioned architectural drawings including site plans and elevations are required wherever significant alterations to the building or site are proposed. Applications must also include photographs of existing conditions of the building and site, as well as surrounding buildings and properties. The application shall include description (including profile, dimensions, and texture) of both existing and proposed materials. When available, manufacturer's specifications, or "cut sheets", should be included.

To expedite the design review process, Town Staff has been authorized to review and approved COA's for Minor Works. The review is subject to the following General Policies:

1. Delegation to Town Staff is limited to those items specifically listed and subject to conditions enumerated.
2. All approvals by Town Staff shall be reviewed by the Commission at the next meeting.
3. Town Staff shall refer an application to the Commission if any uncertainty exists whether the application meets the Design Standards.
4. No application for a COA may be denied without formal action by the Commission.
5. Delegation is specifically not authorized in connection with any work for which a special permit is required.
6. Town Staff may exempt projects involving ordinary maintenance or repair of any exterior architectural

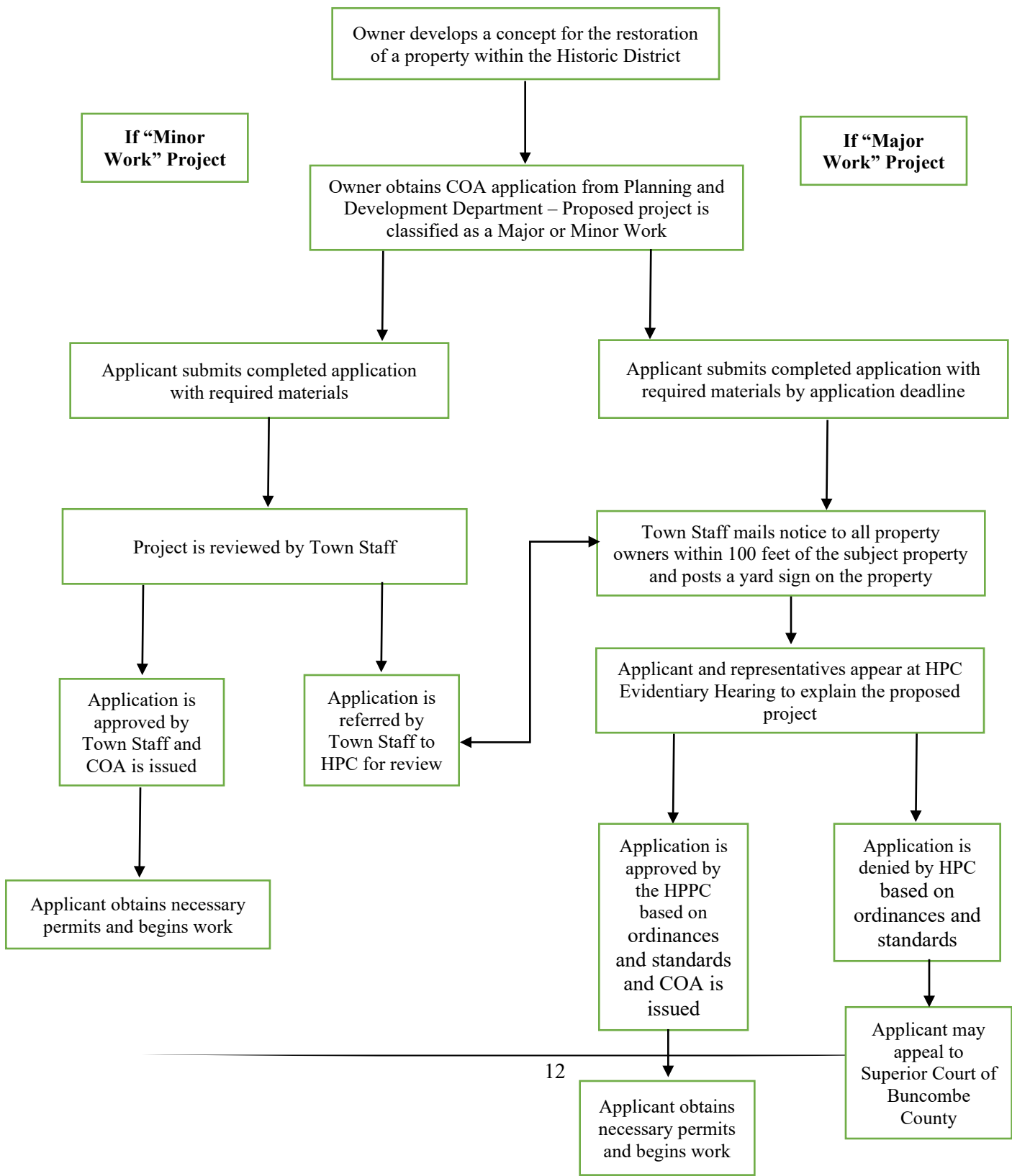
feature that does not involve a change in design, material, or outer appearance thereof. Please contact Town Staff for more information.

Scope of Work	Staff	HPC
Disaster Preparedness and Planning		<u>X</u>
Construction of New Buildings		<u>X</u>
Accessory Buildings		<u>X</u>
Walls and Fences		
Wood fences no more than 6 ft. in height and not visible from the public right-of-way	<u>X</u>	
Pet enclosures and wire garden fences	<u>X</u>	
Removal of non-historic fences, including those constructed of synthetic materials or chain link	<u>X</u>	
Fieldstone or other landscape walls		<u>X</u>
Walkways, Driveways and Off-Street Parking		
Walkways on private property when constructed of brick or gravel	<u>X</u>	
New or replacement driveway materials of gravel, concrete, or brick	<u>X</u>	
Minor alterations such as maintenance grading or realignment	<u>X</u>	
Exterior Lighting		
Removal or installation on non-historic exterior commercial and residential light fixtures made of wood, glass, or metal and installed in traditional locations that do not compromise the architectural integrity of the building	<u>X</u>	
Signage		
Signs that do not require a sign permit	<u>X</u>	
Foundations		
Foundation-level windows on non-street facing facades	<u>X</u>	
Roofs, Gutters, and Chimneys		
Roofing materials replaced in-kind	<u>X</u>	
Gutters and downspouts matching the trim, as long as not significant architectural features are removed or obscured	<u>X</u>	
Unpainted copper gutters and downspouts as long as no significant features are removed or obscured	<u>X</u>	
Removal of non-historic rear chimneys that are not visible from the street	<u>X</u>	
Reconstruction of missing portions of historic chimneys based on photographic or physical evidence	<u>X</u>	
Porches, Entrances and Balconies		
Stairs or steps limited in height to no more than three (3) steps that do not require a handrail on side and rear elevations	<u>X</u>	
Exterior Walls, Trim and Ornamentation		
Removal of non-original siding material (less than 50 years) when the original siding is a natural material and is to be restored. Staff may approve the restoration of original materials as long as no more than 25% of the materials require replacement in-kind. If, after removal, it is determined that more than 25% of siding and/or trim must be restored, HPC review is required	<u>X</u>	
Addition of Dormers		<u>X</u>
Windows and Shutters		
Replacement of original wood windows with matching materials and design when the original wood window is deteriorated beyond repair	<u>X</u>	
Replacement of non-historic windows matching the material, design, and muntin configuration of the original. In-kind replacement of vinyl windows is not permitted.	<u>X</u>	
Exterior Doors		
Replacement of original wood doors with matching materials and design when the original wood is deteriorated beyond repair	<u>X</u>	
Replacement of non-historic doors matching the material and design of the original. In-kind replacement of vinyl doors is not permitted.	<u>X</u>	
Commercial Storefronts		
New storefronts		<u>X</u>
Awnings made of traditional materials such as canvas, fabric, or metal	<u>X</u>	
Accessibility and Life Safety Concerns		
Accessibility ramps not visible from the street and constructed of traditional materials so long as the new ramp does not require removal of historic building materials or features	<u>X</u>	
Sustainability and Energy Efficiency		

<u>Window AC units</u>	<u>X</u>	
<u>Removal of satellite dishes</u>	<u>X</u>	
<u>Mechanical equipment, such as HVAC units and generators, located in rear or side yards not visible from the street and screened by vegetation or fences</u>	<u>X</u>	
<u>Solar panels</u>		<u>X</u>
<u>Removal of non-historic storm windows and doors</u>	<u>X</u>	
<u>Vents at the foundation level on non-street facing facades</u>	<u>X</u>	
<u>Installation of storm windows and doors made of painted wood or painted/powder-coated/baked enamel metal with clear glass that are full height, or where the divisions match the glazing pattern of the associated window or door</u>	<u>X</u>	
<u>Decks and Patios</u>		
<u>Patios constructed of natural stone or brick located in rear and side yards. (This includes brick retaining walls not exceeding 3 feet in height surrounding the patio.)</u>	<u>X</u>	
<u>Poured concrete patios that are not visible from the street</u>	<u>X</u>	
<u>Decks on rear or side when less than 10% would be visible from the street</u>	<u>X</u>	
<u>Minor projects that do not require building permits because of cost or because they involve non-structural changes</u>	<u>X</u>	
<u>Additions</u>		<u>X</u>
<u>Demolition of Existing buildings</u>		
<u>Demolition of existing accessory buildings less than 50 years of age and constructed outside the period of significance, as identified by the National Register</u>	<u>X</u>	
<u>Items Not Regulated</u>		
<u>Little Free Libraries</u>		
<u>Security cameras</u>		
<u>Mailboxes</u>		
<u>Changes to Certificate of Appropriateness</u>		
<u>Any changes that fall within Town Staff's approval authority as outlined in the table</u>	<u>X</u>	
<u>Minor changes not previously approved by the Commission on site plans or minor changes to elevations not visible from the street. Any minor changes should not significantly alter the design, materials, scale, massing, or overall appearance of the site or structure as shown on the HPC approved plans.</u>	<u>X</u>	
<u>Changes deemed by Town Staff to not be substantial in nature</u>	<u>X</u>	
<u>Renewal of Certificate of Appropriateness</u>		
<u>Renewal of an expiring COA where no change to approved plans is being proposed, and there has been no change to circumstances under which the certificate was initially approved.</u>	<u>X</u>	

THE DESIGN REVIEW PROCESS

The Town Staff and the Black Mountain Historic Preservation Commission review completed applications and issues Certificates of Appropriateness for changes that meet the Design Principles and Standards in this document. The design review process provides for the timely review of proposed exterior changes and must be completed before any regulated work is begun.



Minor Works

Completed COA applications, including supporting materials, once submitted to the Black Mountain Planning and Development, are reviewed in the order in which they are received, typically within one week. Black Mountain Planning and Development staff review all applications for in-kind replacement and minor works. Staff reviews applications to ensure that they:

- Are complete,
- Comply with all Town ordinances and codes, and
- Are consistent with the Design Standards outlined in this document.

Staff will evaluate each application against the numbered Standards in this document to ensure that they are not incongruous with the special character of the historic district. Staff includes a summary of all recently approved Minor Works to the Commission at each scheduled meeting.

Major Works

Completed COA applications, including supporting materials, must be submitted to the Black Mountain Planning and Development Department by the Monday one month prior to the scheduled Wednesday Commission meeting. Town Staff reviews applications to ensure that they are complete and provides notifications of the evidentiary hearing to all property owners within 100 feet of the subject property. A sign indicating the date and time of the hearing is placed on the subject property by Town Staff, and the published meeting agenda includes the project address and application materials.

Whether reviewed by staff or the Commission, action must be taken within the time periods required by Town ordinances and State statutes. Action on most applications for Major Works are decided at the evidentiary hearing on the application. Hearings may be continued for an additional month if more information is required to make a determination. Work may not proceed until the owner has an approved COA.

Hearings

State statutes and Town ordinances require the Commission to conduct a quasi-judicial evidentiary hearing on proposed Major Works within the local Historic Districts. The Applicant has the burden of proving that the proposed changes are *not incongruous* with the special character of the district, guided by these Design Principles and Standards.

All members of the public are welcome to present sworn testimony during a hearing to inform the Commission's deliberations. The testimony presented should be competent, material, substantial, non-repetitive, and related to the determination of congruity. Only those individuals who have legal standing may participate as a party during the hearing; that is, only parties with standing may do certain things like cross-examine witnesses during the hearing, object to evidence, and appeal a decision. Persons who have standing include, but are not limited to, an applicant before the Commission and a person who will suffer special damages as a result of the COA decision. The Commission must receive evidence and testimony and make a written decision reciting findings of fact and determination whether the application is incongruous. Every decision must be based on substantial, competent, and material evidence presented.

Congruity

The Commission's ultimate responsibility is to determine whether the application is incongruous with the special character of the historic district. Congruence is based on *the district as a whole*, not just neighboring properties or uncommon features within the district. Congruity is a contextual standard derived "from the total physical environment of the Historic District." *A-S-P Associates v. City of Raleigh*, 298 N.C. 207 at 222 (1979). The Design

Standards provide guidance for the Commission and staff in determining incongruity, which is the legal determination the Commission must make. Each application raises issues unique to the property under consideration and must be reviewed against the incongruity standard. The Commission can only approve applications which propose actions that are not incongruous with the special character of the district and must deny those that are not.

APPLYING THE STANDARDS

The Commission’s jurisdiction extends to all exterior features of a property within a historic district. “Exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features (see definition on following page). In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size, and location of all such signs. Changes are evaluated against the congruity standard guided by the Design Standards outlined in this document, which are meant to minimize the impact of changes to the special character of the district as a whole.

The Design Standards are organized into five sections:

- District Setting
- Building Materials
- Building Features
- New Construction and Additions
- Relocation and Demolition

Each individual topic within these sections includes:

- A narrative overview of the specific topic
- Description and photographs that are specific to Black Mountain
- Preservation guidance and best practices, and
- The enumerated Design Standards against which COA applications are reviewed.

The preservation guidance gives detailed, best-practice advice for applying the Design Standards during project planning. It does this by providing general design and technical recommendations. However, unlike the Design Standards, the preservation guidance is not regulatory in nature.

The Design Standards are not a comprehensive checklist of all of the steps involved in any rehabilitation project. Rather, they focus on the rehabilitation changes that may have a visual consequence. They also do not present a list of specific replacement options that are acceptable for all properties. Structures vary in their architectural details and the extent of their need for rehabilitation. Setting and context also vary by district, and in some cases, by block. The Standards, therefore, propose a process for tailoring a rehabilitation plan to the specific conditions and significant features of each property. The Appendix offers additional information on technical resources, references, and definitions.

KEY TERMINOLOGY

Key factors considered by the Commission and terminology specific to the Design Principles and Standards are described below.

Appropriate – Suitable or compatible for a particular situation. In many instances, what is appropriate varies by building size, style, setting, and material.

Appurtenant Features – Features that define the design of a building or property including, but not limited to: porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

Architectural Character – The overall appearance of a building as it relates to architectural style, including its construction, form, materials, and ornamentation.

Architectural/Historic Fabric – The physical material of a building, structure, or district – including masonry, wood, and metal – that date from its historic and/or original period of construction.

Architectural Significance – The importance of a particular building, site feature, or structure based on its design, materials, form, style, or workmanship.

Character-Defining Elevations – Those sides of the building that contribute to the special historic, cultural, and aesthetic character of a building. In the case of a historic district, they are those elevations that are visible from the public right-of-way and reinforce the special characteristics for which the historic district was designated.

Character-Defining Features – Those components that in combination define a building as a particular architectural style and give a building or site its historical significance. They include the overall building form, wings, and projecting bays, as well as the roof form and pitch, that give the building its shape. They include materials (wood siding and trim, brick walls, slate roofs, wood windows, etc.) and decorative elements (cornices and brackets, door surrounds, gable vents, and other applied details).

Compatible – Able to exist or occur together without visual conflict.

Congruous – A contextual standard signifying harmony or in keeping with the historic character of the district as a whole, not just neighboring properties or relatively uncommon features within the district (as defined by *A-S-P Associates v. City of Raleigh*, 298 N.C. 207 at 222 (1979)).

Contemporary – Reflecting characteristics of the time period under discussion.

Context – The relationship of a building or its elements to its immediate surroundings and the overall district. Context includes elements of the man-made and natural landscape that collectively define the character of the building, site, and district.

Contributing/Non-Contributing – A status or classification assigned to properties within historic districts listed on the National Register of Historic Places. In those districts – which overlap Town of Black Mountain's local historic district – a contributing building is one that is at least fifty years old at the time of designation and is without significant exterior alterations. Change to exterior features of all structures in the historic district requires a COA regardless of whether they are designated as contributing or non-contributing to the corresponding National Register historic district.

Design Principle – A fundamental and overarching concept that serves as a foundation for the Design Standards but is, in and of itself, not regulatory.

Design Standard – A regulatory principle used by the Commission and Town Staff to evaluate COA applications and required compliance. Only standards that are applicable to a specific project will be used.

Feasible – Capable of being successfully accomplished within a reasonable time frame, taking into account economic, environmental, technical, legal, and social factors. This term is used in the standards to indicate that while meeting a particular standard in full is usually required, there may be instances in a specific application where it may not be possible to do so. For example, there may be some extremely deteriorated conditions where repairing a feature may not be a reasonable approach. In all cases, the Commission and Town Staff shall make the determination of what is feasible.

False Historical Appearance – The result of applying materials or stylistic features that make a building or structure appear to be older than it is. It also includes the application of architectural details that may be of the appropriate era, but were not known to be present on the building historically (i.e., the addition of decorative brackets to porch posts without physical or visual evidence of their previous existence).

Historic Significance – Historic properties that are at least fifty years old and retain sufficient design and material integrity to contribute to the historic significance of the district. A district may be significant for its association with a notable event, person, or time period, or it may be an important example of an architectural style or development pattern.

Immediate Surroundings – All parcels visible from or located within 300 feet in all directions of the subject property, including those on the opposite side of the street.

Incongruous – A contextual standard signifying an exterior feature is not in harmony or in keeping with the historic character of the district due to architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, or the type or style of appurtenant fixtures. (This definition is derived in part from *A-S-P Associates v. City of Raleigh*, 298 N.C. 207 at 222 (1979)).

Integrity – The state of being whole and undivided. It is applied to the physical materials and features of a historic property and their collective ability to convey the historic and/or architectural significance of the property or district. An evaluation of integrity requires an understanding of a property's physical features and how they relate to its significance. The National Register of Historic Places identifies the following seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. To retain historic integrity, a property will always possess several, and usually maintain most, of these aspects. The degree of historic integrity depends on an evaluation of the differences between the historic and existing elements of a district. A building with high material integrity would not have been altered much over the years.

Rehabilitation – The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural value.

Restoration – The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period.

Traditional Materials – Traditional materials are those consistent with construction techniques and architecture of the pre-World War Two era, including brick, masonry, brick or masonry veneer, glass, wood, shingle or stucco. Traditional materials do not include vinyl, plastic, metallic or enameled metallic finishes.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

In 1976, the United States Department of the Interior developed a set of standards for the rehabilitation of historic buildings. These ten national standards, codified in 1995, outline a hierarchy of preservation practices that focus on the maintenance and protection of historic properties, valuing preservation over the repair or replacement of historic features. The standards also address landscape features, site, and setting as well as additions and new construction.

The Secretary of the Interior's Standards for Rehabilitation are the board preservation principles on which the Design Principles and Standards in this document are based. In the rare instance that a particular application includes an element that is not specifically addressed in these Design Principles and Standards, the Secretary's Standards for Rehabilitation will be applied to that part of the application.

The Secretary's Standards, as they are commonly called, are listed below. It should be noted that, although the first standard addresses use, the Commission does not review proposed uses of historic buildings.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

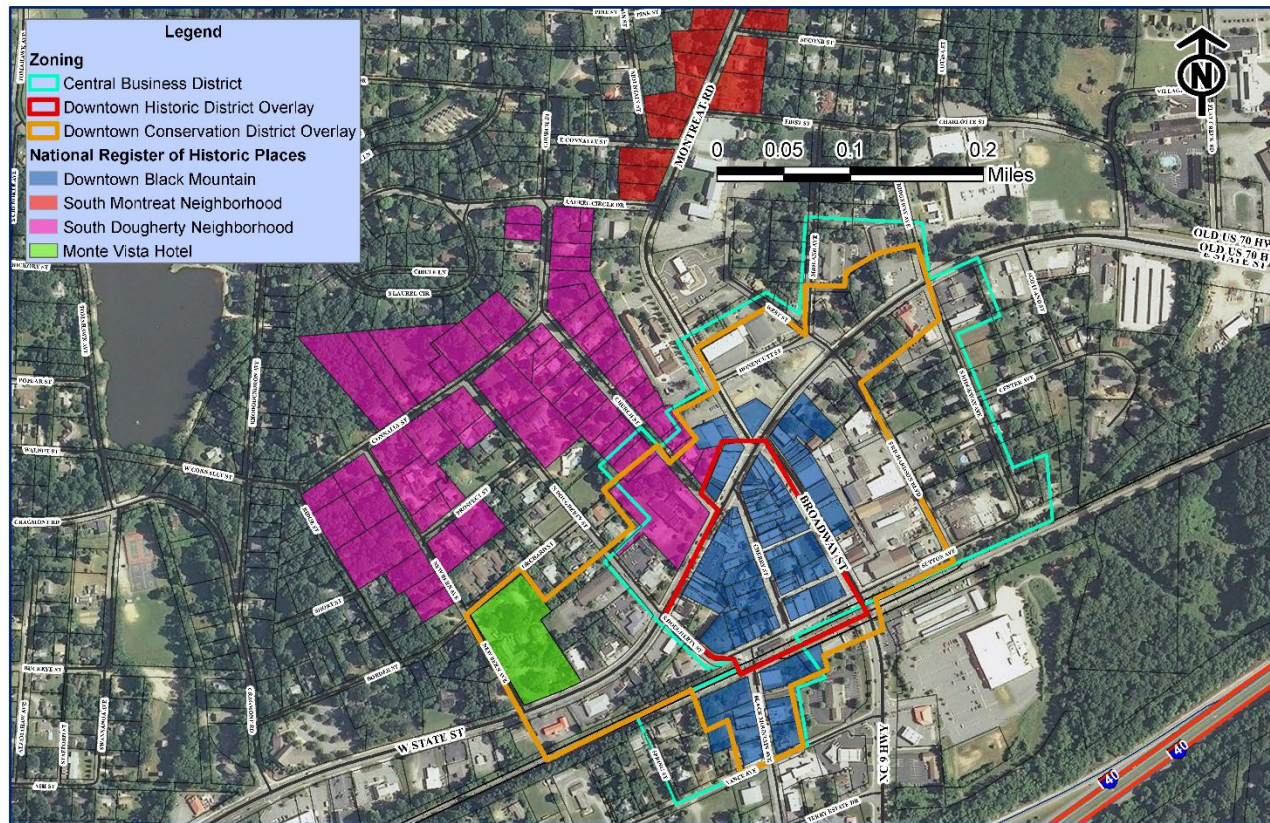
SUSTAINABILITY AND HISTORIC PRESERVATION

Residents of Black Mountain have a long and admirable history of environmental consciousness and sustainable building practices and lifestyles. Maintaining and enhancing the inherent energy efficiency of historic buildings furthers the stewardship of the natural and built environment by encouraging reuse, community reinvestment, and an appreciation of the town's historic and architectural heritage. When buildings are rehabilitated instead of demolished for new construction, the embodied energy (the materials and energy used to construct the building) is maintained and building materials are kept out of landfills.

In broad terms, both historic preservation and sustainability include using natural and man-made resources wisely, maintaining them, and repairing them when needed. "Reduce, reuse, recycle, and repair," is not just an adage of sustainability, but was common practice during the nineteenth and early-twentieth centuries when Black Mountain's historic district was built. Resources were not as quickly or easily procured, which meant that buildings and materials were constructed to last indefinitely, with property maintenance and small repairs. Additionally, without the availability of complex mechanical systems, historic homes utilized thoughtful siting and design to maximize the natural airflow, heating, and cooling effects of the local climate. Consequently, many homes in Black Mountain's historic districts are inherently sustainable, possessing energy efficient features – operable windows and transoms, vented attics and crawlspaces, deep front porches, and mature shade trees - that require only routine maintenance and repair. The guidance and preservation best practices in this document can assist property owners with preserving and repairing the existing energy efficient features of their homes and installing contemporary technologies in locations that do not compromise the historic integrity of the home, its materials, the streetscape, or the district.

In an effort to provide additional guidance, the National Park Service developed Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings. These guidelines highlight the inherent sustainability of historic buildings and include instruction and best practices for incorporating modern sustainable methods without compromising historic and architectural integrity. They provide a comprehensive and clear framework to assist home-owners regarding: planning; maintenance; windows; weatherization and insulation; HVAC and air circulation; solar technology; wind power; roofs; site features and water efficiency; and daylighting.

The Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings can be found at <https://www.nps.gov/tps/standards/rehabilitation/guidelines/index.html>.



Map 8-1 Black Mountain Historic Preservation