

## ARCHITECTURAL REVIEW BOARD

### § 32.65 PURPOSE AND INTENT.

- (A) The purpose of this subchapter is to promote within the City of Murray, specifically the Historic District, the educational, cultural, economic and general welfare of the community.
- (B) Having the Council provide a mechanism to identify and preserve the distinctive historic and architectural characteristics of Murray, specifically the Historic District, which represent the city's cultural, social, economic, political and architectural history.
- (C) The Council finds that the historic and architectural character of Murray is of vital importance in maintaining the economy of the city.
- (D) The Council finds that Murray plays an important role in the history of Kentucky and that the buildings of Murray represent the activities and growth that made the city what it is today. The Council finds that the city has buildings representing the people who live in Murray now as well as those who lived in Murray for a period of over 100 years. It is the finding of the Council that the distinctive and significant character of Murray can only be maintained by protecting and enhancing its historical, architectural and cultural heritage and by preventing unnecessary injury to its historic districts and its landmarks which are a civic and community asset.
- (E) The Council finds that the Federal and Kentucky Governments have passed laws to protect historic districts and landmarks and that the National Historic Preservation Act was amended in 1980 to establish a Certified Local Government program creating a new federal-state-local partnership to encourage the efforts by cities to protect and preserve their historic districts and landmarks.
- (F) The Council finds that the adoption of an Ordinance to provide a historic preservation program within the Historic District will benefit all the residents of Murray and all the owners of property.
- (G) The Council declares as a matter of public policy that the preservation, protection, and use of historic districts and landmarks are a public benefit because they have special character and historic, architectural and cultural value and thus serve as visible reminders of the history and heritage of the city, state and nation. The Council declares as a matter of public policy that this subchapter is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people.
- (H) The Council finds that the Main Street program has contributed to the revival of the central business district of Murray, that it has increased the awareness of the value of the older buildings in the city and that the historic preservation program will strengthen the current revitalization work in the city.
- (I) The purpose of this subchapter is to effect the goals as set forth in the above findings and declarations of public policy and specifically, but not exclusively, to:
- (1) Effect and accomplish the preservation and protection in the historic districts of Murray which have a special character and historic, architectural and cultural value to the city, state and nation;
  - (2) Promote the educational, cultural, economic and general welfare of the people and safeguard the city's history and heritage embodied and reflected in its historic districts and landmarks in the City of Murray;
  - (3) Stabilize and improve property values in such districts and in the city as a whole;
  - (4) Foster civic pride in the value of notable accomplishments of the past;
  - (5) Strengthen the economy of the city;
  - (6) Protect and enhance the city's attractions to residents and visitors; and
  - (7) Enhance the visual and aesthetic character, diversity and interest of the city.

(Ord. 2003-1334, passed 11-13-03; Am. Ord. 2008-1460, passed 4-24-08)

### § 32.66 DEFINITIONS.

For the purpose of this subchapter, certain terms are defined as follows:

**"ALTERATION."** Any construction, replacement, or change to the exterior of a building or structure when it is visible to the public. An alteration shall include a proposed sign or changes to an existing sign. Painting and ordinary maintenance and repairs shall not be considered alterations.

**"BOARD."** The Murray Architectural Review Board.

**"BUILDING."** Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

**"CERTIFICATE OF APPROPRIATENESS."** The permit, issued by the Architectural Review Board, which gives its approval for work or demolition to be done in a historic district or on a landmark.

**"CERTIFIED LOCAL GOVERNMENT."** A government meeting the requirements of the National Historic Preservation Act and the implementing of regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

**"COUNCIL."** The Murray City Council.

**"DEMOLITION."** Any act that destroys in whole or in part a landmark or a building or structure in an historic district or Renaissance Area.

**"DESIGNATED PROPERTY."** A landmark or a building or structure in an historic district. Designated property shall include all lots within an historic district and the entire lot containing a landmark.

**"HISTORIC DISTRICT."** An area of architectural, historical or cultural significance which has been designated by the City of Murray.

**"LANDMARK."** A building or structure of architectural, historical or cultural significance which has been designated by the City of Murray.

**"MAJOR STRUCTURAL CHANGE."** Structural alterations and structural repairs made within any 12-month period costing in excess of 50% of the physical value of the structure, as determined by the difference in the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved.

**"NEW CONSTRUCTION."** An addition to an existing building or structure or the construction of a new building or structure.

**"ORDINARY MAINTENANCE AND REPAIRS."** Any work, the purpose of which is to correct deterioration or to prevent deterioration of a designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials or available materials that are as close as possible to the original. Work changing the appearance of the exterior of a property shall be considered an alteration for purposes of this subchapter.

(Ord. 2003-1334, passed 11-13-03; Am. Ord. 2008-1460, passed 4-24-08)

## **§ 32.67 ARCHITECTURAL REVIEW BOARD.**

(A) Establishment. There is hereby established the Murray Architectural Review Board. The Board shall consist of five members appointed by the Mayor and approved by the Council. The members shall have demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession; architecture, history, archaeology, architectural history, planning or related fields. When one or two professional members are not available, the Mayor may appoint other persons interested in historic preservation to serve. When the Board reviews an issue that is normally evaluated by a professional member and that field is not represented on the Board, the Board shall seek expert advice before rendering its decision. Members of the Board shall be compensated fifty dollars (\$50.00) per meeting attended. They shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the Board. Each member shall attend at least one educational meeting on historic preservation per year. This meeting shall have been approved by the State Historic Preservation Officer.

(B) Terms of office. The terms of office of the members shall be three years, except the terms of two members of the original Board shall expire after two years and the terms of two members of the original Board shall expire after one year. Each member shall serve until the appointment and qualification of his successor. Vacancies on the Board shall be filled within 60 days, and the person selected shall be appointed for the unexpired portion of the term.

(C) Officers. The Board shall each year elect members to serve as Chairman, Vice Chairman, and Secretary. The Chairman shall

preside at the meetings of the Board and shall be spokesperson for the Board. In his absence, the Vice Chairman shall perform these duties. The Secretary shall prepare the minutes of the Board's meetings which shall be available for public inspection.

(D) Conflict of interest. No member of the Board shall vote on any matter that may affect the property, income or business interest of that member.

(Ord. 2003-1334, passed 11-13-03; Am. Ord. 2013-1611, passed 6-27-13)

***Cross-Reference:***

*Historical Overlay District, see § 156.044*

**§ 32.68 POWERS AND DUTIES OF THE BOARD.**

(A) Specific powers. In addition to the powers and duties stated elsewhere, the Board shall take action necessary and appropriate to accomplish the purpose of this subchapter. These actions may include, but are not limited to the following:

- (1) Conducting a survey of historic buildings and areas and preparing a plan for their preservation;
- (2) Soliciting public input for the purpose of collecting information to assist in making recommendations to the Planning and Zoning Commission and City Council;
- (3) Recommending to the City Council and the Planning and Zoning Commission designation of historic districts and individual landmarks;
- (4) Adopting written Historic Preservation Design Guidelines for making exterior changes to designated property and for undertaking new construction on designated property. The Board may expand or amend the Historic Preservation Design Guidelines, provide it holds a public hearing on the changes and submits the proposed changes to the City Council for their comments and approval;
- (5) Recommending alterations visible to the public that are proposed for designated property; review and input on demolitions, relocation, and new construction involving designated property;
- (6) Working with and advising the Federal, State and County governments and other parts of city government;
- (7) Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation; and
- (8) Conducting educational programs including the preparation of publications and the placing of historical markers.

(B) Rehabilitation of buildings. The Board may initiate and encourage plans for the preservation and rehabilitation of individual historic buildings. The Board shall, on a regular basis, give recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Murray.

(C) Survey of historic buildings. In making its survey of historic buildings and areas, the Board shall conduct this work in accordance with the guidelines of the Kentucky Heritage Council. The Board shall provide that its survey and preservation plan shall be maintained and continued. The Board shall use the preservation plan to assist the city and the Planning and Zoning Commission in their overall planning efforts.

(D) Meetings of the Board. The Board shall adopt and make public rules for the transaction of its business and shall hold monthly public meetings and special public meetings when necessary. All meetings shall have a previously available agenda and shall comply with the Kentucky Open Meeting Statute, KRS 61.805. A simple majority of the membership shall be required for decisions involving historic districts and landmarks.

(E) Annual report. The Board shall prepare and keep on file, available for public inspection, a written annual report of its activities, cases, decisions, qualifications of members and other work.

(F) Recommendations and designations. The Architectural Review Board, Planning Commission the City Council, a property owner, any resident of Murray or any organization may ask the Board to study a property or an area and then to vote on whether or not to start the process for designating it as historic.

(G) Public hearing and notice. To start the designation process, the Board shall assemble information about the district or property being considered for designation and shall schedule a public hearing on the proposed designation. Notice of such hearings shall be

published as required by KRS Ch. 424, including conspicuous posting in the proposed district or on the lot of the proposed landmark or property for fourteen (14) consecutive days immediately prior to the hearing. At least fourteen (14) days prior to the public hearing written notice shall be given by first class mail to the owners of the property under consideration. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner. Owners and any interested person may present testimony and evidence at the public hearing on the designation. The record on the designation may also include letters received by the Board.

(H) Criteria for designation. A historic district or a landmark or property shall qualify for designation when it meets one or more of the following criteria which shall be noted in the Board report making its recommendation to the Planning Commission;

- (1) Its character as an established and geographically definable residential neighborhood, agricultural area, or business district united by culture, architectural styles or physical plan and development;
- (2) Its character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development;
- (3) Its location as a site of a significant local, state or national event;
- (4) Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance.

(I) Report of the Planning Commission. The Planning Commission shall hold a public hearing, after which it shall report on the relationship between the proposed historic district designation and the existing and future plans for the development of the city. If the Planning Commission recommends the approval of the proposed historic district designation, it shall prepare a proposed overlay for the zoning map showing said historic district. The Planning Commission shall forward its comments and recommendation for the proposed zoning map overlay district to the Council. If the Planning Commission does not approve of the proposed designation it shall forward its comment to the City Council in the form of a recommendation.

(J) Action by the Council. The Council shall hold a public hearing before establishing the overlay district. If approved, the official zoning map shall be amended within sixty (60) days after receiving the recommendation for the proposed overlay from Planning Commission.

(K) Relationship to zoning. Any property or landmark in a historic district shall be subject to the Zoning Ordinance and Subdivision Regulations and other rules of its underlying zoning district. Where there is a conflict between this section and the Zoning Ordinance or Subdivision Regulations, the higher standard shall govern. Upon establishment of an overlay district, development within the area shall conform to all zoning regulations applicable to the area and shall also conform to all historic overlay district regulations.

(L) Amendment or Rescission of the Designation. The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

(Ord. 2003-1334, passed 11-13-03; Am. Ord. 2008-1460, passed 4-24-08; Am. Ord. 2009-1482, passed 3-12-09)

## **§ 32.69 APPROVAL OF CHANGES TO LANDMARKS AND PROPERTY IN HISTORIC DISTRICTS.**

(A) Requirement for Certificate of Appropriateness. A Certificate of Appropriateness shall be required before a person may undertake the following actions affecting a landmark or a property in an historic district:

- (1) Alteration of the exterior part of a building or structure that is visible to the public;
- (2) New construction;
- (3) Demolition; or
- (4) Relocation.

A Certificate of Appropriateness is required even when the proposed work does not require a building permit.

(B) Application process.

(1) An application for a Certificate of Appropriateness may be obtained from the City of Murray Planning Department. City staff and/or Murray Main Street Manager will meet with the applicant regarding the application process and guidelines to ensure completion of application. In addition to the application, applicant shall provide drawings of the proposed work, photographs of the

existing building or site and adjacent properties, and information about the building materials to be used. All applications will be reviewed by the Board at a public hearing, except for those applications proposing exterior alterations to a structure or property that meet the criteria as designated in the city Design guidelines. The Board shall grant the city staff and/or Murray Main Street Manager authority to review and issue a certificate of appropriateness for such applications.

(2) Stop work order. In the event work is being performed without the required Certificate of Appropriateness, the Board or City Official shall direct the Building Inspector to issue a Stop Work Order. All work shall cease on the designated property until a certificate of appropriateness has been issued.

(C) Action by the Architectural Review Board: notice. Once a completed Certificate of Appropriateness application has been received the Board shall hold a public hearing to consider the request. Notice of the public hearing shall be given at least fourteen (14) days in advance of the public hearing by first class mail to all surrounding property owners along with a notice of the hearing by publication in the Murray Ledger and Times in Murray, Kentucky not less than seven (7) days nor more than twenty-one (21) days prior to the public hearing. At the public hearing, the Board shall consider the request for a Certificate of Appropriateness by examining the staff report, and hearing testimony of the applicant, and interested citizens speaking in favor or in opposition of the proposed changes. The Board shall consider: (1) the effect of the proposed work on the landmark or the property in the historic district upon which such work is to be done, and (2) the relationship between such work and other adjacent or nearby buildings and property. In evaluating the effect and the relationship, the Board shall consider historical and architectural significance, architectural style, design, texture of materials and color and may suggest modifications to the application. The Certificate of Appropriateness issued by the Board shall not relieve the applicant from complying with the requirements of other state and local laws and regulations. The Board shall vote to approve or disapprove all or a part of the application within ninety (90) days after the completed application is filed. If the application is approved city staff shall then issue the Certificate of Appropriateness and the applicant may apply for a building permit (if applicable) to begin work. If the application is disapproved, the Board shall notify the applicant in writing the reasons for such disapproval. The applicant may not reapply for the same request for a period of six (6) months from the date of action taken by the Board unless otherwise noted.

(D) Routine Alterations: Ordinary Maintenance and Repairs.

(1) The Board may prepare a list of routine alterations that may receive immediate approval without a public hearing, when an applicant complies with the written guidelines of the Board. At each meeting the Board shall be informed of the Certificates of Appropriateness that have been issued under this provision. The Board shall not regulate the color of paint used on designated property, but it may prepare and distribute material on paint colors appropriate for different types and styles of buildings.

(2) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided this work on a landmark or a property in an historic district does not change its exterior appearance that is visible to the public. Every person in charge of a landmark or a property in an historic district shall keep it in good repair: (1) all of the exterior portions of such buildings or structures; and (2) all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this provision is to prevent a person from forcing the demolition of his building by neglecting it and by permitting damage to the building because of weather or vandalism.

(3) No provision in this subchapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance. The provisions of this section shall be in addition to the provisions of the Kentucky Building Code requiring buildings and structures to be kept in good repair.

(E) Meetings with owners about condition of buildings. The Board shall request a meeting with a property owner when his landmark or his building in an historic district is in poor repair, and the Board shall discuss with the owner ways to improve the condition of his property. After this step, the Board may request the Building Inspector to take action to require correction of defects in conflict with the city's building code and property maintenance code any building or structure designated under this subchapter so that such building or structure shall be preserved in accordance with the purposes of the subchapter. Action taken by the city may include boarding up the doors, windows, and other parts of the building and additional steps to stabilize walls, roofs and other parts of the building or structure.

(F) Emergency situations. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a landmark or a property in an historic district, he may order the remedying of these conditions without the approval of the Board. When it is possible, he shall consult with the Chairman or Vice Chairman of the Board about the action being taken. If consultation is not possible, the city shall notify the Board of the action taken after the completion of the work.

(G) Demolition of a landmark or a building or structure in an historic district. When an applicant wishes to demolish a landmark or a building or structure in an historic district, the Board shall negotiate with the applicant to see if an alternative to demolition can be found. The Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building. After its public hearing, the Board may decide that the building

or structure in an historic district may be demolished because it does not contribute to the historic district. On all other demolition applications, the Board shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income - producing building, the Board shall also determine whether the applicant can obtain a reasonable return from his building. The Board may ask applicants for additional information to be used in making these determinations. If economic hardship or the lack of a reasonable return is not proved, the Board shall deny the demolition application unless the Board finds grounds to grant the demolition application under the points contained in § 32.68(A) through (D).

(H) Moving a landmark or a building or structure in an historic district. When applicant wishes to move a landmark or a building or structure in a historic district or when an applicant wishes to move a building or structure to a lot containing a landmark or to a property in an historic district, the Board shall consider:

- (1) The contribution the building or structure makes to the present setting;
- (2) Whether there are definite plans for the site to be vacated;
- (3) Whether the building or structure can be moved without significant damage to its physical integrity; and

(4) The compatibility of the building or structure to its proposed site and adjacent properties. These considerations shall be in additions to the points contained in § 32.68(A) through (D).

(I) Length of validity of certificate of appropriateness. A Certificate of Appropriateness shall remain valid for six (6) months after it is issued. Work is required to begin before the end of the six (6) month period. Actual work is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition is required preparatory to rebuilding, such excavation or demolition shall be deemed to be actual work provided that shall be carried out diligently.

(J) Appeal of the Board's decision. The applicant shall have a right to appeal a decision by the Board to the City Council on any request to amend the original designated boundaries or an application for a Certificate of Appropriateness, within thirty (30) days of the action of the Board.

(Ord. 2003-1334, passed 11-13-03; Am. Ord. 2008-1460, passed 4-24-08; Am. Ord. 2009-1482, passed 3-12-09)