

ORDINANCE NO. 2018-02-01

AN ORDINANCE OF THE CITY OF CRESTVIEW HILLS, KENTUCKY APPROVING TEXT AMENDMENTS TO ARTICLES VII AND IX OF THE CITY OF CRESTVIEW HILLS, KENTUCKY ZONING ORDINANCE RELATING TO OUTDOOR ENTERTAINMENT BUILDINGS.

WHEREAS, on December 14, 2017, the City Council adopted a resolution approving the application for amendments to Articles VII and IX of the City of Crestview Hills Zoning Ordinance regarding Outdoor Entertainment Buildings; and

WHEREAS, a public hearing was held before the Kenton County Planning Commission on February 1, 2018, and the Kenton County Planning Commission recommended approval of the proposed text amendment; and

WHEREAS, the City Council finds that the proposed changes are in compliance with the applicable provisions of the Comprehensive Plan, and agrees with the recommendation to amend the City of Crestview Hills Zoning Ordinance as indicated in the caption of this ordinance.

NOW, THEREFORE, be it ordained by the City of Crestview Hills in Kenton County, Kentucky, as follows:

SECTION I

That the City Council of the City of Crestview Hills hereby adopts the findings set forth above and the findings of fact referenced in the Kenton County Planning Commission's Statement of Recommendation with respect to the proposed text amendments regarding Outdoor Entertainment Buildings, and incorporates the findings of the Recommendation by reference into this ordinance as Exhibit A.

SECTION II

That Article VII the Crestview Hills Zoning Ordinance is amended as follows. All portions thereof not listed remain unchanged:

ARTICLE VII

DEFINITIONS

~~BATHHOUSE: A freestanding structure which is primarily designed, intended, and used as a dressing room in conjunction with the use of a private swimming pool.~~

OUTDOOR ENTERTAINMENT BUILDINGS. An accessory structure erected in a residentially zoned property primarily utilized for entertainment purposes for that property. The building may include restrooms, showers, limited kitchen/cooking facilities, fireplace, and covered entertainment seating. It may not be utilized to house boats or vehicles. The Outdoor Entertainment Building may or may not be associated with a swimming pool.

SECTION III

That Article IX the Crestview Hills Zoning Ordinance is amended as follows. All portions thereof not listed remain unchanged:

ARTICLE IX

GENERAL REGULATIONS

SECTION 9.18 OUTDOOR SWIMMING POOLS AND OUTDOOR ENTERTAINMENT BUILDINGS

- A. PRIVATE SWIMMING POOLS: All private swimming pools shall be regulated according to the following requirements:
1. Swimming pools shall be permitted to be located only to the rear of the principal permitted dwelling or dwellings
 2. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within the limits of any public utility right-of-way easement..
 3. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-latching door or gate around the pool or the property on which the pool is located, of at least four (4) feet in height, but not exceeding six (6) feet (only classes 1, 3, 4, or 5 are permitted, as regulated in Article XIII of this ordinance) and of such construction that a small child may not reach the pool from the street or any adjacent property without climbing a fence or wall or opening a gate or door.
 4. Swimming pools which are located above-ground shall be required to have a fence or wall, including a self-closing or self-latching door or gate around the pool or property upon which the pool is located of at least four (4) feet in height, but not exceeding six (6) feet (only classes 1, 3, 4, and 5 are permitted, as regulated by Article XIII of this ordinance) and of such construction that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening a gate or door. Said wall may be the wall of the above-ground pool, providing, however, that said wall is at least four (4) feet in height above the surrounding ground level. In addition, any access to above ground pools by means of a ladder or stairway, said ladder or stairway shall be provided with a self-closing or self-latching door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder or stairway.

5. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
6. All swimming pools, including apparatus and equipment pertaining to the operation of the swimming pool, shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the City. Any water used in the operation of a swimming pool, other than from a public source, shall be approved by the appropriate Health Department.
7. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated by Subsection A., 3., A., 4., A., 5., and A., 6., of this Section of the Ordinance, shall be required to comply with the provisions of this Section on the effective date of this Ordinance.
8. Where an in - ground or above - ground pool is constructed, fences at a maximum height of 6 feet may be erected within the rear yard by an adjoining property owner, provided the fence is erected in such a manner that it extends along the fence of the pool side only.
- ~~9. Notwithstanding the definition of 'Customary Accessory Building Or Use', in conjunction with the construction or erection of private swimming pools, bathhouses, as herein defined, may be constructed provided they meet the following requirements:~~
 - ~~a. Only one bathhouse per dwelling unit shall be permitted.~~
 - ~~b. Such structure shall not exceed two hundred (200) square feet in outside area.~~
 - ~~c. Such structures shall not exceed twelve (12) feet in height.~~
 - ~~d. Such structures shall not be permitted to be located within any front yard or side yard. Such structures shall be permitted to be located within rear yards providing they are set back a minimum of ten (10) feet from the rear lot line and minimum side yard clearances are maintained.~~

B. PUBLIC, SEMI - PUBLIC, AND COMMERCIAL SWIMMING POOLS: All public, semi - public, and commercial swimming pools shall be regulated according to the following requirements:

1. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required yards of the lot or within the limits of any public utility right - of - way easement.
2. The swimming pool, or the property on which the pool is located, shall be surrounded by a fence or wall (only classes 1, 3, 4, and 5 are permitted, as regulated by Article XIII of this ordinance) at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small

child may not reach the pool from the street or from adjacent property without opening a door or gate or scaling a wall or fence.

3. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.
4. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Any water used in the operation of the swimming pool, other than from a public source, shall be approved by the appropriate health department.
5. No mechanical and/or electrical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices, or music.
6. This section and its subsections shall not apply to swimming pools which are located more than two hundred (200) feet from an existing property line.

C. OUTDOOR ENTERTAINMENT BUILDINGS

1. Purpose. The purpose of this section is to allow for an unobtrusive rear-yard accessory structures providing outdoor entertainment space for the primary building in residential zones. Permitted Outdoor Entertainment Buildings shall be subordinate to and not detracting from the main structure, and be harmonious with the architecture of the principal building. Outdoor Entertainment Buildings are not intended as separate living quarters.
2. Limitations/Standards. Outdoor Entertainment Buildings which are incidental to other uses permitted in the residential zone may be placed or constructed in the following residential zones, R-1Bc, R-1C, R-1D, R-1E, and R-PUD, provided that all requirements for such buildings as set below are met.
 - a. Application. An application must be submitted to the City prior to construction or installation of an Outdoor Entertainment Building. Building and zoning application processes are applicable per Section 16.1 and 16.2. Each application for approval of an accessory building shall be accompanied by:
 - i. Building plans, elevations and cross section drawings in an accurate scale, with detail sufficient to determine height, dimensions, and materials and colors for exterior walls and roofs.
 - ii. A site plan, showing property location, lot setbacks and proposed location of the accessory building, and identify neighboring properties.
 - iii. Any other information that may be needed to show compliance with this section.

- b. Approval. Approval for installation of an Outdoor Entertainment Building must be obtained by:
 - i. Review by the Crestview Hills Architectural Review Board for all structures greater than two hundred (200) square feet to ensure proposed structure is compatible with the principal structure on the property.
 - ii. Review by the Crestview Hills Zoning Administrator for all structures not requiring approval by the Architectural Review Board to ensure all setback and other restrictions are met for accessory structures.
 - iii. Review by the Building and Zoning Departments for all structures per Section 16.1 and 16.2.
3. Number of Buildings Allowed. Only one Outdoor Entertainment Building shall be allowed on each individual parcel, except when the parcel exceeds ten acres in size. On parcels larger than ten acres, two accessory structures shall be allowed, provided the size of the two structures does not exceed the maximum allowable size either individually or collectively.
4. Maximize Size of Building. An Outdoor Entertainment Building may occupy a footprint up to ten percent of the total size of the rear yard (see Article VII, Section 7.0) of the property, not to exceed six hundred (600) square feet or gross floor area of the principal structure.
5. Maximize Height of Building. No Outdoor Entertainment Building shall exceed a height of fourteen (14) feet, measured from the lowest ground level of the structure to the highest point of the roof; notwithstanding the height of the principal structure.
6. Location of Building. No Outdoor Entertainment Building shall be erected in any front yard. For parcels of less than ten acres, structures may only be erected in rear yards. For parcels over ten acres, building(s) may be located in the side and rear yards. All buildings shall be setback at least 25 feet from the side property line and 10 feet from the rear property line. This distance includes all eaves, overhangs, and attachments to the structure. No building shall be located closer than twenty (20) feet to the primary structure.
7. Exterior Materials, Colors, and Roof Pitch. As a condition of approval of an Outdoor Entertainment Building, the Crestview Hills Architectural Review Board shall consider whether the proposed building's exterior color, type of building materials, and roof pitch are compatible with the principal structure.
8. Landscaping. The Zoning Administrator may establish reasonable requirements for the installation and maintenance of landscaping improvements as a condition of approval for an Outdoor Entertainment Building in order to protect the existing

character of the surrounding neighborhood. The owner of the property who fails to install or maintain the required landscaping improvements established, as a condition of approval of an Outdoor Entertainment Building shall be in violation of this section.

9. Construction or Installation Without Prior Approval. Any property owner who initiates construction or installation of an Outdoor Entertainment Building without required approvals and permits shall be subject to all penalties and costs under applicable building codes and penalties set forth in this Section.
10. Lawful Non-Conforming Outdoor Entertainment Buildings. An Outdoor Entertainment Building which pre-dates the adoption of this section shall be considered lawful if it complied with all laws and regulations in effect at the time of construction.
11. Penalties. Outdoor Entertainment Buildings that are initiated or expanded, or are used as separate living quarters without approvals required in this Section are in violation of this ordinance and are subject to the enforcement procedures in Article XVI.

SECTION IV

That all exhibits referenced above are hereby incorporated by reference into this ordinance and are attached to this document.

SECTION V

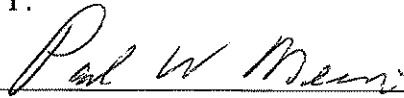
That any ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION VI

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law. Publication may be in summary form.

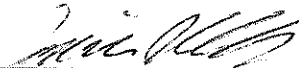
CITY OF CRESTVIEW HILLS, KY

BY:



PAUL W MEIER, MAYOR

ATTEST:



JAIME MAHONEY, CITY CLERK

DATE OF FIRST READING: February 8th, 2018

DATE OF SECOND READING AND ENACTMENT: March 8th, 2018

DATE OF PUBLICATION: 03/15/18