

ORDINANCE NO. 2018-04-01

AN ORDINANCE ESTABLISHING AN ARCHITECTURAL REVIEW BOARD FOR THE CITY OF CRESTVIEW HILLS, KENTUCKY.

WHEREAS, the City of Crestview Hills, by virtue of Ordinance No. 2018-02-01, amended the City of Crestview Hills Zoning Ordinance to permit Outdoor Entertainment Buildings, provided approval for installation is obtained from the Crestview Hills Architectural Review Board for all structures greater than two hundred (200) square feet to ensure the proposed structure is compatible with the principal structure on the property; and

WHEREAS, the Crestview Hills City Council now desires to establish the Architectural Review Board referenced in Ordinance No. 2018-02-01.

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

SECTION I

The following sections are hereby added to and amend Chapter 34 of the City of Crestview Hills Code of Ordinances as a new subchapter entitled “Architectural Review Board.”

§ 34.40 DEFINITIONS.

The following definitions shall apply to the provisions of this subchapter unless the context clearly indicates or requires a different meaning.

ALTERATION. Any change, addition or modification in construction or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this subchapter as “altered” or “reconstructed.” Any actions to change, modify, reconstruct, remove or demolish any exterior features of an existing accessory structure. Ordinary maintenance to correct any deterioration, decay or damage to a structure and to restore the structure as nearly as practicable to an original state prior to its deterioration, decay, or damage is excluded from the definition of alteration, provided the work does not involve a change in type and/or color of buildings materials.

APPLICANT. Any person who applies for an Architectural Review Board Order in order to undertake construction of an accessory structure in a residentially zoned area.

ARCHITECTURAL CHARACTER. The architectural style, general design and general arrangement of the exterior of a building including associated fixtures.

ARCHITECTURAL REVIEW BOARD or BOARD. The Architectural Review Board of the city, as created in § 34.41.

ARCHITECTURAL STYLE. The predominate architectural styles within given areas where the structure is built/alterd as described § 34.43(B).

BOARD ORDER. The official document issued by the Architectural Review Board containing the official record of a final action or recommendation on an application for a review required by the Board in accordance with this subchapter.

CHANGE. Any new construction, alteration, demolition or removal of other construction involving any structure subject to the provisions of this subchapter. **CHANGE** shall not include ordinary maintenance or repair of any property if no change in material, design, color or outward appearance is undertaken.

CITY. The City of Crestview Hills.

CITY COUNCIL, or COUNCIL. The legislative body of the city.

DEMOLITION. The complete or substantial removal or planned destruction of any structure subject to Article IX.

DETERIORATION. The impairment of value or usefulness of a structure or site through action or lack of maintenance or upkeep.

EXTERIOR ARCHITECTURAL FEATURE. A prominent or significant part or element of a building, structure or site. Features include the architectural style and general arrangement of the exterior of the structure including building materials, windows, doors, lights, signs, dry-laid stone fences and other fixtures appurtenant thereto. **FEATURE** shall include the style, material, color, height, area and lighting.

LANDSCAPING. Site modifications subject to Board or Zoning Administrator review of plant cover or materials.

OWNER. The legal person(s) of record having ownership of a property.

ORDINARY MAINTENANCE. Exterior work which does not involve any change in material, texture or color, design or, arrangement. Examples include repainting with the same color; residing a wood building with wood-siding and painting the same color.

PDS. Planning and Development Services of Kenton County.

PERSON. Includes any association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual.

SITE. Any space or ground within the application area, including ground adjacent to structures.

§ 34.41 ARCHITECTURAL REVIEW BOARD; PURPOSE, MEMBERSHIP, AND OPERATION.

- (A) There is hereby created an Architectural Review Board for the City, which shall review Accessory Structures in all single-family residential zones as proscribed in Article IX, Section 9.18(C) of the City's Zoning Ordinance.
- (B) Purpose.
- (1) The purpose of the Board shall be to review all applications for the installation of Outdoor Entertainment Buildings and ensure the preservation of the architectural character of the neighborhood and economic vitality of the City's residential zones.
 - (2) The duties of the Board shall be accomplished through the review of construction, alteration, and maintenance of Outdoor Entertainment Buildings; to preserve the architectural features and characteristics of the neighborhood; and to recommend legislation designed to promote these purposes.
- (C) Establishment; members.
- (1) The Board shall consist of five voting members appointed by the Mayor and approved by the City Council. A majority of the Board shall constitute a quorum for the purpose of conducting business.
 - (2) Membership of the Board may consist of one or a combination of the following:
 - (a) A person knowledgeable in residential real estate.
 - (b) A person who maintains his or her personal residence within an area in which Outdoor Entertainment Buildings are permitted.
 - (c) A person knowledgeable in residential design, landscape, architecture or other related fields.
 - (d) A person who has architectural training or who has had extensive building or building inspection experience.
 - (e) A person who works in the construction industry.
 - (3) At least two members should be from professions of architecture, landscape architecture, planning, or related disciplines.
 - (4) Members shall serve without compensation, unless otherwise provided by Council.
- (D) Terms of office. Each member shall hold office from the date of his or her appointment for a term of four (4) years. Any member may continue in office after his or her term expires until an appointed successor takes office, or until sixty (60) days have elapsed, whichever occurs first. No member shall serve more than two (2) consecutive four- (4) year terms.
- (E) Vacancies. All vacancies created by the expiration of the terms, resignations, or other means shall be filled in accordance with the requirements of division (D) above. In the event the requirements of division (D) cannot be met the Mayor may fill vacancies as

he deems appropriate. Vacancies shall be filled within sixty (60) days. A member appointed to fill a vacancy shall serve out the term of the previous member.

- (F) Rules of Procedure and Guidelines. The Board shall establish its Rules of Procedure and Guidelines with approval from City Council.
- (G) Election of Officers. By a simple majority of the voting members present, the Board shall elect a Chair and Vice-Chair at the first meeting of each year. If either officer position becomes vacant for any reason, the Board shall, at its next meeting, elect a member to serve as Chair or Vice-Chair for the remainder of the year.
- (H) Meetings. The Board shall hold meetings as needed to review and render decisions on applications coming before it. The Board shall hold a public hearing on each application. All meetings of the Board shall comply with all requirements of the Kentucky Open Meetings Act.
- (I) Duties. The Board shall have the following duties:
 - (1) Review and act upon all applications as required by this subchapter.
 - (2) Provide a written annual report to the City Council that will address the activities of the previous calendar year. The annual report shall include the number of cases reviewed, the number of cases approved in one meeting, the number of cases approved after one or more deferrals, and the number of cases denied. The report shall also include a summary of any notable cases or other issues addressed by the Board during the previous calendar year. The annual report shall be kept on file and available for inspection.
- (J) Duties of Officers. The Board officers shall have the following duties:
 - (1) Chair. The Chair shall preside over all meetings at which he/she is present and shall sign all official correspondence, including minutes, of the Board unless otherwise designating the responsibilities to the Vice-Chair. The Chair shall serve as the primary liaison to City staff and, as necessary, shall represent or appoint another Board member to represent the Board before the City Council or other boards and commissions.
 - (2) Vice-Chair. The Vice-Chair shall discharge the duties of the Chair during the absence or disability of the Chairman.

§ 34.42 BOARD ORDER PROCEDURE.

- (A) Scope and applicability. No building permit shall be issued by PDS for any proposal which is subject to Board review unless a Board Order has been issued in accordance with the requirements of this subchapter.
- (B) Board Order requirements. A Board Order shall be required for the following:
 - (1) A property owner application for construction of a new outdoor entertainment building.
 - (2) A property owner application to alter an existing outdoor entertainment building.

- (3) A property owner application to expand an existing outdoor entertainment building.
- (C) Application. Applications for review by the Board shall be filed on forms provided by the City. In conducting its inquiry and review, the City and/or Board may request from the applicant any additional information, sketches and data, as it shall reasonably require in making a determination.
- (D) Informal review.
- (1) An application for an informal review may be submitted by an owner or applicant for projects for which general direction and comments from the Board are desired.
 - (2) The Board shall cause to have notices setting forth the date, time, and place of the informal review to the owner(s) or any person having a legal or equitable interest in the property, and to owners within 300 feet of the subject property, not less than seven (7) days prior to the meeting.
 - (3) The Board shall review the basic concept of the proposal and provide non-binding comments to the applicant addressing the applicable review considerations for the proposal. After the informal review, the applicant may submit an application for a Board Order.
- (E) Application for Board Order.
- (1) Upon application for a Board Order, the Board shall schedule a public hearing on the application.
 - (2) The Board shall mail or cause to have notices mailed setting forth the date, time and place of the hearing to the owner(s) or any person having a legal or equitable interest in the property, adjoining property owners, and to all other owners within 300 feet of the subject property not less than seven (7) days prior to the hearing.
 - (3) The Board shall consider the application, plans, and specifications and render its determination in accordance with the requirements of this subchapter within sixty (60) days after receiving a complete application.
- (F) Decisions.
- (1) A Board Order shall require approval by a majority vote of a quorum of members. The Board shall provide written notice to the applicant stating the grounds for its decision.
 - (2) The Board shall keep a record of its proceedings, including copies of information, sketches, and data needed to clarify the record or any amendment to it. The Board in its consideration may require any additional materials it deems necessary to evaluate the application's conformance with § 34.43.
 - (3) The Board may consider the advice of those consultants whose opinion is sought by the Board with respect to any application for a Board Order.
- (G) Period of validity.

- (1) A Board Order shall be valid for a one year from the date of final approval by the Board. The Board Order shall become null and void unless the construction or other action authorized by the decision has been started within one year after the final approval is granted and is being carried forward to completion or occupancy of land, site, or buildings.
 - (2) The Board may approve one six-month extension of the final approval upon written application prior to the expiration date of the approval. The extension may be granted provided the Board finds that the reasons for the extension were beyond the immediate control of the applicant.
 - (3) If a Board Order expires, a new application shall be required.
- (H) Conditions. In making any decision provided for in this section, the Board may attach any conditions regarding the location, character, and other features of the application, as it may deem reasonable to ensure that applicable standards of review for the decision are met. Conditions attached shall be stated in the motion for approval, including the reasons for each condition imposed.
- (I) Administrative modifications.
- (1) The Zoning Administrator, in administering the Board Order, may authorize minor plan modifications to building layouts, lighting, and other building and site-related improvements that are required to correct any undetected errors or to address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the Board Order.
 - (2) No modifications shall be made that increases the permitted size of the building or make any change to a permitted conditional use.
 - (3) Modifications deemed minor may include such changes as:
 - (a) Minor adjustments in the location of the building provided the perimeter setbacks, yards and buffers are maintained;
 - (b) Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;
 - (c) Redesigning and/or relocating stormwater management facilities provided that general character and stormwater capacities are maintained;
 - (d) Redesigning and/or relocated landscaping, provided that the same level and quality of screening is maintained;
 - (e) Minor changes in building material or colors that are similar to and have the same general appearance comparable to or of a higher quality as the material approved by the Board Order.
 - (f) Other minor modifications deemed by the Administrator that do not alter the basic design or any specific conditions imposed as part of the original approval, or are a minimal structural modification necessary to protect the structure due to acts of God prior to a Board review.

- (g) The Zoning Administrator shall report approved modifications to the Board. The Administrator may submit any modification to the Board that might otherwise be considered minor if the administrator finds that the overall extent and effect of the proposed modification should be reviewed by the Board.

§ 34.43 BOARD ORDER STANDARDS OF REVIEW.

- (A) A Board Order as required in § 34.42. shall be approved only after a finding by the Board that the review standards of this section have been satisfied. All applications that comply with the review standards shall be approved by the Board.
- (B) General review standards. The following general review standards shall be met by every application prior to approval of a Board Order.
 - (1) The Board shall determine whether the request will be appropriate to the architectural character of the home and neighborhood.
 - (2) Decisions of the board shall:
 - (a) Improve the quality of life in the City and achieve the spirit and purpose of this subchapter as described in § 34.41.
 - (b) Consider the protection of property values in order to further the City's goals of sound economic and community development; and
 - (c) Consider the Standards and Recommendations set forth by the Board.
 - (3) General Character.
 - (a) The design of new structures and of additions to existing structures, including new site improvements, should compliment the home, and design review may take into account the architectural style, general design, arrangement, texture, materials, and color of the home and other structures in the neighborhood.
 - (b) Where changes have taken place in the course of time as evidence of the history and development of adjacent or nearby buildings, structures or sites, and if these changes are deemed to have acquired significance and would be compromised by the proposed new building, then this significance may be recognized and respected in the design of the new building.
 - (4) Architectural Style. There are a number of intermixes of architectural styles, as well as a larger number of buildings of such modest nature or so extensively remodeled to effectively lose all architectural importance. It is with reference to the basic architectural character of the key buildings noted above that the need for compatibility in the construction of the Outdoor Entertainment Building. Compatibility does not infer imitation, but rather an appropriate design in terms of scale, building materials, and detail. The architectural character of the home and neighborhood consists mainly of the following themes:

- (a) Residential buildings with exterior construction of brick, stone, and stucco. Predominate styles are Split Level, Tudor, Colonial and Mid-Century Modern.
 - (b) Residential buildings of brick facades with siding trim, one to two stories, mainly of the era 1950-1970.
- (5) Massing and building form. Massing of outdoor entertainment buildings shall be generally similar to the main structure and adjacent nearby homes. Building forms should generally reflect those of the architectural style of primary structure. Window to wall ratios should be appropriate to the type and use of building constructed.
- (6) Color. Traditional colors and combinations of those colors that compliment the home or other adjacent structures should be used for exteriors for all new buildings, and reconstruction, remodeling, and exterior maintenance of existing outdoor entertainment buildings. Fluorescent or luminescent colors are prohibited.
- (7) Landscaping. The landscape design of the site should be consistent with the overall architectural character of the structures on the site. Plant material and methods for installation shall be selected respecting the nature of the urban environment and the survivability and diversity of the plan species. Non-plant material shall be of a type associated with the origin or era in which the structure was originally built.
- (C) Alterations to buildings, structure, and site. In addition to the general review standards, the following standards shall be met by applicants for alterations to existing buildings prior to approval of Board Order or building permit:
 - (1) The alteration shall conform to the distinguishing, original exterior qualities or character of the building, its site, and its environment.
 - (2) The distinguishing original qualities or character of the outdoor entertainment building shall not be destroyed.
 - (3) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site, shall be considered in the outdoor entertainment building.
 - (4) The surface cleaning of structures, if provided as part of the application, shall be undertaken with methods designed to minimize damage.
- (D) Additions to existing outdoor entertainment buildings. In addition to the general review standards, the following shall be met by applicants for additions to existing outdoor entertainment buildings prior to approval of a Board Order.
 - (1) Materials for additions should be in keeping with the exiting outdoor entertainment building, and should match, or be compatible with those of the main home.

- (2) Contemporary design for additions to existing outdoor entertainment buildings shall be discouraged. Roofline additions are discouraged or should be placed and designed to have the least amount of visual impact.
- (3) Additions should be indistinguishable from the original structure. The intent of an addition should be that if the additions or alterations were removed the essential form and integrity of the original structure would be unimpaired.

§ 34.44 FAILURE TO MAINTAIN.

The owner of an outdoor entertainment building shall provide sufficient and reasonable care, maintenance and upkeep appropriate to ensure any building's upkeep and to prevent its destruction by deterioration. Any landscaping or other site element shall also be properly maintained in a safe and functional condition, and be maintained to ensure its value. This provision shall be in addition to all other applicable code provisions. By resolution the Architectural Review Board may present evidence of a violation to the City for appropriate action.

§ 34.45 ORDINARY MAINTENANCE.

Nothing in the subchapter shall be construed to prevent any ordinary maintenance or repair of an exterior architectural feature now or hereafter which involves no change in material, design, arrangement, texture or color; nor shall anything in this subchapter be construed to prevent the construction, reconstruction, alteration, modification, or demolition of any feature which the Zoning Administrator shall certify, pursuant to appropriate provisions of city ordinance or state law regarding public safety, as being an unsafe or dangerous condition.

§ 34.46 APPEALS.

Any applicant aggrieved by a decision of the Board may appeal the decision to the Board of Adjustment in the same manner as an appeal of a decision of the Zoning Administrator in accordance with the requirements of Article XVIII, Section 18.2 of the Crestview Hills Zoning Ordinance. The Board of Adjustment shall forward a copy of its minutes regarding the appeal decision to the Board.

SECTION II

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

SECTION III

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:

MAYOR PAUL W. MEIER

ATTEST:

JAIME MAHONEY, CITY CLERK

DATE OF FIRST READING: April 12th, 2018

DATE OF SECOND READING AND ENACTMENT: May 10th, 2018

DATE OF PUBLICATION: _____