

**CITY OF HIGHLAND HEIGHTS, KENTUCKY**  
**ORDINANCE NO. 14-2008**

AN ORDINANCE AMENDING THE TEXT  
OF ORDINANCE NO. 16-83 THE  
OFFICIAL ZONING ORDINANCE  
FOR THE CITY OF HIGHLAND HEIGHTS BY  
PERMITTING A DRIVE THRU FACILITY  
FOR A COFFEE SHOP, PERMITTING  
OUTSIDE SEATING FOR RESTAURANTS,  
AND REDUCING THE MINIMUM  
REQUIRED DISTANCE FOR RESTAURANTS  
FROM A RESIDENTIAL DISTRICT ONLY  
IN THE DESIGNATED TOWNCENTER OF  
THE LIMITED SERVICE COMMERCIAL  
ZONE WITHIN THE CITY.

WHEREAS, the Highland Heights Planning Commission held a public hearing on August 12, 2008, to consider amending the text of the City's zoning ordinance, and

WHEREAS, said public hearing was held pursuant to KRS 100.207 and 100.211, with all conditions prerequisite thereto being met; and;

WHEREAS, the Highland Heights Planning Commission decided to recommend to the City Council to amend the text of the City's zoning ordinance, and;

WHEREAS, the Highland Heights City Council has decided to amend the Zoning Ordinance pursuant to a recommendation from the Planning and Zoning Commission after having reviewed the reports submitted by the staff and the minutes of the August 12, 2008 Planning Commission public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY:

Section I

That Ordinance 16-83 the Highland Heights Zoning Ordinance is amended as follows:  
Section 10.18 LSC Limited Service Commercial Zone:

B. Principal Permitted Uses:

10. Restaurants eating and drinking places provided that such uses conducted within completely enclosed building and is at least (200) feet from any residential district. This category does not include fast food service restaurants and drive through facilities. such use is conducted within a completely enclosed building except that outdoor seating may be permitted within the Town Center area as indicated in the City's Comprehensive Plan, when considered in the context of

approving or amending a Stage I development Plan, the Planning Commission finds that outside seating would be an appropriate and beneficial use for the functioning of the town center, and when such use would not adversely impact any nearby residential area, and would meet the development controls specified under Section 10:18 F.9 as amended, and is at least 200 feet from any residential district unless separated by a public street, in which case is at least 120 feet from any residence. This category does not include fast food service restaurants and drive through facilities, except that the Planning Commission may permit a coffee shop to have a drive through facility within the town center when approving or amending a Stage I Development Plan for the site in question, and when in the opinion of the Planning Commission the resulting vehicular circulation pattern of the drive through facility will not detract from, or interfere with the intended pedestrian friendly atmosphere of the area. The term coffee shop is defined for purposes of this ordinance as a retail establishment that specifically sells coffee by the cup as its primary "principal" business.

## Section II

### Section 10:18 LSC Limited Service Commercial Zone

#### F. Other development Controls:

9. All business activity permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, or as permitted by the Planning Commission under section 10:18, B.10 of this zone, provided that the following development controls shall be attained:

- a. Outdoor seating shall be limited in size to an area not to exceed 400 square feet of outside floor space exclusive of landscape borders per restaurant.
- b. The outdoor area shall be appropriately designed and landscaped to enhance the attractiveness of the town center area.
- c. Outdoor seating shall be permitted for casual dining and limited to the hours between 7:00 a.m. and 9:00 p.m.
- d. Lighting shall be muted as not to shine directly on any public street, or directly or indirectly on any neighboring residence.
- e. It shall be assured to the satisfaction of the Planning Commission that noise, or other types of activity resulting from outdoor dining will not adversely impact neighboring residential use.
- f. The Planning Commission may require additional development controls and safeguards as condition for approval of outdoor seating.


## Section III

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer recorded and published. Same shall be in effect at the earliest time provided by law.

First reading this 18 day of November, 2008.

Second reading this 2 day of December, 2008.

  
MAYOR GREGORY V. MEYERS

ATTEST:  
  
JEAN RAUF  
CITY CLERK/TREASURER  
Ord08.14

PUBLISH: ccr 12-18-2008