
SECTION 10.12 LHS (LIMITED HIGHWAY SERVICE) ZONE**A. PERMITTED USES**

1. Banks and other financial institutions
2. Convention facilities and/or exhibit halls
3. Dinner theaters and playhouses
4. Drug stores
5. Eating establishments (sit-down only), dining room-cafeteria and/or supper club, and including a drive-thru facility, subject to the requirements of section 10.11, E., Other Development Controls
6. Health clubs with indoor or outdoor court facilities
7. Museums
8. Offices
9. Schools, for the purpose of career education
10. New luxury car dealerships

B. ACCESSORY USES

1. Customary accessory buildings and uses to include:
 - a. Electro-mechanical games - being defined as electro-mechanical pinball machines and video games specifically designed, constructed, set up, and kept to be played for amusement only
 - b. Offices for the following uses:
 - (1) Administrative offices
 - (2) Travel agencies, including ticket reservation facilities
 - (3) Visitor and tourist information services
 - c. Uses that produce goods for human consumption primarily on the premises, such as, but not limited to:
 - (1) Bakery goods
 - (2) Beverages
 - (3) Candy
 - d. Gift, souvenir, and craft shops
 - e. Automobile rental and leasing services, including indoor service facilities
 - f. Taverns
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

4. Swimming pools, indoor or outdoor, in connection with hotels or motels, or health clubs
5. Uses as listed below, only in conjunction with a New Luxury Car Dealership, provided that the accessory use(s) shall not exceed forty-nine (49) percent of the gross sales area utilized by the permitted use(s):
 - a. Luxury automobile service departments associated with the New Luxury Car Dealership. All such service shall be conducted within the dealership or other fully enclosed building
 - b. Pre-owned car sales or leases controlled by, and associated with, the primary New Luxury Car Dealership

C. CONDITIONAL USES

1. Service stations, including automobile repair, maintenance and washing services, but excluding the storage of junk materials
2. Day care facilities
3. Hotels, not including motels
4. Outdoor dining, in connection with a restaurant, provided that such area meets the following minimum requirements:
 - a. Such area shall be designated to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility.
 - b. Such area shall not exceed fifty (50) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment, unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
 - d. Outdoor dining areas shall be operated no later than midnight, Sunday through Thursday, and 2:30 am on Friday and Saturday.

D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum lot area - Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width on each side of lot - No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height - Forty (40) feet

7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot
8. In the case of a New Luxury Car Dealership, the minimum lot area shall be not less than 6 acres; the minimum lot width at building setback line shall be at least one hundred (100) feet, the minimum front yard depth shall be at least forty (40) feet, the minimum side yard width shall be at least forty (40) feet, and the minimum rear yard depth shall be at least thirty (30) feet.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers, with the exception of the outdoor displays of vehicles as part of a new luxury car dealership.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17, A., 2., d. of this ordinance.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. Off-street parking and loading and/or unloading areas may be located in front and side yards in this zone, provided that no off-street parking areas shall be closer than fifteen (15) feet to the street, road, highway, or right-of-way line or boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this ordinance, provided that, for New Luxury Car Dealerships, any portions of off-street parking areas that are immediately adjacent and touching an interstate highway right-of-way-line shall not be required to have a setback and may be built up to the interstate highway right-of-way line.
8. All business activities 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, the outdoor display of vehicles as part of a New Luxury Car Dealership, and the outdoor play area of day care facilities.
9. Any service station located within the Limited Highway Service Zone which had an area used for outdoor storage of inoperable vehicles existing at the time of adoption of Ordinance 1978-17 (November 30, 1978) may

be permitted to continue temporary outdoor storage of inoperable vehicles, subject to the following requirements:

- a. No inoperable vehicle may be parked for a period exceeding forty - eight (48) hours or stored outside of a completely enclosed building unless confined within an area effectively screened from view from adjoining properties which has been approved by the Board of Adjustment. Only solid fences, evergreen trees (ten feet in height, as provided by Section 9.17 of the Fort Mitchell Zoning Ordinance), or a combination of fence and evergreen trees may be used to provide screening for the storage area, subject to the approval of the Board of Adjustment; and
 - b. No area used for outdoor storage of inoperable vehicles shall be permitted to be enlarged or expanded beyond the scope and area of its operation existing at the time of adoption of this ordinance; and
 - c. No outdoor storage of inoperable vehicles shall be permitted unless said vehicles are accessory to an existing auto service or towing service operation; and
 - d. No inoperable vehicle may be stored within a screened storage area as provided for within this section, for a period exceeding one hundred twenty (120) consecutive calendar days. In order to ensure that inoperable vehicles shall not be stored for a period exceeding one hundred twenty (120) days, the operator shall be required to maintain a record log available for examination for the Zoning Administrator, to indicate the date at which time each vehicle was initially stored and removed from within said storage area. (Ord. 1979-16, passed 12/3/79).
10. Eating establishments or restaurants of the type permitted in this zone may provide a drive - thru facility for window service, subject to the following conditions:
- a. The hours of operation of the drive - thru service shall be limited to seven (7:00) A.M. to eleven (11:00) P.M.
 - b. The sound pressure level from any speaker or order station may not exceed 55 decibels, as provided for in Section 15.2, C.
 - c. The speaker or order station shall be located on any wall or in any yard of a building adjacent to any area which is either zoned for or developed in residential use, or located within one hundred (100) feet of such use.
11. Dumpster units and mechanical devices such as air conditioners, heating units, and heat exchangers, shall be screened from residential areas.

Noise, which emanates from mechanical devices shall not exceed 55 decibels, as provided for within Section 15.2, C., Noise, of this ordinance.

12. No New Luxury Car Dealership shall be operated, either for sales, leasing, or service, earlier than 7:30 a.m., nor later than 9:00 p.m., Monday through Friday; or 8:30 a.m. to 7:30 p.m. Saturday, or 12:00 p.m. to 6:30 p.m. Sunday. The sound pressure level from any speaker at the New Luxury Car Dealership, used to project announcements, pages, or music, shall not exceed 55 decibels, as provided for in Section 15.2,C. Furthermore, all exterior lighting from this use shall be directed away from residential zones and any light poles or posts shall not extend to a height that is greater than 20 feet above ground level.
13. Additional Construction Standards
 - (a) Exterior Wall Materials
 - (i) Primary Building Materials may be used for up to 100% of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit appearance may be used.
 - (ii) Secondary Building Materials may be used for trim, detailing, and incidental or secondary wall areas. These secondary materials may not exceed 40% of the exterior wall surface area. Permitted secondary materials include; architectural grade metals, EIFS/stucco, glass block and precast concrete. Only architectural grade materials shall be used.
 - (iii) Prohibited Building Materials may not be utilized at all. These prohibited materials include; plain/smooth faced CMU, flimsy or synthetic appearing exterior wall materials (such as ribbed, industrial style metal siding, exposed fastener metal wall panels, vinyl siding, T111 or other hard board type materials that are manufactured in sheets) are not permitted.
 - (b) Roofs – Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal.
 - (c) Mechanicals
 - (i) All mechanical equipment shall be screened from view of the public street frontage or a private access drive which functions as a street. This does not include equipment that

is required by a public utility company (i.e. Electric/gas meters, etc.).

- (ii) Ground mounted equipment shall be screened either with landscaping or enclosed within a structure which uses the same materials, colors, or design detailing as the principal building.
- (iii) If roof mounted, mechanical equipment shall be screened by a parapet wall or stage set roof types (for flat roofed buildings). If used, the parapet wall shall be designed and constructed as an integral part of the overall building. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.