

Chapter 17.24 – DOWNTOWN BUSINESS DISTRICT

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17.24.010 – Non-conforming Rights (aka Grandfather Clause)

A pre-existing condition that causes nonconformance to these regulations (17.24 Downtown Business District) is considered grandfathered. Refer to 17.33. of the Libby Municipal Code.

17.24.020 – Purpose and Intent.

The purpose of Downtown Business District (DBD) is to maintain downtown Libby as a viable cultural, retail, governmental and financial center of the community. In addition, the DBD supports the expansion and continued investment in the historical business core of Libby and promotes an attractive, walkable, diverse area for shopping and entertainment. The following intent statements support this purpose:

- A. Encourage remodeling efforts to preserve the character of historical buildings such that new construction blends with the old.
- B. Provide flexibility in the site design of new development and redevelopment to anticipate changes in the market place.
- C. Promote streets as public places that encourage pedestrian and bicycle travel and events.
- D. Provide safe transitions and pedestrian connections between high traffic areas and residential neighborhoods.
- E. Encourage incorporating landscaping and vegetation into site design.

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17.24.030 – Permitted Uses.

- A. Arcades;
- B. Automotive and trailer sales, service and maintenance; excluding semi-trailer trucks and trailers sales, service and maintenance.¹
- C. Banks, credit unions and other financial institutions (without drive-thru facilities);
- D. Eating establishments, bakeries and catering (without drive-thru facilities);
- E. Drinking establishments including, but not limited to, taverns, breweries and cocktail lounges;
- F. Hotels
- G. Media offices, production facilities, including printing shops
- H. Offices
- I. Outdoor Display
- J. Parks and open spaces;
- K. Professional and personal services
- L. Recreational facilities and health clubs;
- M. Residential as permitted in Conditional Uses 17.24.050-E;
- N. Retail stores;
- O. Theaters and museums;
- P. Any business use similar to or connected with any use above particularly specified.

17.24.040 – Prohibited Uses.

- A. Adult bookstores and adult retail
- B. Mobile or manufactured home sales
- C. Bulk fuel storage
- D. Cell/Wireless towers
- E. Cemeteries
- F. Commercial storage facilities
- G. Crematoriums
- H. Fueling stations, exclusive of electric charging stations
- I. Residential Uses (see Conditional Use)

17.24.050 – Conditional Uses.

- B. Drive-through facilities.
Drive-through facilities for restaurants, financial institutions, pharmacies, etc. are allowed as conditional uses in the DBD subject to the following conditions:
 - 1. The drive-through facility shall not interfere with pedestrian traffic.
 - 2. The drive-through facility shall be positioned at the side or rear of the primary structure.
 - 3. Access to the drive-through facility shall be via an alley or side street, and access from Mineral Ave. or California Ave. is not permitted.

¹ Property intended for new businesses of this use must be a minimum of 5,280 square feet; and the proposal shall be subject to design review with the Planning Board at a public hearing

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C. Outdoor Storage.

Outdoor storage shall be located behind buildings and screened so as not to be visible from adjacent properties, public streets and sidewalks. Temporary storage as defined in this ordinance is also permitted.

D. Parking Lots and Residential Parking.

1. Parking lots, for the intended purpose of providing parking spaces as a commercial enterprise to the general public, must be paved and must contain a minimum of ten (10) percent landscaping within its borders.
2. Parking lots integrated into the design of a building shall be located in the rear of a building and must be paved.
3. Parking for upper-story residential uses must be located in the rear of the building.

E. Residential Uses on the Ground Floor

1. Residential uses on the ground floor are not permitted at the street-front on Mineral and California Ave.
2. Ground-floor residential space must be located in the rear of buildings
3. Parking for any such use must be located in the rear of the building.

17.24.060 - Height.

No buildings shall exceed forty-five (45) feet.

17.24.070 - Setbacks/Build-to Lines.

Front: Zero (0); or if a plaza or greenspace is provided, a minimum of five (5) feet and maximum thirty (30) feet.

Sides: Zero (0)

Rear: A minimum of ten (10) feet.

17.24.080 – Building Footprint

Buildings with a proposed footprint equal to or greater than 5,850 square feet shall be subject to design review with the Planning Board at a public hearing.

17.24.090 – Loading and Unloading

- A. In the construction of any building in the district, satisfactory facilities must be provided for loading and unloading at the rear entrance
- B. No new curb-cuts for garage doors will be permitted on Mineral or California avenues.

17.24.100 – Façade.

- A. Ground story door and window openings along any portion of a building façade along Mineral Avenue and California shall comprise a minimum of fifty percent (50%) of the façade area.
- B. Upper story openings shall comprise a minimum of twenty percent (20%) of the façade area per story.
- C. Garage-style doors (unless used as customer access daily or seasonally) and opaque service doors shall not count toward the above requirements.
- D. Blank facades shall not be permitted along any exterior wall where such wall abuts a public sidewalk.

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- E. Any portion of a building façade not along Mineral Avenue or California Avenue that exceeds twenty-five (25) feet in length shall incorporate windows or architectural design elements to break up the expanse of wall and add visual diversity for pedestrian interest at ground level. Such elements include but are not limited to windows, doors, material changes, articulated or sculptured wall surfaces or other architectural features approved by the Planning Board.

17.24.110 – Materials.

- A. The following materials are **not** permitted on a building's façade or sides adjacent to public rights-of-way:
1. High intensity, florescent, day glow and/or neon. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of those colors shall be used.
 2. Non-decorative concrete block;
 3. Plywood or Oriented Strand Board (OSB) or similar materials
 4. Pre-engineered metal building systems
 5. Asphalt shingles.

17.24.120 – Awnings

Awnings are encouraged to provide sun protection for display windows, shelter for pedestrians, visual interest, and an exterior sign panel for businesses.

- A. Awnings must be constructed of durable, protective, and water repellant materials, such as canvas or vinyl or architectural materials that are intended to complement the design of the building. Plastic or fiberglass awnings are not allowed.
- B. Awnings must project a minimum of 36 inches from the building.
- C. Awnings may display only the name of the business conducted or products or services sold therein.

17.24.130 – Fencing

Fencing facing on Mineral and California avenues shall be, sturdy, decorous and fittingly attractive. Chain link is not permitted.

17.24.140 – Signs. *Reserved*

On-site signage is allowed pursuant to section XX-XX-XXX of this title.

17.24.150 - Vacant lots.

Vacant lots may be used for lawns, gardens, tennis courts, playgrounds and other recreational facilities, or paved parking lots; and shall be maintained and kept free of weeds.

17.24.160 - Construction.

All construction shall be of a standard approved by the Building Inspector.

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17.24.170 – Other Permits

Applicants must have approval from all other relevant agencies as pertains to the particular use, i.e., Environmental Health, Secretary of State, Department of Revenue, Montana Department of Transportation, etc.

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