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NEW Chapter 17.25 – HIGHWAY COMMERCIAL DISTRICT

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17.25.010 - 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.

17.25.020 – Intent – This district is marked by the edges of the city on Highway 2 which represent the gateway to the community and should present a welcoming entrance. The purpose and intent of this district is to accommodate business opportunities that tend to be more auto-oriented than the downtown core, with an emphasis on safety (both vehicular and pedestrian) and aesthetics.

17.25.030 – Use

Prohibited:

- A. Single-family (including manufactured and mobile homes), duplex, and tri-plex residential uses
- B. Mobile, manufactured homes sales
- C. Cell/Wireless towers
- D. Cemeteries
- E. Crematoriums
- F. Commercial storage units as primary use
- G. Correctional facilities
- H. Fuels storage, bulk
- I. Inpatient or emergency health care facilities (excluding urgent care facilities)
- J. Kennels

Conditional:

A. Multi-family

Multi-family structures are permitted in the Highway Commercial District only when the first floor is restricted to commercial uses ancillary and complementary to residential uses, i.e., coffee shops, restaurant, laundry, salons, etc.

B. Auto Repair

Auto repair facilities are permitted in the Highway Commercial District when the following conditions are met:

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1. Areas for the temporary parking of cars waiting service shall be located in the rear of the building. When the rear of the building is not available, the parking area shall be screened at 70% opacity
2. Service bays shall be designed so as to approach from the side of the building; or when located on a corner lot, from the lower classification street

17.25.040 – Setbacks (minimum)

Twenty-five (25) feet where parking is not designed for the front of the building;

Forty (40) feet where 1 row of parking is designed in the front of the building;

Sixty (60) feet where 2 rows of parking are designed in the front of the building.

On corner lots, the setback shall meet the minimum sight distance requirements as depicted in Chapter 12.40.060

17.25.050 – Footprint

Buildings with a proposed footprint equal to or greater than 20,000 square feet shall be subject to design review with the Planning Board at a public hearing. In addition, buildings containing more than 150 linear feet of wall shall be designed with features to break up the wall such as alcoves, atria, gables, etc.

17.25.060 – Height

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

17.25.070 – Parking

Parking lots must be paved, curbed and designed in accordance with the most current edition of the City's Design and Construction Standards

- A. Newly constructed buildings shall be provided with permanently maintained, on-site automobile parking facilities as described in this subsection, by Table A. Such parking facilities shall be made permanently available and maintained for parking purposes.
- B. Handicapped parking shall be provided in accordance with the City's adopted Building Code.

Table A	
Use	Parking Requirement (sf = square feet; gfa = gross floor area)
Retail or personal services	1 per 300 sf gfa
Manufacturing uses, research testing and processing, assembling, all industries	1 space per 2 employees on a maximum shift, but not less than 1 space for every 800 sf gfa
Office, medical (including but not limited to doctors, dentists, chiropractors, acupuncturists, animal hospitals and veterinarians, but not including retail medical supply where examinations are not performed.)	1 per 150 sf gfa
Banks, financial institutions & professional offices	1 per 400 sf gfa
Offices not providing customer services	1 space per 4 employees, but not less than 1 per 400 sf gfa
Libraries, museums and art galleries	1 per 500 sf gfa
Mortuaries	1 per 75 sf gfa used for assembly

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Auditoriums, theaters, churches or other places of assembly	1 per 5 seats or 40 sf gfa used for assembly purposes, whichever is greater
Bowling Alleys	6 spaces per alley
Golf Course	3 spaces per hole of main course
Private clubs, lodges and special centers, athletic club and similar recreational facilities	1 space per 8 seats; plus 1 space for every 100 square feet of assembly space without 1 space per 8 seats
Stadiums, special arenas and similar open assemblies	1 space per 8 seats; plus 1 space for every 100 square feet of assembly space without seats
Restaurants: Drive-in	1 space per 80 square feet of gross floor area, (minimum 10 spaces)
Restaurants: All other food and beverage establishments	A. If less than 4,000 square feet of floor area, 1 space per 100 square feet of gross floor area B. If more than 4,000 square feet of floor area, 40 spaces, plus 1 space per 200 square feet of gross floor area in excess of 4,000 square feet
Daycare	1 space per 8 adults and supervised children
Elementary and junior high schools	1 space per employee and faculty member, but not less than the assembly facility area requirement of 1 space per 4 seats
High schools and colleges	1 space for every 25 students; plus 1 space for each employee and faculty member, but not less than the assembly facility area requirement of 1 space per 4 seats
Self-service storage facility	A minimum of 3 spaces accessible at all times
Bed and breakfast	2 spaces for the resident family or manager, 1 space per room rented and 1 space for each 2 outside employees per maximum shift
Hotels, motels and cabins	1 space per guestroom or suite; plus 1 space for every 2 employees per maximum shift
Service Stations	3 spaces per service bay
Multi-family dwelling	2 spaces per dwelling unit, plus 1 guest space for each 3 units
Elderly housing projects (where 90 percent of the units are occupied by persons 60 years of age or over)	1 space per dwelling or lodging unit

C. Stall size

1. All parking stalls must be striped
2. A minimum of 70 percent of the required parking stalls shall have a minimum length and width of 19 feet and 9 feet, respectively, except that any space adjacent to a wall shall have a minimum width of 9.5 feet.

D. Mixed-use occupancies and joint use of parking

1. The total on-site parking spaces required on any property when more than one class of use is proposed (for either the same property or within the same occupancy) shall be equal to the sum of the spaces required in this title for each of such separate classes of

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use.

2. A Conditional Use Permit may be granted to reduce the required parking for mixed-use occupancies (i.e., a joint use of parking), based upon submission of enforceable documents guaranteeing that the uses will be operating during mutually exclusive hours, and upon such other circumstances or criteria as the Planning Board, or City Council on appeal, may require.
3. The Planning Board or City Council shall consider the following when evaluating joint use parking applications:
 - a. The nature and location within the development of the proposed uses, as well as their size compared to that of the overall development.
 - b. Assurances as to the non-overlapping nature of the non-retail and retail peak-activity periods.
 - c. The provision of peak-hour parking beyond the property boundaries.
 - d. The location and adequacy of the parking in the particular portion of the development wherein joint use of parking is proposed

17.25.070 – Loading / 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. New curb-cuts on Highway 2 must be permitted by MDT.

17.25.080 – Construction

All construction shall be in accordance with the City's adopted Building Code.

17.25.90 – 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.

17.25.100 – 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.