

## MEMO

TO: Three Forks Staff & Counsel

FROM: Lee Nellis, FACIP

DATE: March 2, 2026

### **RE: Questions for the Board**

Should movie theaters be permitted in the CBD? We are recommending that they, and all other places of assembly, be conditional uses. That will make it easier to address parking issues.

Should apartment buildings with ground floor units be permitted in the CBD? This draft does permit them. They could be limited to locations off Main.

This draft allows taller buildings in the CBD IF they are equipped with sprinklers. Is that ok?

DRAFT

## CHAPTER 13 – CENTRAL BUSINESS DISTRICT

### 11-13-1: PURPOSE:

The Central Business District (CBD) is established to facilitate more intensive COMMERCIAL and second floor residential development in a pleasant, walkable city center. Specifically, DEVELOPMENT in the CBD will:

- Rely primarily on on-street parking and pedestrian circulation.
- Serve as the hub of the city's commercial and social life with shopping, services, dining, entertainment, lodging, and office space.
- Provide housing that supports the vitality of the central business district and at least has the potential of being affordable to the people who make Three Forks work.
- The CBD is not the place for new auto-dependent uses (lodging will be an exception, and existing auto-dependent uses may continue under these regulations' provisions for nonconforming uses) or most industrial uses.

*'Most' leaves the door open for the artisanal industries that are appropriate in the CBD. There are auto-dependent uses in the CBD now, most prominently the Conoco. I don't think more are that probable, but do we want to explicitly prohibit them? And does the city want to make the Conoco non-conforming? We may need to revise this, but I think it requires more discussion, possibly discussion with the Board.*

- The CBD is not the place for uses that rely heavily on outdoor sales or storage.
- Wide sidewalks are a tremendous asset to any downtown. They will continue to be required throughout the CBD.
- Buildings in the CBD will ordinarily come to the building lines and be no higher than twenty-four feet (24') to the eaves and thirty-two feet (32') overall (two stories in height).

### 11-13-2: BOUNDARIES:

The boundaries of the CBD are as shown on the Official Zoning Map of the City of Three Forks.

### 11-13-3: PERMITTED USES:

- A. COMMERCIAL, including uses in SIC Division G - Retail Trade, Division H – Finance, Insurance, and Real Estate, and Division I -Services, excepting those uses made conditional in Section 11-13-4, consistent with the purposes stated in Section 11-13-1. Please see Table 13.1 for examples.
- B. Retail sales of alcohol and drinking places are permitted subject to continuing compliance with state law.
- C. Marijuana dispensaries (which the City classifies as a retail-only use in SIC 5993) in continuing compliance with state law.

- D. PUBLIC ADMINISTRATION uses in SIC Division J, excepting those uses made conditional in Section 11-13-4, consistent with the purposes stated in Section 11-13-1
- E. ARTISANAL INDUSTRIES consistent with the purposes stated in Section 11-13-1 but see Section 11-13-7.
- F. Dwelling units are allowed on the second floor of a commercial building consistent with the purposes stated in Section 11-13-1.
- G. Infrastructure serving the CBD and the city.
- H. Customary accessory uses and structures.
- I. TEMPORARY USES in compliance with Chapter 11-28.

#### **11-13-4: CONDITIONAL USES:**

- A. CHILDCARE with valid state licenses and in continuing compliance with these and state regulations.
- B. Multifamily dwellings with ground floor units with six (6) or more units on a lot of not less than 7,000 SF.
- C. PLACES OF ASSEMBLY, which may be classified as either commercial or public administration in the SIC. Please see Table 13.1 for examples.
- D. Buildings or structures permitted by Section 11-13-6.B.

*Here is the proposed definition of 'place of assembly.'*

*A PLACE OF ASSEMBLY is building or structure or part of a building or structure or a defined outdoor space used for the assembly of persons for singular or recurring events such as conferences, religious functions, catered occasions, special events, club meetings, music venue, philanthropic purposes, and other such activities. Fixed seating is not necessary to this definition.*

#### **11-13-5: PROHIBITED USES:**

- A. SEXUALLY ORIENTED BUSINESSES as defined and regulated by Title 4 of THIS CODE.
- B. Services, including heavy construction equipment leasing and industrial launderers, that involve heavy equipment and industrial-scale processes.
- C. Mobile Home and RV Dealers.
- D. New dwellings except as specifically permitted by Section 11-13-3.F and Section 11-13-4.B.

#### **11-13-6: DIMENSIONAL STANDARDS:**

- A. The maximum BUILDING HEIGHT in the CBD is twenty-four feet (24) to the eaves and thirty-two feet (32') overall.
- B. An exception to A, above, may be permitted for buildings or structures that are fully protected by sprinklers. Any proposed exception will be reviewed as a conditional use.
- C. There is no LOT COVERAGE limit in the CBD. Landscaped buffers may, however, be required by Chapter 11-23 and parking for lodging and residential uses is required by Chapter 11-26.
- D. SETBACKS
  - 1. New buildings and additions to buildings in the CBD are expected to come to the front (the sidewalk) and side property lines, except as provided below.
  - 2. Commercial, mixed-use, and multi-family residential buildings may incorporate entry courtyards no more than fifteen feet (15') deep across 50% of the front property line or along the entire side property line.
  - 3. Where landscaped buffers are required by Section 11-23-6, they supersede this section.
- E. Microbreweries permitted as Artisanal Industries shall be limited to 7,000 SF.

**11-13-7: PERFORMANCE STANDARDS:**

- A. General Performance Standards: Development in the CBD must, unless specifically exempted, comply with all standards established in THESE REGULATIONS.
- B. Off-Street Parking:
  - 1. Lodging and residential uses in the CBD must provide one (1) off-street parking space per dwelling or lodging unit.
  - 2. Place of assembly in the CBD may be required to provide off-street parking as a condition of approval.
  - 3. Other uses in the CBD may provide new off-street parking that is directly accessible from the alley.
  - 4. Off-street parking in the CBD must comply with all standards of Chapter 11-26, except Section 11-26-6.
- C. Wider Sidewalks: Development in the CBD must extend the existing width of the sidewalks along Main Street with non-fruit bearing trees placed in tree wells rather than a boulevard. See also Title 8-2 Sidewalk Construction in the public ways.

**Table 13.1 - Examples of Commercial Use Permitted in the CBD**

All possible uses are, by definition, included in the SIC. This table gives examples that seem applicable in Three Forks, but it is not complete. See the SIC Manual at: <https://www.osha.gov/data/sic-manual>

SIC Code	Use	
<b>Division G</b>		
<b>Retail Trade</b>		
52	Building Materials, Hardware, and Garden Supply,	
53	General Merchandise Stores	
54	Food Stores	
55	Automotive Dealers and Gasoline Service Stations	
56	Apparel and Accessory Stores	
57	Home Furniture and Furnishings	
58	Eating and Drinking Places	
5993	Marijuana dispensaries are included here with Tobacco Stores	
<b>Division H</b>		
<b>Finance, Insurance, and Real Estate</b>		
60	Depository Institutions (banks)	
64	Insurance Agents, Brokers, and Service	
65	Real Estate	
<b>Division I</b>		
<b>Services</b>		
7011	Hotels and Motels	
703	RV Parks are prohibited in Three Forks	
72	Personal Services	barber/stylist
7215	Coin Operated Laundries and Dry Cleaning	laundromat
7218	Industrial Launderers are permitted in the GI zoning district only	
73	Business Services	
7353	Heavy Construction Equipment Leasing is permitted in the GI zoning district only	
75	Automotive Repair, Services, and Parking	
	SIC 75 needs discussion,	
7832	Motion Picture Theaters are conditional uses	
79	Amusement and Recreation Services	
	Many places of assembly fall within SIC 79, see the note below	
80	Health Services	physical therapy, clinic, eye & dental
8351	Child Day Care Services	
	Childcare services are conditional uses in the CBD.	
8412	Museums and Art Galleries	
<b>Division J</b>		
<b>Public Administration</b>		
		city hall
	Places of assembly are conditional uses regardless of their classification in the SIC.	