

## MEMO

TO: Three Forks Planning Board  
FROM: Lee Nellis, FAICP  
DATE: March 3, 2026

### RE: Highway Commercial

The starting point for understanding this chapter is that the difference between highway commercial and the central business district is not land use *per se*. The differences are about “how” commercial development happens, not specifically “what” it is.

Downtown businesses depend on on-street parking and pedestrian circulation. Highway commercial businesses rely on off-street parking and, while sidewalks must be provided, pedestrian access usually is not essential to highway commercial businesses.

The most important difference is in building form. Downtowns should be characterized by a strong building line along the sidewalks and by multi-story buildings. 100% lot coverage is allowed. In Three Forks, highway commercial is apt to be single-story and parking will cover as much or more of the lot than the building/s.

Third, highway commercial is where outdoor sales (cars, lawn tractors, garden supplies, etc., etc.) and drive-throughs are expected to locate.

So, the use lists for the central business and highway commercial zoning districts could be identical, but they would still end up being different types of places.

Questions for the Board

Dwellings and childcare in the HCD?

Are they ok with the way we suggest handling permitted uses?

## CHAPTER 14 – HIGHWAY-COMMERCIAL DISTRICT (HCD)

### 11-14-1: PURPOSE:

The Highway-Commercial District (HCD) is established to guide development along Montana Highway 2, outside the CBD, and along Railway Avenue. It may also be applied to annexations along the highway.

- Development in HCD will rely primarily on off-street parking.
- The HCD is the appropriate place for auto-dependent uses, including drive-throughs. This does not exclude uses that might also be found in the CBD
- The HCD is the appropriate place for uses that rely on outdoor sales.
- While the HCD is an appropriate location for most commercial uses, there are places where it is a relatively narrow strip of highway frontage with nearby residential neighbors. Development will be carefully regulated to mitigate potential conflicts. Please see Section 11-4-3.F.

### 11-14-2: BOUNDARIES:

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

### 11-14-3: PERMITTED USES:

- A. Commercial uses, including uses in SIC Division G - Retail Trade, Division H – Finance, Insurance, and Real Estate, and Division I -Services, consistent with the purposes stated in Section 11-14-1. Please see Table 14.1 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.
- E. ARTISANAL INDUSTRIES.
- F. The uses listed in A-E, above, are permitted BY-RIGHT only in compliance with the performance standards of Section 11-14-6.A. Listed uses that fail to meet those standards may apply for a CUP as provided by Section 11-14-4.A..
- G. Second floor dwellings above commercial uses.
- H. Infrastructure serving the HCD and the city.
- I. Customary accessory uses and structures.
- J. TEMPORARY USES in compliance with Chapter 11-28.

#### **11-14-4: CONDITIONAL USES:**

- A. Uses listed in Section 11-4-3.A through E that do not comply with 11-4-3.F may apply for, but are not entitled to, a CUP.
- B. **CHILDCARE with valid state licenses and in continuing compliance with these and state regulations.**
- C. PLACES OF ASSEMBLY, which may be classified as either commercial or public administration in the SIC.

#### **11-14-5: PROHIBITED USES:**

All uses that are not explicitly permitted, by-right or conditionally, are prohibited by Section 11-4-2.B. This partial list is provided here for convenience.

- 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/or industrial-scale processes.
- C. Mobile Home and RV Dealers.
- D. **RV**
- E. New dwellings.

#### **11-14-5: DIMENSIONAL STANDARDS:**

- A. **BUILDING HEIGHT.** The maximum building height in the HCD is twenty-four feet (24) to the eaves and thirty-two feet (32') overall.
- B. **LOT COVERAGE.** There is no lot coverage limit in the HCD. Landscaped buffers and screening may, however, be required by Chapter 11-23 and off-street parking is required by Chapter 11-26. Please also see C below.
- C. **SETBACKS**
  - 1. Boulevards and sidewalks or trails are required along streets in the HCD and a minimum 20-foot front setback is required behind the front property line. The front yard created by this setback may be landscaped or used for outdoor sales and/or parking.
  - 2. There are no side or rear setback requirements in the HCD, but landscaped buffers may be required by Chapter 11-23.

#### **11-14-5: PERFORMANCE STANDARDS:**

- A. The following conditions apply to the approval of a zoning permit for uses permitted by-right in

the HCD.

1. Hours of operation, including deliveries, shall be between 7 AM and 8 PM, only.  
*I would expect some push back on the morning side of this.*
  2. Outdoor illumination shall be provided by full cut-off luminaires only. Illuminated signs must be faced away from adjoining residences.
  3. Drive-through speakers and windows must be oriented away from adjoining residences.  
  
*This list can grow through discussion with the Board.*
  4. They must also, unless specifically exempted, comply with all other standards established in THESE REGULATIONS, specifically including the landscaping and screening requirements of Chapter 11-23.
- B. Off-Street Loading. Off-street freight loading areas may be required as a condition of approval for any use in the HCD.

**Table 14.1 - Examples of Commercial Use Permitted in the HCD**

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
7215	Coin Operated Laundries and Dry Cleaning
7218	Industrial Launderers are permitted in the GI zoning district only

barber/stylist  
laundromat

73	Business Services	
7353	Heavy Construction Equipment Leasing is permitted in the GI zoning district only	
75	Automotive Repair, Services, and Parking	
7832	Motion Picture Theaters are conditional uses	
79	Amusement and Recreation Services	
	<b>Many places of assembly fall within SIC 79, see the note below</b>	
80	Health Services	physical therapy, clinic, eye & dental
8351	Child Day Care Services	
	<b>Childcare services are conditional uses in the HCD zoning district.</b>	
8412	Museums and Art Galleries	

**Division J**

**Public Administration**

city hall

**Places of assembly are conditional uses regardless of their classification in the SIC.**

