

DRAFT CHAPTER 14 – NEIGHBORHOOD BUSINESS DISTRICT (NBD)

11-14-1: PURPOSE:

The Neighborhood Business District (NBD) is established to guide commercial development outside the DBD.

- Development in the NBD will rely primarily on off-street parking.
- The NBD is the appropriate place for auto-dependent uses, including drive-throughs. This does not exclude uses that might also be found in the DCD.
- The NBD is the appropriate place for uses that rely on outdoor sales. Outdoor storage may be allowed with a CUP.
- While the NBD is an appropriate location for many 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 11-14-3.F.

11-14-2: BOUNDARIES:

The boundaries of the NBD 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. Outdoor sales accessory to the permitted uses.
- G. The uses listed in A-F, above, are permitted BY-RIGHT only in compliance with the performance standards of Section 11-14-7.A.
- H. Second floor dwellings above permitted commercial uses and, where a building height exception is granted pursuant to Section 11-14-6.A, third floor dwellings would be permitted.
- I. CHILDCARE with valid state licenses and in continuing compliance with these and state regulations.

- J. Infrastructure serving the NBD and the City.
- K. Customary accessory uses and structures.
- L. TEMPORARY USES in compliance with Chapter 11-28.

11-14-4: CONDITIONAL USES:

- A. Uses listed in Section 11-14-3.A through E that do not comply with 11-14-7.A may apply for, but are not entitled to, a CUP.
- B. PLACES OF ASSEMBLY, which may be classified as either commercial or public administration in the SIC.
- C. Outdoor storage.

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 business, sales and activities 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.

11-14-6: DIMENSIONAL STANDARDS:

- A. BUILDING HEIGHT. The maximum building height in the NBD is twenty-four (24) feet to the eaves and thirty-two (32) feet overall. This is assumed to permit a two-story building. An exception may be allowed for a third story where a sprinkler system is provided in compliance with state building codes and where that building is not directly adjacent to the Residential Zoning District.
- B. LOT COVERAGE. There is no lot coverage limit in the NBD, but landscape buffers and screening may 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 NBD and a minimum twenty (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 NBD, but landscaped buffers may be required by Chapter 11-23.

11-14-7: PERFORMANCE STANDARDS:

- A. The following conditions apply to the approval of a zoning permit for uses permitted by-right in the NBD. Proposed uses that do not comply with 1 through 3 below may apply for a CUP, to which they are not entitled, but which may be approved upon a finding that they will be compatible with adjoining uses.
 - 1. Hours of operation, including deliveries, shall be between 7 AM and 8 PM, only.
 - 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.
 - 4. They must also, unless specifically exempted, comply with all other standards established in THESE REGULATION 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 NBD.

Table 14.1 - Examples of Commercial Use Permitted in the NBD

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
Division G	
Retail Trade	
52	Building Materials, Hardware, 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
Division H	
Finance, Insurance, and Real Estate	
60	Depository Institutions (banks)
64	Insurance Agents, Brokers, and Service
65	Real Estate
Division I	
Services	
7011	Hotels and Motels

