



**Montana's Sunrise City**

115 2nd Street S.E., Sidney, Montana - 406-433-2809

PLANNING STAFF REPORT  
2025 Zoning Regulations - Amendments  
February 19, 2025

Applicant:

City of Sidney  
115 2<sup>nd</sup> Street East  
Sidney MT 59270

Application Submitted: February 12, 2025

Zoning Commission Date: March 12, 2025

City Council Date: March 17, 2025

Legal Description: The proposed Amendments will be applicable to and affect all lands located within the Corporate Limits of the City of Sidney. While there are some definitions changes, the primary Zoning Districts involved in this change are:

R-1, R-2, R-3, C-1, C-2, B-1, B-2, B-3, CLM, and M-1.

Background: The main driver for these amendments is the desire of the City to return to more specific standards for the materials used in the construction of fencing. The changes also allow for modifications to maximum fence heights within certain zoning districts. The major changes are intended to return to a previous version of construction materials and standards historically adopted by the City Council.

The specific text of the Zoning Regulations to be amended/clarified are **in RED and Bolded and Underlined**. Existing text is in black:

11.1.11      11.18.28      RETAINING WALLS/FENCING

**11.18.28 A    Retaining Walls**

Retaining walls shall not exceed the height of eight (8) feet. Fences in Residential Zones shall not exceed six (6) feet in height above natural grade. More than one (1) retaining wall in a terraced arrangement shall be permitted. Retaining walls lower than three (3) feet designed and constructed to retain earth are exempt from other standards of this Ordinance that regulate walls. Walls taller than three (3) feet are required to be permitted and must include a stamp from a licensed Montana engineer.

**11.18.28 B    Fences by District**

Fences in Residential Zones (R – Zones) shall not exceed six (6) feet in height above natural grade. The use of barbed wire or electric fences in residential zones is prohibited.

Fences in Business Zones (numbered B and C Zones) shall not exceed six (6) feet in height above natural grade. **In the B-1 Zone fences shall not exceed eight (8) feet in height.** The use of barbed wire or electric fences in Business Zones is prohibited.

Fences in Manufacturing Zones (CLM and MI) shall not exceed eight (8) feet in height above natural grade. The use of barbed wire is allowed in Manufacturing Zones. The use of electric fences is prohibited in Manufacturing Zones.

**11.18.28 C Additional Fencing Requirements**

**Any fences constructed may extend beyond the property line onto the City right-of-way, provided that such fence ends at least five feet (5') from the established curb line to allow room for sidewalk construction. In the event no curb line has been established at the time of fence construction, the director of Public Works may establish a projected curb line for the purpose of determining placement of sidewalks in the future.**

**Notwithstanding any other part of this Section, a chain link fence may be constructed to a height of forty-two inches (42') within ten feet (10') from the intersection of a street or alley or within twenty-five feet (25') of the main street, provided that no materials are inserted into such chain link fence that would cause a decrease or obstruction to the vision of any operator of a vehicle.**

**Barbed wire and electrical fences may be permitted as an accessory use for safety reasons only upon the specified approval of the Building Inspector.**

**No yard fence shall be constructed of barbed wire, chicken wire, electrical wire, snow fence or any other wire unless such wire fencing is specifically designed and made for yard fencing and approved by the Building Inspector. Chain link fencing materials are acceptable. No steel "T" or "U" fence posts may be used.**

**Any wood fence constructed from salvaged material must be painted so that all materials are of the same color within 30-days of installation**

**In no case shall such fences, walls or hedges be so placed and/or maintained that they impede vision for a driver of a vehicle approaching a street, alley or driveway intersection with another vehicle-traveled area; visibility triangles at all intersections shall be maintained unobstructed by fences.**

**FINDINGS OF FACT**

The City of Sidney is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations.

- I. Is the zoning in accordance with the growth policy;
- The proposed zoning amendment is generally applicable to all districts under the Sidney Zoning Regulations.
  - The Growth Policy encourages the grouping together of like and compatible land uses and imposing performance standards to ensure future compatibility.
  - The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

Conclusion: The proposed zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Sidney.

- II. Is the zoning designed to lessen congestion in the streets;
- The existing zoning encourages compact walkable development in most every district as well as expand opportunities within existing lots.
  - The proposed zoning encourages compact urban development and multi-modal approaches to travel.
  - The fencing standards contain protections for a clear vision triangle at intersections. Clear vision at intersections enhances both pedestrian and vehicular safety.

Conclusion: The proposed zoning is designed to lessen congestion in the streets by ensuring orderly growth and development of the property.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- The proposed zoning is intended to be generally applicable to all lands within the districts within the City of Sidney. The districts provide setbacks, density and other development standards that provide safety from fire panic and other dangers.
  - Generally applicable districts provide for consistency in development along with provision of police and fire protection.
  - The existing zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous. The lot coverage requirements address concerns with storm water management and protection of adjoining properties from being burdened by over development of neighboring properties.
  - The fencing standards contain protections for a clear vision triangle at intersections. Clear vision at intersections enhances both pedestrian and vehicular safety.
  - The fencing standards balance owner privacy and protection of their property with the public need for uniform construction standards, height limits and protections for public safety.

Conclusion: The proposed zoning is intended to provide safety for residents and visitors to the city from fire, panic, and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The rules within the existing zoning imposing setbacks, height limits and building restrictions will remain unchanged.
- The existing zoning groups together like and consistent uses within existing neighborhoods and this amendment is consistent with the intent of the Zoning.
- The existing zoning is generally applicable to each of the districts assigned within the City of Sidney.
- The fencing standards balance owner privacy and protection of their property with the public need for uniform construction standards, height limits and protections for public safety.
- The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

Conclusion: The proposed zoning is intended to provide consistency and promote the general welfare within all existing zoning districts and citizens of the City of Sidney.

V. Is the zoning designed to provide adequate light and air;

- The existing zoning is a generally applicable to districts within the City of Sidney.
- The proposed zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

Conclusion: The proposed zoning ensures the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The proposed amendments are focused on construction materials associated with fencing within the city of Sidney.
- The proposed amendments do not have an impact on this review criterion.

Conclusion: The existing zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;
- The proposed zoning takes advantage of areas that were created and intended as suitable for a healthy mixture of uses.
  - The proposed zoning imposes minimum lot sizes, reasonable use restrictions on the subject property, fencing limitations and setback standards.
  - The proposed amendments are focused on construction materials associated with fencing within the city of Sidney.
  - The proposed amendments do not have an impact on this review criterion.

Conclusion: The existing zoning is intended to prevent the undue concentration of population by encouraging the most appropriate use and development of property within the City of Sidney.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The existing zoning along with other regulations established by the City Council provides minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
  - The proposed zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Sidney while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.
  - The proposed amendments are focused on construction materials associated with fencing within the city of Sidney.
  - The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.
  - The fencing standards contain protections for a clear vision triangle at intersections. Clear vision at intersections enhances both pedestrian and vehicular safety.

Conclusion: The standards of the proposed zoning and other adopted standards of the city will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
  - The existing and proposed zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.

- The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

Conclusion: The proposed zoning gives due consideration to the character of the existing neighborhoods, within the city as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The proposed zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.
- The proposed amendments are intended to be compatible with the residential and commercially developed properties within the city.
- The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

Conclusion: The proposed zoning gives due consideration to the suitability of the property for particular uses.

XI. Will the zoning conserve the value of buildings;

- The decision to include or exclude specific uses or materials has the potential to have positive and negative impacts on the value of buildings within the city.
- The existing zoning groups together like and consistent uses and is consistent with the existing uses in the various neighborhoods of the City of Sidney.
- The proposed amendments are intended to be compatible with the residential and commercially developed properties within the city.
- The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

Conclusion: The proposed zoning along with the other protections afforded in the balance of the Sidney Zoning Regulations will conserve or in many cases enhance the value of buildings.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The proposed zoning provides for grouping like and compatible uses.
- The city recognizes that the impacts of certain land uses stretch well beyond property boundaries and that the benefits of the new use may be offset by adverse

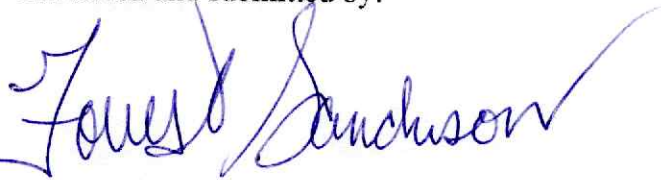
- impacts to other properties. We believe that these regulations accomplish this delicate balancing act.
- The proposed amendments are intended to be compatible with the residential and commercially developed properties within the city.
  - The modifications are essentially a restoration of prior existing standards adopted by the city in the past and have been deemed necessary to address concerns related to fence construction.

**Conclusion:** The proposed zoning implements land use opportunities within the city while providing reasonable performance standards to ensure that this review criterion is addressed.

**RECOMMENDATION:**

The Staff Recommendation is that the Zoning Commission recommend that the City Council find that the proposed Zoning Changes reflects the 2015 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Sidney have participated in the amendment of the Zoning Regulations.

Reviewed and submitted by:



Forrest Sanderson, AICP, CFM - City of Sidney, Contract Planner