



**City
of
Sidney**

Montana's Sunrise City

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

ZONING COMMISSION RECOMMENDATION

2024 Zoning Regulations - Amendments

October 16, 2024

Applicant:

Kevin and Heather Luinstra
402 – 29th Avenue SW
Sidney MT 59270

Application Submitted: September 23 ,2024

Zoning Commission Date: October 16, 2024

City Council Date: October 21, 2024

Legal Description: Lots 1 & 2 Block 6 Wilkinson Subdivision II.

Background: The main driver for the requested zoning change is so that the owners can aggregate lots that have different zoning classifications. The Sidney Zoning requires that single lots be zoned in a single district.

The text of the Zoning Regulations will not be amended.

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 is a generally applicable district assignment 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.
 - Though the lots proposed for aggregation are in different subdivisions they are contiguous.

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- The proposed zoning for the aggregated properties is the more restrictive of the two existing districts.

Finding: 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 and proposed 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 resulting lot has access to all necessary public infrastructure.

Finding: 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 and existing 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 proposed zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.
- The proposed zoning is more restrictive than the existing zoning.

Finding: The proposed zoning is intended to provide safety to 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 proposed zoning imposing setbacks, height limits and building restrictions that are more restrictive than the existing zoning.
- 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.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Sidney. Further, the proposed zoning is substantially consistent with the land use in the neighborhood.

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- V. Is the zoning designed to provide adequate light and air;
- The existing zoning is generally applicable to districts within the City of Sidney.
 - The proposed zoning imposes stricter development standards -building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.

Finding: 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 proposed zoning imposes stricter development standards -building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The zoning regulations impose minimum lot size, use regulations and other limitations on development.

Finding: The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;
- The proposed and existing zoning are residential in nature. These types of districts rarely, for the reasons stated in the previous section, result in overcrowding of the land in terms of population density.
 - The proposed zoning is generally applicable to districts within the City of Sidney. They are part of the holistic approach to land use regulation for the entirety of the City and are not focused on any single special interest.
 - 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 that are stricter than the existing zoning.

Finding: The proposed zoning is intended to and will 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 proposed 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 zoning has fewer allowed uses than the existing zoning and is generally more restrictive

Finding: 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.
- Both the proposed and existing zoning are residential in nature and consistent with the intent of the development plan for each subdivision. The owners have selected the more restrictive zoning for the to be aggregated property.

Finding: 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 and existing zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.
- The proposed zoning is intended to facilitate a lot aggregation and to comply with the Sidney Zoning Regulations the zoning on the resulting lot must be uniform.

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

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XI. Will the zoning conserve the value of buildings;

- The proposed zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Sidney.
- By choosing the more restrictive zoning for the resulting lot the value of buildings in each subdivision will be protected.

Finding: 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?

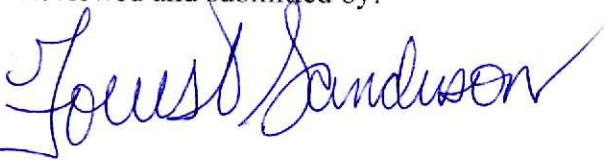
- The proposed zoning provides for grouping like and compatible uses.
- Where the owner has proposed the more restrictive of the two residential zones, to assign to the to be aggregated to the resulting lot, we must assume that they have an underlying reason for the decision.
- All of the generally assignable districts within the City of Sidney have been deemed to encourage the most appropriate use of land at the assigned location within the City of Sidney.

Finding: 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 Zoning Commission recommends 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