



ZONING COMMISSION RECOMMENDATION
2024 Zoning Regulations - Amendments
April 17, 2024

Applicant:

City of Sidney
115 2nd Street East
Sidney MT 59270

Application Submitted: March 1 ,2024

Zoning Commission Date: April 17, 2024

City Council Date: May 6, 2024

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-I.

Background: The main driver for these amendments is the 2023 Legislative Session. During the 2023 Session several land use bills were considered, and many have been signed into law. The major changes are intended to increase availability of housing options in residential and commercial districts, data mining centers within industrial districts and a reduction of required parking for residential uses.

The City initiated changes include the elimination of required off-street parking in the Central Business Zone, the elimination of Xeriscaping requirements from the regulations and to allow retail sales and services by conditional use in the B-2 Zoning District.

The specific text of the Zoning Regulations to be amended/clarified are:

- Amend Table 11.18.43 Reduce required off street parking Residential Uses to one (1) space per dwelling unit. Reduce the required off street parking for Day Care Homes to two (2) spaces. Exempt Central Business Zoning District to required off-street parking.
- Amend Table §11.11.40 Allowed Uses B-2 Zoning District.
Permitted – None
Conditional – Add Retail Sales and Services, Delete Duplication Wireless Communication Facility, Delete Worship Facility (Permitted Use). Delete Fire & Police Buildings (Permitted Use).

The City of Sidney is an equal opportunity provider.

- Amend Permitted Uses R-1, R-2, R-3, C-1, C-2, B-1, B-2, B-3 Day Care Homes 3 to 15 persons Permitted Use.
- Amend R-3 Conditional Uses Add Day Care Center
- Amend §11.17.20(B)(1) Definitions
 - a. Day Care Center

An out-of-home place in which care is provided to sixteen (16) or more children or adults or provides adult day care in conjunction with a Long Term Care Facility or Health Care Facility.
 - b. Day Care Home

A private residence or other structure in which day care services are provided to three (3) to fifteen (15) children or adults.
- Delete Requirements and Standards for Xeriscape(ing). Multiple Sections.
- Amend M-I Permitted Use Data Mining Centers.

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.
 - Many of the modifications required by changes to State Zoning Law and the changes requested by the city are designed to make operational aspects easier to comply with, eliminate issues for public works or provide additional use potential in what has been categorized as an unduly restrictive district.

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

The City of Sidney is an equal opportunity provider.

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.
- It is plausible that the proposed zoning may have a detrimental impact on public streets and drive need for extended terms of on street parking in residential neighborhoods, but given the changes made to municipal zoning law in the 2023 legislative session we must make the reductions to required parking.
- The elimination required parking in the CBD is consistent with the duties of the Parking Commission and the needs of the Central Business District.

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 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 lot coverage requirements address concerns with storm water management and protection of adjoining properties from being burdened by over development of neighboring properties.

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 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.

Finding: The extension of multi modal transportation systems along with 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.

The City of Sidney is an equal opportunity provider.

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 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 was intended by the Legislature to increase the potential for housing to accommodate the growing population in Montana. While housing in Sidney is not as scarce as it is in Bozeman or Missoula, providing additional opportunities to landowners in the development or mixed development of the property is typically in the best interest of the entire real estate market.
- Another potentially limiting factor is that Commercial real estate typically commands a higher acquisition price than residential real estate. This alone could reduce or limit the potential impact of overcrowding of land.
- 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 and commercial 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.

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.

The City of Sidney is an equal opportunity provider.

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.

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.
- The proposed zoning was intended by the Legislature to increase the potential for housing to accommodate the growing population in Montana. While housing in Sidney is not as scarce as it is in Bozeman or Missoula, providing additional opportunities to landowners in the development or mixed development of the property is typically in the best interest of the entire real estate market.

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 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.

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

The City of Sidney is an equal opportunity provider.

XI. Will the zoning conserve the value of buildings;

- The decision to include or exclude specific uses has the potential to have positive and negative impacts on the value of buildings within the city. Most of the changes requested by the city place new uses in the 'Conditional' category. Conditional uses require elevated levels of scrutiny and approval following a series of hearings before a final decision is rendered.
- 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.
- The proposed zoning was intended by the Legislature to increase the potential for housing to accommodate the growing population in Montana. While housing in Sidney is not as scarce as it is in Bozeman or Missoula, providing additional opportunities to landowners in the development or mixed development of the property is typically in the best interest of the entire real estate market.

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.
- 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.

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. Further, the Zoning Commission recommends that the City Council task the Parking Commission to study parking within Commercial Districts, primarily the Central Business District, to determine impacts and mitigations for residential development and off-street parking requirements.

Reviewed and submitted by:

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

The City of Sidney is an equal opportunity provider.