



City of Sidney, MT
Zoning/Board of Adjustment Meeting 4-17-24
April 17, 2024 8:00 AM
115 2nd Street SE | Sidney, MT 59270

The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 713 080 5898 Passcode: 4332809 Call: 1-346-248-7799

Board Present: Meldahl, Jones, Smith, Hintz (via phone). Absent: Seitz

Others Present: City Planner Sanderson, FM/BI Rasmussen, Clerk/Treasurer Chamberlin, Janelle Jensen (Hilltop Shop) and Bill Vader Weele (Sidney Herald)

1. New Business

a. Zoning Code Update Public Hearing

Chair Jones opened the public hearing at 8:00am.

City Planner Sanderson summarized the updates to the zoning code, as outlined in the staff report he provided and attached in the agenda packet. He stated the vast majority of the updates are legislatively mandated. He stated there was an update in the B2 zoning for the conditional uses that was city initiated.

Mr. Smith asked if it was required to amend to allow residential daycare homes in all residential and City Planner stated yes. Mr. Meldahl asked if it was their mandate that raised it to 15 and City Planner Sanderson stated yes, the legislature made two tiers for daycares. Three to 15 children are residential daycares and must be allowed everywhere in residential. These used to be under the conditional use to ensure there was parking, off loading and such, but are now required to be permitted. He stated the off-street parking has also been mandated to be only 2 parking spots. He stated these mandated legislative changes cannot be amended or not included, even if we do not feel they will be the best option for our community.

Mr. Meldahl asked if there are still regulations on increasing traffic for home occupations and City Planner Sanderson stated yes, but daycares are now a protected class for home occupations and therefore those rules do not apply. Mr. Meldahl inquired about staff for residential daycares and City Planner Sanderson stated that is regulated by DPHHS, but we also cannot stop them because of parking for staff since only 2 off-street parking spots are required.

City Planner Sanderson asked if there was any questions or objects to the City initiated changes to the B2 zoning, zero scaping and elimination of parking standards in the Central Business District and none of the Zoning Board had any questions or issues.

Chair Jones asked the repercussions on not following the mandated changes and City Planner Sanderson stated the City could be sued and they would lose. Mr. Meldahl asked if the City can choose to have the regulations more stringent such as only 10 children for residential daycares. City Planner Sanderson stated there are some laws that can be amended to best fit the community and others are mandated and must be followed, these updates are mandated and cannot be varied from.

Chair Jones called for any opponents, three times, with none coming forward.

Chair Jones called for any proponents, three times, with Janelle Jensen coming forward. She stated she is a proponent to the City initiated changes for the B2 zoning district allowable uses and for residential to be allowed in all commercial districts.

Chair Jones closed the public hearing at 8:17am.

In discussion Mr. Meldahl asked if we can prohibit on-street parking for residences in commercial districts if residential is now allowed. He stated if residences are allowed, especially in the downtown districts where parking is an issue. City Planner Sanderson stated the Central Business District would be exempt from all off-street parking with this change and residential was already allowed in this district. He stated he understands the issue being presented, and other communities have faced this issue but the Parking Commission could recommend to amend if the residential in the Commercial District parking requirements if residential uses becomes an issue, which could be included in the recommendation to the City Council. Mr. Meldahl asked if requiring off-street parking for residential in commercial districts is prohibited by the State and City Planner Sanderson stated it is not.

Mr. Smith asked if the changes for the B2 conditional uses were a City request due to issues that has arisen and if these changes resolves those issues. City Planner Sanderson stated other than going farther and making it allowable uses, they are happy with these changes. He stated by having retail, sales and services by conditional use it gives the allowance of the businesses on the property but also gives the protection to the community on what businesses go where. Clerk/Treasurer Chamberlin stated City staff felt it was the best option for protecting the neighbors in the B2 districts because any change of use for a business would have to reapply for a new conditional use permit, which then would be reviewed for parking, traffic, neighbor input, etc.

Mr. Smith asked how the change of business would be enforced and City Planner Sanderson stated there would be building code violations and zoning code violations that could have the business shut down if they do not get a new conditional use permit for a change in business and for not obvious change in business it would be complaint driven, since the City does not require business licenses.

Mr. Meldahl asked what the definition of retail, sales and services is, as the code is confusing. City Planner Sanderson stated any business that provides goods and services by retail, not

wholesale. Mr. Meldahl asked if chemical sales would be considered retail and City Planner Sanderson stated such as a weed spraying business, which is already allowed in B1 and would now be allowed in B2. Mr. Meldahl asked if a square footage requirement could be in place, such as a very large retail store. City Planner Sanderson stated in theory they could but they would have to apply for a conditional use permit and could be denied based on limiting factors to support the use such as traffic, parking, hours of operation and infrastructure available. Mr. Meldahl stated there is no square footage requirements for conditional uses but that would be up to the Zoning Board and City Council to mediate.

Motion was made to recommend approval of the staff recommendation as presented. The staff recommendation was to approve of the updates as provided with the request the City Council task the Parking Commission to review the Central Business District for residential on-street parking.

Motion made by Smith, Seconded by Meldahl.
Voting Yea: Smith, Jones, Meldahl, Hintz