

SUBJECT: Proposed text amendment for §1421-21. Front Yard Modifications. of the Cincinnati Zoning Code.

PURPOSE:

To add language to the Zoning code that would allow modification of the front yard setback requirement through averaging in situations where the existing front yard setbacks are greater than the minimum required front yard setback for the district.

PROPOSED TEXT AMENDMENT:

§ 1421-21 Front Yard Modifications.

The front yard requirements specified for principal buildings may be modified subject to the following:

(a) *Required Front Yard.* Principal buildings must have a front yard that:

- (1) If abutted on both sides by the improved lots whose front yards do not conform with the district regulations, equals the average depth of those abutting front yards; or
- (2) If abutted on one side by an unimproved lot or a side street of a corner lot and on the other side by an improved lot whose front yard does not conform to the district regulations, equals the average of the depth of the front yard of the improved lot and the front yard setback requirement of the district; or
- (3) Where the average depth of existing front yards within 400 feet of the lot in question and within the same block front is greater than the minimum required front yard setback for the district, the minimum required front yard setback shall be the average depth of said existing front yards.

(b) *Double Frontage Lots.* Where a lot extends through the block from street to street, the required front yard must be provided along each street.

(c) *Increased Front Yard.* In addition to the front yard requirements set forth for the SF, RM and O Districts and after adjusted by other provisions of this section, the required front yard must be increased by one foot for each ten feet or fraction thereof by which the width of the building exceeds 60 feet.

JUSTIFICATION:

A text amendment was requested by Carl Uebelacker on behalf of the Hyde Park Neighborhood Council. The Zoning Text Amendment Committee (ZTAC) reviewed the requested amendment on March 22, 2007. After discussion, the ZTAC concluded that setback averaging may eliminate property owners' rights to subdivide large lots and also that setback averaging may not be appropriate for all communities. The ZTAC recommended that the Hyde Park Neighborhood Council request a zoning study to determine if certain districts should be changed to a SF-20 designation.

Rezoning properties in Hyde Park to SF-20 will not resolve the Hyde Park Neighborhood Council's issue. Some of the lots in this neighborhood are over 40,000 square feet and can be subdivided into 20,000 square foot lots meeting the minimum lot size requirement of the SF-20 district. Additionally, the SF-20 district requires a front yard setback of 30 feet. Many existing structures in Hyde Park are setback more than 30 feet. New structures can be constructed so as to protrude substantially into the front yard open space of existing structures, thereby destroying the character of older residential neighborhoods.

Furthermore, §1421-21 **Front Yard Modifications** of the Zoning Code already allows for reduced front yard setbacks through setback averaging for:

- Properties abutted on both sides by improved lots whose front yards do not conform with the district regulations and
- Properties abutted on one side by an unimproved lot or a street (in the case of a corner lot) and on the other side by an improved lot whose front yard does not conform to the district regulations.

The Zoning Code recognizes the potential for incompatible setbacks when new buildings are constructed immediately adjacent to existing structures with front yard setbacks less than required by the current Zoning Code. In this situation, the Code allows for a reduction in the front yard setback through averaging. The Hyde Park Neighborhood Council is simply asking for front yard setback averaging to be allowed in a converse situation where the existing structures have front yard setbacks greater than required by the Zoning Code. In this converse situation the difference in the setbacks between the new and existing structures can have an even greater impact especially on older neighborhoods.

On April 11, 2007 the City Council directed staff to prepare a text amendment to the Zoning Code that would address this issue and protect the character of older residential neighborhoods.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendment.

APPROVED:

Margaret A. Wuerstle, AICP, Chief Planner
Department of Community Development & Planning

Amendment Committee