

**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 modify the front yard setback requirement through averaging in situations where the existing front yard setbacks do not equal the minimum required front yard setback for the district.

**REVISED PROPOSED TEXT AMENDMENT:**

**§ 1421-21. Front Yard Modifications.**

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

- (a) **Required Front Yard.** Principal buildings must have a *minimum* 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) *If abutted on both sides by improved lots, excluding panhandle lots whose front yard depth exceeds the required front yard setback, the required front yard depth shall be equal to the average depth of those abutting front yards; or*
  - (4) *If abutted on one side by an unimproved lot and on the other side by an improved lot whose front yard depth exceeds the required front yard setback, the required front yard depth shall equal the depth of the improved lot.*

**[Note: Must add illustrations to FIGURE 1421-21 showing 3 and 4, being prepared.]**

**JUSTIFICATION**

At the staff conference held on May 10, 2007, the neighborhoods in attendance were concerned with averaging the properties within 400 feet. They felt that the 400-foot requirement would create a “sawtooth” effect that would not be desirable. Additionally, the neighborhood representatives felt that in neighborhoods with established setbacks greater than required by code, the averaging should be mandatory.

Following the May 18, 2007 City Planning Commission meeting representatives from the Department of Law, Department of Buildings and Inspections and Department of Community Development and Planning met, discussed and recommended the aforementioned revisions to Chapter 1421.

The language under (a) **Required Front Yard** addresses the original concern of the Hyde Park neighborhood. However, new language has been inserted that now limits the front yard averaging option to only residential districts. The existing language in the Code recognizes the potential for incompatible setbacks in any district when new buildings are constructed immediately adjacent to existing structures. One of the purposes of the Zoning Code is to foster convenient, harmonious and workable relationships among land uses. Setback averaging is a tool that provides flexibility in the implementation of the Zoning regulations and promotes compatibility of infill development with existing structures.

**RECOMMENDATION:**

The Department of Community Development and Planning staff recommends that the City Planning Commission remove the language that restricts front yard setback averaging to residential districts and approve the remaining language of the text amendment.

Respectfully submitted by:

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