



PREPARED FOR THE PLAN COMMISSION**Proposal:** **Zoning Text Amendment****Legistar File ID #:** [90908](#) (Rear Yard Setback Adjacent to Public Multi-Use Path)**Prepared By:** Zoning and Planning Staff

[90908](#) – This code change reduces the required rear yard setback in various Mixed-Use, Commercial, Employment, and Downtown zoning districts to five feet when adjacent to a public multi-use path, such as the Capital City Trail. It also clarifies that an existing side yard setback provision is intended for street side yard setbacks, removes confusing language about when no side setback is needed, and removes a side setback that was intended to align with building code requirements but instead added unnecessary complication.

First, this amendment reduces the required rear yard setback to five feet for properties adjacent to public multi-use paths within 100 feet. Public multi-use paths are often a desirable amenity and there could be benefits both to users of a building and to users of a multi-use path in having buildings located closer to the path, rather than setback further from the path with parking, accessory buildings or open space located closer to the path. In these districts, many other buildings are already located closer to these multi-use paths because they are located on corner lots, with their smaller side yard adjacent to the path. In other cases, there are through lots, where the lot line adjacent to the path is considered an additional front lot line under the zoning code, or Planned Developments with setbacks that differ from adjacent conventional zoning districts. This code change would allow better alignment between the required rear yard and the required side yard or front yard when the rear yard is adjacent to a multi-use path.

In 2021, the zoning code was amended to ensure that there would be sufficient space for street tree growth ([Legistar 64250](#)). Setbacks in mixed-use and nonresidential zoning districts were changed to allow a zero-foot setback if the distance between the curb and property line was equal to or greater than 15 feet, but to require a five-foot setback if the distance was less than 15 feet. Corner lots have two street frontages, a front yard and a street side yard. The zero or five foot setback provision was added to both front yards and street side yards in the code to provide street trees on both streets of a corner lot with sufficient space to grow. However, the code language does not specify that this provision is for *street* side yards, which has caused confusion for applicants as they try to read and apply the code to their projects. Changing “side yard setback” to “street side yard setback” will eliminate this source of confusion. No change to setback distance or the intent of the standard is proposed.

The zoning code currently requires a side yard setback of five feet where proposed buildings or abutting buildings have window openings inside walls that are within six feet of the lot line. The intent of this provision was to align the zoning code with building code requirements about openings between buildings that are close to one another. What staff has found is that the zoning code setback can be an overly prescriptive requirement, and the building code provides more nuanced and varied solutions depending on a particular building’s or adjacent building’s circumstances. The amendment proposes to remove this provision and instead allow the building code to determine the side yard setback needed in these specific cases.

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Lastly, language about examples of side yard setbacks in other cases is removed because it has created more confusion than clarity for applicants.

Staff supports this amendment.