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CodeNext Draft 3

Zoning codes and districts were adopted by city governments as a way to regulate the types of development that could be done in different areas. Specifically, they were a response to unrestrained and inappropriate development in residential sections that reduced their value as quiet, healthy, stable neighborhoods.

Zoning was an enlightened initiative that restricted or controlled some private property rights for the good of the residents who contributed to the health and prosperity of the city as a whole. The primary benefit of zoning is predictability: residents had some assurance that their homes would retain their value as family neighborhoods – with trees, parks, streetscapes, walkability and other amenities – because they were protected against development known to undermine those values. Good zoning produces safe, healthy neighborhoods by limiting crowding, noise, cars, and trash and maintaining patterns, setbacks, building codes and streetscapes.

The problem with CodeNext is that it is antithetical to good zoning. It undoes the good zoning regulations that have protected much of our central city and historic neighborhoods since they were first established in the 1930s. Specific to our charge as a Landmarks Commission because it does not promote, protect and preserve historic resources. CodeNext undermines the HLC by:

- Introducing unpredictability – can't count on city government, targets of developers
- Incentivizing tear-down of historic buildings
- Allowing new construction to overwhelm historic streetscapes, making them ineligible for designation as local or National Register historic districts – and preventing property owners from receiving the benefits of those designations.
- Allowing more administrative approval and reducing the role of citizen boards and commissions
- Removing safeguards that neighborhood residents value – such as uncrowded streets, front setbacks, single-family houses and duplexes

Other problems with CodeNext include evasive maneuvers – it does decrease the number of housing units per lot but it allows for the creation of more lots by subdividing them into smaller parcels, each of which would be allowed the maximum number of units.

It mentions the word “preserve” but not in the preservation section. And, it is undefined. If it is not defined in the code, it will be left to city staff who will likely approve two walls with an 80' addition and rooftop decks.