



The Hidden Impact: Commercial Upzoning in CodeNEXT (2nd Draft)

While time-constraints imposed by the City CodeNEXT process have prevented a full exploration, more attention has been paid to date to the densification of residential areas than to the intensification of commercial uses proposed by the 2nd Draft of the Code. **For some neighborhoods and schools, upzoned commercial uses will have an even greater impact than the proposed residential upzoning.**

Under the current code, before property can be rezoned, nearby property owners have the right to receive notice and an opportunity to be heard before the City Council. If the owners of 20% of the property within 200 feet of the subject tract object to the rezoning through a petition, a super-majority vote of the City Council is required for passage. CodeNEXT would reduce neighbors' right to petition the City Council. CodeNEXT does this through the proliferation of uses that require only a conditional use permit (CUP) or a minor use permit (MUP) and not a zoning change in new CodeNEXT zones.

Accordingly, in analyzing the effect of CodeNEXT, it is critically important to look at how CodeNEXT rezones commercial uses in neighborhoods, around neighborhood schools, and across the City. With thousands of lots being rezoned simultaneously, neighbors are not going to get the same opportunity to be heard on individual properties during the CodeNEXT process as you would in a regular zoning case. And, with CodeNEXT, neighbors will not have petition and/or Council hearing rights on new, more intensive uses with a CUP or MUP designation. **In a word, CodeNEXT would upzone commercial property and downzone neighbors opportunity to be heard and to protest.**

Secondly, it should be clearly understood that CodeNEXT represents a widespread intensification of commercially zoned properties in and around neighborhoods and schools across the City. The existing commercial zoning categories such as NO, LO, LR, GR and CS have been eliminated in **CodeNEXT** and replaced with Mixed Use (MU) or Main Street (MS) zones. These new zones put **high traffic retail uses** (e.g. drive through fast food) and **highly inappropriate personal service uses** (e.g. hookah lounges, bail bond offices, tattoo parlors) where low traffic, low impact, limited hours neighborhood offices exist now – even if they are next to schools. CodeNEXT essentially eliminates the NO and LO zones. Furthermore, CodeNEXT facilitates the location of bars and bar districts near neighborhoods without the zoning change that would be required today.

The negative impact of the new intensive commercial zoning is compounded by the fact that these CodeNEXT zones increase street traffic and the need for parking and at the same time

decrease the parking requirements by 20% to 60% or more. And, with the reduced on-site parking, the size of the commercial uses can grow, creating more traffic and more on-street parking. **Zoning changes with devastating impacts on neighborhoods and schools, that would never pass in the light of day outside of CodeNEXT, are flying under the radar. This is the hidden impact of CodeNEXT.**

Disclaimer: While the contributors to this overview made a concerted effort to be accurate, given the code draft's complexity, ambiguity and the limited time afforded by the City for review, there may be errors or misunderstandings herein. The reader is encouraged to check statements in this document against the draft code, its amendments and additions.