

Building codes should be based on constitutional freedoms

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by [Randy Bright](#)



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While there is certainly no reason to cheer yet, I am beginning to feel a glimmer of hope that opposition to some of the key issues I have been writing about over the past decade may be beginning to diminish.

Specifically, I am speaking about that fact that we have far too many regulations that impact development and construction of all building types, including churches.

These regulations come about due to planners who develop comprehensive plans for cities that have no long range utility, and more often than not exclude churches.

These comprehensive plans have one thing in particular in common, and that is that they promote the dense development of urban areas and suburban areas.

Infused in those plans there is a great deal of rancor towards the suburban lifestyle, perpetuated by planners and academics, to the degree that their arguments are irrational, demonizing and often ridiculous.

Aside from that objection to comprehensive planning, I have stated in previous articles that comprehensive plans are not viable because we have no idea what the future will be like thirty, twenty or even ten years from now.

All comprehensive plans are essentially obsolete before the ink has dried.

An opinion article entitled *For or Against Smart Cities: Where Should Planners Stand?* that ran on the Planetizen website on February 19 and was written by Jennifer Evans-Cowley, a professor of City and Regional Planning at Ohio State University, questioned the legitimacy of comprehensive planning. Mentioning two books, one of which was *Against the Smart City* (which I have not read), she wrote, “As I read these books, I was struck by the challenges that face city planners in the future, which gave me serious pause because I don’t believe that we are planning for the future we are likely to see in 30 years. As I read various comprehensive plans for cities, counties and regions, they focus on the reality of today – the way that we act as a

society here and now. They don't seem to recognize the vastly different future that is likely to come. And the future that is forecasted rarely considers the role technology will play in reshaping our cities."

She is correct that technology will play a huge role in our future, but what she did not consider was that the loss of constitutional freedoms, especially in regard to personal and property rights, will dictate how that technology will be used.

But, at least she is beginning to question the conventional thought being promoted by urban planners and academics, and that is progress.

Another person who is beginning to challenge the status quo is none other than the New Urbanism guru himself, Andres Duany, and he has given his recent efforts to challenge regulations a name – the Project for Lean Urbanism.

According to an article in the Miami Herald, "Miami architect and planner Andres Duany learned how to subvert the rules when he mapped out Seaside, the neo-retro Florida beach town that brought walkable mixed-use neighborhoods – actually prohibited in most places by restrictive zoning codes – back into vogue, launching the influential New Urbanism movement.

Now, armed with a new \$600,000 Knight Foundation grant, he's taking aim at a new target: the rising tide of bureaucracy and red tape that he says prevent young builders and entrepreneurs from starting up small-bore development and business enterprises to energize cities, towns and neighborhoods."

The article quoted Duany: "To get a building built in a city is fantastically complicated. The codes are rigmarole.

There is no way you can figure them out yourself. You have to hire lawyers and consultants. So the result is that everything is left to big corporations and big developers."

Exactly. Yes. While I don't agree with Duany in a lot of things, I do agree with him in this – there are too many regulations.

Unfortunately, I think that he will discover, if he hasn't already, that many or most regulations find their roots in political or environmental movements, and that many of the regulations trickle down from the behemoths of the federal government.

Duany exemplifies Lean Urbanism in Detroit, where long-standing regulations are being set aside in order to help them recover after being destroyed by corruption and liberal policies.

But unless those regulations are eradicated, they will return.

My advice to Jennifer Evans-Cowley and to Andres Duany is the same as I have espoused for years: what few codes and planning there should be should be based on the principles found in

the Constitution, especially property rights. Freedom is what allowed America to become a great nation, and it can do the same thing again.

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