

ANALYSIS

As city grows, zoning talk is reborn

Neighborhoods want some way to regulate new development

By MIKE SNYDER
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The Z-word is back. Zoning, a simple, two-syllable word that has enormous emotional power in the only major American city without it, is popping up in dinner-party conversations, Internet forums and civic club meetings as central Houston neighborhoods struggle with new development that their leaders believe would harm their quality of life.

Not a single elected official in Houston publicly supports a citywide zoning ordinance, which under the city charter cannot be enacted without a referendum.

But neighborhood leaders and the politicians who represent them are so desperate for solutions that they are at least talking about zoning, if only as a way to develop alternative policies that might achieve the same results.

"We're not going to have zoning," City Controller Annise Parker said flatly. "But we need to realistically look at what we owe the neighbor-

"One of the most common questions I have heard in the past six months: 'Is it time to again vote on zoning?'" said Larissa Lindsay, president of the Old Sixth Ward Neighborhood Association, in a comment on the Chronicle's Newswatch: City Hall blog. "People are so incredibly frustrated with the development community."

Developer Ed Wulfe, who has overseen efforts to encourage more urban-style development along the Main Street corridor, said many cities — including ones with zoning — are experiencing similar conflicts over denser development in their cores as people seek to live closer to where they work and shop.

"It is painful, but it is part of the densification and urbanization of the city," Wulfe said. "As we mature as a city, we've got these issues to address, and there are no black and white answers."

City Councilman Peter Brown, an architect and planner, has argued that Houston should adopt a form-based development code that doesn't regulate uses but ensures that the mass and scale of new development is appropriate to its surroundings.

The Bissonnet high-rise, Brown said, is a glaring example of out-of-scale development.

The project "would literally dwarf the surrounding homes in Southampton," said Brown, who lives in the neighborhood. "The city simply lacks the basic development standards to protect our neighborhoods and property values."

Increasingly, urban leaders are seeing the benefits of a form-based planning approach as they find that conventional zoning — which separates cities into discrete sections for residential, commercial and industrial land uses — is unduly restrictive, said John Maximuk, chairman of the American Planning Association's urban design and preservation committee.

Advocate for zoning

John Mixon, a University of Houston law professor who specializes in property law, said it's likely that Houston could enact a form-based code without triggering the referendum requirement that applies to a zoning ordinance.

But Mixon, who has advocated zoning in Houston for decades, said he continues to believe that zoning is the only realistic answer to the city's development problems.

"People simply want their houses protected from uses they deem to be detrimental," Mixon said in an e-mail message.

"Traditional zoning does that in a very simple, efficient fashion. You draw lines and make rules. That's it. Houston is fooling itself that there is a better, more efficient way by this sort of individual consideration of development proposals."

In the past 10 years, city officials have experimented with a variety of planning tools that stop short of zoning. These efforts have had mixed success.

In 2003, the city drafted an "area plan" ordinance that would have empowered management districts or similar entities to write development standards unique to those areas. The idea drew strong opposition from developers and was never presented to the City Council.

Neighborhood petitions

Dozens of neighborhoods, meanwhile, have taken advantage of procedures developed by the city in the late 1990s to establish minimum lot sizes and building setback lines through petitions.

In several recent projects, however, developers have avoided the lot size limitations by building condominiums, which don't require new subdivision plats that are one of Houston's few regulatory tools. The City Council recently amended the minimum lot size procedures in response to this problem.

Arguments about development are hardly unusual in Houston, but the issue took on a new dimension last week when Mayor Bill White intervened in a dispute over a planned 23-story mixed-use project on Bissonnet at Ashby, adjoining the affluent Southampton and Boulevard Oaks neighborhoods.

The mayor, in a letter to civic club leaders displayed prominently on the city's Web site, promised to use "any appropriate power under law to alter the proposed project as currently planned."

State Sen. Rodney Ellis and state Rep. Ellen Cohen, both Houston Democrats who represent the affected neighborhoods, joined the chorus against the project Friday, calling on White and the City Council to "do everything in their power to stop this development." They said the high-rise would aggravate traffic problems and imperil drivers, bicyclists and pedestrians.

No violations found

City officials, however, have not identified any city regulations that the project would violate. Andy Icken, a deputy public works director, said the city would try to negotiate with the developers, but he didn't rule out taking other steps such as invoking a rarely-used state law to impose a temporary moratorium on development of the site.

The Bissonnet project is the latest in a series of controversies that have prompted discussions of how the city can encourage new, denser development in its core while trying to steer such projects into the most appropriate locations.

Zoning has been a part of many of these conversations, although there has been no serious effort to enact zoning in Houston since voters rejected the idea in a divisive 1993 referendum.

This week, consultants hired by the city submitted a report on plans to create new development policies in corridors surrounding Metro's existing and planned rapid-transit lines.

The draft report recommends guidelines and rules intended to promote dense, walkable development in the transit corridors, particularly near transit stations.

Its impact, however, would generally be limited to areas within a five-minute walk of the transit lines, which would exclude many neighborhoods now struggling with development projects.

To Alan Mut, an environmental engineer who lives in Southampton and has joined the chorus of voices opposing the high-rise, it's largely irrelevant whether new policies are labeled zoning, form-based planning or something else.

"Our community will be sending messages to Bill White and the City Council," Mut said. "There have got to be some limits."

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