

## HindCite

## Zone First, Ask Questions Later

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It was angry homeowners, not design professionals, who pressured Houston's city council to adopt zoning. Homeowners were not fooled by assurances that unzoned Houston was better; they knew their neighborhoods were being devastated by bars, sexually oriented businesses, auto repair shops, convenience stores, mini warehouses, and industrial sites. Contrary to free-market ideology, trashy commercial uses did not increase neighborhood values; instead, house prices dropped precipitously. Even some deed-restricted subdivisions could not maintain their residential integrity, while unrestricted neighborhoods suffered outrageous intrusions. As their own home values plummeted, frustrated Houston homeowners saw zoning maintain home values in West University Place, Bellaire, and the Memorial villages during the recession and then support a building boom.

Now that Houston has moved toward zoning, where do planners and architects (both reluctant and enthusiastic) fit in? One oft-voiced notion is that these design professionals should demand that the city undertake thorough comprehensive planning before adopting any zoning ordinance. I disagree. Design professionals should concentrate on volunteering in their own neighborhoods, or other neighborhoods in need of their skills, to draft land-use regulations that are local in scale and that pay little heed to the city's overall land-use-planning structure.

My recommendation may surprise people who have bought slogans such as "Planning is more important than zoning," "Zoning has to be in accordance with a comprehensive plan," and "Zoning without planning is worse than no zoning at all." It does require some explanation.

To begin with, consider what "comprehensive planning" means for Houston. This city's sprawling 580 square miles far exceed the total land area of most other cities, and comprehensive planning on such a scale is really metropolitan or "regional growth" planning. Regional growth planning is essential for regulating new development on currently undeveloped land (almost all of which lies in the city's extraterritorial jurisdiction), and for guiding city services and infrastructure replacement in already developed areas.

Houston can and should pay attention to regional growth planning by regulating new development in its extraterritorial jurisdiction to minimize spinoff costs and environmental damage. The city has not done this job well in the past. For example, officials have for years routinely approved whatever municipal utility districts (MUDs)

local developers wanted without regard to economic or environmental consequences. As a result, multifarious districts now pour poorly treated sewage into the city's drinking water supply and suck out so much underground water that the city has literally sunk. Some MUDs are also sinking financially. The city's transportation planning predestined all major thoroughfares to be ghastly commercial strips, forfeiting forever the chance of wooded parkways. Houston failed to require park dedications to serve new subdivision residents. Texas law now authorizes cities to impose impact fees on developers in order to cover spinoff costs, but the fees must be justified by cost-specific (comprehensive) planning.

Comprehensive planning, thus described, is essential for the long-term health of the city, but it is a job for environmental engineers and cost accountants rather than for design professionals. What is more significant for this essay is that regional growth planning has few implications for ordinary, neighborhood-scale zoning.

True enough, the state's zoning enabling act requires that zoning be "in accordance with a comprehensive plan." But all this really means is that the city must follow an orderly process when adopting a zoning ordinance. The comprehensive plan requirement does not, for example, obligate Houston to complete a five-year regional planning process before protecting Sharpstown from unwelcome garden apartments and shielding South MacGregor Way from more fraternity houses.

Comprehensive planning's irrelevance to zoning is attested to by the fact that most inner-city land is already "planned" beyond the power of anyone to change. For example, River Oaks, Sharpstown, Meyerland, Greenway Plaza, the Galleria area, the ship channel, hundreds of middle-income subdivisions, and downtown itself are firmly established, and a zoning ordinance that did not protect them would be silly and perhaps illegal. Neither planning nor zoning will remove most nonconforming uses or remove industry from Pleasantville's front door. But delicately formulated zoning regulations that identify and protect specific neighborhood character can enable homeowners and developers to preserve their valuable residential, commercial, and industrial investments and enable landowners and developers to reclaim Houston from its drift and decay.

An architect's or planner's touch is invaluable for determining a proper mix of commercial and residential uses in the Heights, Montrose, and Third Ward and for protecting Pleasantville from its industrial neighbors. That sort of planning is important for zoning and requires design talent; citywide "comprehensive" planning, by and large, is not and does not.

This emphasis on neighborhoods implies that Houston's initial zoning ordinance should be simple and should serve the constituency that produced it. Zoning should also be lenient where total renewal is needed. In short, let the market work where land use has not been determined by heavy investment. Some zoned cities have adopted strict noncumulative regulations that prohibit residential uses in office and shopping districts. Such regulations may be appropriate 50 years hence in Houston, but they are not needed today.

I admit to one strong relationship between comprehensive planning and zoning: *zoning brings about comprehensive planning by presenting the necessity for such planning.* When city officials identify residential areas that will be protected from commercial intrusion, and areas where industry will be protected from new residential subdivisions, they must consider the planning implications. The zoning exercise thus creates a framework within which a dialogue on transportation, utility, and municipal service options may commence.

Since Houston needs both planning and zoning, why draw such a sharp distinction between the two? Because confusion between the two could endanger Houston's zoning effort. The city's projected \$7 million budget is designed to cover both comprehensive planning and zoning. Much of the budget (perhaps most of it) pertains to functions that are essential for regional growth planning. These functions may be helpful, but they are not essential to simple zoning. Unfortunately, Houston is a pinch-penny city, and a big price tag may give zoning opponents a compelling ballot-box argument that money budgeted for zoning is needed for police protection. If that happens, we must be able to separate the two functions and identify just what dollars apply to zoning and what dollars apply to the broader-based regional growth planning process. If a dollar decision has to be made, Houston voters ought to know just what they are being asked to forgo. They might even choose to give greater volunteer effort to zoning and defer regional growth planning.

In sum, Houston needs both regional growth planning and protective zoning. Neither process should wait on the other. Houston needs the paid and volunteer assistance of its talented population of design professionals to do both jobs, but the greatest need for their talents is at the local, neighborhood level. ■

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