

ForeCite

AS A MEETING GROUND

for abstract prescriptions of the law and planners' visions of urban form and structure, zoning can be a complicated matter. Even the terminology can be befuddling: drawing on the rarefied language of the legal brief and the professional patois of the planning, urban design, and architecture professions, mixing in terms and concepts from the social sciences, the writing of a zoning ordinance struggles to wrest clarity from a semantic labyrinth. Most zoning documents spend the bulk of their pages defining terms, yet the desired end results are often relatively simple and straightforward.

Zoning for Houston has evolved from the extensive research of Councilman Jim Greenwood's numerous task forces, abetted by the mayor's reluctant, but sudden, burst of enthusiasm and defined by the city's growing planning and zoning department. It will be used, initially at least, primarily to protect single-family residential neighborhoods from the encroachment of myriad urban forces that pose a threat to their vitality, their sanctity, and – more importantly, perhaps – their property values.

Zoning was first envisioned in metropolitan New York City in the early 1900s as both a restrictive and a prescriptive measure. It was implemented to restrict nonconforming (and often more lucrative) uses from overwhelming and changing the character of a district, as well as to limit potentially dangerous living and working conditions associated with certain uses and activities. The city's 1916 zoning laws were also intended to control the height and shape of the skyscraper to ensure that air and light would reach the streets and, later, public open spaces.

The seminal New York experience illustrates the essential role of zoning – to ameliorate the excesses of individual freedom by exercising controls on behalf of the public weal. Some of the complexities of zoning grow out of the need to find legally enforceable mechanisms for exercising the will of the community while at the same time guaranteeing that individual landowners will not be denied their property rights and the economic value of their land, both of which are protected in a free society. In parts of the world where the concept of "the public good" is better defined and traditionally valued, the science of zoning is a more predictable and readily accepted tool.

Among the world's major cities, Houston is a zoning anomaly, because the city served for so many years as a reference point for both the promises and the dangers of the radical city of free enterprise. In order to create its own "unique brand" of zoning, Houston has to revise some of its deepest convictions about what makes a good city and how such a city can be achieved and maintained. It is embarking on a zoning-after-the-fact mission of monumental proportions while at the same time struggling as the city-as-regional-authority to



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define its comprehensive plan. As the articles that follow relate, zoning is not comprehensive planning. Zoning works best when it is used to support and implement a plan created by community consensus. In most parts of the world, zoning is one of the many tools that can be used to implement, on a variety of scales, a grand community vision. The neighborhood plans, the environmental plans, the historical and natural resources plans, the infrastructure plans are all vital to a livable city, and all of them stem from the priorities enumerated from the umbrella of the comprehensive plan.

Zoning is not the only mechanism available to the city to improve its neighborhoods. In fact, a surprisingly large part of the planning and zoning department's funding mandate is targeted for improving and consolidating code enforcement. Strict enforcement of such ordinances as off-street parking regulations, building and occupancy codes, shrub and tree guidelines, and especially nuisance laws is a much more direct and powerful tool than zoning in dealing with transgressions. Recent claims by some neighborhood activists say these tools have been used effectively to raze large tracts of the Fourth Ward's historic neighborhoods.

Zoning, although a powerful legal document, cannot solve all the ills of the city, nor can it gain full strength in a short time. Zoning cannot directly improve city services, stop growth, plant more trees, or even reduce crime. But it is one of the tools that the city planners and their constituents can use to effect significant change by fostering a more cohesive community among the diverse elements of the city, rather than letting each segment advance at the expense of others. Because of zoning's economic implications, most zoning ordinances face years of legal testing and fine tuning. Beyond a few instances of grandfathering (primarily adult-oriented businesses in residential areas and some billboards), only new buildings or changes in existing building occupancies will be immediately affected in Houston's zoning plan.

Finally, as the following articles illustrate, zoning is not a monolithic, unchangeable bureaucratic force poised to steamroller an unsuspecting citizenry. Rather, it is the product of community participation and support. Zoning at its best can be fine grained, seeking to control building heights, setbacks, traffic-generating patterns, signage, and the character of pedestrian precincts. It can also be used more broadly to designate entire districts off limits to multifamily uses, to regulate boundaries between residential and commercial or industrial zones, or to eliminate building in flood-prone areas. Once enacted, zoning ordinances will be continually tested and refined in the free market and in the courts of our litigious society. Whether the political will or necessity exists to make zoning a citywide policy is still a matter of debate. But even with a limited mandate to protect residential neighborhoods there are numerous tools available to the city's planners, including dedicated land use, performance standards, density control tools via FARs (floor area or square footage ratio to lot size), building height restrictions, special-use districts, and the protection of historic

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buildings, to name only a few. Each of these tools needs to be considered in meeting community objectives, but each will have to be fine tuned in terms of existing conditions and the realities of the market.

Zoning is a dynamic process; once it has begun it should never stop evolving. The city will need to remain vigilant and responsive to changing conditions. In other cities clever manipulation of the legal nuances of the zoning code has often allowed city fathers to make insider real estate killings. Opening the Pandora's box of zoning has often led to great upheavals in real estate and in the political sector.

Zoning regulates each and every landowner's property and his right to use it in a way that does not adversely affect his neighbors through a compact of mutual protection and responsibility. Zoning is also the community's recognition of the importance of the civic realm, including the provision of assistance and protection for the dispossessed and the homeless. It simply comes down to that. ■



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