



A view down Milford Street, just west of Montrose, shows the setback its residents wanted to preserve.

BY MITCHELL J. SHIELDS

A year after the revised development ordinance was passed, how has it fared?

Last year, shortly after City Council approved a series of revisions to Chapter 42 of Houston's Code of Ordinances, a few of the residents of Milford Street, a neighborhood in the shadow of the Museum District, decided to try something unusual. Like many people living inside Loop 610, the people along Milford had been acutely attentive to the changes being made to Chapter 42, known popularly as the development ordinance. Though the ordinance covered a wide variety of building regulations and restrictions, one section in particular was of interest to those on Milford. It was the part that addressed the issue of how to protect existing block-face setbacks in residential areas.

That piece of the ordinance had been among the more contentious. Some neighborhood groups had objected that the process required to protect block

faces was too cumbersome, charging that it was designed to make it easier for developers to destroy prevailing setbacks and build townhouses that would hug the streets. But along Milford, the question being asked was, could the ordinance be used to protect not just a single block, but a series of connected blocks? Could it, in essence, be used to preserve an entire neighborhood?

"Apparently, when we called the planning department to see if we could do a series of block faces all at the same time, rather than apply block face by block face, it was the first time they had been asked that question," says Virginia Camfield, a 30-year resident of Milford Street who, along with her husband William, was among those leading the drive to preserve the existing setback along Milford. "But after doing some checking they ruled that, yes, there was

nothing in the ordinance that prevented someone from combining block faces."

"We wanted to bundle blocks because we didn't think a single block face was enough to maintain the personality of the neighborhood," William Camfield adds. "We thought, this is a lovely place to drive through, to walk your dog, and we wanted to keep it that way."

And eventually, keep it that way they did. Though the process was long and occasionally arduous, beginning in July of 1999 with the collection of neighbors' signatures on a petition and not ending until January 2000, when City Council voted to approve the Milford Street request, in the end the prevailing setback on five block faces along Milford Street from Bayard to Graustark were protected. And at the same time, a precedent was set. In the wake of the Milford Street effort, other neighborhood groups have

successfully bundled blocks to preserve their setbacks.

None of this comes as much of a surprise to City Planning Director Robert Litke. In April, he submitted a report to Mayor Lee Brown and City Council on just how the revised Chapter 42 had fared since it was implemented, and what he found, he says, is that most of the concerns expressed at the time the ordinance was being considered have turned out to be what he terms "non-issues."

"The two areas that seemed to be of most concern to neighborhood folks during the debate had to do with urban density limitations of 27 units to the acre and the protection of prevailing setback lines," Litke says. "Neighborhood folks were terrified of the so-called high density, but in the year that the ordinance has been in effect, we haven't had any developers even approaching the level of density allowed. And they were very concerned that the setback process would be too complicated, but it turns out that there have really been no problems. The process has been relatively easy, and it's been successful. I don't know of a single setback request that made it to City Council that wasn't approved."

"I think Chapter 42 is working very well," Litke adds. "There are always complaints, of course, but there's been nothing serious. And that's what I said in

my report to the mayor and council. I basically reported that the only thing that we need to do is make a few technical fixes here and there, but there's no need for any substantive change."

If anything has disappointed him about Chapter 42, Litke says, it's that commercial developers haven't yet taken advantage of changes in the setback rules designed to encourage bringing business structures closer to the street. The hope was that developers would move parking

lots behind retail operations and move the stores up to the sidewalk to create a more urban walking environment. But so far, says Litke, the only ones who have expressed an interest in doing that has been Post Properties, with their apartment complexes in the Midtown redevelopment area. Post Properties has asked for and been granted variances allowing it to build to its property line, and to put retail in the first floors of its residential complexes.

Though not quite as sanguine as Litke, Jack Rose, president of the Neartown Association, agrees that, in general, Chapter 42 has worked out well. The Neartown Association was among those most vocal in its concern about the set-

back provisions and the density issues, and on the former, at least, Rose expresses satisfaction. "The block face designation that we pushed hard for and received we're very happy with, and have been utilizing," says Rose. "But we still have concerns with density. It's true that nobody has developed a large area with the 27 units per acre allowed, but what has happened is that builders have been putting substantial density on corner lots, overshadowing bungalows that may be on either side. And

more pressing issue: appropriateness of development. "It's sort of anything goes," says Rose. "We'd like it if there were some sort of design guidelines to go along with the development guidelines. But we don't really expect that will happen."

Neither, for that matter, does Litke. "We're just setting the rules for how things get built, not what it looks like when it's finished," he says. "But even if some of what's being built is ugly, and there's no denying that it is, I still think that a lot of the new product is better than the old product, which is exactly what we wanted to achieve. Chapter 42 can't control appearance, and it's not designed to, but it's helped."

Along Milford Street, the issue was never new development. Nobody was threatening to destroy the neighborhood's character with a townhouse complex. Though townhouses had begun appearing in nearby areas, on Milford Street the drive to establish a prevailing setback was purely preemptive in nature. And for that, William and Virginia Camfield agree, Chapter 42 has been helpful, and even instructive. "I was worried when we first started," says William Camfield. "I thought we might have trouble, that the planning department might be in the pocket of developers, that they might try to make things difficult, or discourage us. That's the way it's been in this city. But the department was very even handed. It was actually something of a surprise." ■

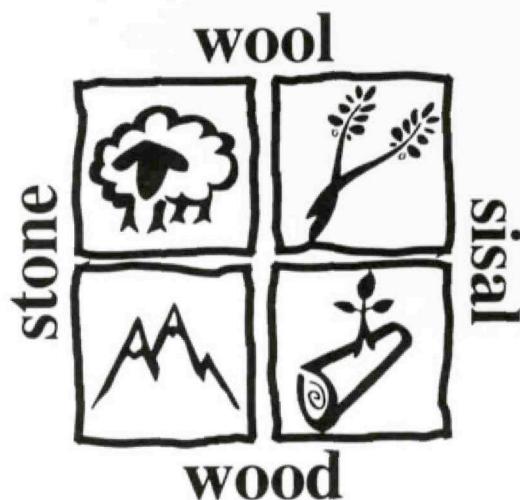
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The Neartown Association has suggested an addendum to Chapter 42, one that would allow neighborhoods inside Loop 610 to opt out of the urban design criteria that covers the area and opt into a suburban design criteria. A mechanism exists for opting out of suburban design rules in favor of urban ones, in part to deal with urban nodes such as the Galleria that exist outside Loop 610, but not the reverse. Too, while Rose says that Chapter 42 has done fine in terms of establishing controls that help regiment plans for development, it has done nothing to address what he thinks most people in his organization consider an even

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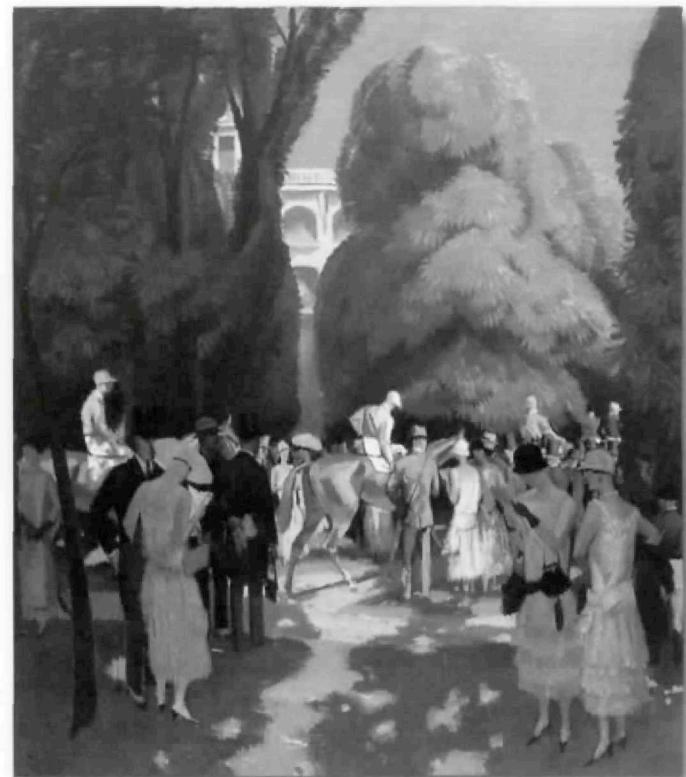
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