

**ECONOMIC EFFECTS OF  
RESIDENTIAL-NEIGHBORHOOD CONSERVATION ZONING  
IN BRYAN, TX**

A Thesis

by

LAUREN AMELIA HOVDE

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Chair of Committee,	Shannon VanZandt
Committee Members,	Jose Solis
	John Russell Peterson
Head of Department,	Forester Ndubisi

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## **ABSTRACT**

The research contained in this paper assists in the resolution of the debate whether the Residential-Neighborhood Conservation zoning district within the City of Bryan, which restricts the number of occupants in a single-family house to two unrelated individuals, effects property values. An evaluation is detailed over a hypothesis starting that Residential-Neighborhood Conservation zoning may have a positive economic impact on property values for properties hold such zoning. The quantitative approach to this research includes property value information from the Brazos Central Appraisal District following the 2006 adoption of the ordinance, from the years 2008 to 2015. By comparing the data annually, it possible to evaluate the percentage of change that occurred during the scope of this research. The data shows the city-wide property values had a slightly greater increase in value than those within the specified zoning district. This information shows that null hypothesis should be accepted because a positive economic impact was not shown to occur for property values within the areas holding a Residential-Neighborhood Conservation zoning district. Further research is also included within this literature to guide future analysis on this topic.

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## **NOMENCLATURE**

BCAD	Brazos Central Appraisal District
B/CS	Bryan/College Station
COB	City of Bryan
COCS	City of College Station
R-NC	Residential-Neighborhood Conservation
TAMU	Texas A&M University, College Station campus

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## 1. INTRODUCTION

Understanding the resident makeup and dynamics in a community is not something that you can learn in a day or completely comprehend by reading about it. It must be experienced and studied to truly take in the complexity of how people chose to merge into the groupings that make up a community. Who lives where, why do they live there, and for how long are all considerations that are best gained and understood through observation and personal knowledge of the particular situation and location. It is for this reason that this author has chosen to address a local issue that has troubled the community for decades and has created turmoil in the region. This is the issue revolving around the number of unrelated occupants residing in a single-family residence within the city of Bryan, Texas. In particular, the research included in this paper will analyze the values of properties within neighborhoods under the Residential-Neighborhood Conservation (R-NC) zoning district, before and after zoning. In a white paper distributed by the National Realtors Association titled “Short Term Rental Housing Restrictions” the authors, Robinson and Cole, Attorneys at Law, state, “if identified negative impacts of short-term rentals in a district or neighborhood are reduced or eliminated by short-term rental housing restrictions, property values may increase. On the other hand, the added limitations on the use of properties that short-term rental housing restrictions impose may cause property values in the district or neighborhood to decrease. The precise impact that short-term rental restrictions have on property values will depend on various factors, including the general character of the community (e.g.,

vacation destination versus non-destination community), the precise terms of the ordinance, local and national economic conditions, and local real estate market conditions.” This provides direction for future research to find a conclusion of whether these assumptions are merited.

In order to accomplish this qualitative approach, as to be elaborated upon later in this paper, data will be provided showing the average appraised value of properties within R-NC zoning as well as information for the overall City’s average market values. All value information will be sourced from the Brazos Central Appraisal District, either directly or indirectly. The specified zoning ordinance was originally adopted in 2006. Therefore, research collected will begin in 2008, having given the ordinance approximately two years to be utilized to some level and for properties to be evaluated post utilization. Not all properties currently zoned R-NC would have changed to said zoning by that time, but it will allow for a starting point for analysis. The percent of change in property values overtime will be compared to determine any difference within the R-NC zoning districts and the overall City of Bryan single-family homesteaded property population. This will be discussed further in Research and Methods portion of this document.

The hypothesis for the outcome of this research is expected to show that the R-NC zoning district increases property value over time. This hypothesis was chosen in order to support municipal planning initiatives and homeowners who have put forth

much effort to find a way to protect the traditional single-family neighborhood atmosphere from the rental industry. However, for clarification, if this hypothesis is proven incorrect and property values are not increased due to the additional occupancy restriction, it is important to note that this would not undermine or devalue the concept of occupancy restrictions and zoning initiatives. Not all value is monetary and it is that value, being quality of life, which is not measured within the bounds of this research and is generally difficult to quantify.

With a topic such as this, being controversial in nature, it is important to note that there are multiple perspectives present that must be considered when reading this material. There is the perspective of the property owner who wants to maximize their property value for the purposes of resale. There are other property owners who prefer their property values avoid inflations due to investment potential so as to maintain consistent annual property taxes. The real estate investor and sales professional often have a perspective of wanting to maximize value for business purposes and may wish to see more flexibility in zoning so as to capitalize best on those investments. Government officials may take on the perspective of maintaining positive property tax growth while also working towards public satisfaction in regards to investment protection and quality of life. Depending on the perspective taken, the outcome of this research will be considered as useful or not to goal of neighborhood conservation. The literature provides herein benefits from being crafted by one that has been in the position of taking in all

three perspectives as a property owner, investor, and public official. This personal experience allows for a reduced bias for a particular result on behalf of the author.

## **2. LITERATURE REVIEW**

In reaction to a growing mass of rental properties within single-family neighborhoods, some communities within Bryan, Texas are turning to a voluntary zoning process for protection. This zoning district, named Residential-Neighborhood Conservation, restricts the number of unrelated occupants in a single-family home to just two. The research presented here looks at whether such zoning has any effect on single-family property values within said districts. The research included in this paper will analyze the values of properties within neighborhoods under the Residential-Neighborhood Conservation zoning district from the years 2008-2015. Other related research on the topic will be considered from local, professional, and academic resources. Since most of the research will be based on local data collected and analyzed through this research process, outside literature has been consulted merely to understand what level of relevance the topic has to other communities. Applicable resources used in data collection, and in the development a stronger understanding of the relevant topic, will be discussed at the close of this review since limited material will be directly used for this research.

To conduct this literature review, a structure was assumed of using key words to search both academic databases and internet resources. Keywords were utilized in the process that included the following: zoning occupancy restrictions, economic effects of occupancy restrictions, financial effects of occupancy restriction, number of unrelated, effects of “number of unrelated” zoning, zoning and financial effects, zoning and

occupancy restrictions, cities with occupancy restrictions, cities with “number of unrelated”, property values and group homes, zoning effects on property values, zoning property values, effects on property values, occupancy restriction property values, “number of unrelated” property values, effects property value, property values rental properties, property values and zoning. Google Scholar was used for an internet based search to begin and Google was used as an internet-based search for non-scholarly material. Databases utilized included: LexusNexis Academic, JSOTR, EBSCO, Academic Ultimate Search, ProQuest Dissertations and Theses. The same set of key words was used in each database and internet search to maintain consistency of information retrieval.

Literature is available on the controversial atmosphere around zoning, however, few show focus on the effect on property values with particular reference to occupancy restrictions. What can be found when reviewing recent literature includes studies regarding air pollution, hazardous waste, parks, public housing, taxes, high-rise structure, and so much more that remind other researchers that externalities that effect property values are constantly in review. For instance, in the article “The Impact of Historic Districts on Residential Property Values” from 1989 by Donald Coffin the author discusses both positive and negative perceived impacts from such zoning which are similar in nature to that of occupancy restriction. Negative impact is perceived due to the additional expense and limitation put on the structure from stringent standards. A positive impact is discussed that arises from the perception of property owners being

able to “protect” their investment because they know what may be expected in the district. Though this is an older piece of literature, the similarity in public perception is consistent with what can be seen in the current controversy over occupancy restrictions. The important details to understand here is that property owners are concerned with the property value and any externality that may affect that value is a valued topic of discussion.

Few would disagree that the value of a property is affected by more than just the structure of a house itself, as discussed in “The Unbound Home: Property Values Beyond Property Lines” by Lee Anne Fennell, but the question is how it applies in Bryan, Texas (2009). The rental situation is not unique to the Texas A&M University community, as evidential by Jack Frierson’s research on the issue within the United States, Canada, and England in 2005. Lack of on-campus housing appears to be a common theme in university towns and thus is the influx of transient residents among established neighborhoods. An example of a city dramatically different in many ways, Boston, Massachusetts, also has an occupancy restriction in place, as discussed by Crane in 2009. This is possibly due to the overall high cost of housing, the lack of housing options, the number and disbursement of higher education establishments, or that the rental industry in Boston has more diversity. The conditions could potentially make the number of unrelated occupants less important, but the presence of an occupancy-restrictive ordinance would indicate otherwise. The purpose of going into detail is to explain, though there is no existing evidence that the topic of how occupancy restrictions

in single-family neighborhoods affect property values, there is debate and strife in areas other than Bryan, Texas regarding the issue itself. In addition, there is material available in large amounts regarding an occupancy restriction in reference to quality of life, discrimination, exclusionary zoning, lifestyle choices, family structure, and more; but not on the financial implications of such zoning. This suggests two things: no one has quantitatively approached the issue and/or Bryan, Texas, is unique in its situation based upon its size, population, and demographic make-up. Since literature has shown that Bryan is not unique in its situation, reason one of the latter must apply. Though the financial effects of this type of zoning has not peaked prior scholar interest, the topic is of interest to the real people owning real property in the affected areas. This can be seen by looking at news articles from around the nation revolving around the conflict. Many of these express concern regarding the financial effect that rentals and heavily-occupied units have on a neighborhood. Whether the perceived concern is merited will be discussed through this research.

The concern revolving around property values and its possible deterrents has been discussed and researched for decades. Though supremely relevant to the topic, much of the literature regarding the topic was excluded due to age. However, particular pieces have proven themselves to be staples within the topic, including articles by Pollak (1994), Shlay (1981), Fischel (1980), Ogur (1973), and Maser (1977). In contrast, news material such as those written by Cada (2005) show that the topic regarding the number of occupants in a household is a real and prominent issue around the country. Other



material supporting that same thought includes those offered by Cockey (2003), Crane (2009), and Cervero (2004). Though these materials do not validate the relevance of today's economic impact from zoning restrictions in Bryan, Texas, they serve as a reminder that the concern around property values due to external effects has been ongoing. As previously mentioned briefly, the most prominent topic is that of the constitutionality of such zoning restrictions, particularly in regards to how it effects non-traditional family environments and group home situations. Therefore, there are multiple angered groupings of people that feel discriminated against when zoning tells them they cannot co-habitat with the persons of their choosing. Since people are angry, it makes it a relevant topic for other researchers to breach. Although the literature itself is not pertinent to the question of the financial effects of restricting the number of unrelated occupants via zoning, the overall topics of influence are highly relevant. The more people there are who have become discontented with a restriction put on their life, the greater likelihood there is that such a restriction will have economic implications.

One thing that has become clear during the literature review of this topic is that it is not just students who are affected by restricting the number of unrelated occupants in a single-family house. Current available literature, such as those centered-around Supreme Court cases like *City of Santa Barbara vs Adamson* in 1980 focus of the constitutionality and social effects of such restrictions. How a person chooses to live and whom they choose to live with makes up a disproportionate amount of the literature and case law regarding a zoning which restricts the number of unrelated inhabitants. This subject

touches on students, elderly, same-sex marriages, care facilities, and other situations where people chose to live with those they are not related to by blood or marriage. Literature such as “Single Family Zoning, Intimate Association, and the Right to Choose Household Companions” questions a city government’s right to restrict a citizen’s household companions and declares that Supreme Court rulings, like those in the 1974 case of Village of Belle Terre vs Boraas, are contrary to the direction the government is moving; which is away from the intrusion in a person’s intimate association (Oliveri, 2014). The rapidly increasing population approaching or existing in the senior citizen cohort adds pressure as they seek to find alternative senior living situations to avoid the high costs of retirement facilities. Much of the case law and literature involving this topic is from the late 1980’s and early 1990’s because of the 1988 amendment to the Fair Housing Act that was being discussed and later adopted. This act proclaimed the disabled population as a protected class in regards to housing discrimination according to Colwell in 2000. In addition, another form of group home can be that which exists as a collection of those persons needing additional medical, post-addiction, or post-incarceration assistance. Oxford House, which is an entity that arranges group housing for post-addiction patients, peppered the country with law suits in the 1990’s to fight against restrictions which would hinder their mission. Examples of these include Oxford House vs City of Edmond in 1995, Oxford House vs City of Virginia Beach in 1993, Oxford House vs. Town of Babylon in 1993, Oxford House vs Township of Cherry Hill in 1992, Oxford House-C vs City of St. Louis in 1996, and Oxford House-Evergreen vs City of Plainfield in 1991. Other related cases include: Smith & Lee Association vs. City

of Taylor (1993), Michigan, US vs. Village of Palatine, Illinois in 1994, City of Brookings vs Winker in 1996, Doe vs. City of Butler in 1989, and Elliott vs. City of Athens, Georgia in 1992. Those court cases can be found in abundance pertaining to the topic of unrelated occupants, not all were included in this review due to redundancy or age. Court cases and literature prior to the 1988 amendment to the Fair Housing Act were excluded from this review unless they were specifically cited elsewhere as prominent cases in the history of this topic; an example of this includes Village of Belle Terre v. Boraas in 1974. According to “The Effects of Group Homes on Property Values”, which is a synopsis of multiple pieces of literature pertaining to group homes, the establishment of a group homes does not materially affect the property values of the area which it is within (American Bar Association, 1985). In general there is a concern that zoning restrictions, including those which restrict occupancy, have material effects on housing cost as presented within literature such as “Transient Housing and Overcrowding: What are the Costs” written by Diem in 2008 which focuses primarily on leasing prices, “The Impact of Building Restrictions on Housing Affordability” by Glaeser in 2003 that suggests zoning controls increase housing prices, and “Home Sweet Home? The Efficacy of Rental Restrictions to Promote Neighborhood Integrity” by Pindell in 2009, which looks at the effects of rental properties in a general but does touch on property value preservation.

Available information regarding the economic implementations of zoning, which restricts the number of unrelated occupants, is found in the non-peer reviewed,

professional data sources of Brazos County Appraisal District and City of Bryan Planning and Development Services. The Brazos County Appraisal District is able to provide an official appraised value from the years being referenced, for the sake of this discussion. In addition, an average home value for the single-family homes within the limits of the City may be ascertained which may be used to compare the level of economic gain or regression within the Residential-Neighborhood Conservation zoning districts and for the overall City of Bryan single-family homesteaded properties. The City of Bryan can provide both the ordinance language, and also a database of every property address that is assigned a Residential-Neighborhood Conservation (R-NC) zoning. The information from these two entities will be combined to look at the data in two ways. First, the average Appraised value of a random sampling from both the R-NC and the general housing stock, excepting those zoned with R-NC, will be assessed. This comparison will be made for a series of years to find the rate of growth for their values. Next, those averages will be compared to the overall City average to see how both samplings compare to the overall housing stock rate of growth in value.

### **3. BACKGROUND**

When a person spends time in the community of Bryan, Texas, they quickly discover that this is one of the most controversial issues regarding rental housing. However, they do not share this trial alone and there is strong cause behind the dispute. The City of Bryan has close ties to Texas A&M University due to its proximity just moments away from the campus located in the neighboring city of College Station, which is the hot spot for the controversy centering on the number of unrelated occupants residing in a single-family house. When Texas A&M University, then Texas Agriculture and Mechanical College, was established in 1876, the City of College Station did not exist. The small military-focused college was located just outside the border of the prospering town of Bryan which had been developed in mid-1800's as a railroad stop and later incorporated in 1867. Soon after its inception, Bryan quickly became the center of commerce for the immediate region and replaced the neighboring town of Boonville as the county seat. Its population flourished due to the rich farmlands along the Brazos River bottom and its geographic proximity for trade. (City of Bryan, History of Bryan, Texas, 2016)



**FIGURE 1: AERIAL OF TEXAS A&M UNIVERSITY;** unknown date (COCS Project Hold)

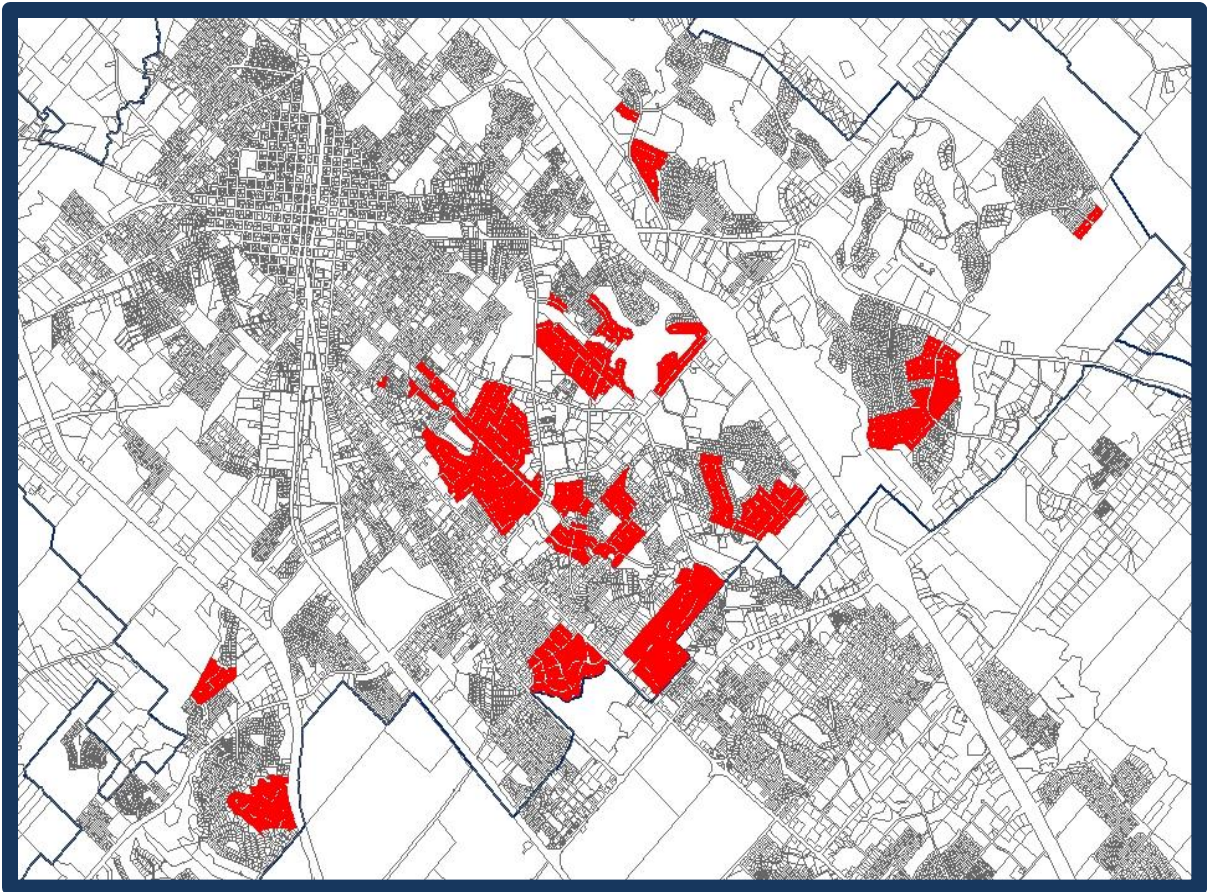
At this time, almost all students were housed on campus, as well as much of the staff and faculty, as seen in **FIGURE 1: AERIAL OF TEXAS A&M UNIVERSITY.**

The college began with a small enrollment of students and slowly grew until the 1960's and 70's enrollment was opened up to include more applicant that only white males as was originally mandated by the Morrill Act of 1862 and the college terminated the requirement that all students participate in the military preparation program referred to as the Corp of Cadets (Texas A&M University, 2016). Following that, the college began to see the rapid growth pattern which has persisted to this day. Now with a student population of over 60,000 and approximately 10,000 staff and faculty, the on-campus housing has become inadequate to serve enrollment needs. Having a shortage of on campus housing for students has led to an influx of transient residents moving into

neighborhoods in search of affordable and comfortable housing options in lieu of apartment or dormitory dwelling.

A relative newcomer to Bryan, Texas is also the Blinn College campus located at Villa Maria and 29<sup>th</sup> Street, generally located between State Highway 6 and downtown Bryan. This campus was established as a satellite campus for the original Brenham site which began in 1883. This campus offers a range of educational options including basic courses and Associate Degrees, as well as vocational and professional training. The campus is nearly surrounded by residential neighborhoods and various housing establishments which have come to absorb some of the housing needs generated from its nearly 20,000 students.

This growth in the higher education sector has resulted in the development of a real estate investment community specializing in student and rental properties, thus resulting in more neighborhoods turning into rental areas. This in turn has created a backlash from community and neighborhood residents to attempt a blockade against this situation in their neighborhood. Residents of new subdivisions have had the opportunity to utilize deed restrictions to address their concerns.



**FIGURE 2: IMAGE OF R-NC DISTRICTS (shown in red) WITHIN BRYAN, TEXAS. (unpublished image compliments of Randy Haynes, City of Bryan)**

However, in older neighborhoods, where deed restrictions are not an option for varying reasons, they have engaged the city government's assistance as other cities have tried before. In turn the City of Bryan has an available zoning district, which may be electively chosen by the neighborhood residents, that restricts the number of housing unit occupants to no more than two unrelated individuals. **FIGURE 2: IMAGE OF R-NC DISTRICTS WITHIN BRYAN, TEXAS** shows areas holding that zoning during the time of research.



The City of Bryan ordinance was adopted on April 11, 2006 following years of discussion on the concern about neighborhood deterioration and infiltration from renters from particularly the student population from Texas A&M University and Blinn College. The City Council at the time of adoption consisted of Mayor Erinie Wentrcek, Paul Madison, Jason Bienski, Mark Conlee, Ben Hardeman, and Russell Bradley. The minutes from Council Meeting when the final reading and adoption of the ordinance took place show no additional discussion or public comment regarding the agenda item (City of Bryan City Secretary Office, 2016). That implies there was no or little major opposition to the ordinance at the time of adoption. This is potentially attributed to the zoning process being entirely voluntary for homeowners to participate. The applicable language of Ordinances No. 2210 and No. 2111 reads as Section 130-31 (b) Permitted Uses: Detached dwelling units with no more than two unrelated people. A copy of the ordinance language is included as **APPENDIX A: RESIDENTIAL-NEIGHBORHOOD CONSERVATION ZONING ORDINANCE** herein.

The phrase “neighborhood conservation” is slightly ambiguous. In this situation it is referring to the management of a way of life or traditional standard of single-family neighborhood living. It is intended to refer to a homogeneous style of housing and occupancy that is intended to limit nuisances that include property maintenance issues, noise, over parking, crime, party activity, and a multitude of potential disturbances. Of course, the limitation of these things is part of the perception taken on by property owners discussed in an early portion of this literature.

Many neighborhoods in Bryan have voluntarily undergone the process of rezoning their neighborhood to procure a degree of protection, either validated or perceived using the procedure detailed in **APPENDIX B: CITY OF BRYAN CODE OF ORDINANCE SECTION 130-42.C R-NC DISTRICT REZONING.**

This protection varies from a potential change in property value due to poorly maintained rental property conditions to quality of life deterioration from nuisances related to rental properties. However, professionals in the real estate community are exclaiming that it is more often the owner-occupied housing that has greater maintenance issues and the restrictive zoning is severely diminishing the marketability and value of properties. Though property maintenance is a relevant topic for this and many other communities, it is the property values in these neighborhoods on which this research will concentrate. Though strong arguments are made for and against such zoning, there is no evidence of factual and comprehensive research on the topic that answers the question whether it affects property values.

A concentration of R-NC zoning districts may be found between the Texas A&M University and Blinn College campus. This would suggest the zoning has been implemented in the areas in reaction to student renters, as previously discussed. However, several may be found in outlying areas and may have acquired the zoning in anticipation of conditions previously mentioned or to control neighborhood homogeneity

outside the bounds of deed restrictions. This question is outside the bounds of this research.

#### 4. HOUSING INFORMATION

For the sake of taking a comprehensive look at the owner-occupied housing and rental housing situation in Bryan, Texas, it is useful to look deeper at the occupancy situation.

<b>TABLE 1: BUILDING PERMIT TYPE</b>								
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Residential-Single Family</b>	179	176	191	127	170	180	254	211
<b>Residential - Single Family - Attached</b>	X	X	X	X	x	x	17	22
<b>Residential - New 2 Unit Bldgs</b>	1	6	2	1	3	7	12	5
<b>Residential - New 3-4 Unit Bldgs</b>	18	6	23	32	0	3	10	2
<b>Residential - New 5+ Unit Bldgs</b>	x	X	X	X	41	13	11	0
<b>Residential - Add/Alter/Reno</b>	364	452	597	598	701	540	433	510
City of Bryan Economic Development, Building Reports								

The population in Bryan has continued to steadily increase, as evident from the number of building permits collected by the City of Bryan for residential house development. The numbers in **TABLE 1: BUILDING PERMIT TYPE** shows the number of single-family houses starting construction, in contrast to the number of multi-unit structures. Single-family housing development consistently outnumbered that of multi-family housing until 2011 and was then followed by a boom in 2012. The striking

difference between the new construction numbers, between single-family and multi-family as shown in **TABLE 1: BUILDING PERMIT TYPE** is more intriguing when viewed next to the owner-occupied and renter-occupied exhibited in **TABLE 2: HOUSING TENURE**. This table shows the renter-occupied housing units to make up 51.8% in Bryan, compared to the state at 36.3% and national at 34.9%. As mentioned earlier, being a college town has a major impact on this percentage. As documented by the 2010 US Census, other examples of this situation in Texas can be found in college towns such as Waco at 53.7%, Commerce at 62.7%, and San Marcos at 73.7%, and Denton at 53.6% (American Fact Finder, 2016). Such percentages being greater than those found nationally or statewide, suggest the need in these areas in higher.

<b>TABLE 2: HOUSING TENURE</b>		
<b>Occupied housing units</b>	27,725	
<b>Owner-occupied housing units</b>	13,370	48.2%
<b>Population in owner-occupied housing units</b>	37,550	
<b>Average household size of owner-occupied units</b>	2.81	
<b>Renter-occupied housing units</b>	14,355	51.8%
<b>Population in renter-occupied housing units</b>	35,554	
<b>Average household size of renter-occupied units</b>	2.48	
US Census, 2010		

Since rental properties are more prevalent in these college towns, it could be assumed that owning rental properties in these areas is prolific and therefore investments are stable for such a use. However, this high percentage of rental properties is not seen within R-NC districts. Within the random sample created for this research, only 28% of

the properties were used for rental purposes. This is substantially lower than the city, state, or national average. This is likely due to the occupancy restrictions in place. It would be interesting to see how this low percentage correlates with the property value change over time.

This information shows that, though multi-unit structure permits did not consistently outnumber the number of building permits issued, the renter-occupied units encompassed over half of the housing units in Bryan. However, the information that an estimated average of 2.81 people per owner-occupied household and 2.48 people per renter-occupied household in Bryan does raise the question of just how much of an issue is the overcrowding of single-family housing. With that said, it is also important to mention that students, in particular, are not always well represented in census information because they may often be claimed as dependents under their parents and be included in their family household information. Therefore, if a student renter is living in a house that house five people it may not be documented. In addition, this information requires the receiver to be forthcoming of their information in a way that will not necessarily be audited. Also, though rental leases do require all occupants be listed and included, it is not uncommon for roommates to be added without a lease amendment or even without informing the property owner. Enforcement of such an ordinance is challenging due to privacy rights. According to the City of Bryan Code Enforcement website, “Windshield inspections of the property are performed once a complaint is received to build a vehicle tracking log and pinpoint signs of over occupancy. Utility

records may be reviewed to establish trends for water and electricity consumption. Staff may make direct contact with the property owner, tenant, landlord, or leasing agent to inquire about the property. An official notice will be issued to all parties if the investigation produces reasonable cause to suspect an over-occupancy violation exists. A reasonable amount of time will be given to each party to come into compliance or face legal action.” A list of recorded cases was not available at the time of this research, but acquiring such data would be beneficial in factoring in the number of violations in relation to the number of rental properties located within R-NC districts.

This information, when paired with US Census information showing the gross median rent from 2010-2014 as \$789, compared to a \$920 nationally, could imply that supply is not limited because the rates are seemingly low. This nudges the question further of whether zoning restrictions effect property values. In further explanation of that comment, it may be assumed that if the demand is high and the supply is low for housing, then, the rental rates would be high. Therefore, if rental rates are high it would be only natural that property would then be valued higher due to its marketability and cash fluency. This census information, in short, leads the audience to a conclusion that zoning restrictions should have a positive effect on property values because if less people can live in a house then more houses are needed to meet the demand. It could also show that property values might increase outside of a zoning district that placed restrictions on occupancy, but in that instance it would not indicate any change of value

within the zoning districts. All of these are questions arise when considering the effects of occupancy restricting zoning districts on property value.



## 5. RESEARCH AND METHODS

One may assume that the purchase of a home is the largest investment most people will make in their lifetime. It is no wonder why people become passionate and agitated when a potential or perceived threat presents itself to undermine that investment. For this reason, as mentioned previously, there is a rift in public perception regarding R-NC zoning implications. On one side of that rift are those who believe, without a doubt, that renters are detrimental to a neighborhood and that restricting the number of unrelated occupants will protect their investment. On the opposite side are those who believe that free-market should dictate property values and that enabling the commercial application of rental housing in single-family neighborhoods actually increases the properties' values by broadening the marketability of property. This group consists partially of real estate professionals and investors who see the real-time exchange of property and believe that a willing buyer and a willing seller should be able to transact business without being inhibited by such a zoning. In addition, municipal planning professionals, particularly in college towns, are a key target audience of this research because this information may be able to illuminate an underlying situation or after-effect in a quantifiable manner which is challenging in the municipal planning field. It is intended that the research collected may act as an educational piece for those interested in undergoing the zoning process and for those interested in the rental industry. This research will have local relevance but may be considered useful for other cities with similar housing conditions. This housing debate is far from unique to the

Bryan, Texas region. Similar situations can be found in Duluth, Fort Collins, Boston, and many more college towns across the nation. In fact, this is not specifically an American topic. Additional examples, along with information regarding their related ordinance, are provided in Appendix D: Example of Governing Entity Restriction. Studies have been conducted revolving around the issue in multiple countries. The information provided through this research will help homeowners make informed decisions about the zoning process so that they can fully weigh the benefits and disadvantages.

The most common portion of the occupancy issue that is discussed in scholarly material pertains to the constitutionality of restricting a person's living arrangement by inhibiting their right to live with whomever they choose. When defining the term "family" as those related by blood, marriage, or adoption and then further restricting that definition by limiting the number of unrelated people, according to that definition, that may reside together, it can exclude a multitude of living choices that have become more prevalent and legally accepted. For example, the most popular points of debate within this realm of discussion deal with group homes for elderly, impaired, or rehabilitated persons. By restricting the definition of family to a traditional nuclear family, while the reality of families conditions are becoming less traditional over time, it prohibits alternative living situations such as same-sex couples with children, co-habitation of friends with children, or even the co-habitation of elderly or youth for economic purposes instead of mental or physical health requirements. Intended or not, the

traditional family definition does impact living situations such as these though the definition is often adopted to prevent the commercialization of housing in single-family neighborhoods. The perception of commercialization often includes group homes for those in need of mental or physical health care. However, this is just a brief explanation of what this research did not include, but it does shed light on the background of this issue and though this information is not included in this quantitative research, it is these issues that could be the underlying cause of any economic effects such zoning has on property values.

However, research around that topic is often qualitative at best and rarely resolves any particular issue. For this reason, this research goes beyond the discussion of constitutionality and dives into the facts behind the debate and will not address the question of whether a “no more than two unrelated persons” law is unconstitutional due to its application to alternative families. In fact, qualitative data is not intended to be heavily relied upon due to the nature of the controversial topic and the subjectivity of individual perspectives. A quantitative approach will be taken to analyze the property values in relevant neighborhoods.

Information regarding the economic impacts of zoning, which restricts the number of unrelated occupants, is available through professional data resources of Brazos County Appraisal District and City of Bryan Planning and Development Services. The City of Bryan provided both the ordinance language, and also a database

of every property address that is assigned an R-NC zoning as of October 2014 when the database was acquired. The ordinance language is provided in Appendix A of this document for reference. The Brazos County Appraisal District provided the official appraised value, according to the Appraisal District, from the years being referenced for the sake of this discussion. In addition, an average market value for properties within the limits of the City was ascertained which was used to compare the level of economic gain or regression within the Residential-Neighborhood Conservation districts and for the overall City of Bryan single-family homesteaded property population. The average market rate for the City is specifically the annual average of all Category A and C properties within the City. Category A includes single-family homes on traditional-sized lots and Category C includes single-family properties that consist of larger estate-style lots or acreage. It is important to note here that the data analyzed for individual properties and overall City values are different. As stated, within the R-NC zoning the values collected are appraised values provided by the Brazos Central Appraisal District, though the information was retrieved from the Brazos County Tax Office because they keep information available to the public for a longer period of time. The historical single-family property value information for City of Bryan, when looking at the City's overall average, is available only in the form of market value. Appraised value and market value can be different but that is not always the case. Appraised value is determined by a mass appraisal technique that is applied to each residential property across the appraisal district. Market value is intended to show the value for which a property could sell for in the open market. However, these numbers are not always

different and from looking at individual properties on the Brazos Central Appraisal District (BCAD, 2016) website, it appears that they are often the same. Therefore, though the data being presented is not the same, it is similar enough to provide an adequate comparison. The data is flawed but is still useful in reaching a more comprehensive understanding of the economic situation.

The information from these two entities will be combined to look at the data in two ways. First, the average appraised value of a random sampling from the R-NC and the historical market value of properties holding a homestead exemption within Bryan will be assessed. This comparison will be made for each year between 2008 and 2015 to find the rate of change for their values.

Other related research on the topic will be considered from local, professional, and academic resources. Since most of the research will be based on local data collected and analyzed through this research process, outside literature has been consulted merely to understand the relevance the topic has to other communities. Applicable resources used in data collection, and the in development of a stronger understanding of the relevant topic, will be discussed at the close of this review since limited material will be directly used for this research.

When considering the implications of the information resulting from the research presented in the next section, it is important to note that the data is imperfect and cannot

be otherwise. The information used is based on the skilled evaluation of Brazos Central Appraisal District (BCAD, 2016) employees and is based on a perspective that may not always take into account general real estate market health and conditions, neighborhood afflictions or allures, or property oddities that may affect marketability. Though these appraisers are highly proficient in their profession, it is very often the scenario that the property sells in the real estate market for more or less than the taxable appraised value. When a property sells for less, it is common for the new property owner to inform BCAD that their appraised value should be reduced to reflect this change so as to lower their tax obligation. However, the property owner is not mandated to report if the property sells for a higher value than shown by BCAD. BCAD does send out forms to new property owners upon the sale on a property, but completion of the form is voluntary and so the return on this information is not 100%. However, BCAD employees do review building permits issued by the city and are able to establish by the estimated project costs, how much a property has been improved and thus increasing in value. Therefore, BCAD's appraised value can never show the upmost accurate value for a property. With that understood, the appraised property value data collected was then used to find the percent change of value between years. By looking at percent change instead of absolute value, the idea was that whether the property is appraised for \$125,000 and sold in the real estate market for \$250,000, the other properties in the area would be appraised under similar conditions and all would be leveled. The most accurate market value for a property can be found using the local Multiple Listing Service (MLS). This database provides information about houses that have sold and at what value they

sold. Though this information would be best for getting the most up-to-date market analysis for property values, the information would be inconsistent. To be able to utilize this database, every property in the city would have to have sold within the years designated by the research parameters. Even then, information could not be compared over a series of years. Therefore, the Brazos Central Appraisal District information is the most consistent for the specific research requirements.

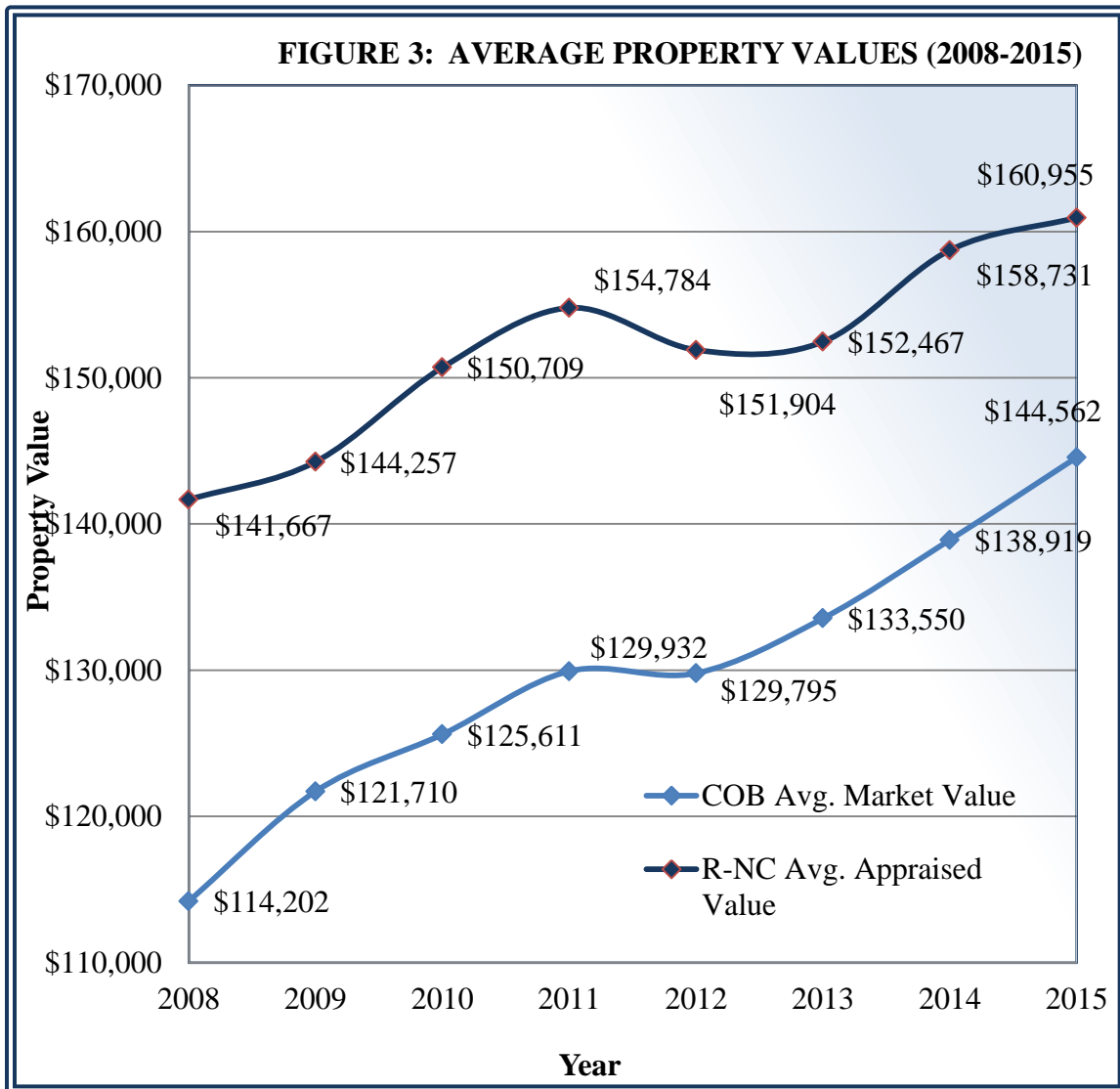
Once this information was gathered, it was placed into a Microsoft Excel spreadsheet. One spreadsheet was used to organize the approximately 2,500 properties with an R-NC zoning district in place as of October 2014. The Excel formula for selecting a random sample was then applied. This was accomplished by inserting an additional column into the spreadsheet containing the properties mentioned above and typing the function “=RAND()” into the first cell thus giving that row a random number. This function was copied down the length of the data within the spreadsheet. Once completed, Excel may then sort the rows by the random number column. From that list, the first 100 properties were extracted providing the research with 100 randomly selected properties. To keep the data cleaner and easier to read, all information regarding the property was discarded except the Property ID Number and legal description. Using that Property ID Number, each of the 100 properties was searched for on the Brazos County Tax website which, as previously stated, retrieves its information from the Brazos Central Appraisal District. The appraised value for each property from 2008-2015 was logged in the spreadsheet adjacent to the applicable Property ID Number. The

average property value was calculated amongst that random sample for each year. From there, the percent change was calculated between the averages of each consecutive year. At this point it became apparent that individual properties had been vacant lots and had undergone development during the course of time being studied, thus producing a percent changes in the multiple of hundreds. One example is a property that had been valued at \$15,670 and increased to \$132,760 producing a 747.22% increase in one year. Outliers such as these were few and were extracted from the average so as to not skew the data to an extreme. However, the averages for the overall city would include such percentage changes. Therefore, additional supporting information was provided to show what the comparison would be like with the outliers within the R-NC zoning district included.

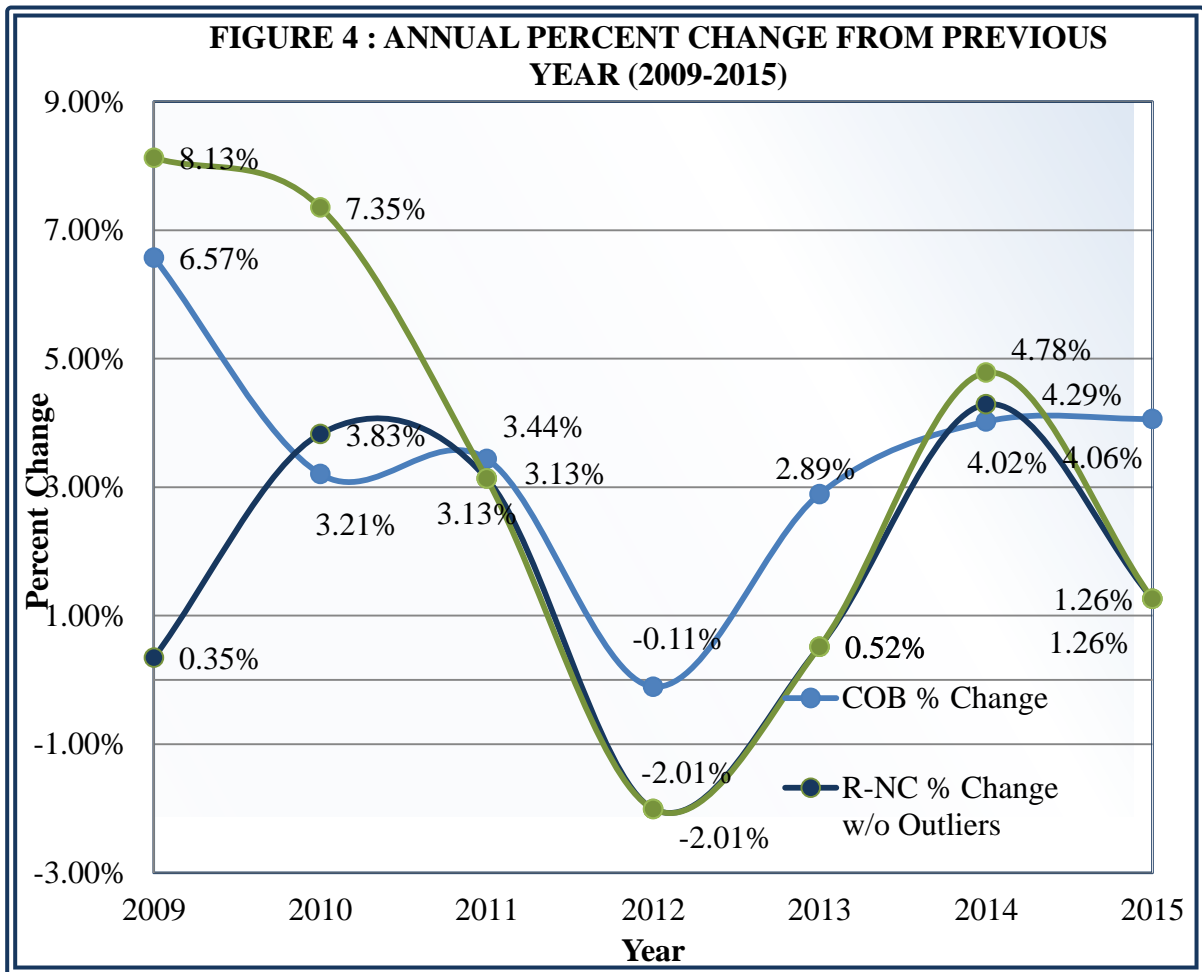


## 6. RESULTS

After calculating the formulas described in the previous section, a simple analysis was conducted to determine any visible effects. **FIGURE 3: AVERAGE PROPERTY VALUES (2008-2015)** displays the progression of the average market value for single-family residential property in the City of Bryan holding a homestead exemption, as well as the average appraised values found within the R-NC zoning



district. Visible here is the general upward progression of property values in both zoning are consistently and substantially higher than the average market value difference categories. It is apparent that the average appraised properties values within the R-NC between average market value and average appraised value, and assuming market for the City of Bryan homesteaded properties. Considering the flaw in this data being that of the value would yield a higher value, it is surprising to find that the values within the R-NC zoning district were greater. If this research was focusing on absolute value instead of percent change, this figure would conclude that R-NC zoning may have a positive effect on property values. However, since percent change is a more factual perspective, this information is merely good for referencing and may provide insight for additional research efforts.



It is then to **FIGURE 4: ANNUAL PERCENT CHANGE FROM PREVIOUS YEAR (2009-2015)** that the research turns for properties representation of value progression. This figure includes the City of Bryan for a true change in market value for homesteaded single family properties, in appraised value average percent within the R-NC zoning, and in appraised value for properties within the R-NC zoning properties within the R-NC zoning, and in appraised value for properties within the R NC zoning without outliers consisting of a triple digit percent change.

When comparing the percent change information in **FIGURE 4: ANNUAL PERCENT CHANGE FROM PREVIOUS YEAR (2009-2015)** for property values both within the City of Bryan’s R-NC Zoning Districts and for the City, it appears that the overall City’s values for homesteaded residential property have experienced a greater increase in value over time.

<b>TABLE 3: COMPARISON OF PERCENT CHANGE (WITHOUT OUTLIERS)</b>			
<b>Years of Analysis</b>	<b>COB Percent of Change</b>	<b>R-NC Percent of Change w/o Outliers</b>	<b>Difference in Percent Change (COB to R-NC)</b>
2008-2009	6.57%	0.35%	6.22%
2009-2010	3.21%	3.83%	-0.62%
2010-2011	3.44%	3.13%	0.31%
2011-2012	-0.11%	-2.01%	2.21%
2012-2013	2.89%	0.52%	2.97%
2013-2014	4.02%	4.29%	-0.27%
2014-2015	4.06%	1.26%	2.80%

Though percent change within the R-NC zoning districts (excluding outliers) show a greater increase between the years 2009-2009 by 0.62% and 2013-2014 by 0.27%, as seen in **TABLE 3: COMPARISON OF PERCENT CHANGE**

**(WITHOUT OUTLIERS)**, the differences are less than 1% in both instances. This is in contrast to the multi-percent difference in the 2008-2009, 2010-2011, 2011-2012, 2012-2013, and 2014-2015. As an average, the City of Bryan percent change was 1.82% higher. Except from 2010-2011, each year shows an increase in percent change of over 2% greater than found for the R-NC zoning district properties. In fact, the City of Bryan average percent change was 3.44% while the R-NC zoning district was less than half at 1.62%.

On the other hand, **TABLE 4: COMPARISON OF PERCENT CHANGE (WITH OUTLIERS)**, displays that in years 2008-2009, 2009-2010, and 2013-2014, the R-NC zoning district saw a higher rate of growth. Having an average percent change of 3.31, the City of Bryan percent change was 0.13% higher than the R-NC zoning district.

<b>TABLE 4: COMPARISON OF PERCENT CHANGE (WITH OUTLIERS)</b>			
<b>Years of Analysis</b>	<b>COB Percent of Change</b>	<b>R-NC Percent of Change w/Outliers</b>	<b>Difference in Percent Change (COB to R-NC)</b>
2008-2009	6.57%	8.13%	-1.55%
2009-2010	3.21%	7.35%	-4.15%
2010-2011	3.44%	3.13%	0.31%
2011-2012	-0.11%	-2.01%	1.90%
2012-2013	2.89%	0.52%	2.38%
2013-2014	4.02%	4.78%	-0.76%
2014-2015	4.06%	1.26%	2.80%

This narrow margin of difference in comparison was surprising due to the previously mentioned flaw in the data regarding market value versus appraised value. Prior to beginning research, it was anticipated outside of the official hypothesis that whether the effect of property values was positive or not, the difference between the R-NC property values and the city average would be great. It was anticipated for two reasons: 1) the data flaw using market data could have the potential to sway the city values either direction with no control or identifiable causes, 2) the economic impact of R-NC zoning, whether positive or negative, would be extreme. The narrow margin of difference makes it appear as if the impact is perhaps non-existent. Instead, it should be considered that the average market value of the city is actually an inflated value compared to the average appraised value of the R-NC district. This would mean that the narrow margin is actually an indication that there is in fact a positive economic impact on property values from the R-NC zoning. Assumptions of this kind require additional research and cannot be asserted as fact within the bounds of this research.

The rapid decline in property values, particularly within the R-NC districts, from 2008-2012 is likely related to the housing market crash of 2008-2009. It is possible that during this time of decline, properties within the R-NC districts saw a greater decline due to the restrictions placed on the use of the property. An occupancy restriction could have narrowed the number of buyers and in this time of decline it is often investors who are major property acquisitionists. Properties were likely harder to sell during that time and wither the BCAD reflected that change on a mass scale or individual property

owners protested their appraised value on this point. This is speculation but could be researched further to determine significance.

At face value it appears that the overall City's percent changes in property value are higher than that of properties located in the R-NC zoning district, there are many possible explanations that do not tie the difference to zoning.

1. It is possible that using the average market value created a greater difference in comparison than originally expected.
2. Many of the R-NC neighborhoods are pre-existing, though exceptions do apply, which have more consistent values than developing subdivisions due to maturity.
3. New residential subdivision could be have been developed outside of any R-NC zoning district that have higher value which can inflate the overall averages.

Though property values have continued to increase, with exceptions, throughout the series of years studied within the bounds of this research, the increase is not greater than that seen for the overall City. Therefore, the research presented herein concludes that the hypothesis, previously stated as R-NC zoning districts increase property values, has not been proven. Consequently, the null must now be accepted that R-NC zoning has not been proven to increase property values. However, this does not indicated that R-NC zoning causes property to decline in value or that it has no effect at all. Those would be excellent research initiatives to compliment this piece.



## 7. RECOMMENDATIONS

The data presented in the research is doubtlessly flawed due to the inconsistency of property owners reporting real estate transaction numbers to the Brazos Central Appraisal District. However, the data does provide a base of knowledge for which conclusions may be started and may perhaps lead into additional research that could further establish firm explanation of the effects that occupancy restrictions have on single-family property values. Additional research to be potentially undergone could include the following:

- A random sample could be taken of properties outside the R-NC zoning districts and look up their historical appraised values individuals just as the properties within R-NC zoning districts were treated in this research. This would eliminate the values of properties located within the R-NC zoning district from contributing to the outside averages. It would also allow the researcher to compare appraised value to appraised value instead of appraised value to market value as shown in this research. This could be a slightly less flawed form of data collection and could further the accuracy of the information provided.
- Collect a random sample of properties in similar market conditions outside the bounds of an R-NC zoning district to see how this values compare to properties within R-NC districts.

- The most accurate form of research that could be undertaken would be to do a random sample of properties within and outside the specific zoning and then contact property owners individually to inquire about the accurate sales price for the property. This would provide real-time information and would give the best representation while considering real estate market conditions.
- A dissertation that extends the research to other cities within the United States by following recommendation (a) provided above but expands the random sample to improve accuracy and substance of the material.

**APPENDIX D: Examples of Governing Entity Restrictions** provides a glimpse of some of the cities that have already chosen to restrict occupancy, many of which are college towns. A comparison of owner-occupied versus renter-occupied percentage would be a useful observation to include in this research. In addition, the occupancy rate of rental property within the city would help to form a full picture of rental market conditions and the pressure of housing non-owning property dwellers.

The results from this research may be found useful to some readers and not to others. My recommendation is that this data be made available for public viewing. This will allow individuals to feel empowered by having a source of additional knowledge based on legitimate data from a reputable resource. It may influence some readers to not

rezone their property, but it is expected that most property owners will not be dissuaded by the information. Instead they may feel like they can better defend their initiative to the fellow homeowners within their neighborhood as they begin the zoning process. In addition, this research may be reproduced by using the original matrix of Property ID from BCAD in the event that criticism arose.

To investigate this issue further, a dissertation could be generated by duplicating this research in other college towns that have seen similar issues. Locating such cities can be accomplished by searching for news articles related to the topic.

## 8. CONCLUSIONS

As previously stated, the research provided here is intended to assist in the resolution of the debate whether the Residential-Neighborhood Conservation zoning district within the City of Bryan, which restricts the number of occupants in a single-family house to two unrelated individuals, effects property values. The hypothesis that this zoning would increase property values to a greater extent than traditional single-family zoning within the City of Bryan was not proven by this research; and the null has been accepted.

This research has brought into light other pertinent questions that may be breached in order to better understand the ordinance that is becoming so prevalent in American college towns. Such questions that remain unanswered include the recommendations listed in the previous section of the literature, in addition to: 1) What other factors could be causing a difference in property values within and outside R-NC zoning?, 2) Do other cities have a similar economic reaction to similar zoning districts?, 3) How does rental occupancy play a role in this comparison and is it lower or higher within R-NC zoning districts? 4) How does active Code Enforcement affect the zoning efficiency, thus compromising the intended result of the ordinance language? 5) Why do neighborhoods not in close proximity to a college implement an occupancy restricting zoning which requires similar property owner participation as establishing a homeowners' association or a deed restriction amendment?

The quantitative approach to this research relied on property value information from the Brazos Central Appraisal District following the 2006 adoption of the ordinance from the years 2008 to 2015, and may be duplicated in the future as a test to see if percent change evolves as more neighborhoods participate in the Residential-Neighborhood Conservation zoning of Bryan, Texas. This research will be a tool for homeowners as a reference for additional knowledge when contemplating the initiation of the zoning process and for municipal planners to evaluate the effects such zoning has for tax purposes and economic health of the City. When a solid conclusion can be forged on the topic planners and property owners alike will be able to move forward in the direction desired with the support of evidential research to guide them.

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## APPENDIX A:

### RESIDENTIAL-NEIGHBORHOOD CONSERVATION ZONING ORDINANCE

MUNICODE: BRYAN, TEXAS, ZONING ORDINANCE SECTION 130-31. - R-NC,  
RESIDENTIAL-NEIGHBORHOOD CONSERVATION.

(a) *General purpose and description.* The R-NC, residential-neighborhood conservation district, is intended to be composed of detached dwelling units on lots of not less than 5,000 square feet. Dwellings are designed primarily for residential use and do not easily lend themselves to other types of nonresidential uses or rental property. Other uses may be permitted in this district which are compatible to residential uses and occupy structures designed for their intended use and do not infringe upon the residential uses.

(b) *Permitted uses.*

- Accessory structures;
- Detached dwelling units w/ no more than two unrelated people;
- Essential municipal uses;
- Group home/community home;
- Government (federal or state) owned structures, facilities, and uses;
- Home occupations;
- Place of worship;
- Private utilities (no storage yards);

- Real estate sales offices during the development of residential subdivisions, but not to exceed three years;
- Schools;
- Temporary structures for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work.

(c) *Conditional uses.*

- Accessory dwelling unit;
- Accessory structure if greater than the standards set forth in section 130-34(a);
- Bed and breakfast;
- Boarding (lodging) house;
- Child care—Class B;
- Community center/recreation center;
- Country club or golf course;
- Detached dwelling units with no more than four unrelated people;
- Duplex;
- Funeral home/mortuary;
- Municipal services support facilities;
- Neighborhood services;
- Nursing home (retirement home);
- Patio home (zero lot line dwelling);



- Police station;
- Professional offices (In the Eastside Historic District, the building must also be used as a primary dwelling by the owner, managing partner or majority shareholder of the business occupying the building);
- Townhouses;

(d) *Lot area, height, and setback requirements.* See building setbacks and lot standards in article IV of chapter 62.

(e) *Parking regulations.* See access and off-street parking in article VI of chapter 62.

(f) *Other regulations.*

(1) As established by all other applicable sections and/or ordinances.

(2) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35.

(3) Foster children residing in licensed foster care homes shall not be included in the calculation of the number of unrelated individuals living together in a single dwelling unit. Licensed foster care homes shall comply with any state mandated restrictions on the number of children permitted to reside in the dwelling unit.

(4) Any dwelling unit permitted in this zoning district may have a second family comprised entirely of individuals related by blood, marriage or adoption,

residing therein on a temporary basis for a period not exceeding 6 months in any calendar year.

(5) Personal care homes are prohibited.

(g) *Special requirements.*

(1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes

(2) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the nonresidential and multifamily development in article III of chapter 62 Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(3) Patio home townhouse and duplex dwellings permitted conditionally in this district are subject to the supplemental regulations of section 62-167, section 62-168 and section 62-169, respectively.

(4) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 37 feet long by 18 feet wide so as to accommodate four vehicles on the site.

(5) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped. (Ord. No. 2110, § 3, 8-25-2015; Ord. No. 2111, § 21, 8-25-2015)

**APPENDIX B:**

**CITY OF BRYAN CODE OF ORDINANCE SECTION 130-42.C R-NC**

**DISTRICT REZONING**

MUNICODE: BRYAN, TEXAS ZONING ORDINANCES. ARTICLE III. OTHER REGULATIONS, SECTION 130-42 CHANGES AND AMENDMENTS TO ZONING ORDINANCE, DISTRICTS AND ADMINISTRATIVE PROCEDURES.

**(c) Residential - Neighborhood Conservation District Rezoning.**

1) Property owners may make application to the City Council for a City initiated rezoning of an entire platted residential subdivision or a single phase/section of a platted residential subdivision presently zoned Residential District-7000 (RD-7) or Residential District-5000 (RD-5) to Residential - Neighborhood Conservation District (R-NC).

2) An application for a City initiated rezoning of an entire platted residential subdivision or a single phase/section of a platted residential subdivision from Residential District-7000 (RD-7000) or Residential District-5000 (RD-5000) to a Residential - Neighborhood Conservation District (R-NC) must include the Residential - Neighborhood Conservation District Rezoning Petition Verification Response Form. This petition must be sent via regular mail to 100% of the lot of record owners listed within Brazos County Appraisal District Tax Rolls. All returned petition verification response forms shall contain signatures that shall be notarized, regardless of whether the vote cast is a yes or no. No signature affixed to the petition more than 180 days prior to

the date of filing the petition with the City Secretary shall be counted. Each lot of record shall have one vote regardless of the number of owners listed in the Brazos County Appraisal District Tax Rolls. The agent representing the platted subdivision or platted phase of a subdivision shall file a notarized affidavit to attest all petition verification response forms were mailed to the last known owner(s) as listed in the Brazos County Appraisal District Tax Rolls. The Residential - Neighborhood Conservation District rezoning petition verification response form and affidavit form may be obtained at the Planning and Development Services Department.

3) At least 51% of the land area in the proposed Residential - Neighborhood Conservation District must be presently improved as identified by the Brazos County Appraisal District (BCAD, 2016), and an affirmative vote of the owners of at least 66% of the lots of record within the platted subdivision or within a single phase/section of a platted subdivision shall be required for the Planning and Zoning Commission to take up consideration of the proposed rezoning.

4) The completed rezoning application and petition verification response forms shall be submitted to the City Secretary. The City Secretary shall examine the rezoning application and ascertain whether it is sufficient under Sec. 130-42(c)(2) and Sec. 130-42(c)(3) and shall attach to the petition verification response forms the City Secretary's certificate showing the result of the examination. If the certificate shows the rezoning application is insufficient, the rezoning application may be amended within 10 days from the date of the certificate, after which time the City Secretary shall examine the amended

rezoning application. If the City Secretary's certificate shows the amended rezoning application to be insufficient, it shall be returned to the person filing and a new petition for the same subdivision or phase/section shall not be submitted for a period of 180 days. If the rezoning application is found to be sufficient, the City Secretary shall submit the rezoning application to Planning and Zoning Commission without delay.

5) If rezoned to a Residential - Neighborhood Conservation District, the permitted uses of the property shall be determined and controlled by the use regulations set forth for in Sec. 130-31.

## APPENDIX C: EXAMPLES OF GOVERNING ENTITY RESTRICTIONS

Example of Governing Entity Restrictions				
Governing Entity	Ordinance No.	Ordinance URL	Notes	2010 Census Population
Athens-Clarke County, GA	Title 6- Zoning and Development Standards, Article 1. Zoning, Section 9-15-18 - Definition of family restrictions in AR and RS zones.	<a href="https://www.municode.com/library/ga/athens-clarke_county/codes/code_of_ordinances?nodeId=PTIICOOR_TIT9ZODEST_ARTIZO_CH9-15GERE_S9-15-17REREST">https://www.municode.com/library/ga/athens-clarke_county/codes/code_of_ordinances?nodeId=PTIICOOR_TIT9ZODEST_ARTIZO_CH9-15GERE_S9-15-17REREST</a>	definition of family	x
Auburn, AB	Zoning Ordinance, Article 2-Definitions, Section 203	<a href="http://www.auburnalabama.org/planningDocs/Zoning%20Ordinance/October%202012/2012%20October%20ZO.pdf">http://www.auburnalabama.org/planningDocs/Zoning%20Ordinance/October%202012/2012%20October%20ZO.pdf</a>	Definition of family applies within the conservation-residential district.	53,380
Boulder, CO	Boulder Charter and Revised Code, Title 9: Land Use Code, Chapter 8: Intensity Standards, Section 9-8-5: Occupancy of Dwelling Units	<a href="https://www.municode.com/library/co/boulder/codes/municipal_code?nodeId=TIT9LAUSCO_CH8INST_9-8-5OCDWUN">https://www.municode.com/library/co/boulder/codes/municipal_code?nodeId=TIT9LAUSCO_CH8INST_9-8-5OCDWUN</a>		97,358
East Lansing, MI	Part II of Code of Ordinances, Chapter 50: Zoning, Article I: In General, Sec. 50-5. - Definitions, A through C	<a href="https://www.municode.com/library/mi/east_lansing/codes/code_of_ordinances?nodeId=PTICOOR_CH50ZO_ARTIINGE_S50-5DETHC">https://www.municode.com/library/mi/east_lansing/codes/code_of_ordinances?nodeId=PTICOOR_CH50ZO_ARTIINGE_S50-5DETHC</a>	definition of family	48,579
Fort Collins, CO	Land Use Code, Article 5-Term and Definitions, Division 5.1.2 Definitions	<a href="https://www.municode.com/library/co/fort_collins/codes/land_use?nodeId=ART5TEDE_DIV5.1DE_5.1.2DE">https://www.municode.com/library/co/fort_collins/codes/land_use?nodeId=ART5TEDE_DIV5.1DE_5.1.2DE</a>	definition of family	143,986
State College, PA	Chapter 19 Zoning and Land Development, Part 2, Section 201: Definitions	<a href="http://www.statecollegepa.us/documentcenter/view/16088">http://www.statecollegepa.us/documentcenter/view/16088</a>	definition of family	42,034
Upper Merion Township, PA	Chapter 165: Zoning, Article II: Definitions and Word Usage, Section 165-5	<a href="http://ecode360.com/11658464">http://ecode360.com/11658464</a>	definition of family	28,395