

Residential Neighborhood Conservation District

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Perhaps you've heard about the City of Bryan's Residential Neighborhood Conservation District, or "R-NC," but you're unsure what it means to you, as a homeowner, or to you, as someone who lives in a home occupied by up to four unrelated people.

No matter your opinion of the ordinance, there exists a great amount of misinformation regarding who is affected, how and when.

Below is a list of Frequently Asked Questions that, we hope, will make things clearer for those seeking clarification and for those seeking to rezone their neighborhood "R-NC."

You will also find links to relevant sections of the City of Bryan's [Code of Ordinances](#) to enhance your understanding of the "R-NC" zoning classification.

As always, we're happy to answer any additional questions you may have.

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Frequently Asked Questions about Residential Neighborhood Conservation ('R-NC') Districts

1. **What is the Zoning Ordinance?**

The Zoning Ordinance is part of the City of Bryan's Code of Ordinances and provides for the division of land into different zoning districts and regulates the type, scale and intensity of development which may occur in those districts. Land uses in each district are regulated according to type, density, height, lot size, placement, building bulk and other development standards.
2. **What is a Residential Neighborhood Conservation 'R-NC' zoning district?**

In April 2006, the Bryan City Council approved an ordinance creating a new zoning classification, the Residential Neighborhood Conservation 'R-NC' zoning district. This residential zoning classification is intended primarily for low-density residential uses. Other residential zoning classifications allow up to four individuals who are not related to each other (by blood, marriage or adoption) to occupy a single-family dwelling. In 'R-NC' Districts, only two individuals who are not related to each other (by blood, marriage or adoption) can legally live in a single-family dwelling.
3. **What is the intent of 'R-NC' zoning districts?**

The Residential Neighborhood Conservation 'R-NC' zoning classification is intended to help preserve, protect and enhance the character of established residential neighborhoods.

4. **How is a property rezoned to 'R-NC' District?**

Rezoning property requires an action by the Bryan City Council. Property owners may apply to change the zoning of a single-family residential lot or subdivision to a Residential Neighborhood Conservation 'R-NC' District. In cases where an entire subdivision (or subdivision phase) is requested to be rezoned to an 'R-NC' District, at least 66 percent of the property owners within that subdivision (or subdivision phase) must sign a petition indicating their support for such a rezoning.

All rezoning requests are first considered by Bryan's Planning and Zoning Commission, or P&Z, during a public hearing at which interested citizens may come forward to speak for or against a request. Following the public hearing, P&Z forwards a recommendation to the city council, which holds its own public hearing where, again, interested citizens may come forward to speak for or against a request. The city council may then approve, approve with modifications, or deny the proposed rezoning.

Questions about applying for 'R-NC' zoning? Please call (979) 209-5030 or visit the Planning Division of the City of Bryan's Development Services Department on the first floor of the Bryan Municipal Office Building, 300 South Texas Avenue, Monday - Friday, 8 a.m.-5 p.m. No appointment is needed.

5. **How can I get my neighborhood rezoned to a Residential Neighborhood Conservation 'R-NC' District?**

The following describes the procedure for cases where property owners of a platted subdivision (or subdivision phase) desire to apply for 'R-NC' zoning. You may also refer to [Section 130-42\(c.\)](#) of the City of Bryan Zoning Ordinance. Requests to rezone individual lots to 'R-NC' District follow the ordinary rezoning procedure described in [Section 130-42\(d.\) thru \(j.\)](#) of the City of Bryan Zoning Ordinance.

a. Designate one individual as point of contact (also known as the "circulator") for the rezoning application.

b. Contact the Planning Division of the City of Bryan's Development Services Department in offices on the first floor of the Municipal Office Building, 300 South Texas Avenue, Monday-Friday, 8 a.m. -5 p.m., to request an application packet.

The circulator should also obtain a copy of the official plat from the City Planning Office. The information in the plat is important because the ordinance requires that petition forms be mailed to the property owners of all lots of record. For example, Mary Smith owns Lots 8 and 9, Block 1, Smithsonian Subdivision Phase 5. The Appraisal District may list this as one piece of property with one "R" number. However, if the official plat as on file with the City Planning Office shows that Lots 8 and 9 are two separate lots, this property owner would be mailed two petition forms, one for Lot 8 and one for Lot 9. Here is another example. Bob Jones owns Lot 8 and Part of Lot 9, Block 2, Smithsonian Subdivision Phase 5. If the portion of Lot 9 that Bob Jones owns is too small to "stand alone" as a separate piece of property, then Mr. Jones only gets one petition form since, in this case, Lot 8 and part of Lot 9 are viewed as one piece of property.

c. Identify name of the platted subdivision or subdivision phase for which 'R-NC' zoning is desired.

d. Obtain a list of property owners for the subdivision or subdivision phase from the Brazos County Appraisal District, located at 1673 Briarcrest Drive Suite A-101 in Bryan. Or call them at 979-774-4100. Please note that at least 51 percent of the land area in the proposed Residential Neighborhood Conservation District must be presently improved as identified by the Brazos County Appraisal District.

e. Mail copies of the "Residential Neighborhood Conservation District Rezoning Petition Verification Response Form" and [Ordinance No. 1585](#) (which established the 'R-NC' zoning classification) to all (100%) property owners in the subdivision or subdivision phase. Copies of the petition form and Ordinance No. 1585 are included in the application packet. Please note that the application form is in English on one side and in Spanish on the other side and should be reproduced that way. Property owners who wish to return petition forms must sign them before a

Notary Public. Petition forms must be returned with at least one side of the petition form (either in English or in Spanish) completely filled out (no blanks).

Any form returned without the Spanish version on the back, whether that side has been filled out by the property owner or not, will not be counted.

Note: If more than one individual (for example, husband and wife) owns a piece of property, it's only necessary that one of the owners sign the petition form. However, the circulator is advised to be certain that the person who signs the form is actually the owner (or one of the owners) of that piece of property as shown on the Brazos County Appraisal District records.

f. The circulator should collect all returned petition forms. Please note that an affirmative vote of the owners of at least 66 percent of the lots of record within the platted subdivision or within a single phase/section of a platted subdivision is required before the following steps can be completed. Please note that signatures affixed to a petition form cannot be more than 180 days old at the time of filing an 'R-NC' rezoning application with the City Secretary's Office.

g. When the circulator is ready to make an application for 'R-NC' zoning, he/she must submit the following documents to the City Secretary's Office (samples of all these documents are included in the application packet):

1. A completed rezoning application form. Please note that the \$300 application fee normally required in conjunction with rezoning requests is not required for rezoning requests under Ordinance No. 1585.

2. A completed affidavit, sworn to before a Notary Public, that the circulator mailed petition forms (in both English and Spanish) and a copy of Ordinance No. 1585 to 100 percent of the property owners located in the area sought to be rezoned.

3. All returned petition forms.

Circulators should call the City Secretary's Office at (979) 209-5002 to schedule an appointment for filing an application for 'R-NC' zoning. The filing is a legal process and requires both the circulator and City Secretary or her designee to be present for the filing process.

h. Upon verifying application completeness, the City Secretary's Office will forward the rezoning application and supporting documents to the Development Services Department.

i. The rezoning request will then be processed like any other rezoning request. All rezoning requests are first considered by Bryan's Planning and Zoning Commission during a public hearing at which interested citizens may come forward to speak for or against a request.

j. With a recommendation from the Planning and Zoning Commission, rezoning requests are forwarded to the Bryan City Council, which then holds its own public hearing where interested citizens may come forward to speak for or against a request. Following the public hearing, the city council may approve, approve with modifications, or deny the proposed rezoning.

For additional questions regarding an application for 'R-NC' zoning, please call (979) 209-5030 or visit the Planning Division of the City of Bryan's Development Services Department in offices on the first floor of the Municipal Office Building, 300 South Texas Avenue, Monday-Friday, 8 a.m.-5 p.m. No appointment is needed.

6. **Will this ordinance affect all of Bryan?**

No. Only properties zoned Residential Neighborhood Conservation 'R-NC' District are subject to the standards of this zoning classification, which limits to two the number of individuals not related to each other (by blood, marriage or adoption) who may live in a single-family dwelling.

7. **Will students currently residing in Bryan neighborhoods have to move out if their neighborhood is rezoned to a Residential Neighborhood Conservation District?**

No. The number of individuals not related to each other (by blood, marriage or adoption) living in a single-family dwelling on the day that the property is rezoned to 'R-NC' District may continue to live there for as long as they want. If an individual moves out and no new individual moves in within 12 months, then the number of individuals not related to each other allowed to live in that single-family dwelling is reduced by one (e.g., from 4 to 3 or from 3 to 2), unless the property is advertised for sale or lease and actively marketed.

It is important to remember that under no circumstances should more than 4 individuals who are not related to each other (by blood, marriage or adoption) live in a single-family dwelling within the Bryan city limits.

8. **How will individuals wanting to rent or lease property in Bryan know how many individuals can live in a particular house?**

To check the zoning classification on a particular property, citizens may call (979) 209-5030 or visit the Planning Division of the City of Bryan's Development Services Department on the first floor of the Municipal Office Building, 300 South Texas Avenue, Monday-Friday, 8 a.m. -5 p.m. No appointment is needed. Alternatively, the zoning of a particular property may be verified online at <http://gis.bryantx.gov/gis/website/planning/viewer.htm>. Maps are currently being updated to reflect the recent changes to the Zoning Ordinance.

Is the ordinance limited to students?

No, the ordinance applies to everyone.