

**Habitat for Humanity Orange County  
Rusch Hollow Lot 3A**

**Statement of Justification for Rezoning**

The rezoning from R-1 to R-SS-C of the 10,431 square feet of property ( identified as lot 3a on the proposed recombination plat) is requested in order to increase the size of lot #3 within the previously approved Rusch Hollow subdivision from 5,045 square feet to a total of 15,477 square feet. Since receiving approval for Rusch Hollow, Habitat has acquired the property adjacent to lot #3 in Rusch Hollow, which makes the proposed recombination possible. Through the proposed recombination, Habitat will be able to increase the size of lot #3 in order to better accommodate the triplex which is part of the original Rusch Hollow subdivision approval. The subdivision was approved in 2003 under the R-SS-C zoning for affordable housing. All of the homes within Rusch Hollow will be affordable to households earning 50% or less of the Area Median Income (AMI). Eight of the single family homes have been sold to qualified Habitat homebuyers, and four more are under construction and will be sold to qualified buyers by April of 2006. The remaining two lots in the Rusch Hollow subdivision are reserved for a duplex and a triplex that will provide 5 rental apartments for low-income elderly or disabled citizens of Orange County who are in need of affordable rental housing.

Because there is no significant change to the original reasoning request statement of justification for Rusch Hollow, the statement of justification for rezoning that was originally submitted is still applicable, and is included below.

From Section 20 of the Development Ordinance

**20.1 Intent**

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that, this chapter shall not be amended except a) to correct a manifest error in the chapter, or b) because of changed or changing conditions in a particular area or in the jurisdiction generally, or c) **to achieve the purposes of the Comprehensive Plan,**

It is further intended that, if amended, this chapter be amended only as reasonably necessary to the promotion of the public health safety, or general welfare, and in conformance with the Comprehensive Plan.

Habitat for Humanity is requesting approval of a zoning map change applicable to the Rusch Hollow Subdivision application. The Land use Plan shows the property as low density residential, 1-4 units per acre, This site is currently zoned R-1, 3 units per acre. We are requesting rezoning to R-SS-C, which has a density cap of 5.4 units per acre. The zoning change is required to accommodate the density proposed in our Special Use Permit application. The proposed higher density is justified on the basis of the Comprehensive Plan's housing goal and objectives, and the accompanying strategy to provide incentives to develop affordable housing.

district in which any of several kinds of developments and uses are permissible. A conditional use rezoning request is a proposal to allow development and uses only with (1) specific limitations, and (2) the approval of a Special Use Permit. The Rusch Hollow rezoning application is a conditional use rezoning request. Consequently, if the Rusch Hollow conditional use rezoning request were to be approved, the applicant would still need to receive approval for a Special Use Permit application from the Town of Chapel Hill, prior to the proposed development actually occurring on the site.

The zoning designation of a property determines the range of land uses and development intensities permitted on the property. Article 4.4 of the Town of Chapel Hill's Land Use Management Ordinance establishes the intent of Zoning Atlas Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:

- a) to correct a manifest error in the chapter; or
- b) because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- c) to achieve the purposes of the Comprehensive Plan."

Article 4.4 further indicates:

It is further intended that, if amended, this chapter be amended only as reasonably necessary to the promotion of the public health, safety, or general welfare, and in conformance with the Comprehensive Plan.

As related to conditional use zoning, Article 4.4 of the Land Use Management Ordinance stipulates that:

Pursuant to North Carolina General Statutes Section 160A-382, a request for rezoning to a conditional use district may be made only by application from the owner(s) of all the property included in the area proposed to be rezoned. An application for rezoning to a conditional use district may include a request by the property owner(s) to limit the uses allowed with approval of a Special Use Permit. An application for rezoning to a conditional use district may be accompanied by an application for a Special Use Permit, as provided in Section 4.5 of this Chapter, and may be reviewed concurrently with the Special Use Permit application; provided, however, that the Special Use Permit application shall be approved separately as provided in Section 4.5 of this Chapter.

The Chapel Hill Town Council has discretionary authority to approve or deny the rezoning request. As stated above, the Planning Board is asked to make a recommendation to the Council on its action regarding this rezoning request.

The Goal of the Comprehensive Plan on Housing is to “increase the availability of well-designed, affordable, safe, and sanitary housing for all citizens of Chapel Hill” This project will definitely contribute toward achieving this goal. The Objectives of this section of the Comprehensive Plan include ‘Housing Availability’, ‘Housing Quality’ and ‘Housing Variety’. This project will clearly further all of these objectives. Habitat for Humanity of Orange County recently completed its 100<sup>th</sup> house in Orange County. This project will add 12 single-family homes and 5 rental units for disabled and elderly citizens. All of the units will be affordable for 99 years to households earning at or below 50% of the area median income. All will be built to high standards of quality and energy, efficiency, and will contribute to the housing variety of the neighborhood.

According to Section 7A of the Comprehensive Plan, “the provision of housing at a cost affordable to all of Chapel Hill’s residents is a major priority for the Town.” Strategy 7A-1 states that “the Town will need to work with public agencies, private enterprises, and non-profit organizations to create housing opportunities for households of all income levels.” This project has already received approval from the Town of Chapel Hill and Orange County to receive Community Development Block Grant funds, Chapel Hill Housing Trust Fund monies, and HOME funding to help cover the costs of purchasing the land, designing the project, and building the infrastructure. Clearly, the Town is already a partner with Habitat for Humanity in the development of this site for affordable housing. The rezoning of the parcel to allow for higher density will maximize the use of public funds and contribute to the generation of “significant volumes of affordable housing.”

Section 7A-2 of the Comprehensive Plan calls for providing “incentives for housing providers to develop affordable housing.” One such incentive is the R-SS-C Zoning district employed in this application. Strategy 7A-2 further states, “Innovative techniques should be explored and encouraged.” These techniques include “clustering, zero lot line development small single-family or “cottage” housing and modular construction.”