

# Appendix H

## FAIR SHARE OBLIGATIONS UNDER CURRENT ZONING

### Introduction

The following analysis estimates East Goshen Township's obligation to provide its "fair share" of multiple family housing and then assesses whether the Township's current Zoning Ordinance allows for enough multiple family housing to meet these obligations.

### The Basic Concept of Fair Share

The 1988 amendments to the Pennsylvania Municipalities Planning Code (MPC) require that through zoning, each municipality provide "...for residential housing of various dwelling types encompassing all basic forms of housing, including single family and two family dwellings, and a reasonable range of multiple family dwellings in various arrangements..." (MPC Section 604.4). This stemmed from the judicial determination that local governments are required to plan for and implement land use regulations that meet the legitimate needs of the range of people who may desire to live in the community. In spite of this "fair share" mandate, however, the Legislature has not specified the necessary amount of any residential use, nor has the Legislature offered guidance for a municipality to determine if it has met its obligation to provide for each residential use.

The Courts, however, have been more instructive on the issue of municipal obligation regarding types of residential use. In 1977, the Pennsylvania Supreme Court decided the landmark case, *Surrick v. Zoning Hearing Board of Upper Providence Township* 776 Pa. 182, 382 A.2d 105, which laid out an analytical "fair share" test or methodology to help determine if a municipality is allowing only a token provision of a residential housing type, particularly multi-family dwellings, or whether a municipality is meeting its fair share obligation.

The process used to determine if a municipality has met such a responsibility is termed a "fair share" analysis. A fair share analysis attempts to assess, based on available information, whether a municipality is providing for its "fair share" of all housing types, particularly multi-family housing and meeting its obligation to accommodate growth. Through the amendments to the MPC by Acts 67 and 68 of 2000, another opportunity exists to meet fair share responsibilities on a multi-municipal basis, through the adoption of a multi-municipal comprehensive plan and corresponding intergovernmental implementation agreement. This process requires the analysis of fair share requirements and responsibilities for the municipalities involved, and then the development of a regional land use component to address these fair share responsibilities.

This fair share analysis considers the availability of land and the provision for multi-family housing from several different perspectives to determine whether East Goshen Township has designated a disproportionately small amount of land to multi-family dwellings. The analysis is intended to prevent the Township from directly or indirectly excluding any common form of residential housing, particularly multi-family housing, from this developing area. The recommendations for the Land Use and Housing Plans (Chapters 2 and 3, respectively) will address the conclusions from the fair share analysis.

### The Fair Share Test

The fair share analysis is primarily comprised of a three-tier test laid out by the *Surrick* Court. However, as post-*Surrick* cases hold, this test is not appropriate if a municipality completely excludes multi-family

housing. (A zoning ordinance that either specifically prohibits or fails to make any provision for a specific use is said to be exclusionary, or effects a facial or “de jure” exclusion of the use. A zoning ordinance that completely excludes a type of residential use will be found invalid.) Rather, the fair share test is to determine if the amount of multi-family housing is token or “defacto” exclusionary (permitted on its face by the ordinance as a specific use, but which does not allocate sufficient land for that use or otherwise negates the facial provision of the use).

While the case law following *Surrick* has garnered some general principles of law, neither the courts nor the Legislature has developed clear standards for meeting fair share. Indeed, even with the three-tier *Surrick* fair share test, “the question of whether or not a zoning ordinance is exclusionary in its effect...always depends on the unique facts in each case and, thus, can only be decided on a case-by-case basis.”<sup>1</sup> Notwithstanding the individual nature of each municipality, the courts have established the following tiers for determining if a municipality is providing for its fair share obligation:

- Tier 1            Is the municipality a logical area for population growth and development? (i.e., Is it in the path of growth?)
- Tier 2            Is the municipality a developed or developing community?
- Tier 3            Is the amount of land zoned/available for multi-family<sup>2</sup> development disproportionately small, in relation to population growth pressure and present level of development?

## **Fair Share Obligations Applied to East Goshen Township**

### **Tier 1 Is the Municipality a logical area for development and population growth?**

The first tier of the *Surrick* test examines whether a community is a logical area for development and population growth, or “in the path of growth.” There are several factors to consider in determining whether East Goshen Township is in the path of growth. The first factor is the Township’s proximity to a large metropolis, or arguably, fast growing areas. A second growth factor to consider is the Township’s transportation network and accessibility. The Township’s projected population figure is the final growth factor in the Tier 1 analysis. However, the list of factors for this tier of the analysis, or any one of the other two tiers, is not exhaustive nor is any one factor necessarily controlling.<sup>3</sup>

Considering the factors listed above, and the location, development history, and growth patterns, East Goshen Township is located in the path of growth. The Township is a highly developed suburban community with proximity to Philadelphia, as well as Wilmington, Delaware. Connections to major transportation destinations via Route 202, Route 3 (West Chester Pike), Paoli Pike, Interstate 476 (Blue Route), Interstate 95, Interstate 76 (the Pennsylvania Turnpike west of Valley Forge, and the Schuylkill Expressway), and Interstate 276 continue to provide the impetus for residential development in the Township. In addition, the population trends shown in Table H-1, indicate a steady growth of the Township’s population. (See Appendix C for specific demographic data.)

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<sup>1</sup> *Kaiserman v. Springfield Township*, 22 Pa. Cmwlth. 287, 348 A.2d 467 (1975) at 470.

<sup>2</sup> Please note that in the context of the fair share analysis, the term “multiple family” or “multi-family” means any housing type of three (3) or more dwelling units, including but not limited to townhouses, quadrplexes and apartments.

<sup>3</sup> *Surrick*, at 111.

Table H-1

| 1990 Population* | 2000 Population* | 2020 Projected Population** | Change 1990-2000 | Change 2000-2020 | Percentage Increase 1990-2000** | Percentage Increase 2000-2020** |
|------------------|------------------|-----------------------------|------------------|------------------|---------------------------------|---------------------------------|
| 15,138           | 16,824           | 19,780                      | 1,686            | 2,956            | 11.1%                           | 17.6%                           |

\* U.S. Census Bureau, 1990 and 2000.

\*\* Chester County Planning Commission, 2002.

**Tier 2 Is the municipality a developed or developing community?**

The second tier of the *Surrick* test looks at the present level of development within the Township. There are several key factors that help with that inquiry and determine the level of development.

- Factor 2.1 is the percentage of remaining undeveloped land, which demonstrates the level a community is “built out”.
- Factor 2.2 is the number of multi-family housing units needed to accommodate future growth.
- Factor 2.3 is the amount of land available for the development of multi-family dwellings as a percentage of all land.

**Factor 2.1 Total Undeveloped Land Area (Developable Land Area)**

**Developable Land Area**

To determine how “developed” East Goshen Township is, it is necessary to subtract the constrained, protected, and developed lands from the total land area. Table H-2 shows what subcategories make up each category of developed, constrained, protected, and developable lands in the Township. The Developable Lands Map (See Map H-1) shows the location of land in each of those four categories. For purposes of this analysis, Map H-1 groups developed, constrained, and protected lands into a single “undevelopable” category that defines the areas that are not available for new development. Already developed lands would be candidates for redevelopment. Lands considered “partially developable”, as shown on Map H-1, are lands that have some development, usually a single family dwelling, but would allow for additional potential development on the site as a result of minimum zoning requirements. Analysis of these areas has factored out existing developed locations based on the minimum zoning requirements, and are included in Table H-3, column 5.

**Table H-2: Constrained and Developable Lands**

| <b>Land Category</b> | <b>Sub-Categories</b>   |
|----------------------|---|
| Constrained Lands:   | 100 Year Floodplain<br>Alluvial Soils<br>Slopes of 25% or greater<br>Wetlands/Hydric Soils<br>Streams and Ponds   |
| Protected Lands:     | Eased Lands/Trusts<br>Private Recreation  |
| Developed Lands:     | Residential (4 acres or less)<br>Commercial<br>Industrial<br>Roads/Road Rights-of-Way<br>Utility Rights-of-Way<br>Approved Preliminary or Final Plans<br>Municipal Park Lands<br>Other Developed Land |
| Developable Land:    | Unconstrained areas<br>Undeveloped areas<br>S-F Residential 2+ acres <sup>4</sup>   |

Source: Chester County Planning Commission, 2003.

### **Developable Land by Zoning District**

Table H-3 shows the amount of undevelopable land, developable land, and partially developable land located in each of the current zoning districts. This table also shows the total amount of land in each zoning district and the percent of developable land in the Township.

<sup>4</sup> This category includes parcels of two acres or greater with one single-family home. These existing houses have been taken into account when determining the potential new residential units in Table H-5.

Table H-3: Developable Land by Zoning District

| Column 1   | Column 2                              | Column 3   | Column 4  | Column 5  | Column 6  |
|--|---------------------------------------|--|---|---|---|
| Zoning District  | Total Land In Zoning District (acres) | Undevelopable Lands (Developed, Constrained, or Protected) (acres) | Developable Land In Zoning District (10% for infrastructure excluded) (acres) | Partially Developable Land In Zoning District (acres) | Percent of Total Developable Land in Township (Columns 4 and 5) |
| Low Density Residential Cluster (R-1)*                           | 755.47                                | 755.47   | 0.00  | 0.00  | 0.0%  |
| Low Density Residential (R-2)                                    | 4,180.02                              | 3,422.14   | 238.21  | 188.76  | 78.4%   |
| Medium Density Residential (R-3)                                 | 110.82                                | 99.60  | 10.22   | 4.24  | 2.7%  |
| High Density Residential (R-4)*                                  | 29.55                                 | 20.23  | 7.68  | 0.64  | 1.5%  |
| Urban Residential (R-5)*   | 164.51                                | 162.37   | 0.00  | 3.98  | 0.7%  |
| Community Commercial (C-1)                                       | 8.37                                  | 8.37   | 0.00  | 0.00  | 0.0%  |
| Local Convenience Commercial (C-2)                               | 25.12                                 | 25.12  | 0.00  | 0.00  | 0.0%  |
| Planned Highway Commercial (C-4)*                                | 89.67                                 | 89.67  | 0.44  | 4.33  | 0.8%  |
| Government, Finance, & Office (C-5)*                             | 10.30                                 | 10.30  | 0.00  | 0.00  | 0.0%  |
| Light Industrial (I-1)   | 181.37                                | 132.44   | 42.62   | 0.00  | 7.8%  |
| Planned Business, Research, Industrial Park & Residential (I-2)* | 321.61                                | 321.61   | 0.00  | 0.00  | 0.0%  |
| Business Park (BP)   | 194.57                                | 148.33   | 41.47   | 0.00  | 7.6%  |
| Roads and R/W  | 433.27                                | 433.27   | 38.02   | 0.00  |   |
| <b>Totals</b>  | <b>6,504.65</b>                       | <b>5,628.92</b>  | <b>342.33</b>   | <b>201.95</b>   | <b>100.0%</b>   |

Source: Chester County Planning Commission; Figures reflect conditions as of August 2003.

\* Indicates which zoning districts allow for multi-family dwellings.

**Conclusion:** The total amount of developable land in East Goshen Township is 544.28 acres, approximately 8.4% of the total area of the Township; conversely, the Township is 91.6% developed. Determining the amount of remaining developable land in the Township is essential, because the amount of remaining developable land provides context upon which to balance the other factors of the analysis.

The threshold based on our interpretation of case law is 95% or more of the municipality. Based on the data provided in the Table above, East Goshen Township can be considered a developing, though highly developed, community.

## Factor 2.2 Multifamily Housing Units Needed

### 2.2.1 Number of Units Needed to Accommodate Projected Population (Projected Units)

Another important determination in the fair share analysis is the number of future homes needed to accommodate projected population between 2000 and 2020. This number is easily calculated by dividing the projected population increase (2,956) by the average household size for the community (2.35 persons per household in the Township based on 2000 Census data). Based on this

calculation, an additional **1,258 housing units** will be needed to accommodate the expected population growth to the year 2020. Note that this population projection is based on the year 2000, so any new developments approved in the period between the 2000 Census data collection period and the adoption of this Comprehensive Plan (2004) should be factored.

*Population Increase divided by Household Size = 2,956 / 2.35 = 1,258 additional housing units*

### **Number of Multiple Family Units to be Accommodated**

Once the total number of anticipated housing units is determined, the next important question is, how many of the units should be multi-family (3 or more units)? A review of Pennsylvania case law indicates that planning for at least 15 percent of projected housing to consist of other than single family detached units should fall within the parameters of the fair share test. In the case of the Township, of the approximately 1,258 total housing units needed to accommodate the projected population to the year 2020, the Township should allow for a minimum of **189 multi-family units**.

*1,258 projected housing units x 0.15 = 189 needed multi-family units*

As noted in Section 2.2.2, below, this projection may not be met by current zoning and developable lands. As an alternative, the minimum number of multi-family units to accommodate should be based on the potential build-out of the Township (see Section 2.2.2).

#### **2.2.2 Build-out Units (The Potential Number of New Housing Units Possible Under Current Zoning at Build-Out) (using data from Table H-5)**

Once it is determined how many total and multi-family units are needed to accommodate future population growth, it is necessary to complete a build-out analysis to see if, under current zoning, the Township can accommodate the number of units when fully developed. Using the data in Table H-5, there is a potential for **482 to 767 new residential units** to be built in East Goshen Township. In comparison, there are approximately 7,496 existing units<sup>5</sup> in the Township as of 2000.

The primary multi-family districts in the Township are the R-4, R-5, and C-4 districts. Based on the data in Table H-4, there is a potential for **246 multifamily units** to be built in those districts. There are additional possibilities for residential conversions to apartments in those same districts. However, this projection is the number to be used in assessing the projected multi-family units to accommodate in the Township, based on developable lands. It should be noted that developments currently under construction have not been counted toward these totals, and should be considered as part of the increase in population and units since the 2000 Census. However, sites where non-single family units are under construction have been excluded from this analysis as being considered “undevelopable”.

According to the population and housing analysis in Factor 2.2.1, above, approximately 1,258 additional units would be needed to accommodate new residents to the year 2020. Without factoring in currently approved but not-yet-constructed units (from 2000 through adoption of the Comprehensive Plan), the projected population could not be accommodated under existing zoning.

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<sup>5</sup> U.S. Census, 2000.

Appendix H – Fair Share Obligations Under Current Zoning

Tables H-4 and H-5 (below and on page H-8) provide the details and calculations relative to existing developable lands in the Township.

**Table H-4: Residential Dwelling Densities by Zoning District<sup>6</sup>**

| Zoning District                           | Type of Sewer/Water Service Available                            | Minimum Lot Size (square feet)                                  | Maximum Density (dwelling units per acre) |
|---|--|---|---|
| <b>Low Density Residential:</b><br>R-2    | Single Family Detached: On-lot systems or public sewer and water | 43,560 s.f.   | 1 du/acre                                 |
|   | Cluster: Public sewer/water only                                 | 25,000 s.f. (Option 1) or 20,000 s.f. (Option 2)                | 1 du/gross acre (maximum)                 |
|   | Open Space: Public sewer/water only                              | Unspecified lot size (control by building separation distances) | 1.1 du/gross acre (maximum)               |
| <b>Medium Density Residential:</b><br>R-3 | Single Family: Public sewer/water only                           | 18,000 s.f. (single family detached)                            | 2.42 du/net acre                          |
|   |  | 12,000 s.f. (single family semi-detached)                       | 3.63 du/net acre                          |
| <b>High Density Residential:</b><br>R-4   | Single Family: Public sewer/water only                           | 14,500 s.f. (single family detached)                            | 3 du/net acre                             |
|   |  | 10,000 s.f. (single family semi-detached)                       | 4.35 du/net acre                          |
|   | Cluster: Public sewer/water only                                 | 9,000 s.f. (single family detached only)                        | 3 du/acre                                 |
|   | Open Space: Public sewer/water only                              | Unspecified lot size (control by building separation distances) | 1.1 du/gross acre (maximum)               |
|   | Mobile Home Parks: Public sewer/water only                       |   | 4 du/net acre                             |
|   | Townhouses: Public sewer/water only                              | Unspecified lot size (control by lot width and building width)  | 5 du/net acre                             |
|   | Apartments: Public sewer/water only                              | 3,000 s.f./dwelling   | 14.5 du/net acre                          |
| <b>Urban Residential:</b><br>R-5          | Single Family: Public sewer/water only                           | 14,000 s.f. (single family detached)                            | 3.1 du/net acre                           |
|   |  | 10,000 s.f. (single family semi-detached)                       | 4.35 du/net acre                          |
|   | Townhouses: Public sewer/water only                              | Unspecified lot size (control by lot width and building width)  | 10 du/net acre                            |
|   | Apartments: Public sewer/water only                              | 3,000 s.f./dwelling   | 14.5 du/net acre                          |
| <b>Planned Highway Commercial:</b><br>C-4 | Single Family Detached: on-lot systems or public sewer and water | 4 acres   | 0.25 du/acre                              |
|   | Townhouses: Public sewer/water only                              | Unspecified lot size (control by lot width and building width)  | 5 du/net acre                             |
|   | Apartments: Public sewer/water only                              | 3,000 s.f./dwelling   | 14.5 du/net acre                          |

Source: Chester County Planning Commission; Figures reflect conditions as of August 2003.

<sup>6</sup> Lot sizes and densities are included only for districts where developable land exists.

**Table H-5: Potential Residential Development by Zoning District**

| Zoning District                              | Variables  | Total Developable Land In District (less 10% for infrastructure) (acres) | Permitted Range of Densities (du/acre)* | Potential New Dwelling Units In District** |
|--|--|--|---|--|
| <b>Low Density Residential:</b><br>R-2       | Single Family Detached: On-lot systems or public sewer and water | 426.91   | 1 du/acre                               | 426  |
|  | Cluster: Public sewer/water only                                 |  | 1 du/gross acre (maximum)               | 426  |
|  | Open Space: Public sewer/water only                              |  | 1.1 du/gross acre (maximum)             | 469  |
|  | <b>Total Low Density Residential</b>                             |  |   | <b>426 – 469</b>                           |
| <b>Medium Density Residential:</b><br>R-3    | Single Family: Public sewer/water only                           | 14.46  | 2.42 du/net acre                        | 34   |
|  |  |  | 3.63 du/net acre                        | 52   |
|  | <b>Total Medium Density Residential</b>                          |  |   | <b>34 – 52</b>                             |
| <b>High Density Residential:</b><br>R-4      | Single Family: Public sewer/water only                           | 8.32   | 3 du/net acre                           | 24   |
|  |  |  | 4.35 du/net acre                        | 36   |
|  | Cluster: Public sewer/water only                                 |  | 3 du/acre                               | 24   |
|  | Open Space: Public sewer/water only                              |  | 1.1 du/gross acre (maximum)             | 9  |
|  | Mobile Home Parks: Public sewer/water only                       |  | 4 du/net acre                           | 33   |
|  | Townhouses: Public sewer/water only                              |  | 5 du/net acre                           | 41   |
|  | Apartments: Public sewer/water only                              |  | 14.5 du/net acre                        | 120  |
| <b>Total High Density Residential</b>        |  |  | <b>9 – 120</b>                          |  |
| <b>Urban Residential:</b><br>R-5             | Single Family: Public sewer/water only                           | 3.98   | 3.1 du/net acre                         | 12   |
|  |  |  | 4.35 du/net acre                        | 17   |
|  | Townhouses: Public sewer/water only                              |  | 10 du/net acre                          | 39   |
|  | Apartments: Public sewer/water only                              |  | 14.5 du/net acre                        | 57   |
| <b>Total Urban Residential</b>               |  |  | <b>12 – 57</b>                          |  |
| <b>Planned Highway Commercial:</b><br>C-4    | Single Family: On-lot systems or public sewer and water          | 4.77   | 0.25 du/acre                            | 1  |
|  | Townhouses: Public sewer/water only                              |  | 5 du/net acre                           | 23   |
|  | Apartments: Public sewer/water only                              |  | 14.5 du/net acre                        | 69   |
| <b>Total Planned Highway Commercial</b>      |  |  | <b>1 – 69</b>                           |  |
| <b>Total Potential New Residential Units</b> |  |  |   | <b>482 to 767</b>                          |

\*du/acre = dwelling units per acre; see Table H-4 for details of lot sizes, etc.

\*\*See Table H-4 for types of dwellings permitted in each district.

Source: Chester County Planning Commission; Figures reflect conditions as of August 2003.

### 2.2.3 Ratio of Multi-Family to Single Family Units Currently on the Ground

Another important consideration in the fair share analysis is the amount of multi-family housing currently on the ground. Ultimately this information is more critical for municipalities nearing build-out, as is the case in East Goshen Township, because it provides more realistic data than a theoretical build-out analysis. However, knowing the percentage of the current housing stock in the Township that is multi-family, regardless of how much developable land remains, offers a snapshot of the Township’s current mix of housing, and what the market has thus far dictated. While market factors (in addition to zoning) drive what type of housing gets built, the current ratio of multi-family housing to all other residential housing types gives some insight into whether the Township has been accommodating its share of multi-family housing.

**Table H-6: Multifamily Housing as Percentage of Total, 2000**

| 2000 Total Housing Units* | 2000 Total Multifamily Housing Units* | Percent Multifamily, 2000 |
|---------------------------|---------------------------------------|---------------------------|
| 7,496                     | 2,211                                 | 29.5%                     |

\* U.S. Census Bureau, 2000.

In the case of East Goshen, the percentage of multi-family housing as a reflection of total housing in the Township indicates that the Township has been accommodating its share of multi-family housing.

### Factor 2.3 Land Available for Multi-Family Dwellings

The final factor in analyzing the present level of development is the amount of land available for multi-family dwellings. The courts have not specifically defined the term “available” as used in *Surrick*. While the courts may have assumed a general definition of the word, and intended it to mean developable land only, the cases include discussions on “total” lands. Therefore, for calculation purposes, it is unclear from the cases what constitutes “available.”

The methods below show two possible approaches for determining how much land is available for multi-family development, progressing from the least conservative (total lands) to the most conservative approach (developable lands only). These approaches are based on review and interpretation of the fair share case law. The “Developable Lands” approach is most relevant in rural and less developed suburban areas (where buildout is 60% or less) where there is little existing multi-family development. In more developed areas, such as East Goshen, the “Total Lands” may have the most merit, because it takes into account existing development.

**Available land** may be defined as follows:

- **“Total Lands”** - This category includes all lands designated for multi-family uses, including developed, developable, constrained, and protected lands. (Factor 2.3.2, least conservative approach)
- **“Developable Lands”** - This category includes only developable lands; i.e., those lands that have not already been developed and that are not protected or constrained. (Factor 2.3.1, most conservative approach)
- **“Developable Residential Lands”** – This category includes only developable lands in zoning districts permitting residential development (Factor 2.3.1).

**Recommended Thresholds:**

While the case law does not prescribe a set percentage of land for multi-family use, when using the less conservative approach in Factor 2.3.1, it is recommended that at least seven percent of the land be designated for multi-family uses. In the case of the most conservative approach in Factor 2.3.2, the percentage of land designated for multi-family uses should ideally equal at least five percent and no less than four percent. (Data from Table H-3).

**Factor 2.3.1 - “Total Lands”** - Percentage of all land designated or zoned for multi-family use, whether developed, constrained, or protected.

*(Multi-family land ÷ All land) x 100 = Percentage of All Multi-Family Designated Land.*

*(1,039.2 acres ÷ 6,071.38 acres) x 100 = **17.1%** of all land is available for multi-family development.*

**Factor 2.3.2, Option A - “Developable Lands”** - Percentage of developable land designated or zoned for multi-family use.

*(MF developable land ÷ All developable land) x 100 = Percentage of Developable MF Land.*

*(17.07 acres ÷ 544.28 acres of developable land) x 100 = **3.1%** of developable land is available for multi-family development.*

**Factor 2.3.2, Option B - “Developable Residential Lands”** - Percentage of developable residential land designated or zoned for multi-family use.

*(MF developable land ÷ All developable residential land) x 100 = Percentage of Residential Land Available for Multi-Family Uses.*

*(17.07 acres ÷ 460.19 acres of developable residential land) x 100 = **3.7%** of developable residential land is available for multi-family development.*

**Conclusion:** It is important to reiterate that the courts have not set a bright line as to how much land must be designated for multi-family uses. However, the Township is well above the recommended 7% when “total lands” are calculated. This calculation assumes that the R-1 District is generally classified as a multi-family district, since all development within the district to date has been of a form not classified under the Township Zoning Ordinance as “single-family detached dwellings”. Using “developable lands” calculations, East Goshen does not meet the recommended 5 percent of land designated for multi-family housing. The summary of the Township’s build-out capacity and ability to meet fair share calculations is provided in Table H-7 below.

**Table H-7: Summary of Results**

| <b>Accommodation of Projected Population Growth:</b>            |  |                  |        |
|---|--|------------------|--------|
| Factor 2.2.1  | New housing units needed to accommodate projected population growth to 2020.                     | 1,258 units      |        |
| Factor 2.2.1  | Estimated number of new units needed to meet current fair share obligations.                     | 146 units*       |        |
| <b>Accommodation of Multi-Family Fair Share Obligations:</b>    |  |                  |        |
| Factor 2.2.2  | Potential additional housing units of all types under current zoning at build-out.               | 482 to 767 units |        |
| Factor 2.2.2  | Number of new units (of all types) possible in zoning districts permitting multi-family housing. | 246 units        |        |
| <b>Percentage of Land Available for Multi-Family Dwellings:</b> |  | recommended      | actual |
| Factor 2.2.3  | Developable Lands  | 5%               | 3.1%   |
| Factor 2.2.3  | Developable Residential Lands  | 5%               | 3.7%   |
| Factor 2.2.3  | Total Lands  | 7%               | 17.1%  |

Source: Chester County Planning Commission, 2003.

\* Assuming that the population projection cannot be met using developable lands numbers only, the number of multi-family units needed to meet fair share obligations, in this case, is based on estimated buildout, Factor 2.2.2.

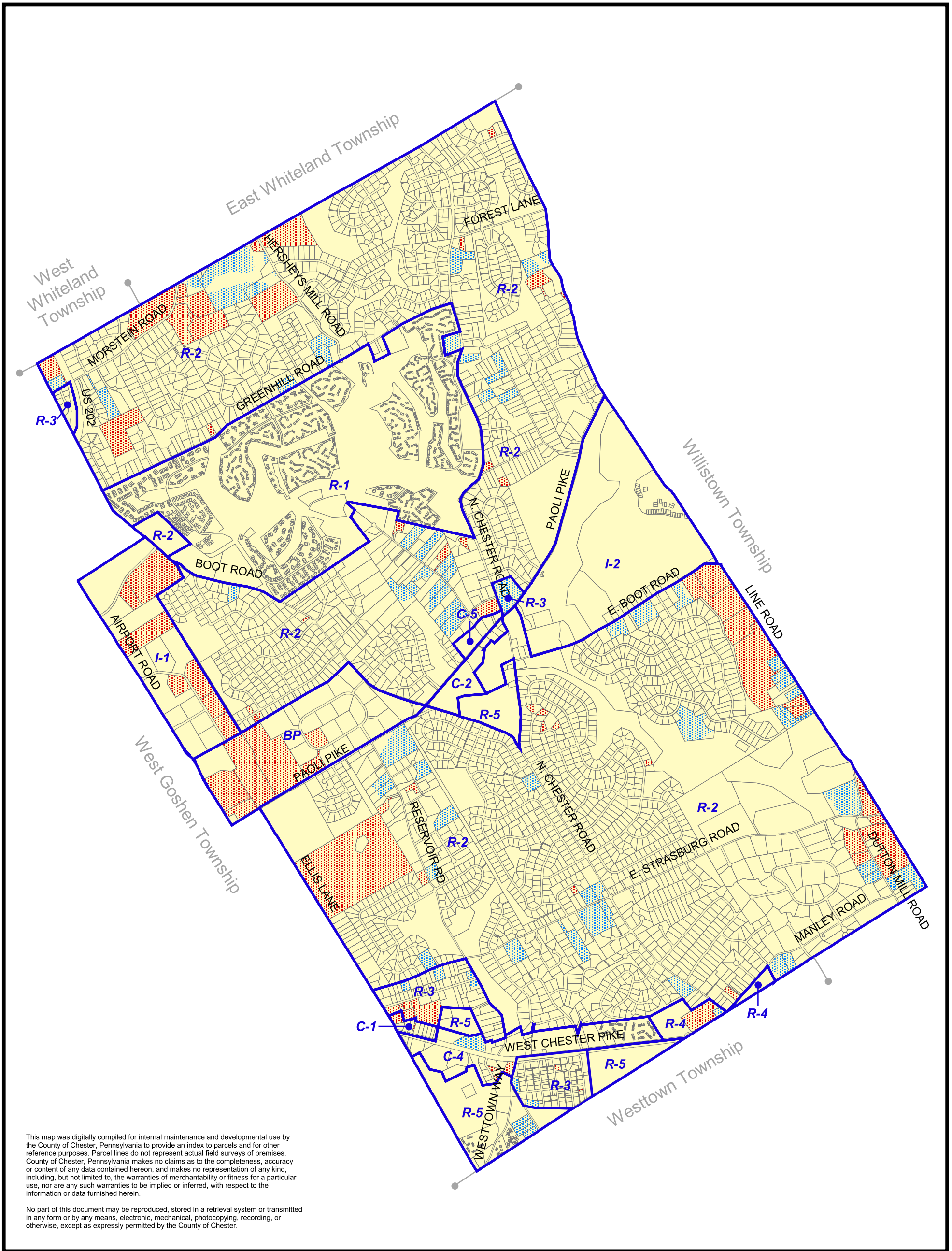
**Tier 3 Is the amount of land available for multifamily development disproportionately small in relation to population growth pressure and present level of development?**

The third tier of the fair share analysis is to determine the extent, if any, of the exclusion of multi-family housing in the Township. It is a balancing test, in essence, to determine if the amount of land designated for multi-family development is disproportionately small, in relation to population growth pressure and present level of development. To do so, it is necessary to consider the percentage of land available under the Township Zoning Ordinance for multi-family dwellings in light of the current population growth in the Township and in light of the total amount of undeveloped land left in the Township.

East Goshen Township is obligated to allow for all housing types, including apartments, townhouses, and twins, within its borders. The Township provides for all forms of housing, and is not exclusionary of any housing type mandated by the MPC. Because no housing type is totally excluded it is necessary to assess whether or not the Township has designated a reasonable percentage of land available under the Zoning Ordinance for multi-family dwellings.

The first two tiers of the three-tier fair share test described above indicate that the Township is a logical area for development and population growth but that there is little room for new development (it is approximately 91% developed). The data in the tier two analysis demonstrates that the Township cannot provide enough total housing units to meet population projections, though the Township could meet the minimum multi-family housing requirements of the projected population. The Township provides approximately 3.1% of its remaining developable lands for multi-family units, but over 17% of its total land allows for multi-family development. The tier two analysis further indicates that approximately 30% of the housing stock in the Township consists of multi-family units. East Goshen Township is a highly developed, mature suburban community with very little developable land. Although the courts have not provided a bright-line rule for how much total land a municipality should set aside for multi-family development, it appears that the Township is well within ordinary and reasonable bounds of providing enough total land for multi-family development.

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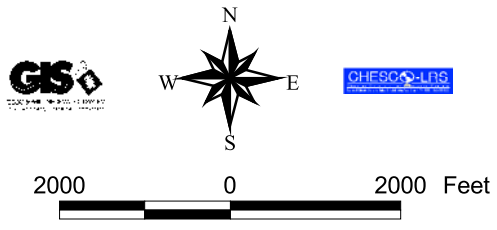
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MAP H-1

# East Goshen Township

## Comprehensive Plan

June 2005



Data Source: Municipal Border, Parcels - Chester County Bureau of Land Records, 1999; Roadways - Chester County Bureau of Land Records, 2002; Developable Land - East Goshen Township, 2003; Chester County Planning Commission, 2003.

### Developable Lands Map (Zoning)

- Undevelopable Land (includes developed land, constraints, and protected land)
- Fully Developable Land
- Partially Developable Land
- Zoning District Boundaries

#### BASE INFORMATION

- Parcel Lines
- Roads
- Surrounding Municipal Boundaries