

## Appendix D: Multifamily Fair Share Analysis

The purpose of this analysis is to determine if there is adequate land zoned (or proposed to be rezoned) for multifamily housing in East Rockhill based upon two separate tests which recent case law has been upheld by the courts—multifamily housing units needs based upon the county average and the Four Percent Rule as described below.

### A. Multifamily Housing Unit Needs based on County Average

The overall percentage of multifamily units for Bucks County, is 30.7 percent based upon the 2000 U.S. Census.<sup>1</sup> Using the 2015 low projection of 2,657 housing units<sup>2</sup> as the potential number of housing units that would be constructed, the following calculations summarize the potential number of multifamily units (based upon the proposed rezoning as described in the Future Land Use and Growth Management section) to determine if East Rockhill would match the county's average of multifamily units.

2015 housing units (middle projection)	2,657
Multiply by the county avg. of MF units (30.7%)	<u>x 0.307</u>
	815
Subtract MF units constructed (2000 Census)	<u>- 368</u>
	447
Subtract MF units constructed since 2000 Census <sup>3</sup>	<u>- 5</u>
<b>MF units needed for 2015</b>	<b>442</b>
Subtract potential number of MF unit capacity of existing R-1 District, lands rezoned to S-1 District	<u>- 621</u>
<b>Number of MF units above county average<sup>4</sup></b>	<b>178</b>

Based upon this analysis, East Rockhill would exceed the Bucks County's average number of multifamily units. If a decision is made to permit multifamily units in the Village Residential zoning district, this figure would increase accordingly.

<sup>1</sup> MF units include attached unit structures (e.g., townhouses) or 3 or more unit structures (e.g., apartment buildings), but excludes 2-unit structures (e.g., twins).

<sup>2</sup> Projections are based on age-cohort method as part of the comprehensive planning process.

<sup>3</sup> The cut-off date for the U.S. Census was April 2000. Therefore, based upon a review of building permit data by township administrators, there were 5 additional MF units constructed since May 1, 2000 and February 2003, the date of this analysis.

<sup>4</sup> Currently, the VR/VC districts do not permit MF units. Therefore, rezoning the sites adjacent to Hagersville would not contribute to the potential number of MF units. If Use B3 regulations is amended to permit MF units on these sites (or a new use is created for these two sites that permits MF units), the number of MF units above the county average would increase accordingly.

## B. Four Percent Rule

A second test for determining if a municipality is providing its fair share of multifamily housing units is based upon relevant case law that requires at least four percent of the land area of a municipality be zoned for multifamily use. The Court of Common Pleas has specifically held that land used for farming is to be considered developed when conducting an analysis related to the Surrick case and other cases that served to supplement the Surrick case<sup>3</sup>. Therefore, the agricultural land area (716 acres) is subtracted from the overall land area of the township (8,288 acres). The result (7,572 acres) is multiplied by 0.04 (or four percent) resulting in **303 acres**. This represents the land area needed in the Development Area for multifamily use.

Currently, in East Rockhill's existing zoning ordinance, the R-1 Residential District is the only zoning district that permits multifamily housing (i.e., single-family attached units).<sup>4</sup> Based upon an analysis of tax map parcel data, the total land area zoned R-1 is **377 acres, which exceeds 303 acres**. Therefore, the land area zoned for multifamily use in East Rockhill Township passes the Four Percent Rule.

---

<sup>3</sup> See Appeal of Heritage Building Group, Inc. from the decision of the Zoning Hearing Board 72 Bucks Co. L. Rep. 185 (2000), and Appeal of Heritage Building Group, Inc. from the Decision of the Bedminster Township Board of Supervisors 72 Bucks Co. L. Rep. 188 (1999).

<sup>4</sup> The potential capacity of the proposed Suburban-1 district is not included in these calculations, but would increase the total acreage accordingly.