

Chapter 15

Housing Plan

This Chapter presents a housing plan aimed at preserving the existing housing stock and ensuring that a variety of housing alternatives continue to be made available to both present and future residents of New Garden. These recommendations are not intended to be considered independently, but should be evaluated in conjunction with the future land use recommendations, since housing issues are linked to land use policies.

Monitoring housing opportunities and conditions is a role of the municipal government as a function of its responsibility to maintain the health, safety and welfare of local residents. New Garden contains one large village area, Toughkenamon, and a variety of large subdivisions and trailer parks, which offer a range of housing alternatives. The Township provides or oversees many essential services used by residents. These services, along with the availability of large tracts of land and infrastructure, have encouraged development in New Garden. Along with easy access to the major regional transportation routes, including US Route 1, Route 7, Route 41, Route 82, and Baltimore Pike; and employment opportunities in Delaware, all of these factors have influenced increasing amounts of new residential development.

New Garden's goal and objectives for the provision of housing opportunities are as follows:

Goal:

To have a wide variety of housing opportunities, including housing for older residents and special needs groups, and to meet the needs of various types of households and income levels, while assuring that the housing is decent and safe.

Objectives:

- Ensure land use regulations are consistent, adhered to, and enforced to meet housing needs.
- Encourage safe, decent, and affordable housing for all residents.
- Educate residents about various housing groups to take advantage of programs and services.
- Allow higher densities for residential development in and around the village areas, subject to connection to public services.
- Continue to improve the code enforcement program in an effort to meet the minimum certification requirements of the state building code.
- Encourage future development to locate near existing and proposed water and sewer services.
- Designate new areas for residential growth and development in keeping with the existing character of the community and providing opportunities to continue the existing mix and diversity of housing types and values, including opportunities to provide senior housing with various levels-of-care.
- Encourage creative site design and flexible land use ordinance standards to accommodate housing that blends into the character of the surrounding landscape.
- Protect the character of existing residential neighborhoods by ensuring land use controls do not allow incompatible uses.

The Pennsylvania Municipalities Planning Code (Section 301(a)(2.1)) specifically states that a Comprehensive Plan must include a “plan to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality.” Although the MPC stops short of mandating affordable housing, it does reference the “accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.” In addition, the

MPC indicates that the Plan should address, as needed, the conservation of sound housing and the rehabilitation of housing in declining neighborhoods. This Housing Plan will address these issues within the framework of the Township's established goals and objectives.

Residential Development

Proximity to Wilmington, Delaware and the rolling, picturesque landscape are two of the factors that have determined the existing pattern of residential development in New Garden. Single-family detached units make up the majority of the Township's housing stock. Residential land use is the most extensive type of development, accounting for over 25 percent of the total land area, within four (4) zoning districts, R-1, R-2, R-3, and UD. The following is a look at the potential for residential development in New Garden using existing conditions within each residential zoning district. (Note: PS = Public Sewer / PW = Public Water / DU = Dwelling Unit)

R-1 Residential: The R-1 District was established primarily for low-density single-family development on lots of one acre (43,560 SF). Cluster development is permitted within the district on 20-acre parcels, with a minimum lot size of 12,500 SF and the provision of public sewer and public water. Any proposal for development containing 10 or more DUs is required to cluster their development. There are 6,091 total acres within this zoning district, of which 1,953 are currently developable, with a development potential of 1,953 single-family units if totally built-out.

R-2 Residential: The R-2 District was established for primarily for high-density single-family, semi-detached, and single-family attached units on various sized lots based on whether or not public sewers and/or public water is provided. Cluster development is permitted within the district on 20-acre parcels, with a minimum lot size of 12,500 SF for single-family detached and 8,000 SF for single-family semi-detached provided public sewer and/or public water are available. Any proposal for development containing 10 or more DUs is required to cluster their development. There are 1,462 total acres within this zoning district, of which 288 are currently developable.

R-3 Residential: The R-3 District was established primarily for high-density single-family, semi-detached, and single-family attached units on various sized lots based on whether or not public sewers and/or public water is provided. Cluster development is permitted within the district on 20-acre parcels, with a minimum lot size of 12,500 SF for single-family detached and 8,000 SF for single-family semi-detached provided public sewer and/or public water are available. There are 42 total acres within this zoning district, of which 8 are currently developable.

UD Unified Development: (Note: This reflects the existing UD District and not the proposed district.) The UD District was established primarily for mixed use development and residential uses in combination with mixed uses in a unified development. For residential development there is a minimum of 100-acres in the tract of which up to 50 percent and a minimum of 5-acres can be used for single-family detached and single-family attached residential development whether or not public sewers and/or public water is provided. There are 1,330 total acres within this zoning district, of which only one parcel qualifies (the 128 acre St. Anthony tract with 57 developable acres) for development.

Other District Residential Standards: The C/1 Commercial and the HC Highway Commercial Districts allow, as an accessory use, a single residential unit only for the owner/operator in the principal building. The BP Business Park District allows as a Conditional Use, 1-2 single-family detached units for every 10 contiguous acres with public sewer and public water.

Residential Recommendations

The following recommendations address issues in terms of providing for various housing forms. These should be considered in conjunction with the recommendations relating to residential development contained in **Chapter 16, Land Use Plan**.

- **Continue to provide for a range of housing types.**

The various types and sub-types of residential development allowed in New Garden are referenced in the Definitions of the Zoning Ordinance. The Township provides the opportunity to develop various residential types, thereby fulfilling key elements of the fair share obligation (See: **Chapter 16, Land Use Plan**, discussion of fair share obligations). The Township will review and update as necessary the various definitions to clearly define each term for a better understanding of where different residential types are permitted, and reducing ambiguity in reviewing development plans. For example, the Township Zoning Ordinance does not contain a definition for a commercial use with apartments on the second floor. This could be termed as a mixed use, or accessory apartments. As of 2004, the Ordinance references Apartments to the Multi-family use definition, which is essentially defined as more than three units with common walls. Existing definitions will need to be examined for potential modifications or terms added to add specificity and flexibility. See **Chapter 16, Land Use Plan**, for additional discussion of this issue.

- **Continue to allow for Residential Cluster Design.**

Residential Cluster Design serves as an overlay district permitted in the R-1 and R-2 residential districts and is required for all subdivisions of 10 or more lots, provided they are served with both public sewer and public water. Because of the potential for open space preservation, natural resource protection, and support in meeting fair-share obligations, New Garden should continue to allow for and encourage the residential cluster design option. However, it is recommended that the Township modify the cluster development regulations to permit a mix of housing types and ensure well designed open spaces within such developments. A maximum lot size and minimum open space of 50 percent should also be required. See **Chapter 16, Land Use Plan**, for additional discussion.

- **Continue to apply the Conditional Use or Special Exception processes to ensure that new housing development meets the objectives of the Land Use Plan.**

In each residential district, some residential uses are subject to the Conditional Use or Special Exception provisions of the Zoning Ordinance. This gives New Garden discretionary authority over the projects, in particular, the ability to specifically evaluate the effect of the proposed development on the neighborhood and set additional conditions for development. This discretionary authority should be used to ensure that the proposed development blends with the surrounding land uses, is buffered from adjacent development, provides for open space, and offers sufficient recreational opportunities. New Garden will continue to apply the Conditional Use or Special Exception processes to ensure that new housing development fits in with existing land uses.

- **Review and Update the R-3 District Regulations and Standards.**

The R-3 District is a high density residential district in the Toughkenamon area that provides for a range of residential type uses by-right and a plethora of mixed uses by Conditional Use. This area is reaching build-out, with a limited number of in-fill parcels, the Township should review and modify the R-3 district regulations considering, the amount of land available, the type of allowed uses, the various dimensional requirements, and the Town Center Option within the district. The opportunity for infill of vacant properties and redevelopment of existing properties should be carefully examined. Please see recommendations regarding Toughkenamon in **Chapter 16, Land Use Plan**, for more discussion.

Housing Affordability

The availability of affordable housing in New Garden is a topic that should be examined. Any lack of affordable housing limits housing choice and indirectly excludes those residents that desire housing, other than traditional single-family detached units. Not having enough affordable housing can result in a deficiency of diversity, and prevent, for example, older residents from remaining in the community if they desire smaller homes upon retirement, or, young people from purchasing their first home. This can also impact community stability, whereby a community would not be able to rejuvenate as its population ages. The lack of moderately priced housing can also affect employment patterns and the ability to fill many job types. If moderate income households cannot afford to live in a community, the quality of life for all residents can suffer. Addressing the barriers to affordable housing at the municipal level helps to facilitate the creation (and preservation) of housing forms that suit the needs of residents at all ages and income levels. The following recommendations relate to affordable housing in New Garden.

- **Encourage in-fill development.**

An important way to accommodate new housing and residential choice without promoting sprawl-type land consumption is by encouraging in-fill on parcels surrounded by development. Most of the lots available for in-fill in New Garden are along the major roadways, in the village areas, and on smaller lots with the potential to accommodate moderately priced homes. Toughkenamon still has open lots and presents opportunities for residential in-fill and should be viewed as a place to focus future residential development (See: R-3 recommendation, above). In order to maintain the existing scale, the Township should encourage in-fill residential options be similar to the size and type that is already existing. Rectifying existing and future stormwater and sewage issues will be a primary objective to achieve future goals for Toughkenamon. See recommendations above and in **Chapter 16, Land Use Plan**, for additional discussion on strategies to accomplish this task, such as changes to the Township Zoning Ordinance.

- **Support the development of elderly housing in the Township.**

An analysis of the 1980-2000 US Census demographic characteristics of New Garden indicates that the number of residents 65 and older was 345 in 1980, 656 in 2000, and is arithmetically projected to be 864 in 2020. To accommodate the growing number of elderly persons, the Township should ensure the potential for development of elderly housing, thereby providing the opportunity for residents to transition into such housing without relocating to another community.

Elderly housing within the Zoning Ordinance is accommodated in several different forms. It is allowed by Special Exception in the Highway Commercial District as "convalescent home..." ("convalescent home" is not defined within the Ordinance); in the Commercial Industrial District by Special Exception; and in the Unified Development District as a Conditional Use using the criteria within Section 1721 "Retirement/Community Care Facility". Continuing Care/Nursing Home is allowed by right and required to be part of age restricted housing (age 55+) developments. New Garden should continue to review the specifications, regulations, types of allowed uses, and definitions for elderly type housing in all Districts and update the ordinance as necessary.

The Township should consider allowing "Retirement/Community Care Facility" in a wider range of residential zoning districts, since they primarily differ from a standard subdivision only in their age restrictions. Other personal care facilities and "nursing homes" require a higher level of care and are more appropriately located where they are in closer vicinity to transportation, community facilities and services, and public sewer and water.

Housing Conservation

New Garden has a variety of homes and neighborhood settings that combine to create the Township's residential character and quality of life. Most of the homes have been constructed on individual lots as a part of subdivision development. The older homes are found along established roadways. Over the past decades, newer homes have intermingled with these older homes and have produced an eclectic pattern of housing development. The quality of housing stock overall appears to very good, but in some cases in need of routine maintenance and rehabilitation. Maintaining a quality home requires a concerted effort on the part of both the individual property owners and the Township, and having the finances to carry out the needed maintenance. The following series of recommendations addresses conservation of the housing stock in New Garden.

- **Continue to enforce and regularly update Township construction and property maintenance codes and place a high priority on enforcement of these Codes.**

New Garden will be opting in to use the Uniform Construction Code (UCC), the official Building Code of Pennsylvania. In addition, the Township will adopt the 2003 edition of the International Construction Code (ICC) codes required by the state and have inspections completed by contract. New Garden recognizes the importance of these codes and as such will regularly update the codes in order to help the Township maintain high standards and set expectations for building construction and maintenance.

One important section of the UCC contains a property maintenance element that can be used to reduce property and neighborhood decline due to poor maintenance. Currently, the Township uses the 1993 version of the Property Maintenance Code. This element, and the ICC Property Maintenance Code, can be very important for New Garden. The purposes of property maintenance standards include protecting esthetics and property values by establishing minimum standards for the maintenance, appearance, condition, occupancy, utilities, facilities, and other physical components and conditions to make residences fit for human habitation, and to make non-residential properties fit for use. The adoption and active enforcement of such a Code, on both rental and ownership units, can identify problems early on and prevent maintenance issues associated with residential structures from becoming rehabilitation issues in the future. Early identification of issues, and working one-on-one with property owners, in resolving any identified problems, can save the property owner and the Township both time and money. New Garden will enforce and regularly update all of the Codes to prevent the decline of property values, a circumstance that can be difficult to reverse once begun.

- **Use the Zoning Ordinance and Sewage Facilities Plan to direct medium and higher density housing to appropriate areas of the Township as defined by the Land Use Plan.**

The Zoning Ordinance (1997, as amended) and Sewage Facilities Plan (1996) should be revised as needed for consistency with the recommendations of the Land Use Plan for types and intensity of housing. Medium and higher density housing should be directed into areas as shown on the Land Use map and as described in detail in the Land Use Plan. The Sewage Facilities Plan should further support directing proposed public sewer extensions to those areas indicated as appropriate in the Land Use Plan. Conversely, public sewage should not be extended into areas where it would support higher density development than desired for that area. Community systems, where provided in conjunction with the cluster design option, should be sized to meet only the needs of developments they are intended to serve.

- **Promote housing rehabilitation in locations where home maintenance is declining.**

In general, the housing stock in New Garden is very well maintained and rehabilitation is not a significant issue. The following recommendations are applicable in limited areas or isolated instances where declining housing stock is an issue or has potential to become an issue in the future.

When the maintenance of a home declines to the point that it is in need of rehabilitation, the value of surrounding properties can be affected. Rehabilitation of homes and buildings in New Garden should be encouraged where necessary. The Township can help to encourage rehabilitation where needed by providing information and a point of contact. Offering information to residents about homeowner rehabilitation programs, and encouraging younger families to consider older homes, can facilitate rehabilitation at virtually no cost to the municipality. Municipal officials should be made aware of the basic provisions and general application procedures, and pass along this information to residents as the case warrants. A large number of housing assistance programs available to individuals and the Township to help with housing rehabilitation and purchase. The Township should consider making information on this issue available on the Township website and in the newsletter.

- **Support preservation options in the Historic Resources Protection Plan.**

A number of the older houses in New Garden are of historic significance. Maintaining the Township's sense of place is directly linked to preserving the older, often historic, homes and buildings. Allowing the option for converting historic homes and buildings into a range of different uses, provides one method of encouraging their preservation and protecting the character of the places in which they are located. Conversions must take place, however, in a manner that is sensitive to the structure and its environs in order to retain the neighborhood's integrity and character. Several of the recommendations in **Chapter 9, Historic Resources Protection Plan**, discuss providing incentives to owners of historic properties to maintain and preserve these structures. These recommendations also support the general maintenance and rehabilitation of the Township's older housing stock. Prior to implementing this recommendation, historic properties will need to be completely identified and inventoried.

- **Review and update as necessary regulatory provisions associated with home occupations.**

New Garden's Zoning Ordinance does address the issue of home occupations (Section 1711). Home occupation provisions establish standards by which a homeowner can undertake a limited amount of business activity in residential uses. Such business activity is usually divided into categories: "major" or "minor"; those uses meeting the definition of "minor" are permitted by-right, while those considered "major" may be permitted by conditional use or special exception. Although ordinance wording contains provisions that regulate their scale, home occupations can quickly expand and grow beyond their accessory use status. Home occupations that are not in compliance with established standards can have a negative impact on residential neighborhoods and their overall stability. To maintain the residential character of the neighborhoods and conserve the housing units for their intended use, home occupations in New Garden will need provisions that regulate their scale and be monitored to ensure continued compliance with zoning standards and the MPC. The MPC Section 107 contains standards for "No-impact home based business" or minor home occupations, the Township may also choose to include regulations for major home occupations that allow for somewhat more intensive uses to address issues such as deliveries, employees, and similar items.

Farm Worker Housing

Farm worker housing is primarily considered an issue in relation to housing for mushroom workers. Housing needs of most mushroom farm workers can be addressed by providing for varied, affordable housing options designed for both individuals and for families. Since this target population supplies labor specifically for the mushroom industry, the industry itself must participate in addressing the housing shortage. Farm worker housing was identified in **Chapter 5, Housing Inventory**, of this Plan, as an issue and the following recommendations address some of those issues. These recommendations also consider farm worker housing beyond that which is strictly related to the mushroom industry.

- **Conduct an inventory of existing farm worker housing in the Township; and review and improve zoning regulations for the provision of farm worker housing based on the results of the inventory.**
The Township Zoning Ordinance currently does not mention “Housing for Farm Workers” as a permitted use or accessory use to agricultural uses. In order to better assess farm worker housing, the Township should inventory the amount and type of existing farm worker housing. This information would also help to identify any particular problems with the farm worker housing situation and whether any other actions are needed on the part of the Township. Farm worker housing regulations should be geared towards the more intense housing needs associated with mushroom production. However, the Township might also consider allowing for accessory farm worker housing on a much more limited scale in zoning districts where agriculture is still prevalent. For example, a maximum of one to two farm-related dwellings could be permitted as an accessory use on agricultural tracts subject to meeting standards defined in the zoning ordinance. These types of accessory dwellings would be regulated as a distinct use from those permitted in the district.

- **Support the region’s initiatives in regard to farm worker housing and the mushroom industry.**
Housing for workers in the mushroom industry was a frequent point of discussion during the development of the *Kennett Area Region Comprehensive Plan (2000)*. The issue was of particular concern to Kennett Square where a significant number of mushroom employees reside. Kennett Township and East Marlborough Township both specifically include provisions for farm worker housing in their zoning ordinances. The Regional Plan included a detailed discussion of the issues related to farm worker housing and the mushroom industry. Four specific recommendations were included in the Regional Housing Plan element:
 - Support the efforts of the non-profit organizations in developing mushroom farm worker housing.
 - Encourage mushroom industry leaders to accept greater responsibility in addressing needs for farm workers.
 - Review zoning regulations affecting the provision of on-site farm worker housing.
 - Support the New Garden Township planning strategies aimed at increasing affordable housing opportunities.

The Regional Plan should be consulted for additional information regarding these recommendations.

Conclusion

A major responsibility of New Garden officials is to plan for the housing needs of both present and future residents, and to preserve and protect the existing housing stock. The Township has a policy to address a range of housing needs through the zoning ordinance by allowing for a variety of housing types aimed at accommodating individuals and families. According to population projections to 2020, the Township will see an increase in the number of residents. It is anticipated that through the implementation of this Housing Plan, the Township can strengthen the quality, variety, and availability of homes located throughout New Garden and encourage a program that will draw new residents of all ages and incomes and encourage housing that is decent and safe.

