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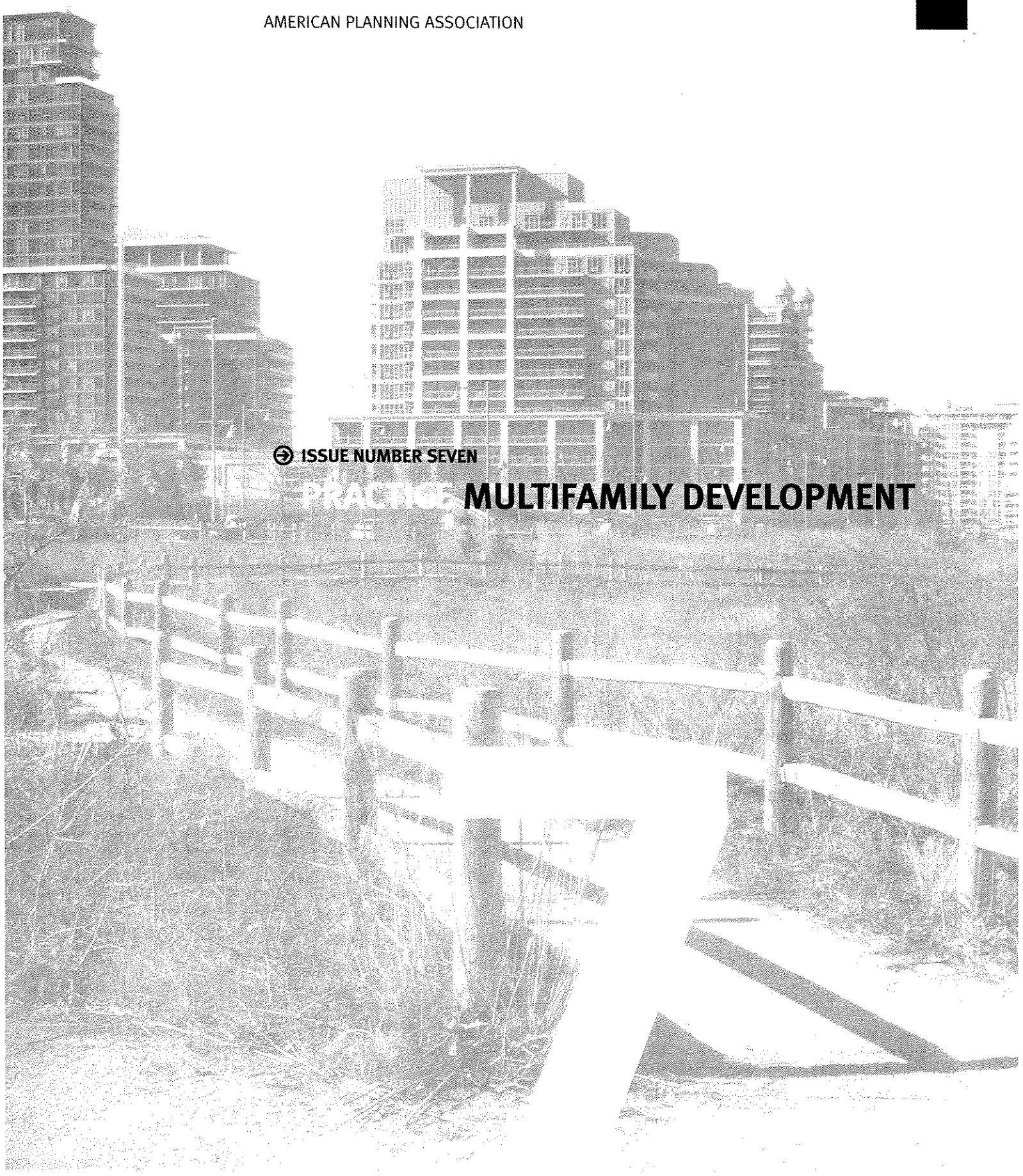
AMERICAN PLANNING ASSOCIATION



ISSUE NUMBER SEVEN

MULTIFAMILY DEVELOPMENT

Is Zoning a Barrier to Multifamily Housing?

By Gerrit-Jan Knaap and Megan Rhodes

Evidence from a variety of sources makes a compelling case that the United States has a housing affordability problem for moderate- and low-income households.

The causes of this problem are complex and controversial, but regulations imposed by local governments—specifically zoning—are clearly among them.

The U.S. Department of Housing and Urban Development (HUD), the Lincoln Institute of Land Policy, and the Fannie Mae Foundation contracted with the National Center for Smart Growth of the University of Maryland to conduct research on possible barriers that zoning might create for the development of high-density, multifamily housing. This research does not attempt to address all the theoretical arguments and empirical details of the effects of regulations on the availability and price of different types of housing. It assumes a need for some regulation of housing and land markets (e.g., building codes and certain aspects of zoning and subdivision ordinances), and defines a regulatory barrier to certain housing types as a government requirement or process that significantly impedes the development or availability of that housing.

In 1991, the President's Advisory Commission on Regulatory Barriers to Affordable Housing (also known as the Kemp Commission, after U.S. Department of Housing and Urban Development Secretary Jack Kemp) found that various regulatory barriers can

- directly raise development costs by as much as 20 to 35 percent;
- prevent the development of affordable housing in many suburban and other areas of high job growth, forcing lower income households to live in locations far from job opportunities; and
- restrict the full range of market rate and affordable housing options, such as higher density housing, multifamily rental housing, accessory units, and manufactured homes.

Several studies and journal articles since then have confirmed the nature of the problem, suggesting that it may be getting worse in particular metropolitan areas. When local regulators effectively withdraw land from buildable supplies—whether under the rubric of "zoning," "growth management," or other regulations—the land factor and the finished product can become more costly. Caps on development, restrictive zoning limits on allowable densities, urban growth boundaries, and long permit-processing delays have all been associated with increased housing prices.

In part because zoning is the purview of local governments, there has been little systematic and empirically based study to analyze patterns of zoning at the metropolitan scale: *How much land is zoned for high-density or multifamily housing?*; *How do zoning patterns vary across metropolitan areas?*; and *Is zoning a significant barrier to high-density, multifamily housing in the United States?*

The rapid development of Geographic Information Systems (GIS) data by local governments creates new opportunities for examining this question. This project attempts to

- characterize quantitatively (using GIS data) the pattern of residential zoning in six metropolitan areas in the United States;
- characterize the regulatory environment in each study area using information obtained from ordinances and statutes, key informants, and published materials; and
- consider whether the evidence suggests zoning as a barrier to high-density, multifamily housing.

OVERVIEW OF THE APPROACH

The research presented in this issue of *Zoning Practice* examines whether zoning by local governments limits the development of multifamily and high-density housing. The work is motivated by concerns that zoning by local governments is used to exclude affordable housing and its occupants. Specifically, our focus is more limited: the effects of zoning on housing density and type. Because high-density and multifamily housing are generally more affordable than low-density, single-family housing, it is likely that zoning barriers to high-density and multifamily housing are also barriers to housing affordability.

The research centers on six metropolitan study areas. For each study area research included (1) quantitative analysis of census and zoning data, (2) review and evaluation of local policies, and (3) interviews with local experts. The study areas are Boston; Miami-Dade County, Florida; Minneapolis-St. Paul; Portland, Oregon; Sacramento, California; and Washington, D.C.

To obtain new insights into potential barriers to multifamily and high-density development, the project team completed the following analyses:

Analysis of housing stocks, production, prices, and rents. Data from the U.S. Census Bureau were used to analyze trends of growth in populations and housing units. Specifically, we collected 1990 and 2000 Census data on populations, households, single-family and multifamily housing units, median house prices, and median contract rents for each jurisdiction in each of the six study areas.

Analysis of zoning regulations. From GIS metadata and local zoning ordinances, the project team conducted a quantitative analysis of current zoning regulations. Specifically, for each jurisdiction with land-use authority the team computed a variety of indicators. These indicators include acres of land zoned for single-family, multifamily, mixed use, commercial, industrial, and public use/open space; acres of land zoned for low-density and high-density residential use, and the total density of land zoned for residential use.

Key stakeholder interviews. The project team followed this quantitative analysis with interviews of people familiar with the housing

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About the Authors
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market and land-use regulations in each of the regions. Interviewees were asked to discuss the housing market and zoning practices in those jurisdictions where the quantitative analysis indicated that barriers to multifamily housing may exist.

Regulatory analysis. The project team gathered zoning and development codes from several cities and counties within each region that the quantitative analysis and interviews had suggested might offer additional insights on barriers to multifamily housing. The regulatory analysis considers the allowed uses, densities, and required setbacks in both single-family and multifamily residential zones, development fees and processes, and, if available, buildable land inventories to seek evidence of zoning barriers.

FINDINGS

Because of data limitations, all measures reported here are considered "indicators." While the census data are collected for each of the six study areas in a relatively uniform manner, the precision and definitions of GIS data vary extensively between study areas. For this reason, comparisons within study areas are more reliable than comparisons across study areas.

Table 1 on page 4 presents the five sets of indicators for each of the study areas. These were computed using data from the U.S. Census and from GIS data collected at the local level. These indicators were computed for each jurisdiction in each study area; the aggregate of jurisdictions in each study area is presented.

The first set of indicators measures levels and changes in housing prices, housing rents, and household incomes. Housing affordability is captured by the ratio of housing prices and rents to incomes. Detailed analysis of housing affordability is beyond the scope of this article, but for the study, evidence of barriers to multifamily, high-density housing is of greatest interest in jurisdictions where housing is least affordable.

The second set of indicators provides information on existing housing stocks in 2000, housing production rates from 1990 to 2000, and relative shares of single-family and multifamily units. Barriers to high-density, multifamily housing can exist in any community, but for this study, barriers to multifamily development are of greatest interest in growing communities. Of particular interest, for example, are jurisdictions where the rate of housing development is high but the existing proportion and growth in the proportion of multifamily housing is low.

Because of data limitations, all measures reported here are considered "indicators." . . . comparisons within study areas are more reliable than comparisons across study areas.

The third set of indicators characterizes existing zoning regulations measured in acres. Because the size of jurisdictions varies extensively, the most revealing indicators are expressed as ratios. "Total zoned residential acres divided by total population," for example, captures the total acres zoned for residential use for each resident. "Zoned residential acres" divided by total acres represents the share of land zoned for residential use. "Acres zoned for high-density use" divided by total acres zoned for residential use captures the share of residential land zoned for high-density use. These indicators offer quantitative measures of the relative extent to which barriers to multifamily, high-density development could be the result of low proportions of land zoned for such use.

The fourth set of indicators characterizes existing zoning regulations measured in housing units. Zoned housing units are measured as acres zoned for residential use times the maximum allowed units per acre. Once again, ratios are most telling. Capacity for new housing development, for example, is captured by the ratio of housing units allowed by zoning relative to existing housing units. Regulatory capacity for high-density housing is captured by the ratio of housing units zoned for high-density development relative to total housing units allowed by zoning. These indicators offer quantitative measures of the extent to which barriers to multifamily, high-density housing could be the result of low proportions of units zoned for such use.

The fifth set of indicators characterizes existing zoning regulation measured in density for land in all density categories and for land in specific density categories. These indicators of density offer quantitative measures of the extent to which high-density, multifamily development could be the result of constraints on development density.

The section that follows presents indicators for jurisdictions in each study area. The intent of presenting these indicators is not to identify specific jurisdictions where zoning represents a potential barrier to high-density, multifamily housing. Instead the intent is to analyze the problem in a new and direct approach, illustrate how various indicators can be used to identify and monitor potential barriers and create the foundation for a regional, state, and federal policy response.

TABLE 1. INDICATORS OF ZONING, DENSITY, AND HOUSING MIX, 1990 AND 2000

	Boston	Miami	Minneapolis	Portland	Sacramento	Washington
Housing Price						
Average Median Value of Owner-Occ. Units (2000)	249,824	241,903	150,267	184,625	150,677	207,261
Change in Average Median Value of Owner-Occ. Units (1990-2000)	56,154	92,107	52,841	102,375	27,809	25,698
Average Median Rent for Units (2000)	774	705	707	648	581	868
Change in Average Median Rent for Units (1990-2000)	165	181	193	243	143	179
Average Median Household Income (2000)	58,194	46,177	60,420	52,585	45,284	68,402
Change in Average Median Household Income (1990-2000)	16,276	8,229	18,109	17,834	14,773	18,252
Average Median Value of Units / Average Median Household Income (2000)	4.29	5.24	2.49	3.51	3.33	3.03
Change in Average Median Value of Units / Change in Average Median Household Income (1990-2000)	3.45	11.19	2.92	5.74	1.88	1.41
Median Contract Rent for Specified Units / Monthly Median Household Income (2000)	0.17	0.18	0.14	0.14	0.17	0.16
Change in Median Contract Rent for Specified Units / Change in Monthly Median Household Income (1990-2000)	0.16	0.19	0.13	0.15	0.15	0.15
Housing Production						
Total Housing Units (2000)	914,991	471,557	728,567	440,847	403,290	1,484,606
Total Households (2000)	882,088	411,324	709,689	415,298	384,044	1,431,243
Total Multifamily Housing Units (2000)	567,406	270,175	247,567	157,446	114,699	464,479
Change in Housing Units (1990-2000)	35,845	44,383	72,767	103,551	65,539	326,785
Change in Households (1990-2000)	57,223	36,096	89,799	95,659	64,103	319,069
Change in Multifamily Housing Units (1990-2000)	13,660	20,896	4,132	43,875	13,018	78,306
Change in Housing Units / Change in Total Households	0.63	1.23	0.81	1.08	1.02	1.02
Change in Multifamily Housing Units / Change in Total Housing Units	0.38	0.47	0.06	0.42	0.20	0.24
Zoning - Acres						
Total Residential Acres / Total Households	0.27	0.15	0.30	0.23	0.27	0.49
Total Residential Acres / Total Acres	0.73	0.57	0.57	0.63	0.49	0.41
High-Density Acres / Total Residential Acres	0.39	0.60	0.07	0.23	0.15	0.06
Low-Density Acres / Total Residential Acres	0.54	0.33	0.79	0.69	0.57	0.75
Very Low-Density Acres / Total Residential Acres	0.07	0.07	0.14	0.02	0.27	0.12
Zoning - Units						
Total Zoned Housing Units / Total Existing Housing Units	1.50	1.90	1.54	2.16	1.97	3.01
High-Density Zoned Housing Units / Total Zoned Housing Units	0.78	0.84	0.24	0.48	0.37	0.25
Low-Density Zoned Housing Units / Total Zoned Housing Units	0.21	0.12	0.73	0.38	0.61	0.55
Mixed Use Zoned Housing Units / Total Zoned Housing Units	*	0.03	0.01	0.14	*	0.19
Very Low-Density Zoned Housing Units / Total Zoned Housing Units	0.01	0.004	0.01	0.002	0.02	0.02
Zoning - Density						
Total Zoned Housing Units / Total Residential Acres	5.83	14.87	5.23	10.07	7.51	4.77
High-Density Units / High-Density Acres	11.79	20.61	17.78	21.01	18.20	18.46
Low-Density Units / Low-Density Acres	2.24	5.82	4.88	5.55	8.00	3.52
Mixed Use Units / Mixed Use Acres	*	45.45	17.02	22.06	*	13.71
Very Low-Density Units / Very Low-Density Acres	0.54	0.97	0.35	1.00	0.57	0.87

OVERVIEW OF STUDY AREA EVALUATIONS

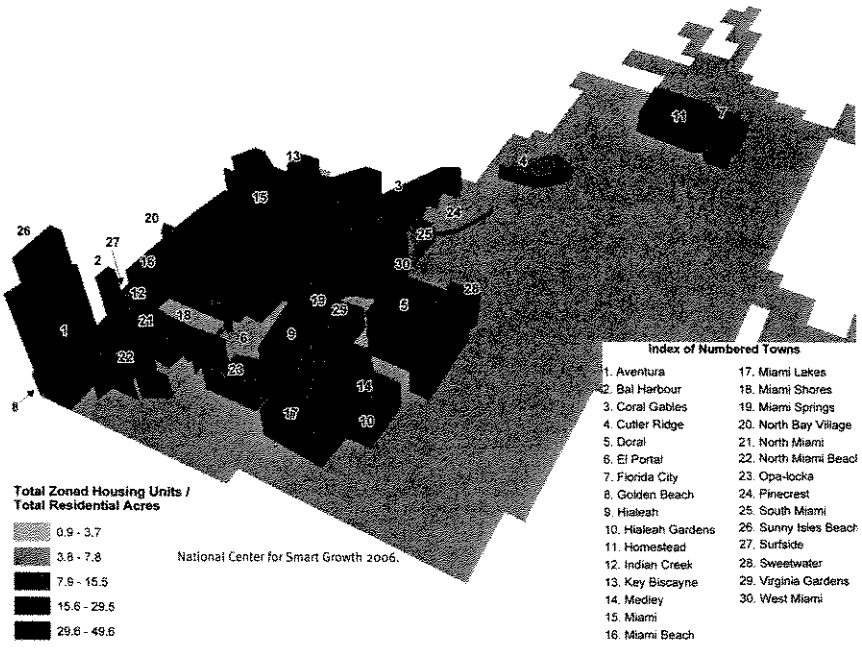
This section identifies jurisdictions that, relative to the rest of their study area, have

- high median home prices;
- a low percentage of existing units that are multifamily;
- a low average zoned density (measured as total zoned units per zoned residential acre); and
- few acres zoned for high-density use.

Boston

The Boston metropolitan area has one of the most severe housing affordability problems in the nation. This problem arises from tightly controlled local land markets that do not accommodate housing stock growth even when the regional economy is booming. The effect is to bid up the cost of both new and existing housing.

In the study area, zoned density varies widely, from 1.28 units per acre in the least densely zoned jurisdiction to 24.32 units in the most densely zoned jurisdiction. Boston itself is dense, but has high housing prices and a consistently high share of multifamily housing; Cambridge follows the same pattern. Other local governments are small and practice zoning with limited state and no regional oversight.

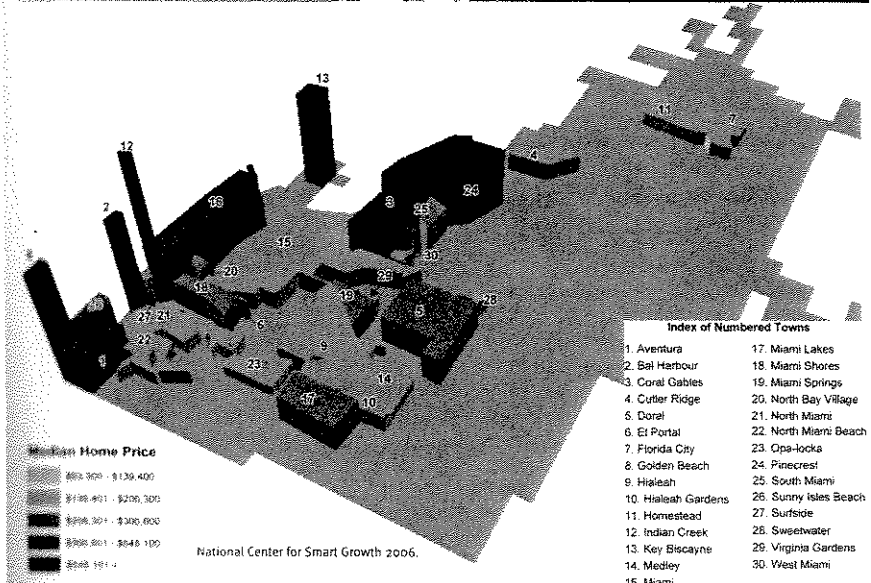


Index of Numbered Towns

1. Aventura
2. Bal Harbour
3. Coral Gables
4. Cutler Ridge
5. Doral
6. El Portal
7. Florida City
8. Golden Beach
9. Hialeah
10. Hialeah Gardens
11. Homestead
12. Indian Creek
13. Key Biscayne
14. Medley
15. Miami
16. Miami Beach
17. Miami Lakes
18. Miami Shores
19. Miami Springs
20. North Bay Village
21. North Miami
22. North Miami Beach
23. Opa-locka
24. Pinecrest
25. South Miami
26. Sunny Isles Beach
27. Surfside
28. Sweetwater
29. Virginia Gardens
30. West Miami

Unprecedented high-density residential growth in Miami, as indicated by countless cranes that frame a new skyline. According to the study, zoning in the Miami–Dade County region is less of a barrier to high-density, multifamily development than in the six other regions highlighted. The high-density share of zoned housing units, the share of land zoned for high-density residences, and the aggregate zoned density are

Hugo Chang



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KEY INDICATORS

BOSTON

Jurisdictions with the highest median home price:

- Brookline ($599,500)
- Wellesley ($548,100)
- Newton ($438,400)
- Lexington ($417,400)

Jurisdictions with the lowest percentage of units that are multifamily:

- Wellesley (14%)
- Lexington (16%)
- Milton (19%)
- Franklin (24%)

Jurisdictions with the lowest average zoned density (zoned units/acre):

- Franklin (1.25)
- Stoughton (1.35)
- Danvers (2.24)
- Milford (2.52)

Jurisdictions with the fewest residential acres zoned for high-density residential use:

- Braintree, Salem, and Stoughton (0%)
- Lexington and Danvers (1%)
- Saugus (2%)

MIAMI–DADE COUNTY

Jurisdictions with the highest median home price:

- Indian Creek ($1 million +)
- Golden Beach ($739,300)
- Bal Harbour Village ($664,300)
- Key Biscayne ($615,500)

Jurisdictions with the lowest percentage of units that are multifamily:

- Golden Beach and Indian Creek (0%)
- Miami Shores (12%)
- El Portal and Medley (15%)

Jurisdictions with the lowest average zoned density (zoned units/residential acre):

- Pinecrest (2.06)
- Miami Shores (3.37)
- Cutler Ridge (5.43)

Jurisdictions with the lowest percentage of residential acres zoned for high-density use:

- Miami Shores (1%)
- Pinecrest (3%)
- Cutler Ridge and El Portal (11%)

MINNEAPOLIS–ST. PAUL

Jurisdictions with the highest median home price:

- Edina ($248,500)
- Eden Prairie ($198,300)
- Plymouth ($197,600)
- Woodbury ($174,300)

Jurisdictions with the lowest percentage of units that are multifamily:

- Andover (3%)
- Lakeville (6%)
- Cottage Grove (7%)
- Bloomington and Maple Grove (8%)

Jurisdictions with the lowest average zoned density (zoned units/residential acre):

- Andover (1.22)
- Cottage Grove (2.55)
- Inver Grove Heights (2.79)
- Woodbury (3.2)

Jurisdictions with the lowest percentage of residential acres zoned for high-density use:

- Cottage Grove (1%)
- Andover (1%)
- Blaine (2%)
- Eden Prairie and Woodbury (3%)

KEY INDICATORS

PORTLAND

Jurisdictions with the highest median home price:
- Happy Valley ($306,600)
- Lake Oswego ($296,200)
- Durham ($248,300)
- West Linn ($246,500)

Jurisdictions with the lowest percentage of units that are multifamily:
- Happy Valley and River Grove (0%)
- Johnson City and Maywood Park (2%)
- Cornelius and Sherwood (17%)

Jurisdictions with the lowest average zoned density (zoned units/ residential acre):
- Durham (1.05)
- Maywood Park (1.21)
- King City (1.22)
- Tualatin (1.29)

Jurisdictions with the lowest percentage of residential acres zoned for high-density use:
- Happy Valley (0%)
- Maywood Park and Rivergrove (1%)
- Durham (9%)
- West Linn (10%)

SACRAMENTO

Jurisdictions with the highest median home price:
- Davis ($238,500)
- Folsom ($228,700)
- Auburn ($214,900)
- Rocklin ($213,100)

Jurisdictions with the lowest percentage of units that are multifamily:
- Loomis (3%)
- Elk Grove (5%)
- Galt (11%)
- Live Oak and Winters (13%)

Jurisdictions with the lowest average zoned density (zoned units/ residential acre):
- Colfax (0.95)
- Loomis (1.80)
- Placerville (3.41)
- Lincoln (3.62)

Jurisdictions with the lowest percentage of residential acres zoned for high-density use:
- Colfax, Wheatland, and Loomis (0%)
- Elk Grove (4%)
- Live Oak (6%)
- Rocklin (8%)

WASHINGTON, D.C.

Jurisdictions with the highest median home price:
- Falls Church, VA ($277,100)
- Arlington County, VA ($262,400)
- Alexandria, VA ($252,800)
- Montgomery County, MD ($251,861)

Jurisdictions with the lowest percentage of units that are multifamily:
- Loudon County, VA (17%)
- Anne Arundel County, MD (17%)
- Howard County, MD (25%)

Jurisdictions with the lowest average zoned density (zoned units/ residential acre):
- Howard County, MD (3.11)
- Fairfax County, VA (3.30)
- Loudoun County, VA (3.56)

Jurisdictions with the lowest percentage of residential acres zoned for high-density use:
- Howard County, MD (1%)
- Loudoun County, VA (3%)

Communities with little or no land zoned for high-density and multifamily housing tend to have the highest housing prices. The qualitative analysis revealed that some of the communities with low densities and high prices appear to have land-use policies that impede the development of multifamily housing. If multifamily housing is allowed at all, it is only through a discretionary permitting procedure, such as a conditional use permit, and not as of right through pre-development zoning of land for multifamily uses.

Miami-Dade County, Florida

Overall, zoning in the Miami-Dade study area is less of a barrier to high-density, multifamily housing than in the other study areas considered in this research. For the entire study area the high-density share of zoned housing units, the share of land zoned for high-density residences, and the aggregate zoned density are the highest of all the study areas. But within the study area, zoning patterns and housing prices vary extensively. Jurisdictions along the beach—Miami Beach, Bal Harbour, Indian Creek, and Golden Beach—have some of the highest prices in the region, but not the highest zoned densities. Further, Coral Gables and Pinecrest, located on the southern edge of the City of Miami, have very high housing prices and very low zoned densities. The case study analyses suggest this is not unintentional. In the past, the demand for higher density housing in this part of the metropolitan area may have been weak. Now, however, it seems quite likely that zoning limits the construction of high-density housing in these jurisdictions.

Niko Vulevic

High-density, multifamily development adds tremendous value to a community when combined with neighborhood services, public facilities, and outdoor amenities.

Overall, zoning in the Miami-Dade study area is less of a barrier to high-density, multifamily housing than in the other study areas considered in this research. For the entire study area, the high-density share of zoned housing units, the share of land zoned for high-density residences, and the aggregate zoned density are the highest of all the study areas. From a metropolitan perspective, densities are high where prices are high. The Miami-Dade region thus offers evidence that at the metropolitan scale zoning often follows the market, and that high zoned or actual densities are no certain prescription for housing affordability.

Minneapolis–St. Paul

Housing in the Minneapolis–St. Paul study area is relatively inexpensive and is developed at low densities. Although zoned densities and multifamily construction rates are low, there is limited evidence from this study area that zoning represents a significant barrier to multifamily development. Data limitations might partially explain this finding; zoning data for the entire metropolitan area were not available.

Total planned residential density varies from 1.22 units per acres in Andover to 11.85 units per acre in St. Paul. The cities with the highest median housing values also have among the lowest percentages of multifamily units. Two exceptions are Edina and St. Paul. Both of these communities have relatively high-density and high median home prices.

Along with the Portland, Oregon, area, the Minneapolis–St. Paul region is one of few where local housing plans are subject to a review by a regional planning agency—the Metropolitan Council. The Council's jurisdiction extends over the seven-county area. An apparent consequence of that oversight is that, at least for the sample of five cities whose plans and development regulations were reviewed in this study, there is recognition of the need for multifamily housing and local governments allow it in varying degrees. In the Twin Cities area, those interviewed said that attitudes were changing toward town houses and the area was experiencing in an increase in their numbers.

Portland, Oregon

The Portland study area is growing quickly. With that growth has come relatively rapid increases in housing prices and rents as well as increased density in many of the region's jurisdictions. Overall, the ratio of zoned housing units to built housing units is high, while relative to the other study areas, zoned density is about average—suggesting that increased built density is possible within the existing zoning code. Portland's high-density zoned land has the highest number of units zoned per acre of any of the regions.

In summary, Oregon's state policy framework makes it more difficult for jurisdictions to use zoning to intentionally limit multifamily development and zoning in the Portland study area. The effects that Portland's urban growth boundary may have on housing prices notwithstanding, zoning does more to encourage the development of multifamily housing units than to impede it.

Sacramento, California

Densities and housing prices in the Sacramento study area are relatively low, and the multifamily share of housing units is the lowest of all of the study areas. Although some Sacramento area jurisdictions have little land designated for high-density development, the region offers weak evidence that zoning serves as a barrier to multifamily development. As with the Minneapolis–St. Paul study area, this weak evidence could result from a lack of zoning data for the entire metropolitan area.

The share of residential land planned for high-density housing by jurisdictions in the Sacramento metropolitan area ranges from zero to 20 percent. Some of the cities with the highest median home values also have among the lowest percentages of existing multifamily units. Further, the comprehensive plan designations vary among the jurisdictions in the region. Some have large portions of land designated for higher-density housing, while others have little or no land planned to accommodate multifamily dwelling units.

Local stakeholders acknowledged that zoning presents an impediment to affordable housing in the Sacramento area, but argued that zoning is also an important part of the solution. Several interviewees pointed to inclusionary zoning codes, which require the inclusion of affordable units in new developments, as an important tool for combating the affordability crisis that has accompanied rising housing costs. At the same time, other factors, such as community and developer opposition and condominium conversions, also contribute to the problem of affordability.

Washington, D.C.

The Washington, D.C., metropolitan area is a large, diverse, and—in recent years—rapidly growing area. The study area includes several of the richest and fastest growing counties in the country and one of the poorest and most challenged central cities. Even so, housing affordability measures for metropolitan Washington are consistently among the lowest in the nation, overall densities are relatively low, and housing production rates, especially multifamily housing production rates, are low relative to population growth.

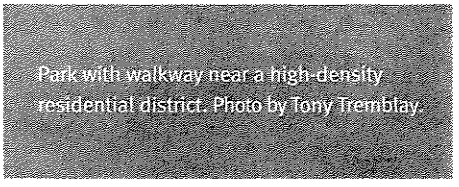
In sum, it is relatively clear that zoning is a powerful and influential instrument in the Washington, D.C., metropolitan area. Low-density zoning in the rural areas of Virginia and Maryland clearly keep densities in these areas below their market determined levels. We do not address the merits of such policies here. Further, there is evidence that zoned densities, on average, are exceptionally low in some jurisdictions and in some parts of many jurisdictions. In these locations, it is clear zoning represents a barrier to high-density development. Virginia's Dillon's rule and an anti-regulatory culture impose constraints on the ability of local governments to use zoning as a regulatory barrier in Virginia. There are few such constraints in Maryland.

CONCLUSION

Overall, the results offer compelling evidence that regulatory barriers can impede the development of high-density multifamily housing. Analysis of GIS data suggests that local regulations can affect housing development patterns and demonstrate that some local governments have little or no land zoned for multifamily use. Qualitative analysis of local land-use regulations in several jurisdictions provides corroborating evidence that regulatory barriers exist.

Jurisdictions identified as having barriers to multifamily development were frequently less dense and often more expensive than their neighbors. Stakeholder interviews, however, underscored the finding that zoning alone does not cause (or solve) the problem of affordable housing. Multifamily housing is not always cheap, and single-family housing is not always expensive. Multifamily zoning is thus neither necessary nor sufficient as a policy response to the problem of housing affordability.

There is mounting evidence that zoning represents a barrier to affordable housing production in some communities. This study adds to that body of evidence. That said, the critical question now is not whether regulatory barriers to affordable housing exist in some communities, but whether it is possible to identify such communities and craft an appropriate policy response. The results of this study suggest that the collection and integration of quality land-use and regulatory data at the regional level helps in such identification. With persistence, this information may lead to the discovery of an appropriate policy response.



Park with walkway near a high-density residential district. Photo by Tony Tremblay.

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AMERICAN PLANNING ASSOCIATION

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