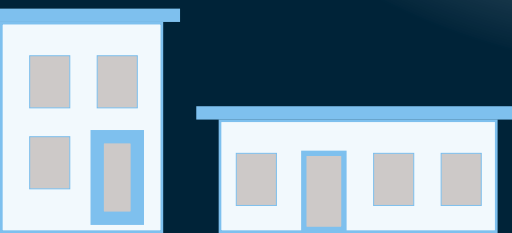


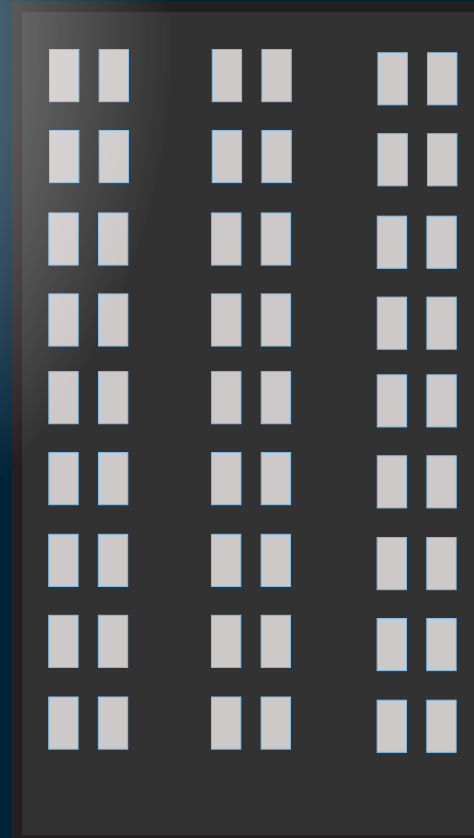


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# IS THE MIDDLE **MISSING?**



A Guide to Expanding Options for Utah Homebuyers and Renters

MIDDLE HOUSING STUDY PART IV:  
**OBSTACLES AND OPPORTUNITIES**

FEBRUARY 2022

# MIDDLE HOUSING STUDY PART IV: OBSTACLES AND OPPORTUNITIES

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## INTRODUCTION

“Missing Middle Housing” refers to housing that occupies the “middle” ground between single-family homes on large lots and large apartment complexes. It can encompass a variety of multi-unit housing buildings that are house-scale, facilitate neighborhood walkability, accommodate changing demographics and preferences, and are available to people with a range of incomes. Because it is scarce in some communities, it is referred to as the “missing middle.”

Middle housing offers the potential to increase the supply of housing, but at a scale that is less objectionable to most neighbors and with strong design quality that can improve upon neighborhoods. There are obstacles to increasing this type of housing, though they are not insurmountable.

The guide is separated into four parts. The first part examines Utah’s housing problem and introduces middle housing as one means of addressing it. The second part examines the prevalence of middle housing in the four largest Utah counties and the relevant development trends. The third part focuses on current development practices and preferences. This part (Part IV) explores the obstacles and opportunities for increasing the supply of middle housing.



### KEY FINDINGS OF THIS REPORT

- Most residential land in Utah is zoned for single-family homes. For instance, more than 88% of residential land in Salt Lake County is zoned single-family.
- For small, middle-housing developments at the neighborhood level, developers would often need conditional use approval or a rezone, which implies uncertainty, time and effort – and higher costs.
- Salt Lake County Regional Development analyzed all zoning in the county, finding that most significant opportunities for middle housing are in the southwest of the county, with a smattering of opportunities elsewhere.
- A key barrier against new middle-housing development is zoning. Zoning trended significantly toward single-family residential with automobile-oriented development patterns in the 1900s. As a result, development shifted away from walkable medium-density housing in many areas, reducing the relative supply of the now “missing” middle.
- Parking spaces increase construction costs and research shows that these costs tend to increase rents. It is important for local policymakers to take a hard look at their parking needs to discover whether the requirements suit actual needs and whether the payoffs in terms of driver convenience are worth the tradeoffs in housing affordability.
- Condominiums offer a significant possible approach to creating ownership opportunities in middle housing. However, condominium developers can face unique challenges.
- Overlay zones may be used to open the way for middle housing. This type of overlay could allow middle housing in traditional single-family zoned areas, particularly those near transit and retail, around main street areas, in downtowns, and as transitions between more dense areas and single-family ones.
- Upzoning to allow small multifamily (or smaller-lot single-family) in existing single-family zones holds the promise of creating new housing opportunities. However, to avoid negative impacts on quality of life and neighborhood character, it may be prudent to begin by trading single-family zoning for two-family zoning and, if successful, build to four-family zoning (or more, depending on the location).
- Form-based codes provide a zoning approach that allows developers to focus on placemaking, rather than use, possibly opening the way for middle housing. However, a successful form-based approach must avoid being both ambiguous and overly prescriptive.



Missing Middle Housing term created by Daniel Parolek/Image © Opticos Design, Inc./For more info visit [www.missingmiddlehousing.com](http://www.missingmiddlehousing.com).

## OBSTACLES TO NEW MIDDLE HOUSING

Given the benefits of middle housing discussed elsewhere in this study, why is it not more ubiquitous? In large part, it is because there are a variety of barriers to the development of a broad range of middle-housing types. Zoning is a substantial obstacle for middle housing development. All forms of middle housing can face some level of community opposition – which can dissuade developers and can result in a lack of zoned opportunities. Parking requirements can drive up development costs. In addition, condominium development faces its own set of obstacles.

### Zoning

Zoning ordinances can affect the housing market in significant ways. Land use, density and design regulations can determine not only the mix, but also the cost and supply of available housing.<sup>1</sup> These zoning regulations can prohibit the development of middle housing – or allow it.

During the last century, local zoning ordinances came into use across the United States with a focus on separating commercial, industrial and residential areas. Zoning quickly trended significantly toward the creation of single-family residential with automobile-oriented development patterns. This worked to the exclusion of the du-

**MIDDLE HOUSING IN UTAH - VISUALLY**

For a clear understanding of the middle-housing types and their arrangement on residential lots, Opticos Design has provided the Utah Foundation with architectural renderings of nine middle-housing types:

- Duplex (side-by-side)
- Duplex (stacked)
- Triplex (stacked)
- Fourplex (stacked)
- Townhouse
- Bungalow court (or cottage court)
- Courtyard apartment
- Multiplex or mansion apartment
- Live/work

Renderings of these nine middle-housing types are included throughout Part IV of this study.

plexes and other small multifamily types that characterize historic urban forms in cities across the world. Larger lot-size requirements then came into play, potentiating the change. As a result, development shifted away from walkable medium-density housing in many areas, reducing the relative supply of the now “missing” middle.<sup>2</sup> This led to the creation of the post-war suburban-form neighborhoods that met the preferences of many residents: single-family detached homes that were generally affordable at the time, though typically arrayed in a manner with less walkability than found in historic areas.

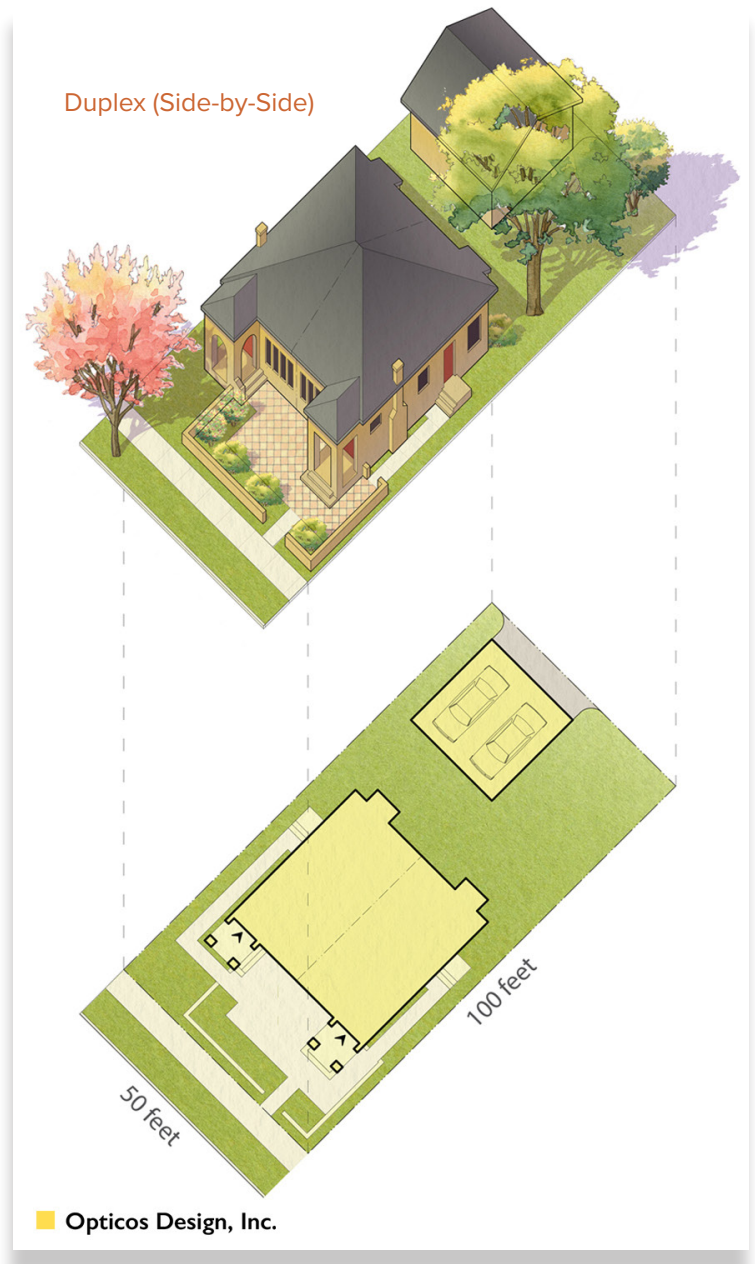
The low intensity of post-war development led to more sprawling development, and the more rapid development of greenfield areas, changing farmlands to suburbs. This resulted in many areas in Utah approaching their geographical constraints. Growth pressures and other factors have reduced the affordability of those “drive-to-qualify” neighborhoods, with areas that once provided the “American Dream” to wide swaths of the population more recently becoming unaffordable for most families below the median income. (See Part I of this series for an in-depth discussion of affordability challenges.)

Across the Wasatch Front and in other areas of Utah, residential land zoned for middle housing in most communities is limited. This means of engineering land use has played out as expected. Today, more than 88% of residential land in Salt Lake County is used for single-family houses.<sup>3</sup> The rest is split between large and mid-sized apartments, condominiums, townhomes, clusters of manufactured homes, and small multi-family.

Developers told the Utah Foundation that some might be willing to seek a rezone for larger multi-million-dollar projects, but overcoming the obstacles to developing small, middle housing at the neighborhood level is often not worth the effort.

They would need to pursue exceptions through a conditional use approval or a rezone, which implies time and effort – and higher costs.

In support of this study, Salt Lake County Regional Development reviewed the current zoning of all cities, towns and metro townships throughout the county. Regional Development analyzed the nine different types of middle housing by zone and created categories based on how many different types of middle housing were allowable through permitted use or only conditional use. (See the appendix for methodological details and a sample of the middle-housing opportunities analysis by city within Salt Lake County; the full analysis is available at [www.utahfoundation.org/middle-housing](http://www.utahfoundation.org/middle-housing).)

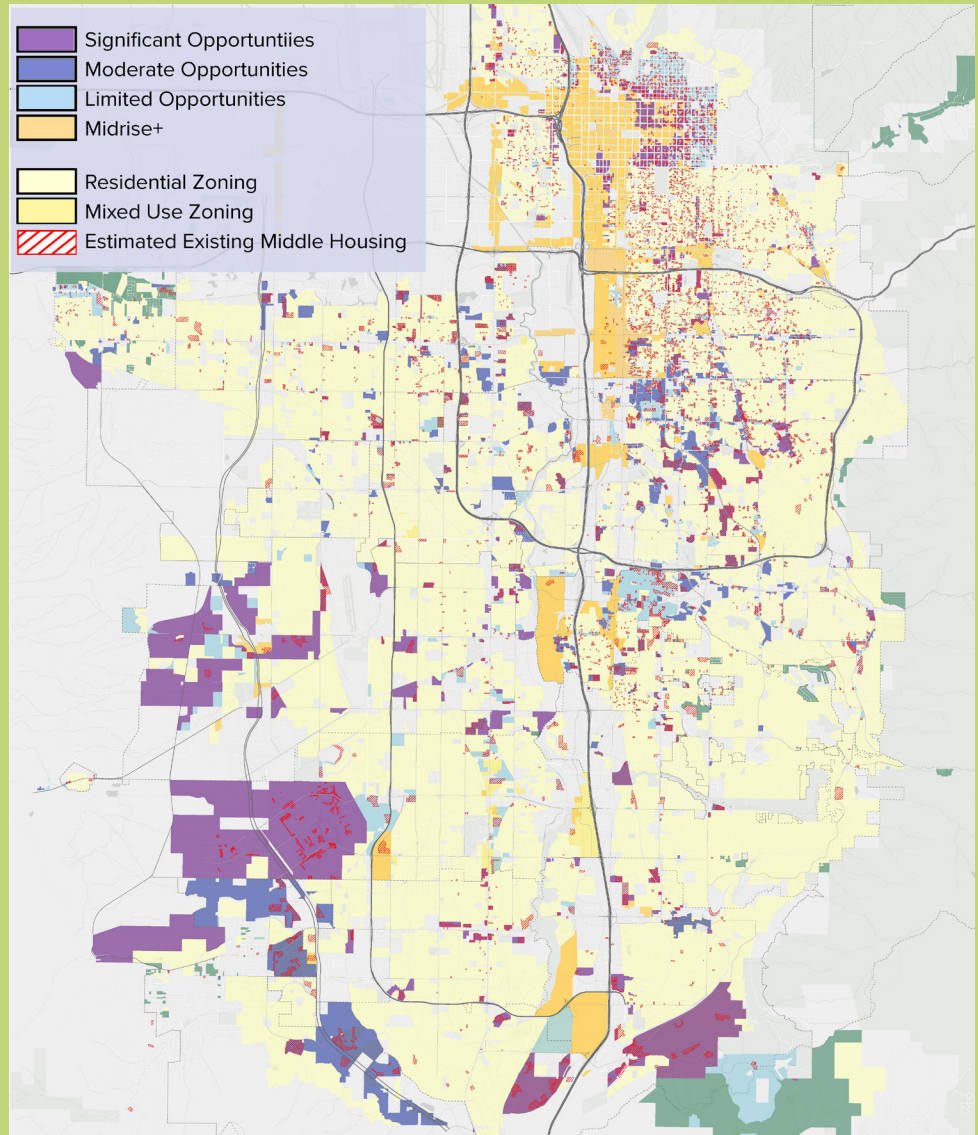


**Across the Wasatch Front and in other areas of Utah, residential land zoned for middle housing in most communities is limited.**

Most large tracts with opportunities for middle housing are in the southwest of the county, with a smattering of opportunities elsewhere. (See Figure 1, and the full Interactive Zoning Map on the Salt Lake County Regional Development *Missing Middle Housing* webpage at <https://slco.org/planning-transportation/regional-solutions/missing-middle-housing/>.)

**Middle housing is missing from the zoning in many areas.**

**Figure 1: Detail of Middle Housing Zoning in Salt Lake County**



Significant Opportunities: Four or more types of middle housing types are permitted.

Moderate Opportunities: Four or more types of middle housing types are permitted and/or conditional.

Limited Opportunities: Fewer than four types of middle housing are permitted and/or conditional.

Midrise-plus: Zoned for higher density (19 or more units per acre) but allows for some middle housing types.

*Source: Salt Lake County Regional Development.*

However, there is a practical obstacle to middle-housing development that is not apparent. Much of the urban core allows midrise housing with 19 or more units per acre, as well as allowing for some middle housing types. However, development generally gravitates toward the greatest density allowed because it often results in the greatest profits for developers. Due to these economies of scale, zoning which allows for more than 19 units per acre trends toward the development of mid- or low-rise multi-family apartment complexes – rarely middle housing.

The other parts of this study include middle-housing development details in various Utah counties. The zoning analysis included here performed by Salt Lake County Regional Development focuses only on Salt Lake County. Other counties interested in this work may contact Regional Development for guidance.

### Neighborhood Opposition

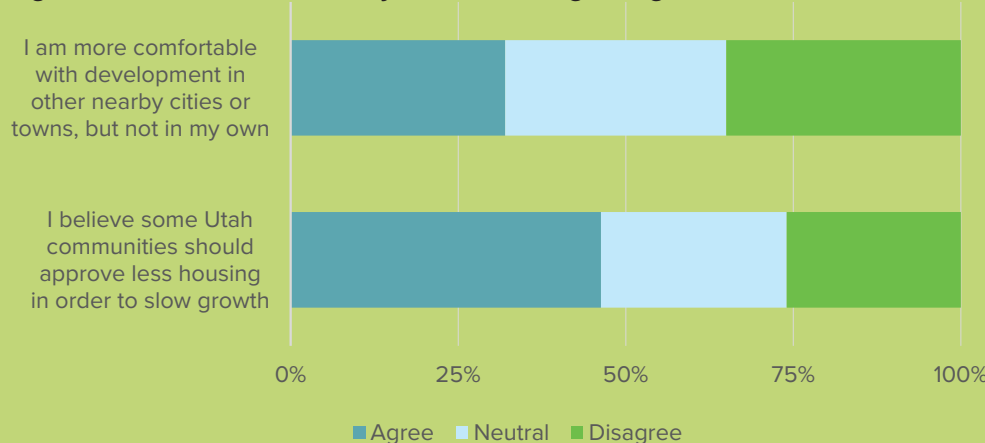
Another potential barrier to middle housing is neighborhood opposition. Neighbors may be concerned about traffic issues and parking. They may also be concerned about the development of low-quality construction or bad design. For nearly all homeowners, the investment in their home is their greatest source of wealth, and they might be concerned that the change to their neighborhood could negatively affect home values.<sup>4</sup> However, it should be noted that simply increasing the number of units in a neighborhood does not necessarily lead to suppressed values of surrounding single-family homes.<sup>5</sup>

The nonprofit Envision Utah recently conducted a survey finding that one-third of Utahns agree with the statement that “I am more comfortable with development in other nearby cities or towns, but not in my own community.” About one-third of respondents agreed with the statement, while one-third disagreed and one-third were neutral.<sup>6</sup> (See Figure 2.) The growth-concerned Utahns were more likely to be higher household earners – particularly for the group indicating that they earned \$150,000 per year or more. They were also more likely to live in large, single-family homes and more likely to stay in their homes long-term.

In addition, nearly half of respondents agree that “Utah communities should approve less housing in order to slow growth.” Only about a quarter disagreed.

About one-third of survey respondents are more comfortable with development outside of their neighborhoods, and nearly half think that some communities should restrict growth.

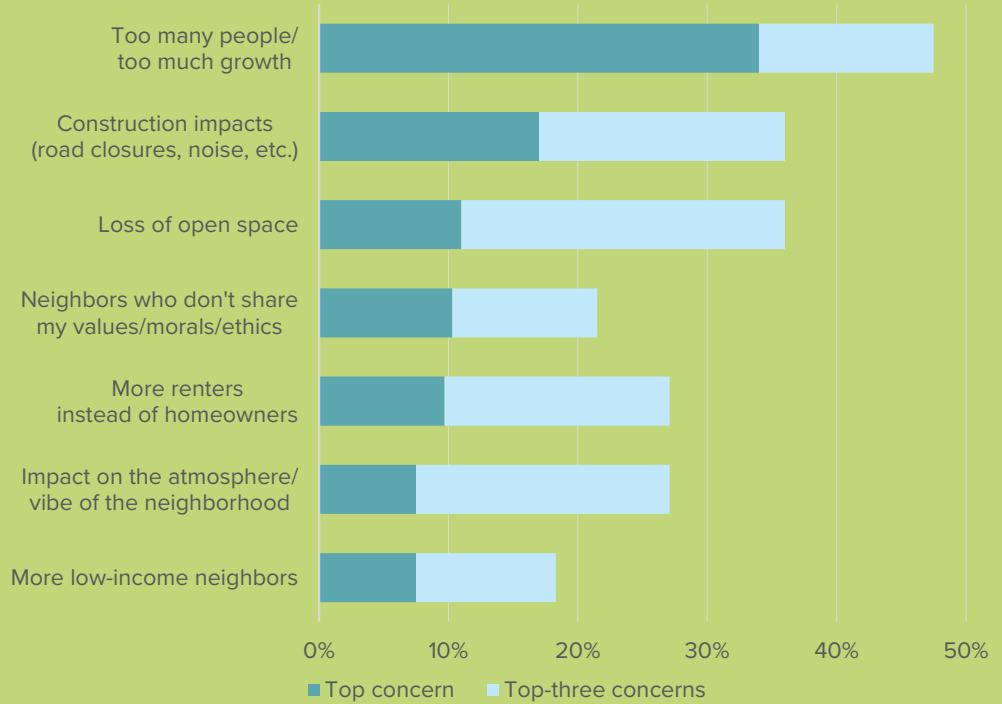
**Figure 2: Envision Utah Survey Questions Regarding Growth**



Source: Envision Utah.

The top concern for Utahns regarding multifamily housing is that Utah has too many people and too much growth.

**Figure 3: Envision Utah Survey Questions Regarding Growth; Question: “Consider the concerns, consequences, benefits, and advantages of multi-family housing. What are your top three values within each of these four categories? Of the three you chose, which one is the most important?”**



Source: Envision Utah.

Growth-concerned Utahns are politically and civically active. More than one-third of residents say they would attend a city council meeting to oppose a proposed development – more than any other reason.<sup>7</sup> Growth-concerned Utahns are more likely than others to have attended a city council meeting.

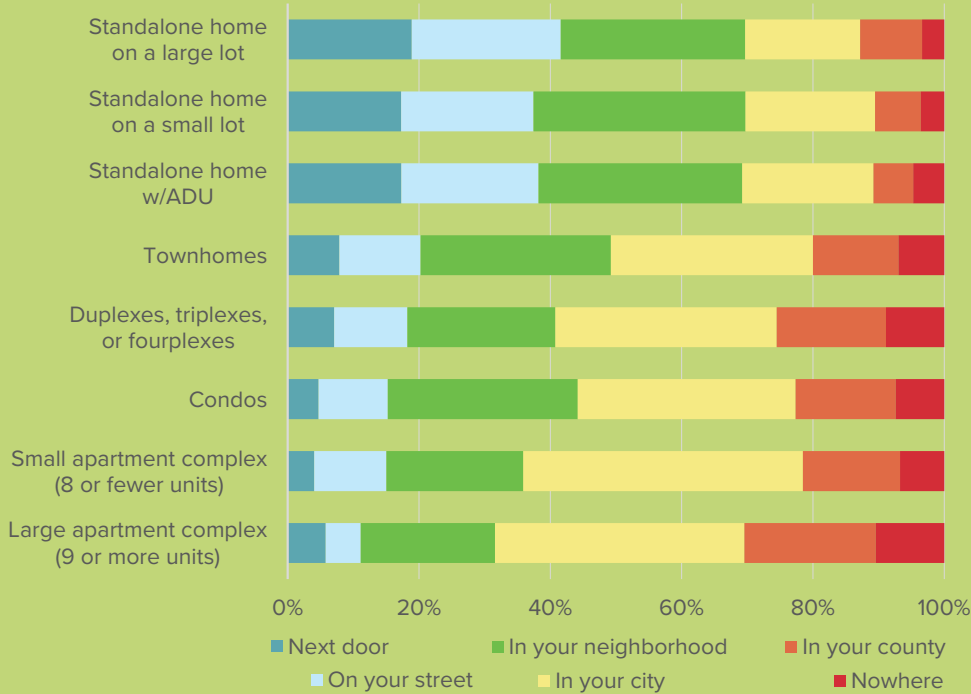
The top concern for Utahns regarding multifamily housing is that there are “too many people/too much growth” in general. Others are concerned about construction impacts and loss of open space. Over one-quarter of people were concerned that more renters would be in the neighborhood, and that there would be a negative impact on the “vibe/atmosphere” of the neighborhood. And around 20% were concerned about neighbors “who don’t share my values/morals/ethics” and having more low-income neighbors. (See Figure 3.) Why do Utahns care about these things? Traffic and crime came out on top.

The top concern for Utahns regarding multifamily housing is that there are “too many people/too much growth” in general.



**Utahns like middle housing, but tend prefer it somewhere else in their cities instead of their neighborhoods.**

**Figure 4: Acceptable Proximity for Different Housing Types; Question: “For each type of home, please select the closest acceptable distance you would build that type of home.”**



Note: The question also asked about mobile/manufactured homes. They were the least preferred of all housing types.

Source: Envision Utah.

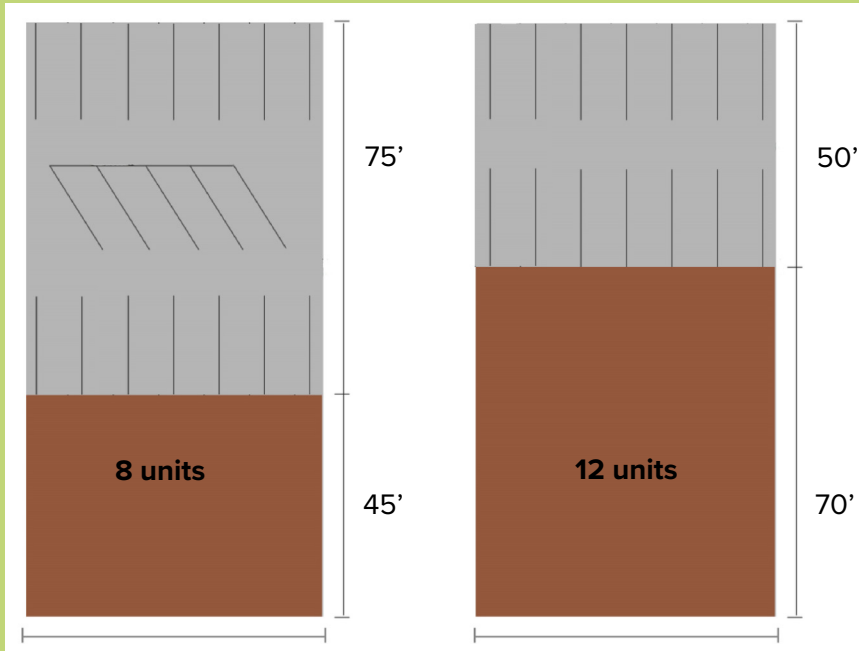
When asked what type of buildings they preferred next door, on their street and in their neighborhood, more Utahns are accepting of single-family housing – both on small and large lots and with accessory dwelling units (ADUs) – than other types of housing.<sup>8</sup> However, when asked about new housing in the city or county, people are more accepting of middle housing and apartments. (See Figure 4.)

Addressing these concerns is paramount to increasing middle housing.<sup>9</sup> It is noteworthy that there appears to be little opposition to single-family homes on small lots and single-family homes with ADUs. This reinforces a key finding in Part III of this series: Utahns’ preference for the appearance of single-family homes suggests that middle housing will meet with greater acceptance if developed in a manner that mimics the style and scale of single-family dwellings. Furthermore, it may meet with greater acceptance, particularly in the case of comparably larger middle housing developments, when it feathers the edges of larger apartment and condo complexes as a medium-sized transition to single-family sized units.

**The top concern for Utahns regarding multifamily housing is that there are “too many people/too much growth” in general.**

Requiring two parking spaces demands a significant portion of developable land (shown for eight units), but one space for each is much less demanding (shown for 12 units).

**Figure 5: Parking Requirement Example - Three-story Building, Eight Units Approximately 1,000 feet<sup>2</sup> Each, 16 Parking Spaces, and Twelve Units Approximately 1,000 feet<sup>2</sup> Each, 12 Parking Spaces**



Source: Adapted from *Strong Towns* by the Utah Foundation.

## Parking

An additional issue for growth-concerned Utahns is parking. However, the role of parking on its own is an important consideration in addressing middle housing.

Middle housing as defined by contemporary planners and architects has a focus on walkable neighborhoods. Since walkability is key, with close proximity to transportation options and commercial amenities, middle housing may not need the same amount of parking as found in 20<sup>th</sup> century suburban planning. Developers and architects with middle-housing experience recommend one parking spot per unit – or less.<sup>10</sup> They suggest that requiring more than one space can make development infeasible; requiring a two parking spaces per unit for a four-plex development would not fit on typical residential lots, and the cost of these spaces may reduce affordability.<sup>11</sup> (See Figure 5 for an example of parking requirements.)

One proposal is to consider smaller units as half units in terms of parking requirements. For example, in a zone that requires two off-street

parking spaces per unit, if a unit is smaller than 800 or 1,000 square feet, it would only need one parking space.

Affordability comes into play because the cost of a parking garage is high and more surface spaces devoted to parking mean less buildable space. One analysis found a typical surface parking stall costs between \$5,000 and \$10,000 to construct (including the value of the land it occupies). A parking space in a garage can cost \$25,000 to \$50,000.<sup>12</sup> Another analysis found that a parking space adds an average of \$225 per month to apartment rents.<sup>13</sup>

It is possible that developments need less parking than cities typically require. The Institute of Transportation Engineers (ITE) provides parking data to inform cities when determining their parking requirements. However, most cities have not updated their requirements based on the latest data from ITE. Perhaps more importantly, ITE data show *peak* parking demand, which most communities tend to translate into the *minimum* required. The result is that parking requirements are typically too high. The discrepancy between expected demand and required supply can be even more significant where parking demands tend to be low, namely in settings where transit and walk/bike are used to complete a significant percentage of trips.

Envision Utah points to a study suggesting that well-designed centers require much less parking than ITE recommends. Envision Utah also points to a report by the Metropolitan Research Center at the University of Utah suggesting that ITE's estimates focus mainly on suburban areas (with limited transit and walkability) during peak demand (so most parking stays vacant most of the time). Envision Utah's assess-



## ACCESSORY DWELLING UNITS

Where do accessory dwelling units (ADUs) fit into the middle housing picture? ADUs – often referred to as mother-in-law apartments – are separate residences on the property of single-family homes. They can be internal, attached or detached – such as in a basement or above a garage. This study does not focus on ADUs, but they nonetheless may be considered a type of middle housing, providing affordability for both homeowners and their tenants.

In 2019, the Utah Legislature passed Senate Bill 34 to modify the requirements for municipalities regarding their moderate-income housing plans. The bill requires 82 cities, three metro townships and 12 counties to select certain strategies from a list provided by the Utah Legislature, including an option to “create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.” A named accomplishment of the legislation was that ADUs had been permitted in single-family residential zoning districts.

In 2021, the Utah Legislature passed House Bill 82, which required municipalities to designate the allowance of internal ADUs in at least 75% of each municipality with permitted ADUs (and at least 33% in municipalities with universities larger than 10,000 students).

As noted earlier, ADUs appear to be among the most accepted residential types within neighborhoods. Developers are now more often building ADU-ready single-family homes. This provides owners with the flexibility of renting out a portion of the property or alternatively providing it to extended family members as needed.

### Sources:

- American Planning Association, [www.planning.org/knowledgebase/accessorydwellings/](http://www.planning.org/knowledgebase/accessorydwellings/).
- Utah State Legislature, Senate Bill 34, 2019, <https://le.utah.gov/~2019/bills/static/SB0034.html>.
- Utah Affordable Housing Commission presentation, August 10, 2021.
- Utah State Legislature, House Bill 82, Single-family Housing Modifications, 2021, <https://le.utah.gov/~2021/bills/static/HB0082.html>.

ment suggests that transit-oriented development tends to create far less parking and driving demand than do suburban areas, and half of ITE’s trip estimates. In fact, this higher-density transit-oriented development study shows that trips (not distance) by automobile are as low as one quarter of all trips, with an emphasis on transit and walking.<sup>14</sup> This may be closer to the case in more-urban areas that are more likely to see middle-housing infill development. Further, a study of sites in Orem found that peak parking demand was less than 75% of supply at 7-of-10 sites studied.<sup>15</sup>

In 2019, the Utah Legislature passed Senate Bill 34 to modify the requirements for moderate-income housing plans. The bill requires 82 cities, three metro townships and 12 counties to select certain strategies from a list provided by the Utah Legislature.<sup>16</sup> These include an option to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident’s own vehicle, such as residential development near major transit investment corridors or senior living facilities.<sup>17</sup>

It should be noted that existing parking – which often can function as dead space with low taxable value per square foot – may offer a blank slate for the development of new middle housing. A worn-out shopping site can be transformed into a dynamic mixed-use town center where local governments allow the development of well-scaled housing in place of a sea of unused parking.

In short, it is important for local policymakers to take a hard look at their parking needs to discover whether the requirements suit actual needs and whether the payoffs in terms of driver convenience are worth the tradeoffs in housing affordability.<sup>18</sup>

## The Trouble with Condos (and Other Middle Housing Types)

Condominiums offer a significant possible approach to creating ownership opportunities in middle housing. However, condominium developers can face unique challenges.

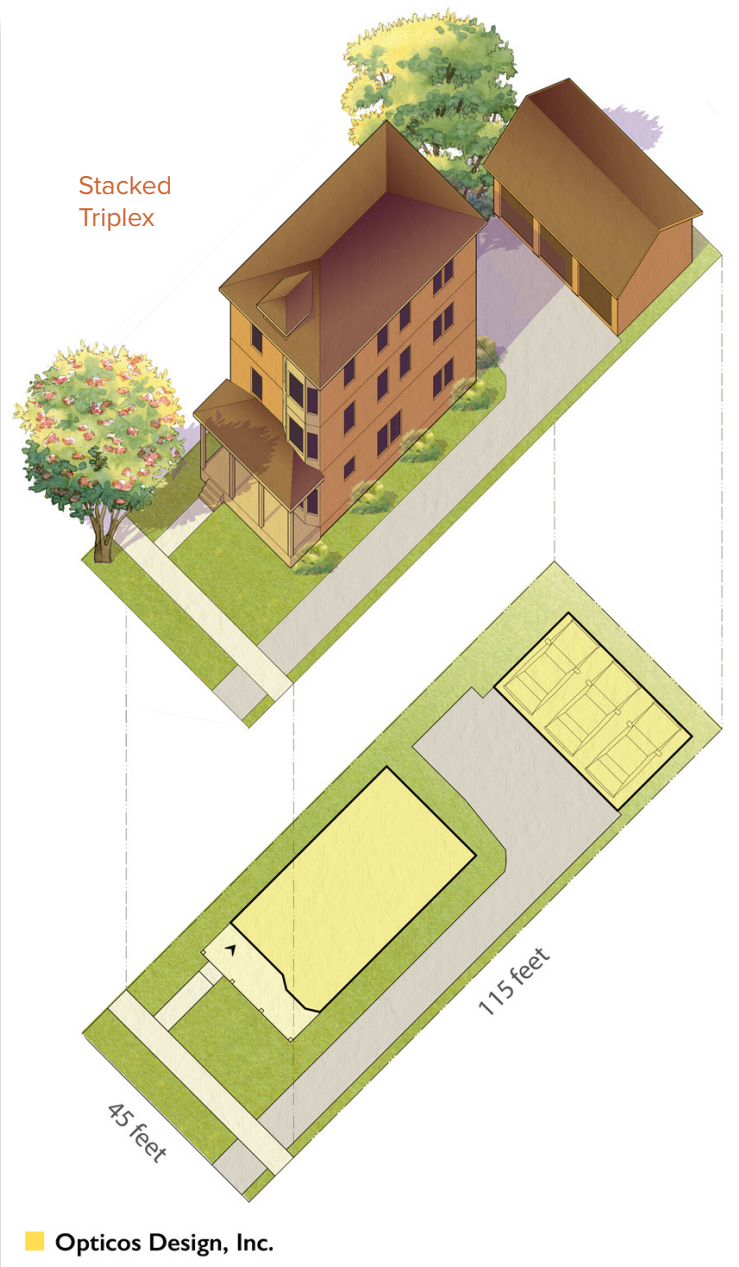
First, it is important to understand that owned housing that is stacked one on top of the other would need to be developed as condominiums – or rented – as opposed to side-by-side housing which can be platted separately as townhomes and owned without more rigorous condominium legal documentation.

Some developers cite a lack of experience with condos, but perhaps a greater impediment is risk. Rental property can be easier to sell or lease, while condo developers might need to maintain ownership in their property for years before the last unit is sold (though in a heated market like Utah is experiencing now, that may no longer be the case).

Further, condos have liability issues regarding implied warranties.<sup>19</sup> This is not the case with apartments or other fully owned properties, where a seller might purchase a home warranty but there are no implied warranties to consider. If a developer sells condo units but later there are defects, the unit owner might file a lawsuit against the builder in part to release themselves from personal liabilities.<sup>20</sup> Due to these types of suits, developers – as well as contractors, architects and designers – require expensive insurance to cover warranty repair costs and litigation fees, leading to higher developing costs and purchase prices.<sup>21</sup> Washington State – seeking to increase the home-owning option that condos provide, passed laws to narrow the definition of what constitutes a violation of implied warranty and requires that owners not only prove that a defect exists but also that it has caused or will likely cause damage to the condo and its basic functions or harm to those living in the unit. The state’s changes also gave condo owners and association members some personal liability exemptions, minimizing the incentive to sue developers.<sup>22</sup>

One developer told the Utah Foundation that builders in this state may see some increased implied-warranty liability due to construction defect risks and frivolous lawsuits. However, he suggests that if the developer does a good job and has good condominium documents, condos can be a safe development option.

Furthermore, condos can be more difficult to finance than other housing. First, builders can experience financing hurdles based upon the share of a development’s condominium that individual owners are allowed to rent to third parties; banks are less interested in lending to condo project that allow for a large share of renters.<sup>23</sup> Additionally, a developer must have a number of units sold before breaking ground. While apartment developments also contend with prelease requirements, the sale of condos might be slower than leasing up apartments. For instance, the City Creek Center in Salt Lake has both condos and apartments. The latter leased up very quickly, while the condos took years to sell. This time differential seems reasonable, since one is a shorter-term, lower-priced commitment while the other is a long-term



investment – though during that period, single-family detached homes enjoyed a far shorter time on the market. This suggests that condos have been a riskier gambit than both rentals and other types of ownership, such as single-family detached homes or townhomes.

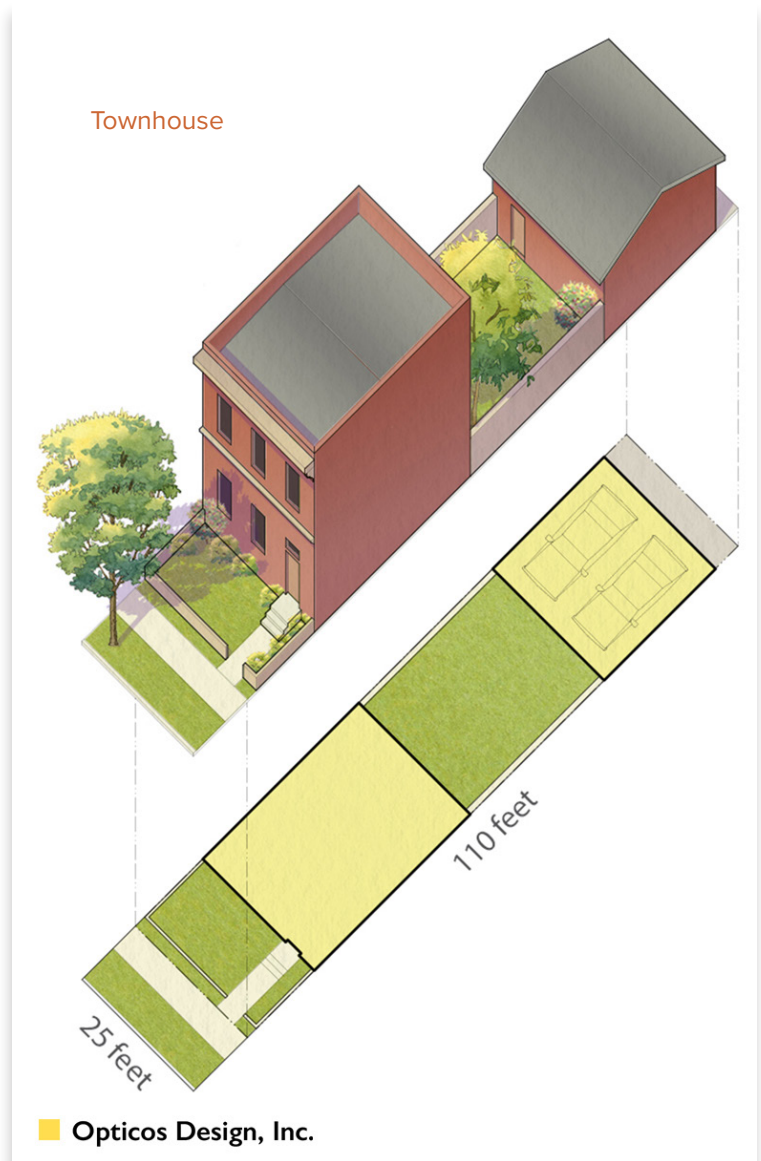
Since the Great Recession, it has been harder to build condos because loans from banks for developers are more difficult to procure. This is in large part because, during that economic hardship, condo owners were more likely than other homeowners to default on mortgage payments, and developers had a more difficult time selling condos than single-family detached homes.<sup>24</sup> Apartments were a safer bet for building loans since people still needed a place to live, though homebuyers were fewer, qualifying for home loans became much tougher, and home values were down. Banks took notice; construction loans for condo projects are still seen as a greater risk. This may drive up finance costs.

For purchasers, there are also some barriers.<sup>25</sup> One developer suggests that condo association dues are often twice the cost of housing association dues for townhomes (largely because the joint space in a condo project includes more of the building), though another developer has had a different experience, suggesting that the fees might be only slightly higher. Furthermore, many developers suggest that townhomes are just easier to develop than condos. But in terms of addressing the housing crisis described in Part I, one builder suggests that condos might be the best chance at consistently achieving home ownership for Utahns with lower price points.

In other types of middle housing, lending can be a financial barrier given that buildings with more than six or so units require commercial loans, which may require a 20% down payment – whereas many single-family and small multi-plex purchases require very small, residential down payments. However, a banker with whom the Utah Foundation spoke suggests that smaller projects often have a costly per-unit regulatory burden, while the economics of larger projects simply appeal to more sophisticated builders who can procure loans more easily.

Finally, lenders might not lend as easily on all types of middle housing, such as live-work housing. An early Utah live-work developer in Salt Lake City faltered due to the inability to quickly sell its condo units and its live-work units, the latter due in large part to buyer difficulties in procuring loans.<sup>26</sup>

With all this said, the development community is evolving, and market pressures may open the way for more condo development, including smaller-scale options that fit into the “missing middle” category. As the memory of the mortgage crisis recedes and the market demands more options, condos may find a greater foothold.



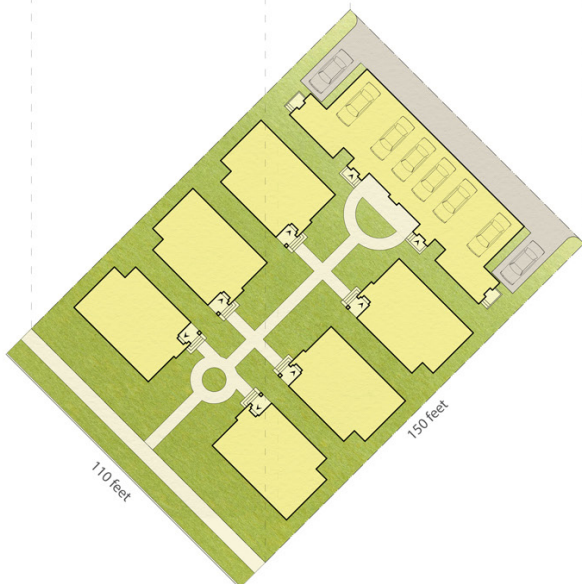


## SMALL-LOT SINGLE-FAMILY HOUSING

Like ADUs, another type of housing option may be considered middle housing: small-lot, single-family homes. They can help provide additional price-points to homeowners, below that of similarly-sized homes on larger lots. And due to their lot-sizes, they might increase neighborhood walkability and could be developed nearer to town-centers, which often are devoid of larger tracts of available land.

As noted in Part III, single-family home lot sizes for new construction have been shrinking. This is likely in part a response to market pressures for less expensive housing. One developer suggested that changing consumer preferences are driving this decrease, as many homeowners are seeking smaller lots because they require lower maintenance. For example, his company built 350 units of single-family detached housing in a Kaysville development with three lot sizes. The best-selling of these were the small lots. In response, his newer developments are three-story, single-family cottage-court style houses in Daybreak and Layton on small lots – about 4,000 to 5,000 square feet. This is equivalent to about one-tenth of an acre, which is similar to historic neighborhood lot sizes. Another developer told the Utah Foundation that many customers are satisfied with public space rather than individual yards.

Cottage Court



Opticos Design, Inc.

## OPENING THE WAY FOR MIDDLE HOUSING

### Identifying Untapped Opportunities

People often think about housing as either single-family homes or large apartment complexes, with nothing in the middle. This can also be true of developers and municipalities: Middle housing is often missing in their imaginations – and practices.

**Developers.** Developers might not see middle housing as an answer to the housing crisis, or as a route toward their own financial goals. The Utah Foundation spoke with one builder who suggested that duplexes are not as efficient to build as fourplexes, and fourplexes are not as efficient as eight-plexes. Further, he said, five townhomes cost the same to build as two twin-homes. He also suggested that the market for duplexes is limited.

Others tell a different story. One developer with whom the Utah Foundation spoke suggested that the lucrative nature of middle housing is a bit of a secret. He suggested that maybe he did not really want it to catch on, since it was working well for his firm.

Construction methods for middle housing are very similar to those of single-family homes. They require stick frame construction with the same construction code requirements and the same residential single-family home construction methods.<sup>27</sup> If you can build one, you can build the other. Accordingly, middle housing could be more ubiquitous than mid-rise, allowing small and medium-sized developers to enter the middle housing segment through incremental development in both slow and faster developing areas across the state.

Another builder is developing almost all types of middle housing – though most of the product can be classified as townhomes. Its model is to tear down old, inefficient buildings and rebuild there. The company previously focused on building single-family housing, but found it challenging to compete with big builders in suburbs. The company likes the affordability of small infill, boasts a steady flow of cash (compared to the cash tie-ups that come with very large parcels), and finds that infill is recession-proof in that there is always a market for moderately priced homes in more mature areas.

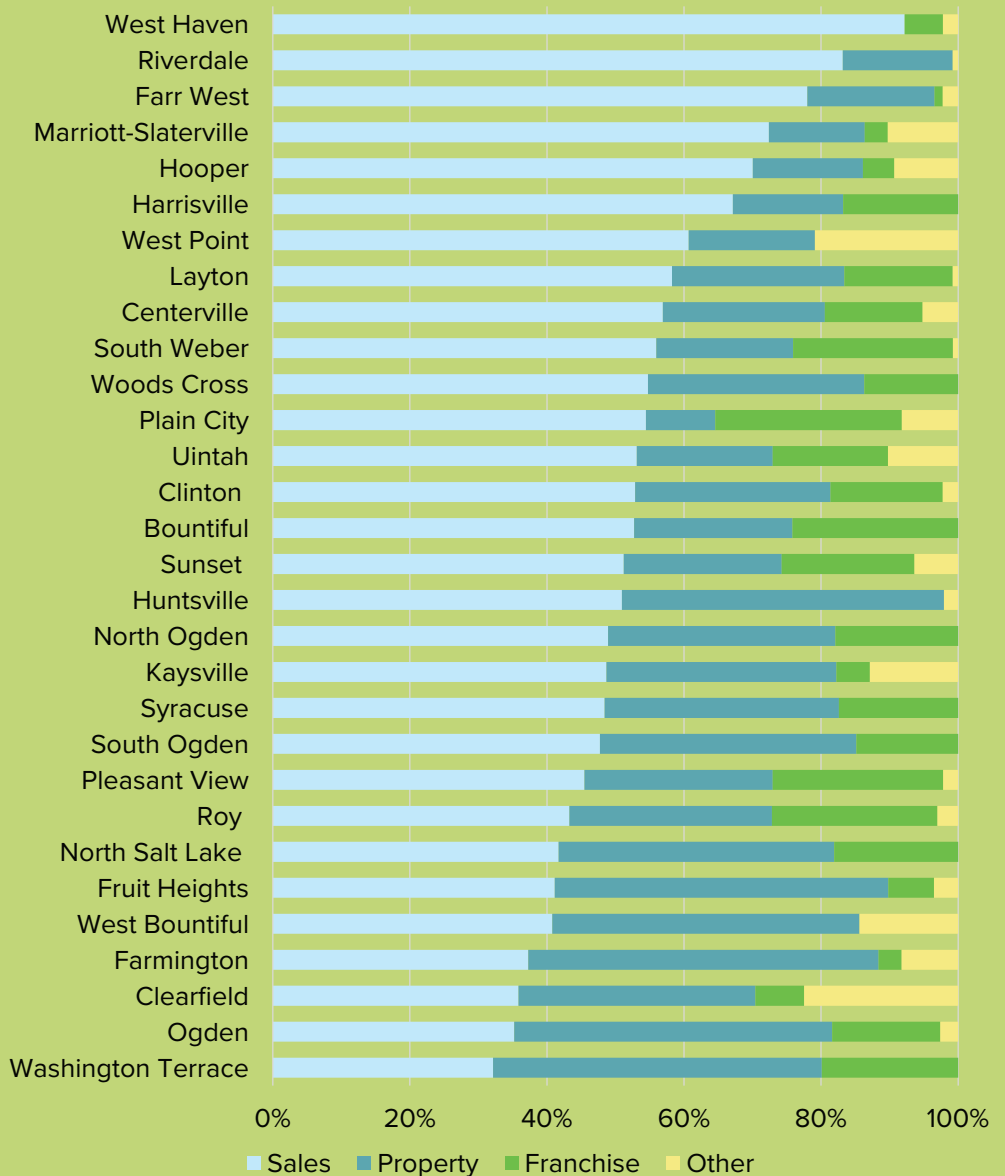
While one builder suggested that six-plexes and eight-plexes are hard to sell, a banker with whom the Utah Foundation spoke suggested that there is high demand for multi-unit buildings. And one realtor agreed, arguing that multiplexes are even more popular than single-family homes – though for a different set of purchasers – and that Utah cities should open the way for more.

**Local Policymakers.** Some suggest that counties, cities and towns also have much to gain from considering more middle housing. One big argument for middle housing and increased density is the commensurate increase in taxable value per acre. In fact, some have used the increase in property tax revenue as a justification for its development. However, one city representative with whom the Utah Foundation spoke suggested that single-family detached units on small lots can result in higher tax revenue than twin-homes with a slightly higher density, given that the detached units of the same size are valued about 25% higher. He questions why a city would allow for more of such attached housing if it does not make sense from a property tax revenue standpoint. The Utah Foundation analyzed this city’s tax data and found that this is the case across several new, somewhat comparable developments. However, the results may vary based on service and infrastructure costs and the stage of development in one jurisdiction versus another.

Some city officials suggest that middle housing density would also lead to increased commercial development – with more customers in an area attracting more business and more employers for the community. Utah Foundation research from 2019 looking at Davis and Weber counties shows that most cities in those counties rely more on sales tax than property tax. (See Figure 6.) Middle housing could increase the proportion of a city’s residents, resulting in a larger base to support its sales tax revenue.

### Most cities in Davis and Weber counties rely more on sales tax than property tax.

**Figure 6: Utah Foundation Analysis of City Tax Receipts, Davis and Weber Counties**



Source: The Utah Foundation, 2019.

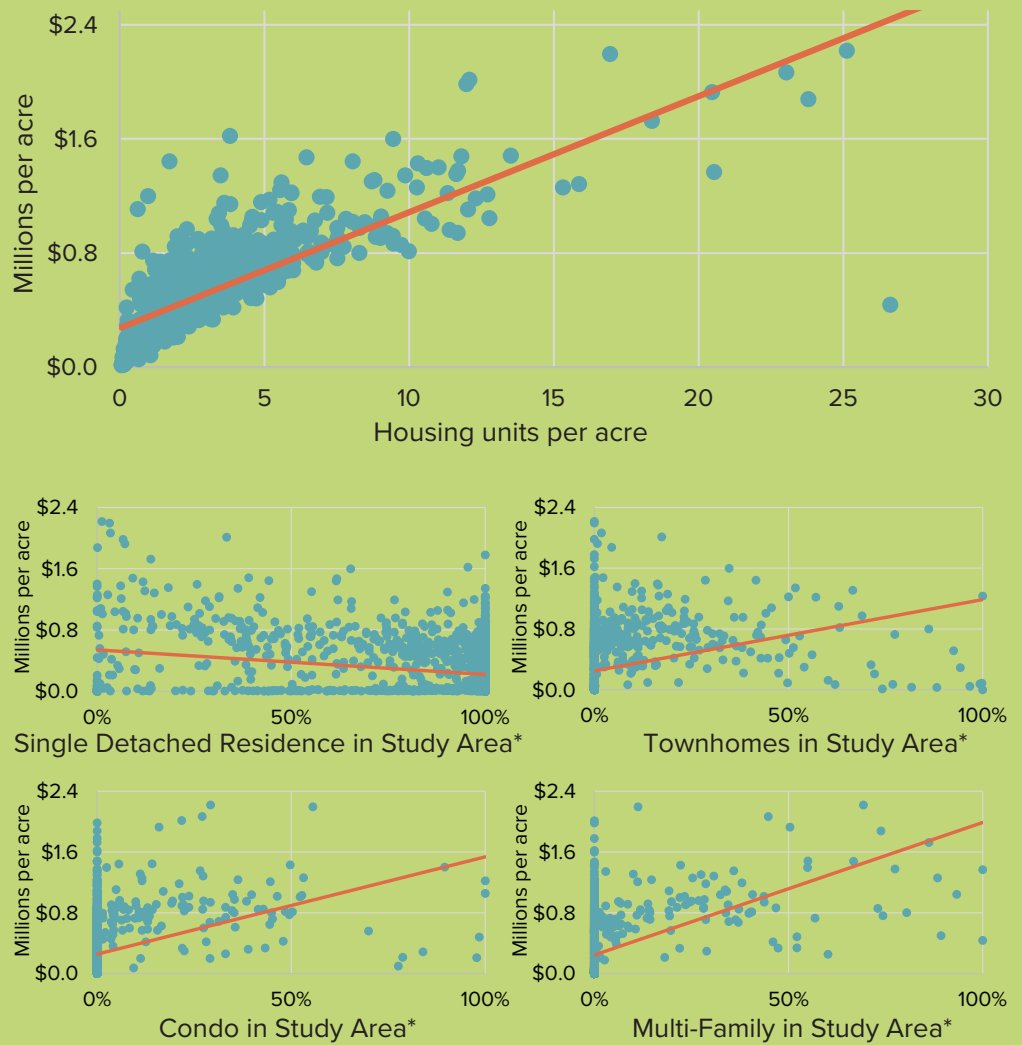
Further, along and around much of the Wasatch Front, another resource – land – is limited, so some jurisdictions may prioritize efficient use of remaining land.

Utah Foundation research also shows that the more units per square mile in Utah County, the higher the property tax revenue. (See Figure 7.) Moreover, the greater the proportion of multifamily units (townhomes, condos and/or apartments) per square mile, the more revenue the square mile generates, while areas with a greater proportion of single-family detached units generate less property tax revenue.

A Morgan County official with whom the Utah Foundation spoke likes the rental promise that middle housing might offer. With only one hotel in the county, middle housing could open the way for short-term rentals and, thereby, more tourism and revenue from transient room taxes.

### The more residential units, the more property tax revenue.

**Figure 7: Utah Foundation Analysis of Property Tax Receipts and Housing Units by Study Area Parcels, with Trendlines, Utah County**



\* Each "study area" is one-quarter square mile.

Source: The Utah Foundation, 2022.



Middle housing is also flexible. It can be compatible with single-family areas and small downtown areas, transit zones, residential suburbs, towns, and mixed-use centers. It can be used in transition between community types. It creates variety at a range of price points for communities' residents. And, if executed well, it can be good for "place-making," or creating sense of place in neighborhood and village centers that define a neighborhood. When considering many of the places that tourists like to visit, from the Caribbean to Europe (and multiple American cities and towns), the character of these places draws heavily on the small, multi-family middle housing in historic areas. Here in Utah, Clearfield (among others) is using middle housing to revitalize its downtown, seeking to bring more residents into historic areas to help sustain local businesses and community character.

There are some hinderances. Some municipalities feel that developers want to build too much at a time – 250 units instead of 25. Middle housing might allow for smaller developers to produce the right fit for small communities that want to grow incrementally, with the aim to blend in with residential neighborhoods. However, it can be scaled from suburbs and Main Street areas to new urbanism, up to town centers and downtowns to meet the needs of cities and towns of various sizes and stages of development.

While some municipalities may be concerned about too much new development, others might be focusing on large, dense projects. One builder suggested that, even in densely zoned areas, cities and towns often have a minimum unit threshold that only larger developers could manage, for fear that smaller builders are not as sophisticated, and so will do a bad job. However, bigger builders might not be able to get the larger number of units on small parcels to make it worth their while. Other cities might not want smaller developments because they are not meaningful in boosting number of units. However, one developer suggests that he could have built numerous small parcels in those areas which would have been meaningful in reaching larger numbers of new housing units.

Through regulatory changes at the local level, the market can be opened up to allow buyers and developers to align under the desires of municipalities, so that larger developers can build in cities that want more units, and smaller developers can build in cities and towns that are seeking slower growth. And in the process, cities and towns should perform the necessary fiscal analyses to determine what works financially. When providing for a range of housing types, they need to make sure the metrics work, providing the amount of development they desire for the populations they are seeking to serve, with the added property tax revenues that – with other economic stimulation – could help support municipal budgets.

One middle housing builder with whom the Utah Foundation spoke suggests that every city council needs a master plan to help foster an understanding among communities and developers. Even if they do not zone accordingly, builders will be more likely seek a rezone because the plan offers a stronger argument for rezoning. That said, zoning should ideally reflect the broader brushstrokes in a master land use plan.

Finally, middle housing might have a life outside of urban areas. Smaller towns might be more accepting of middle housing that is affordable, instead of midrise apartments that do not fit with the character of Main Street areas and other historic neighborhoods.





## ZONING IN SALT LAKE CITY

Salt Lake City is proposing an amendment to its current zoning with an explicit focus on allowing for “Missing Middle Housing.” The city is looking to address land-availability and land-cost issues with text changes to its residential multi-family zoning districts (starting with its low-density RMF-30 district). For instance, the proposal would allow for narrower RMF-30 lots and additional units that are not street-adjacent, and it would reduce the required amount of square-footage on the lot per unit to achieve an increase in density (shifting from 3,000 to 2,500 – well within the realm of middle housing).

The proposed zoning changes would also incorporate some form-based code design standards to create more compatible development, such as requiring 35% of the street-facing portion to be glass, using high-quality building materials on the front façade, and including inviting entryways (like porches or stoops).

The city calculates that there are just over 1,000 RMF-30 lots within its city boundary. Most of these have existing housing in place, and more than half hold single-family units.

There are potential downsides to these code changes. Some are concerned that such changes might lead to the redevelopment and renewal of older, more affordable neighborhoods through the demolition of older, more modest homes to be replaced with luxury townhomes – driving down affordability. Accordingly, a City-Council vote on the zoning change is awaiting the city’s affordable housing overlay and the city’s gentrification/anti-displacement study.

*Sources: Conversations with Salt Lake City personnel, and Salt Lake City, Zoning Update – Multi-Family Residential (RMF-30) Zone, Frequently Asked Questions, [www.slc.gov/planning/wp-content/uploads/sites/13/2019/04/RMF-30-Fact-Sheet\\_031519.pdf](http://www.slc.gov/planning/wp-content/uploads/sites/13/2019/04/RMF-30-Fact-Sheet_031519.pdf).*

## Overlay Zones

Overlay zones are adopted by municipalities as special zones placed over existing zones toward a specific goal.<sup>28</sup> Common reasons are for floodplain management, historic overlays to help preserve the character of neighborhoods, bonus densities to meet various policy goals, and overlays that govern the location of sexually-oriented business. Transit overlays seek to incentivize the increase of transit-oriented development along rail and bus corridors.

Another possible overlay zone is for middle housing. This type of overlay could allow for middle housing in traditionally single-family zoned areas, particularly those near transit and retail, around main street areas, in downtowns, and as transitions between more dense areas and single-family ones.

The go-to approach for such a zone might be to define building height with residential-lot density and setbacks from the road. However, a key municipal middle-housing consideration is to set scale (or height) and footprint – widths and depths, not density. Instead of density, municipalities might allow for any number of units that the project might hold. This could spur developers to follow the market and build house-scale, middle housing buildings. In addition, cities could choose from the menu of nine middle housing types to be allowed in an overlay zone.

## Upzoning

While zoning may be a barrier to middle housing development, upzoning is often seen as a solution. Upzoning is meant to increase housing supply.<sup>29</sup>

A new approach to upzoning has been taking place across the country.<sup>30</sup> This started in Minneapolis, which changed its zoning to allow for duplexes and triplexes on all single-family residential lots, essentially eliminating single-family zoning.<sup>31</sup> The move also eliminated the requirement for off-street minimum parking and provided supports for increasing affordable housing supply.

However, it should be noted that if the new development is too intense, it could have a negative impacts on quality of life and neighborhood character. For that reason, it



## MODERATE-INCOME HOUSING PLANS

Cities and counties are required to develop moderate-income housing plans. In an effort to make the plans more useful across the state, the 2019 Utah Legislature passed Senate Bill 34 to modify the requirements for moderate-income housing plans. The bill requires 82 cities, three metro townships and 12 counties to select certain strategies from a list provided by the Utah Legislature. These include:

- Rezone for densities necessary to assure the production of moderate-income housing.
- Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
- Encourage higher density or moderate-income residential development near major transit investment corridors.

The former two items were in the top options chosen by municipalities for their housing plans in 2020. A named accomplishment of the legislation was that municipalities allowed for a rezoning designation to provide ample density for affordable housing to be built. However, at least one legislator is concerned about how much progress cities are really forced to make on their plan goals.

Not all municipalities needed this legislative guidance to focus on middle housing. On December 12, 2017, the Salt Lake City Council voted unanimously to adopt Growing SLC: A Five-Year Housing Plan 2018-2022, the first housing plan for the city since 2000. The plan seeks to support and fund projects that increase and diversify housing supply. It points directly to bolstering the development of “missing middle” housing.

### Sources:

- *Utah State Legislature, Senate Bill 34, 2019, <https://le.utah.gov/~2019/bills/static/SB0034.html>.*
- *Utah Affordable Housing Commission presentation, August 10, 2021.*
- *Salt Lake City, Growing SLC: A Five-Year Housing Plan 2018-2022, [www.slc.gov/hand/housingplan/](http://www.slc.gov/hand/housingplan/).*

may be prudent to begin by trading single-family zoning for two-family zoning and, if successful, build to four-family zoning (or more, depending on the area).

A potential issue with upzoning is that density treats every unit as the same size in terms of zoning requirements. A 500-square-foot home is treated the same as a 3,500-square-foot home. One proposal is to increase developers’ interest in middle housing – as with parking above – by considering smaller units as partial units (one half or otherwise) in terms of calculating density and impact fees.

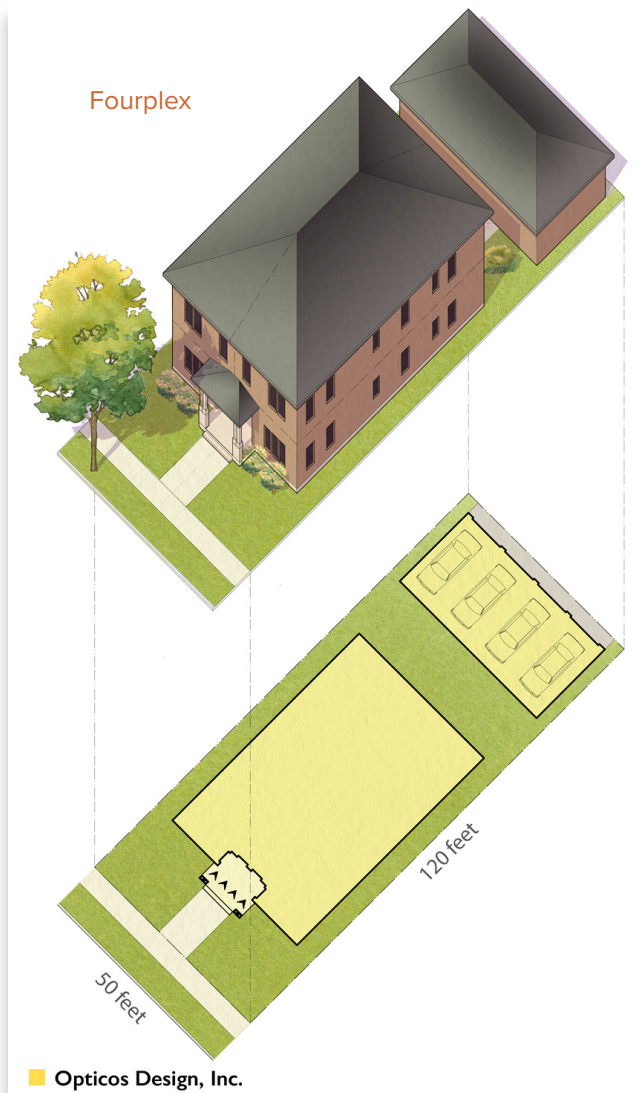
## Form-Based Code

Another approach to allow for middle housing is the deployment of form-based code in place of traditional use-based zoning.

Traditional zoning looks at use, often separating residences, retail and industrial areas. It suggests that each area should have a singular use – and secondarily may consider design and form. Form-based codes focus on design and form, letting market forces determine use.

A form-based code is a regulatory mechanism, not a mere guideline, adopted into city, town or county land use ordinance. It seeks to foster predictable results in the streetscape by using physical form rather than separation of uses as the organizing principle for the code. For instance, instead of setting a zone for single-family development, or multifamily, or retail, a zone might be set for a size and type of building with a set of placemaking characteristics, in which single-family, multifamily or retail can co-exist.

Form-based code emphasizes physical form to regulate and guide development and implement the vision for a place.<sup>32</sup> The various middle housing building types could be included, with ranges for setbacks, heights, layouts, garage requirements and architectural variety:<sup>33</sup>



Form-based codes might also consider architectural standards, landscaping standards, signage and environmental standards, such as tree protection, storm water drainage and other regulations. It should be noted that these are not aesthetic or design preferences, but form requirements.

As with design (see the sidebar in Part III of this study), there is danger with the subjectivity in form-based zoning. For instance, what is “house scale” when talking about middle housing? Form-based code needs to be specific. While traditional zoning is typically objective, the subjectivity inherent to form-based codes could result in developments that neither increase housing supply nor ensure good placemaking characteristics. However, being overly prescriptive could also be problematic in that it might hinder creativity and increase costs.<sup>34</sup>

A step toward form-based codes is with a hybrid traditional/form-based approach. These take traditional zoning, but apply certain form-based code characteristics such as setbacks, building size, parking placement, architectural features and building materials. However, some suggest that hybrid codes do not produce the desired physical outcome desired.<sup>35</sup> Further, they would likely not allow for or encourage middle housing without changes to the traditional zoning.

Salt Lake City’s first form-based code was adopted in 2013 for the Central Ninth neighborhood using two zones, allowing for small scale building in one area – up to two and one-half stories – and larger in another – up to four stories.<sup>36</sup> The code provides specific building requirements and a wide variety of building uses, including images for clarification, as well as a host of design specifications such as entry requirements and signage. In part given that the area is served by the Trax light rail, there is no minimum parking requirement.

South Salt Lake adopted its code in 2014 for the area along the east/west Utah Transit Authority streetcar track. It was based upon community input, visioning efforts, branding, and the Streetcar Master Plan as a placemaking effort to develop a shopping and entertainment destination.<sup>37</sup> The plan provides extensive details regarding types of streets, buildings and open space, as well as detailing placemaking around entries and signage.

Numerous communities are enacting or exploring form-based code or hybrid approaches, including Eagle Mountain, Farmington, Farr West, Heber City, Magna, North Logan, Ogden, Park City, Pleasant View, Provo, Salt Lake City, Salt Lake County (Meadowbrook), Sandy, Saratoga Springs, South Salt Lake, Springville and West Valley City, among others.

There are hurdles to form-based codes adoption. Planners – often educated in traditional zoning – might see form-based codes as a tool that is good for architects but far from the comfort of a municipalities’ recent past practices. On the other hand, builders and designers might see form-based codes as being overly prescriptive, restricting the creativity of their craft. Municipalities, though, might benefit from the prescriptive natures of the codes. Importantly, the path to developing a form-based code should include community members in the process, both for gathering preferences as to the form and for education of the community at large.

A middle housing developer suggests that form-based code could rectify some city and town concerns around unsophisticated builders. If the code is well-detailed to leave out any ambiguity, and includes management and maintenance requirements, more

builders could produce the type of middle housing that communities might desire.

The Wasatch Front Regional Council has developed a form-based code tool to help municipalities establish form-based code ordinances.<sup>38</sup> The Form-Based Codes Institute (FCBI) has developed a wealth of material to evaluate and shape form-based code.<sup>39</sup>

Most of the form-based codes in Utah exclude middle housing building types. Planners and city councils should consider the range of types as they explore adopting form-based codes.

## CONCLUSION FOR PART IV

Expanding Utah’s portfolio of housing to include middle housing opportunities faces a basic challenge: In most places the law doesn’t allow it. For instance, in Utah’s most populous county, Salt Lake, more than 88% of residential land is zoned single-family. For small, middle-housing developments at the neighborhood level, developers would often need conditional use approval or a rezone, which implies uncertainty, time and effort – and higher costs.

A key barrier against new middle-housing development is zoning. Zoning trended significantly toward single-family residential with automobile-oriented development patterns in the 1900s. As a result, development shifted away from walkable medium-density housing in many areas, reducing the relative supply of the now “missing” middle.

In Salt Lake County, for instance, large swaths of local communities are off limits for middle housing. Salt Lake County Regional Development analyzed all zoning in the county, finding that most significant opportunities for middle housing are in the southwest of the county, with a smattering of opportunities elsewhere.

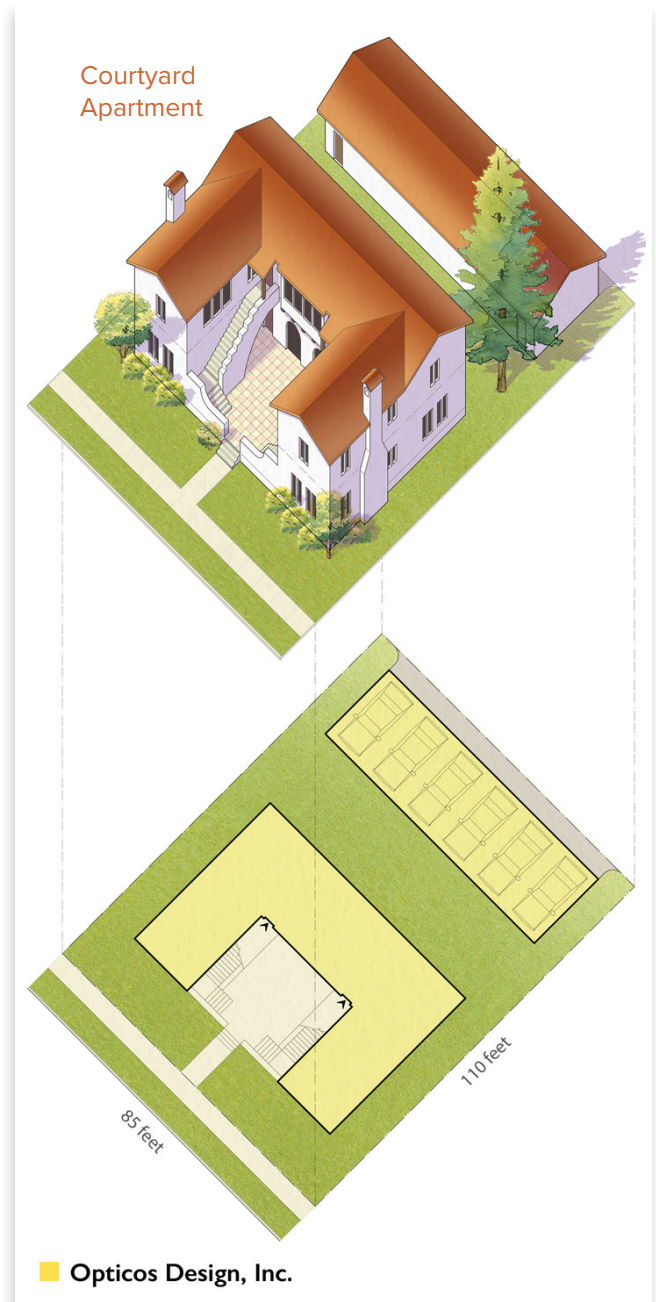
Another possible obstacle is parking. It is important for local policymakers to take a hard look at their parking needs to discover whether their requirements suit actual needs and whether the payoffs in terms of driver convenience are worth the tradeoffs in housing affordability.

Condominiums offer a significant possible approach to creating ownership opportunities in middle housing. However, condominium developers can face unique challenges, from financing issues to risk.

It is not clear just how many middle homes the housing market would bear, since the obstacles do not allow the development to meet the demand.

There are multiple means of opening the way for middle housing. Overlay zones may be targeted to the creation of middle housing. This type of overlay could allow middle housing in traditionally single-family zoned areas, particularly those near transit and retail, around main street areas, in downtowns, and as transitions between more dense areas and single-family ones.

Upzoning to allow small multifamily in formerly single-family zones holds the promise of creating new housing opportunities. However, to avoid negative impacts on quality



**Middle housing can be used to provide homes at a variety of price points, promote walkable neighborhoods and address changing demographics.**

of life and neighborhood character, it may be prudent to begin by trading single-family zoning for two-family zoning and, if successful, build to four-family zoning (or more, depending on the location).

Form-based codes provide a zoning approach that allow developers to focus on place-making, rather than use, possibly opening the way for middle housing. However, a successful form-based approach must avoid being both ambiguous and overly prescriptive.

This study has revealed a striking reduction in housing affordability in Utah, both for potential buyers and renters. Middle housing can be used to provide homes at a variety of price points, promote walkable neighborhoods and address changing demographics. This study has documented the potential, both as a means of addressing affordability and – if well executed – as a means of assuaging the concerns of neighbors about new development. It has also explained why providing homeownership options is a critical component of any middle housing strategy.

It is clear that the single-family form is highly favored among Utahns, and there is an openness to small-lot single-family development. It is also clear that new multi-unit development can be built in a manner that mimics that form and blends seamlessly into a variety of neighborhood types. And while there are obstacles to the creation of middle housing, there are also various means of opening the way.

Ultimately, to ease the pressure on housing prices, communities will need to consider a range of strategies. Ongoing population growth seems to be an inevitability. There are a host of affordability measures that policymakers might take (from down-payment assistance to developer subsidies). But addressing growth pressures for market-priced households will also require more middle housing.

## APPENDIX

Salt Lake County Regional Development developed the following process to determine zones where middle housing is encouraged:

1. Is attached housing or small cottage courts allowed?
2. If yes, what types are permitted or conditional?
3. Does the zone have favorable density (low to medium)?
4. Does the zone allow for various building types?
5. Are there restrictions on development that would make incorporating middle housing difficult?

Some cities allow for twin homes (property divided at middle wall) but not duplexes (one property, two units). The county included twin homes as a type of duplex in this analysis.

This analysis does not include overlays, but cities may be aware of overlays that would be suited for middle housing. Examples may include some mixed-use or planned community zones. These can be incorporated into this analysis if cities determine they meet the parameters of encouraging middle housing.

**Figure A: Detail of Middle Housing Zoning in Salt Lake County. (Full analysis available at [www.utahfoundation.org/middle-housing](http://www.utahfoundation.org/middle-housing).)**

City	Zoning District	Description	Land-use restrictions	Duplex	Triplex	Four-plex	Town-house	Cottage Court	Multi-plex	Court-yard	Live-Work
Alta	Forestry Multi-family (FM-10)	Forestry Multi-Family (max 10 units or 20 guestrooms).	No more than 2 buildings 10 du or 20 guest rooms/ac. .5 ac min lot size. 25% max lot coverage.	C	C	C	C				
	Forestry Multi-family (FM-20)	Forestry Multi-Family (max 20 units or 40 guestrooms).	No more than 2 buildings 20 du or 40 guest rooms/ac. .5 ac min lot size. 25% max lot coverage.	C	C	C	C		C	C	
Bluffdale	Residential Multi-family (R-MF)	Multi-family designed to be compatible with surrounding uses. Intended to have limited commercial services, including ground level retail and commercial businesses and home occupations.	5 acre minimum. Up to 12 and a half du/ac.	P	P	P	P		P	P	P
	Mixed Use (MU)	Mixed uses and diversity of dwelling unit types as part of a pedestrian friendly layout.	Min 10 acres. Multi-family should not be more than 20% of all residential units. 1 du/ac max allowed density. Open space percentage yields density bonus.	P	P	P	P	P	P	P	P
	Special Development: Bringhurst Station (SD-X)	Mixed uses and diversity of dwelling unit types.	While various types of housing are permitted, the only MM types in the plan are townhomes.					P			
	Special Development: Gateway (SD-X)	Intended to locate hospitality, retail, and multi-family dwelling on the east gateway to Bluffdale.	Up to 500 multi-family units.								

### LEGEND

<b>SIGNIFICANT OPPORTUNITIES</b>
Four or more types of Missing Middle housing types are <b>permitted</b> .
<b>MODERATE OPPORTUNITIES</b>
Four or more types of Missing Middle housing types are <b>conditional and permitted</b> .
<b>LIMITED OPPORTUNITIES</b>
Three or fewer types of Missing Middle housing are <b>permitted and/or conditional</b> .
<b>MIDRISE+</b>
More than 19 units/building, but allows for some "Missing Middle" housing types.

**P = Permitted**      **C/CA = Conditional /Cond. Admin.**

Duplex	Duplex (side-by-side or stacked) (considered a single type) Includes twin homes
Triplex	Triplex (stacked and alt. configs)
Four-plex	Fourplex (stacked)
Townhouse	Town-house
Cottage Court	Cottage Court
Multiplex	Multiplex Medium (Mansion Apartment) (max 12-18 units/building)
Courtyard	Courtyard Building
Live-Work	Live-Work

Source: Salt Lake County Regional Development.

## ENDNOTES

- 1 James Wood, Dejan Eskic, DJ Benway, Kathryn Macdonald-Poelman, *Housing Affordability: What Are Best Practices and Why Are They Important?*, November 2020, pp. 1-2, <https://gardner.utah.edu/wp-content/uploads/Best-Practices-Dec2020.pdf>.
- 2 Nathaniel Decker. (2021) Affordable Housing Without Public Subsidies. *Journal of the American Planning Association* 87:1, pages 62-72.
- 3 Utah Foundation analysis of Wasatch Front Regional Council data.
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- 5 Dejan Eskic, The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County, February 2021.
- 6 Envision Utah, NIMBYism Survey Results, April 2021.
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- 9 The Envision Utah survey tested various types of messaging, all of which seemed to resonate with some respondents. Those that topped the list had to do with housing for teachers, firefighters and police officers, followed by housing near job centers to reduce traffic, air pollution and infrastructure costs, and allowing for affordability that will let Utahns' children to remain in the state – and closer to their parents. Envision Utah, NIMBYism Survey Results, April 2021.
- 10 Opticos Design, *What are the characteristics of Missing Middle Housing?*, <https://missingmiddlehousing.com/about/characteristics>.
- 11 Strong Towns, *The Many Costs of Too Much Parking*, November 20, 2018, [www.strongtowns.org/journal/2018/11/20/the-many-costs-of-too-much-parking](http://www.strongtowns.org/journal/2018/11/20/the-many-costs-of-too-much-parking)
- 12 Joe Cortright, *The Price of Parking*, October 18, 2016, <http://cityobservatory.org/the-price-of-parking/>
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- 15 Orem City Planning Division, *Orem City Parking Study*, April 2019, [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/420894/Parking\\_Study\\_Final\\_Report.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/420894/Parking_Study_Final_Report.pdf).
- 16 Utah State Legislature, Senate Bill 34, 2019, <https://le.utah.gov/~2019/bills/static/SB0034.html>.
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- 18 Strong Towns provides a toolkit for cities and towns to analyze their parking needs. Strong Towns, *A Guide to Busting Parking Myths in Your Town*, November 21, 2018.
- 19 Express warranties are certain guarantees about the condo made directly to the buyer. These warranties can be easily covered by a good contract. Implied warranties give the impression that what is being sold is fit to fulfill its purpose and are usually the cause of litigation between owner and developer because they are not clearly defined. Larry Costich and Russel Robertson, *Long-Awaited Condo Reform Kicks In: Here's What Developers Need to Know*, Schwabe, Williamson & Wyatt, August 15, 2019.
- 20 The previous condo laws gave a vague definition of “defects” that violated implied warranty and therefore increased what a developer could be sued for. A wide variety of building experts were able to manipulate the law and the classification of “defects” became subjective. Associated General Contractors of Washington, *Condo liability reform legislation signed into law*, May 6, 2019, [www.agcwa.com/condo-liability-reform-legislation-signed-into-law/](http://www.agcwa.com/condo-liability-reform-legislation-signed-into-law/).
- 21 Dan Bertolet, Modifications to Washington’s Condo Law Could Give Production a Shot in the Arm, Sightline Institute, January 18, 2019.
- 22 Associated General Contractors of Washington, *Condo liability reform legislation signed into law*, May 6, 2019, [www.agcwa.com/condo-liability-reform-legislation-signed-into-law/](http://www.agcwa.com/condo-liability-reform-legislation-signed-into-law/).
- 23 With condo requirements, “warrantable” developments only allow up to 30% of the units to be rentable. If the development allows more than that, it is “unwarrantable,” for which some banks put restrictions on lending.
- 24 The entire lending industry tightened up since a major contributor to the recession was that all of the stated income, adjustable-rate mortgages that buyers were able to obtain in the years before came due and homeowners were not able to pay the higher rates or secure new loans. Property values went down, there were numerous short sales, and lender requirements became more stringent, especially for condos where extra scrutiny was put in place such as the physical and financial condition of the building.
- 25 For instance, if loan-to-value on the project is 75% or less, there is a small review for loans. But if more than 75% loan to value, that requires a full review, which can be an issue for condo purchasers. For instance, under a full review, if 6% of owners in complex are past due on their condo fees, potential buyers will not be able to get financing. Further, there is also a higher interest rate for condo loans.
- 26 The author of this report was on the non-profit developer’s board of directors from the construction of the units through to the disposition of all assets and organization’s dissolution.
- 27 Utah Residential Code, R101.2, <https://up.codes/viewer/utah/irc-2015/chapter/1/scope-and-administration#1>. The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.
- 28 Elizabeth Garvin, Making Use of Overlay Zones, Planning Commissioners Journal, 2001, <https://plannersweb.com/wp-content/uploads/2001/07/318.pdf>.
- 29 Jenna Davis, The double-edged sword of upzoning, July 15, 2021, [www.brookings.edu/blog/how-we-rise/2021/07/15/the-double-edged-sword-of-upzoning](http://www.brookings.edu/blog/how-we-rise/2021/07/15/the-double-edged-sword-of-upzoning).
- 30 The Kem Gardner Policy Institute has written in favor of upzoning. It notes that “Recently, housing preferences have moved toward multifamily housing (condominiums, twin homes, townhomes, and apartments)... Zoning ordinances, in many cities, do not reflect the shift in preferences to higher density, more affordable housing. Zoning often lags changes in market preferences” And the “troubling price trajectory can’t be tamped down without a larger supply of high-density housing.” The report goes on to suggest that “Higher-density housing, which is often closer to employment centers, may reduce household transportation costs. Public infrastructure costs will be lower per household in higher-density residential developments. Higher housing densities, particularly surrounding transit-oriented developments (TODs), improve public transportation efficiency. And high-density housing is an essential component of a walkable community.” See James Wood, Dejan Eskic, DJ Benway, Kathryn Macdonald-Poelman, *Housing Affordability: What Are Best Practices and Why Are They Important?*, November 2020, p. 2.
- 31 Richard D. Kahlenberg, How Minneapolis Ended Single-Family Zoning, October 2019, <https://tcf.org/content/report/minneapolis-ended-single-family-zoning/?session=1>. And E. Trickey, J. White, S. Sitrin, & B. Gerstein, How Minneapolis Freed Itself From the Stranglehold of Single-Family Homes, July 2019, [www.politico.com/magazine/story/2019/07/11/housing-crisis-single-family-homes-policy-227265](http://www.politico.com/magazine/story/2019/07/11/housing-crisis-single-family-homes-policy-227265).
- 32 As explained by the Wasatch Front Regional Council, “form-based codes specify design for places and centers through a comprehensive process that relies on local decision making, and allows for uses to adapt based on demand. Form-based code sets a design standard rather than a minimum requirement and encourages active, vibrant communities that are both highly functional and aesthetically pleasing.” Wasatch Front Regional Council, Wasatch Choice 2050, <https://wfrdc.org/vision-plans/wasatch-choice-2050-3/toolbox/form-based-code/>.
- 33 There are five main elements of form-based code: 1) Regulating plan, the plan or map of the area designating the locations where different building form standards apply. 2) Public standards, the specifications of the elements in the areas, such as sidewalks, travel lanes, on-street parking, tree requirements, etc. 3) Building standards, the regulations around the features, configurations and functions of the buildings in the areas. 4) Administration, the clearly defined and streamlined application and project review process. 5) Definitions, the glossary to ensure the precise use of technical terms. See Form-Based Codes Institute, Form-Based Codes Defined, <https://formbasedcodes.org/definition/>.
- 34 Adrian Moore, The Promise and Pitfalls of Form-Based Codes, February 2018, [www.youobserver.com/article/the-promise-and-pitfalls-of-form-based-codes](http://www.youobserver.com/article/the-promise-and-pitfalls-of-form-based-codes).
- 35 Kaizer Rangwala, *Hybrid Codes Versus Form-Based Codes*, New Urban News, April-May 2009.
- 36 Salt Lake City, Chapter 21A.27 Form Based Districts, January 17, 2013, [www.slcdocs.com/Planning/Projects/FBC/21A.27.050\\_FormBasedCode\\_Jan-17-2012\\_Small.pdf](http://www.slcdocs.com/Planning/Projects/FBC/21A.27.050_FormBasedCode_Jan-17-2012_Small.pdf).
- 37 South Salt Lake City, *East Streetcar Neighborhood Form-Based Code*, September 17, 2014.
- 38 Ibid.
- 39 Form-Based Codes Institute, [www.formbasedcodes.org](http://www.formbasedcodes.org).





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## MIDDLE HOUSING STUDY PART IV: OBSTACLES AND OPPORTUNITIES

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