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Lake Elmo, MN 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday January 28, 2019
at 7:00 p.m.
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. January 14, 2019
4. Public Hearings
 - a. None.
5. Business Items
 - a. **MIXED USE (MU) ORDINANCE** – The Planning Commission will be continuing their review of a proposed new Zoning Ordinance to create Mixed Use Business Park and Mixed Use Zoning District in the City.
 - b. **HOUSING STUDY** – The Planning Commission will be reviewing and discussing the standards for high-density residential housing in Lake Elmo.
6. Communications/Updates
 - a. City Council Update – January 15, 2019
 1. PUD Ordinance update
 - b. Staff Updates
 1. Upcoming Meetings:
 - February 11, 2019
Two Public Hearings Scheduled
 - February 25, 2019
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of January 14, 2019**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Johnson, Weeks, Hartley, Holtz, Cadenhead, Steil, Risner

COMMISSIONERS ABSENT:

STAFF PRESENT: Contract Planner Haskamp, City Administrator Handt, City Planner Prchal and Planning Director Roberts

Council Member Bloyer administered the Oath of office to the new Planning Commission members.

M/S/P: Hartley/Weeks, move to amend the agenda to have brief introduction of members, ***Vote: 7-0, motion carried unanimously.***

Planning Commission members introduced themselves.

Election of Officers:

Kathy Weeks nominated Stuart Johnson for Chairperson, seconded by Steil.

M/S/P: Weeks/Johnson, move to elect Stuart Johnson as Chairperson of the Planning Commission for 2019, ***Vote: 7-0, motion carried unanimously.***

Stuart Johnson nominated Kathy Weeks for Vice Chair seconded by Risner

M/S/P: Johnson/Risner, move to elect Kathy Weeks as Vice Chairperson of the Planning Commission for 2019, ***Vote: 7-0, motion carried unanimously.***

Approve Agenda:

M/S/P: Hartley/Johnson, move to approve the agenda as amended, ***Vote: 7-0, motion carried unanimously.***

Approve Minutes: December 10, 2018

M/S/P: Hartley/Weeks, move to approve the December 10, 2018 Minutes as presented,
Vote: 7-0, motion carried unanimously.

Public Hearing – 2040 Comprehensive Plan Update

Roberts introduced this item and went through the background of the 2040 Comprehensive Plan update. The City has been working for the past 2 years to update the Comprehensive Plan. Since the jurisdictional review period has ended, no changes can be made that might affect other jurisdictions. Washington County had some good comments that will be included into the plan.

Haskamp started her presentation and went through some of the background of the preparation of the 2040 Comprehensive Plan. In the seven county metro area, Cities are required statutorily to update the Comprehensive Plan every 10 years. The Metropolitan Land Act is what governs this requirement. The Metropolitan Council comes out with a system statement, in years that end in a “5”. For this planning period, it came out in 2015, which gives time to incorporate into the plan. Once the Comprehensive Plan is adopted, ordinances are looked at for compliance.

In chapter 1, the Community context is set out. The rural areas, or everything outside of the MUSA, are encouraged to have a density of 1 unit per 10 acres. The other areas in the MUSA are required to have a minimum of 3 dwelling units per acre. Chapter 2 is the vision, goals and strategies chapter. The Land Use Chapter previously had a category that was called Urban Reserve. That was taken out. The City of Afton was concerned with some of the uses along Manning and I94. Nothing was changed based on those comments. This is actually less intense than 2030.

Chapters 3, 9 and 10 deal with staging and infrastructure. These deal with staging and infrastructure availability capacity. There are improvements that need to happen for certain areas to develop. There were not a lot of changes in Chapter 5 the housing chapter, Chapter 6 Parks, Trails and Open Space or Chapter 7, Transportation.

Hartley asked about a map that was shown that did not show the Royal Golf property in the MUSA. Haskamp stated that the Met Council Shape files have not been updated yet.

Holtz asked why there is nothing regarding the 3M water contamination and that we are participating with the 3M settlement. Holtz feels that it could affect long term planning. Handt stated that it could be included. Haskamp feels that the conversation could be had with the City Engineer as he was very deliberate on the language to be used. Handt read a section in Chapter 11, implementation that it is included in.

Public Hearing opened at 7:53 pm

Neil Krueger, 4452 Lake Elmo Ave, has been part of the process for a long time and has submitted comments in the past. Krueger feels that the City could do a better job of responding to comments that are submitted. Krueger is wondering what the process is for the MUSA boundary to be changed. Krueger feels strongly about providing affordable housing. There was no discussion about the Manning/Hwy 36 area which has land in Lake Elmo. Krueger feels that design standards are very important and the term should be recognized in the Comprehensive Plan. Krueger is wondering if there will be enough fresh water to provide for the population that is proposed for the next 20 years and are there any assurances that we can provide water to residents.

Susan Saffle, 110180 50th Street, greatest concern is fresh water for the City and if there will be enough for people as the population grows.

Public Hearing closed at 7:58 pm

Haskamp stated that the process to amend the MUSA boundary is a requirement for a Comp Plan Amendment process. It must be approved by the Met Council and part of that is proving that there is enough capacity to include the amended boundary. Haskamp stated it is anywhere from a 3-6 month process. It is something the city has broad discretion on. Haskamp stated that in the housing chapter, there is a table showing what Lake Elmo's allocated need is. This number is 508 units. There needs to be acreage allocated with the appropriate densities to potentially meet this number. Haskamp stated that highway 36 and Manning is addressed in chapter 7. Design Standards are outside the scope of the Comprehensive Plan, but could be addressed in the zoning code. Handt stated that there is enough capacity, it is getting the distribution figured out. Lake Elmo is within the White Bear Lake 5 mile radius, so there has been a lot of modeling regarding the water.

Hartley is wondering if there is a process to shrink the MUSA boundary. Haskamp stated that the City is not allowed to shrink the boundary. Weeks feels a lot of work and citizen input has been put into the Comprehensive Plan and she sees it as a good guide for the City for the next 10 years.

Hartley asked if the current density in the MUSA is based on the zoning in those areas, not the current houses that are built. Haskamp stated that what is currently platted is below the 3 units per acre and is currently at about 2.25 per acre. Hartley stated that that rural areas are required to be 1 unit per 10 acres. Hartley is wondering what the current density in those areas is. Haskamp stated that it is written as encouraged and it should be guided as such. Haskamp feels that there is some room if the city follows the Open Space ordinance.

M/S/P: Holtz/Hartley, move to recommend approval of the draft 2040 Comprehensive Plan Update with the changes recommended by Washington County, ***Vote: 7-0, motion carried unanimously.***

Business Item – Zoning Text Amendment – Mixed Use

Roberts started his presentation regarding the Zoning Text Amendment to create a Mixed Business Park and a Mixed Use Commercial Zoning District. The mixed use zones allows for market forces to decide what will go in the areas. There could be both residential and commercial uses on a given parcel. Roberts stated that it also gives the city enough acreage to hopefully meet the housing units required by the Met Council. Roberts would like to focus on what types of industrial and commercial uses the City would like to allow by residential areas. Roberts stated that at least 50% of the area needs to develop in residential to meet the numbers required by Met Council.

Steil asked for clarification about the 50% requirement. Roberts stated that the residential component can exceed 50%, but not the commercial component. Johnson asked if it would make sense to include a not to exceed clause. Roberts stated that it depends on the market and at this point, it is probably not a good idea. In the future, if the majority of what comes in is residential, down the line the City might be open to amend the Comprehensive Plan to allow more commercial.

Hartley stated that the single family detached is allowed and there is standards, but logic says in medium and high density, the numbers don't work. Roberts stated that a project might come in that has high density buildings and on the perimeter there might be single family or twin homes. There could be a mix of housing products and a range of densities.

Roberts talked about ghost plats and build out plans. Roberts stated that if a property owner wants to only develop a portion of a property, they have to show what will be put on the whole property. The ghost plat becomes attached to the land and all future development for the site is tied to that ghost plat. Weeks asked if staff is comfortable having ghost platting in this ordinance. Roberts stated that it is not ideal, but there is a way for staff to track it. Weeks stated if there is a way to simplify it, or not even include it, she is in favor of that. Weeks understands the concept, but worries that it will be too cumbersome or with staff turnover, it could become a problem.

Hartley asked if it will pass legal obstacles. Roberts stated that it would. Holtz stated that many other Cities in the Metro use the concept of Ghost platting, but he is concerned about record retention and if the ghost plat is recorded against the property. Weeks stated that there could be something in the developer's agreement regarding the ghost plat and the developer's agreement is recorded at the County. Hartley stated that since it is recorded at the County, that would be a mechanism that is searchable when there is a transfer of land. Roberts stated that one of the conditions of the developer agreement would be in regards to the ghost plat and would have the legal description and the conditions of the ghost plat.

Roberts wanted to make sure that the Planning Commission still feels that manufacturing should not be an allowed use in this district. Roberts is wondering also if in the table, the Planning Commission would want non-production industrial. This could include contractor's yards for example which could have negative impacts to neighbors.

Weeks is worried about taking out contractor yards because Lamperts Lumber yard is in this area. Weeks is not interested in making Lamperts non-conforming and is concerned about making the property useless if they were to sell to another Lumber yard.

Hartley stated that light manufacturing could be very valuable to Lake Elmo. Some of those are contained and would be of high value to Lake Elmo. Hartley doesn't want to see those excluded.

M/S/P: Hartley/Weeks, move to keep light industrial and light manufacturing, **Vote: 7-0, motion carried unanimously.**

Roberts asked if the Planning Commission would like to add an item regarding compatible uses. Roberts pointed to language that Woodbury has in their ordinance. Having this language gives more flexibility to the ordinance when there is a question if a proposal should be allowed. Weeks likes the idea because there would be flexibility for something that might not be thought of at this time. Hartley stated that it would give the City the opportunity to look at the potential light manufacturing and light industrial to see if it is compatible.

There was discussion by the Planning Commission about taking out the kennel component of Veterinary Services. Roberts pointed out that even if it is taken out at this time, a business coming in that would want a kennel, can apply for a zoning text amendment. Roberts stated from the City perspective, they are better off starting off more conservatively with the commercial uses to not discourage residential.

Cadenhead asked what the definition of a trade shop is. Prchal read the definition to the Planning Commission. Weeks pointed out that a trade shop is an allowed use in the VMX and also in the commercial Zone.

Roberts added language giving more flexibility to the screening component for exterior storage. The section regarding bicycle parking was removed as the Planning Commission did not feel it was necessary.

Prchal gave examples of where some businesses that are located by residential in other cities by showing zoning maps. Weeks pointed out that sometimes a street acts as the buffer between a neighborhood and a business.

Prchal pointed out that the Inwood development was platted as a PUD, but it would be similar to what is being talked about. There is residential and commercial on the same property, with 5th Street being a buffer between the two areas.

Weeks is wondering if a PUD can be applied in the Mixed Use Commercial and Mixed Use Business Park zones. Roberts believes that it is written that way. Prchal thinks with the flexibility of the code, it probably isn't necessary, unless they wanted more density.

Roberts stated that if the Planning Commission is comfortable with the ordinance and the changes incorporated, the next step would be to hold the public hearing and take testimony.

M/S/P: Hartley/Holtz, move to direct staff to incorporate the changes discussed and prepare for a public hearing, ***Vote: 7-0, motion carried unanimously.***

City Council Updates – January 2, 2018

1. Resolution Ratifying approval of Royal Golf 3rd Addition Final Plat, PUD and Easement
2. Resolution Ratifying approval of Wyndham Village Final Plat

City Council Updates – January 8, 2018

1. Planning Commission Appointments
2. 2019 Planning Commission Work Plan

Staff Updates

1. Upcoming Meetings
 - a. January 28, 2019
 - b. February 11, 2019

Meeting adjourned at 9:25 pm

Respectfully submitted,

Joan Ziertman
Building Permit Technician



STAFF REPORT

DATE: 1/28/19
BUSINESS ITEM
ITEM #: 5A
MOTION

TO: Planning Commission

FROM: Ken Roberts, Planning Director

ITEM: Mixed Use Business Park and Mixed Use Commercial Zoning Ordinance

REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

City staff is asking the Planning Commission to provide feedback on a proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

On December 10, 2018, the Planning Commission reviewed and provided staff with comments about a first draft of the proposed mixed use ordinance.

On January 14, 2019, the Planning Commission again reviewed and provided staff with additional comments and suggestions about the proposed mixed use ordinance.

ISSUE BEFORE COMMISSION:

The Commission should provide staff feedback on the latest proposed Mixed Use Business Park and Mixed Use Commercial zoning ordinance.

PROPOSAL DETAILS/ANALYSIS:

Implementation Chapter of the 2040 Comprehensive Plan. The number one implementation step of the Land Use Chapter of the 2040 Comprehensive Plan was to create two new zoning designations that support the Mixed-Use Business Park and Mixed Use-Commercial land use designations. It is a requirement of the Metropolitan Council that the City adopt official controls that do not conflict with the updated 2040 Comprehensive Plan within nine months of adoption of the 2040 Comprehensive Plan update.

Proposed Ordinance. The following explains the proposed ordinance:

- *Descriptions.* Staff drafted the descriptions to align with the descriptions within the draft 2040 Comprehensive Plan of the Mixed Use Commercial and Mixed Use Business Park future land uses. The descriptions promote buffering and smooth transitions between both existing and new development of residential and commercial uses. There also is an explanation of the requirement there be at least 50% residential (with 50% commercial) land use within a development, and if that cannot be provided, the developer provide a 'ghost' plat that will be used as an official document to establish land use consistent with the Comprehensive Plan.
- *Additional Submittal Requirements.* The review procedures sets forth submittal requirements for development within the Mixed Use Commercial and Mixed Use Business Park zoning districts that will be required in addition to submittal requirements for a plat. These additional

submittal requirements will help the City to determine if the 50% residential/50% commercial land use mixture has been met.

- *Review Procedure.* The review procedure is in addition to the Subdivision Regulations review procedure if the property is being platted. The review procedure is applicable to all development within the Mixed Use Commercial and Mixed Use Business Park district. If the property is not being platted, development must undergo the Mixed Use Development Review process, which is the same procedure as the Conditional Use Permit process, even if the proposed land use within the development is permitted. The review procedure includes the requirement that development be tracked in order to ensure that development within these areas is happening consistent with the Comprehensive Plan.
- *Permitted, Conditional and Interim Uses.* The proposed permitted and conditional (there are no interim uses proposed) uses within the Mixed Use Business Park and Mixed Use Commercial zoning districts is generally consistent with those of the current Commercial and Business Park zoning districts, except that there are additional residential uses allowed. The definitions of these uses are attached to this report.
- *Lot Dimensions and Building Bulk Requirements.* An explanation of the proposed lot dimension and bulk requirements is below:
 - *Multi-Family Dwelling Minimum Lot Area.* This is the same as the minimum lot size for HDR. This allows enough area per unit assuming the highest density divided by two in order to allow for additional uses within the development (i.e. pool, clubhouse, recreational facilities for the apartment) while still meeting density requirements.
 - *Live Work Unit Minimum Lot Area.* This is consistent with the VMX standards.
 - *Non-Residential Uses Minimum Lot Area.* This is consistent with Commercial and Business Park requirements
 - *Minimum Lot Width for Residential Uses.* These are consistent with HDR standards.
 - *Maximum Height.* This is consistent with Urban Residential and Commercial/Business Park districts.
 - *Building Setback Requirements.* Residential uses are consistent with the Urban Residential districts, and non-residential uses are consistent with the Commercial and Business Park zoning districts.
- *General Site Design Considerations.*
 - *Location of Residential and Commercial Development.* Staff is proposing that it be a standard that residential development be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering is provided as determined by the City. This will help to ensure that major commercial uses are not proposed adjacent to existing residential development (i.e. Savona, the Forest).
 - *Design.* Commercial and Business Park development is to be designed to reflect the general scale and character of existing buildings on surrounding blocks.
 - *Other Standards.* The other proposed standards were carried over from the existing Commercial Districts standards.
- *Standards.* Current standards for a number of uses are attached to this report. Note that a number of uses do not currently have separate standards, and the reader is referred to the definition for any standards it may set forth (this is indicated when the standards refer to Section 154.012). Additional standards for specific uses within the MU-C and MU-BP zoning district are being proposed. Brief explanations of why these unique standards are proposed are below.
 - *Single Family Detached Dwelling.* This is a standard that has been carried over from the standards within other districts.

- *Single Family Attached Dwelling.* These standards have been carried over from the HDR standard for this use.
- *Secondary Dwelling.* These standards have been carried over from the Urban District standards for this use.
- *Public Assembly.* There are currently no existing standards for this use, and these standards would be unique to these zoning districts. The standards are meant to prevent the use from becoming too overcrowded and noisy, creating a nuisance to surrounding residential properties.
- *Educational Services.* These are in addition to existing standards for such use and are also meant to prevent the use from becoming too overcrowded and noisy.
- *Funeral Home.* There currently are no standards for a funeral home. Because these uses often attract large gatherings of people, standards are proposed that would help mitigate the effect of this use near residential properties. We also are recommending that the city prohibit crematoriums.
- *Medical Facilities.* Because of the intensity of this use, it is recommended that structures, primary vehicular access points, and helicopter landing pads be located at least 1,500 feet away from a residential property.
- *Standard Restaurant and Restaurant with Drive-Through; and Retail Trade within the MU-BP district.* These are limited to those incorporated as part of a larger business center or lodging use in order to keep with the general feel of the MU-BP district, which is to provide for general business and business park uses as opposed to services. Restaurants as a primary use are more appropriate for the MU-C district.
- *Garden Center.* These standards were carried over from the VMX and Commercial districts.
- *Car Washes.* There are currently standards for car washes within the Zoning Code, but since the use could be proposed near or to adjacent properties, Staff would recommend additional performance standards including required distance from residential structures, screening, and provisions for circulation and stacking.
- *Gasoline Station.* There currently exist standards for gasoline (motor fuel) stations within the Zoning Code, and the proposed ordinance proposes a minimum 200 foot setback of fuel pumps and structures from residential uses and the possible requirement of additional screening.
- *Parking Facility.* The standards set forth are for a parking facility within a mixed use building, parking facility as an accessory use, and parking facility as a principal use. These are set forth in order to help ensure that the parking facility is cohesive in design to the surrounding residential neighborhood.
- *Sales and Storage Lots.* There are standards for sales and storage lots elsewhere in the City Code, however staff is not recommending the city include these uses in these two zoning districts. The Planning Commission discussed this use during their December 10 meeting and as such we are showing this use ~~crossed-out~~ (on page 7 of the ordinance). If the City wants to include these uses in these two zoning districts, then staff would recommend including additional standards (as shown) to require additional screening.
- *Outdoor Recreation Facility.* There are existing standards for this use, and additional standards are proposed to minimize noise and light.
- *Indoor Recreation Facility.* There are existing standards for this use and additional standards are proposed to increase the required setback from residential properties and require noise reduction.

- *Outdoor Dining as an Accessory Use.* These standards are carried over from the Commercial and VMX districts in addition to the requirement that the outdoor dining areas be located at least 200 feet from residential districts and that outdoor speakers and lighting be designed to limit impacts on adjacent property or right-of-way.
- *Outdoor Storage.* There are two different sets of standards for outdoor storage: one for display of goods in conjunction with a permitted or conditional use and one of materials and inventory.

The attached version of the proposed mixed-use ordinance is a clean copy (with no strikeouts or underlines) and should include all the changes discussed by the Planning Commission on January 14. It includes the additional language about compatible uses on page 5, removing all underlining for new language and any language that was shown as strikeout and clarifying the possible industrial uses on page 8. It is the intent of staff to bring this latest version of the ordinance to the Planning Commission on February 11 for a public hearing, unless the Planning Commission has additional comments or suggestions about the proposed ordinance.

RECOMMENDATION:

Staff recommends that the Planning Commission review the latest version of the proposed Mixed Use Commercial and Mixed Use Business Park ordinances and provide staff with feedback. Staff will make changes to the proposed ordinance and then bring the proposed ordinance back to the Planning Commission meeting on February 11, 2019 for a public hearing.

ATTACHMENTS:

1. Proposed Mixed Use Ordinance (clean copy)

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-__

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code is hereby amended by adding the following:

**ARTICLE XIV. MIXED USE COMMERCIAL AND MIXED USE BUSINESS
PARK DISTRICTS**

§ 154.508 PURPOSE AND DISTRICT DESCRIPTIONS.

- A. MU-C Mixed Use Commercial.* The purpose of the mixed use commercial district is to provide areas in the city for and promote mixed use development that supports a sustainable mix of retail, commercial and residential uses that will benefit from proximity and adjacency to one another. The mixed use commercial district will serve as a transitional district between more intense highway-oriented development and less intense rural or medium density residential uses. The intent of the mixed use commercial district is to permit flexibility in the use of the land, while providing a set of minimum development standards in site design, spatial relationships, building architecture and landscape design that will allow property owners to design and construct development projects that respond both to market needs and to City goals and policies. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating a livable environment in a mixed-use area. The transitional aspect of development in this district requires-projects that are designed with a special focus on mitigating any negative impacts on existing and future development in the area. The City will evaluate new development proposals for their consistency with this goal and the City may require developers to amend or change development proposals. The City may deny proposals when the City finds them to be inconsistent with the goals and policies of the City.

The district promotes attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes. Development shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50 percent of the net developable area of a proposed mixed use commercial development is to be residential, and residential development within these areas shall occur at a density of at least 10-15 units per acre. If a proposed development does not include at least 50 percent of the net developable land area in residential development, the City will require the applicant to

provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the requirement for at least 50 percent of the project site with residential land use(s). This method of subdivision (by showing future land use and subdivision) and development review is a front-loading process that preserves land for future residential use. The city will use the ghost plat or sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

- B. *MU-BP Mixed Use Business Park*. The purpose of the mixed use business park district is to provide areas in the city that will have a mix of general business, business park and residential uses. Having a mixture of land uses within the district allows for better integration of uses and more flexibility to respond to market demands. The district promotes high standards of site design, spatial relationships, building architecture and landscape design that will foster compact developments with pedestrian convenience and human scale and will preserve and strengthen existing businesses and land uses. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating a livable environment in a mixed-use area. **The City allows light industrial and limited manufacturing in this district with the city approval of a conditional use permit. (See p.8)** All business activities and storage in this district are to be conducted inside buildings that are of high quality and attractive. The city will require developers and builders in the district to provide open space, quality landscaping and berming as part of their projects. Development in this district shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses. At least 50 percent of the net developable area of a proposed mixed use business park development is to be residential, and residential development within these areas shall occur at a density of at least 6-10 units per acre. If a proposed development does not include at least 50 percent of the net developable land area in residential development, the City will require the applicant to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the requirement for at least 50 percent of the project site with residential land use(s). This method of subdivision (by showing future land use and subdivision) and development review is a front-loading process that preserves land for future residential use. The City will use the ghost plat or sketch plan as an official document to establish land use consistent with the Comprehensive Plan.

§ 154.509 MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK REVIEW PROCEDURE

All development within the Mixed Use Commercial and Mixed Use Business Park zoning districts shall follow the review and approval process outlined in this section. No development in the MU-C or

MU-BP will be permitted prior to the completion of all stages of review, nor with the submission of all required documents, including any additional documents that may be required by the City in the review of the proposed MU-C or MU-BP development.

- A. *Submittal Requirements.* In general, the submittal requirements outlined in the City's Subdivision Regulations shall apply in addition to the application requirements outlined below. If the development is proposed to be a Planned Unit Development, the application requirements outlined in the City's Planned Unit Development process also shall apply. These submittal requirements shall be submitted for the Sketch Plan and Preliminary Stages of any development. If the property has already been platted, the development shall still be subject to the following submittal requirements, and the development shall be subject to Mixed Use Development Review. The submittal requirements for a Mixed Use Development Review shall be the same as those required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted.

The following outlines the minimum application requirements applicable for a proposed development within the MU-C and MU-BP districts:

1. A narrative description of the mixed use project, including how the project fulfills the purposes of the MU-C or MU-BP district.
2. Identification of minimum required land area to be devoted for residential uses based on Zoning Ordinance and Comprehensive Plan documents governing land use on the subject property or properties.
3. Clear demonstration and documentation that the project or development can achieve the required residential densities.
4. For all business and/or commercial areas, a sketch plan illustrating the proposed layout of commercial buildings and related improvements; alternatively, where business or commercial areas not proposed to be developed immediately, the applicant may submit an estimate of the commercial development capacity of the property in square feet of commercial building space.
5. A statement identifying the minimum and maximum development capacity, by land use category, for future phases of the project.
6. If a proposed development does not include at least 50 percent of the developable land area in residential development, the applicant will be required to provide a 'ghost' plat (build-out plans) during sketch plan review that proposes how the parcel or area adjacent to the proposed development will be used in order to meet the 50% residential/50% commercial requirement. If an adjacent parcel is included in this 'ghost' plat, the adjacent property owner must sign off on the application or the City will determine that the request does not meet the minimum residential requirements of this code and will deny the development application or proposal.

- B. *Mixed Use Commercial and Mixed Use Business Park Review and Approval Procedures.* The review procedures outlined in the City's Subdivision Regulations shall apply as applicable, in

addition to the review procedures outlined below. If the development is proposed to be a Planned Unit Development, the review procedures outlined in the City's Planned Unit Development process shall also apply. If the property has already been platted, the development shall be subject to Mixed Use Development Review. The process for approval of a Mixed Use Development Review of a previously platted property shall be the same as that required for a Conditional Use Permit as outlined in this Code regardless if the proposed use(s) is (are) permitted. Expansion of existing permitted uses on the same parcel on which they exist will not require a Mixed Use Development Review.

1. *'Ghost' Plat as an Official Document.*

If a 'ghost' plat submitted with the Mixed Use Development Review because the proposed development could not meet the required mix of having at least 50 percent of the site in residential land uses the City will use the 'ghost' as an official document to establish a land use mix consistent with the Comprehensive Plan. The ghost plat or build-out plan shall show a realistic future urban-style lot and block layout and street system, taking into consideration existing streets and access points, utilities, topography, natural features (water bodies, wetlands, etc.) and shall show how the proposed development will not isolate the adjacent land or property making them undevelopable.

2. *Rules and Regulations.*

No requirement outlined in the Mixed Use Development Review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.

3. *Preconstruction.*

No building permit shall be granted for any structure within the MU-C or MU-BP districts without approval from the City of the Mixed Use Development Review unless the proposed building is part of an existing development.

4. *Effect on Conveyed Property*

In the event that any real property in an approved Mixed Use Development Review is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the Mixed Use Development Review and approvals.

5. *Tracking of Required 50% Residential/50% Commercial Requirement.*

The City shall create a database to track the residential units, the associated residential density (in units per acre) and the acreages of residential and other land uses associated with each development approved by the City with and by the Mixed Use Development Review process.

6. *Changes or Modifications.*

Requests for changes or modifications of an approved mixed use development shall be made in writing to the city and shall be submitted to the Planning Director. The determination of whether a proposed modification is minor or major shall be made at the discretion of the Planning Director.

§ 154.510 PERMITTED, CONDITIONAL AND INTERIM USES

Table 14-1 lists all permitted and conditional uses allowed in the commercial areas of the MU-C and MU-BP zoning districts. “P” indicates a permitted use, “C” a conditional use and “I” an interim use. Uses not so indicated are prohibited. Cross-references listed in the table under “Standards” indicate the location within this chapter of specific development standards that apply to the listed use.

A. *Combinations of Uses.* The following use types may be combined on a single parcel.

1. Principal and accessory uses.
2. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
3. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided the city approves a unified and integrated site plan. The City must approve the entire development as a conditional use.
4. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this subchapter. Office or studio uses on upper stories of such buildings are encouraged.
5. **Compatible Uses:** In the event of any question as to the appropriate use type or compatibility of any proposed land use or activity in a mixed use development, the Planning Director shall have the authority to determine if the City should consider the use or activity as permitted, conditional or prohibited from a location in a mixed use zoning district. In making such a determination, the Planning Director shall consider the operational and physical characteristics of the proposed use or activity in question. In addition, the Planning Director shall consider the specific requirements of the use in common with those included as permitted or conditional uses in the zoning district. Where a question or conflict arises as to the appropriateness or compatibility of a proposed use or activity, the Planning Director shall refer the matter to the Planning Commission. The Planning Commission shall make a recommendation about the matter to the City Council, who shall make the final determination as to whether the city will allow (or not allow) a proposed use; is compatible as a permitted use or as a conditional use; is compatible as an accessory use; or is a use that may be added to a specific mixed use development within the zoning district.

Table 14-1: Permitted, Conditional and Interim Uses, Mixed Use Commercial and Mixed Use Business Park Districts

	<i>MU-C</i>	<i>MU-BP</i>	<i>Standard</i>
<i>Residential Uses</i>			
Household Living			
Single-family detached dwelling	P	P	154.513 (A)
Single-family attached dwelling	P	P	154.513 (B)
Multifamily residential dwelling	P	P	154.513 (C)
Secondary dwelling	C	C	154.513 (D)
Live-work unit	C	C	154.513 (E)
Group Living			
Group Home	P	P	154.301 (A)
Group Residential Facility	C	C	154.301 (B)
Congregate Housing	C	C	154.301 (C)
Semi-transient accommodations	C	C	154.301 (D)
<i>Public and Civic Uses</i>			
Community Services	C	C	154.513 (F)
Day Care Center	C	C	154.012 (B)
Public Assembly	C	C	154.513 (F)
<i>Services</i>			
Business Center	P	P	154.012 (B)
Business Services	P	P	154.012 (B)
Offices	P	P	154.012 (B)
Communication Services	P	P	154.012 (B)

Educational Services	P	P	154.303 (A); 154.513 (G)
Financial Institution	P	P	154.012 (B)
Funeral Home	C	-	154.513 (H)
Lodging (Transient Accommodations)	C	C	154.302 (D)
Medical Facility	C	C	154.303 (B); 154.513 (I)
Nursing and Personal Care	C	C	154.303 (C)
Personal Services	P	P	154.012 (B)
Repair and Maintenance Shop	P	P	154.513 (J)
Transportation Services	C	C	154.012 (B)
Veterinary Services	C	C	154.513 (L)
<i>Food Services</i>			
Standard Restaurant	P	P	
Restaurant with Drive-Through	C	C*	154.304 (A); 154.513 (M); *154.513 (N)
Drinking and Entertainment	C	C	154.304 (B)
<i>Sales of Merchandise</i>			
Garden Center	P	-	154.513 (P)
Neighborhood Convenience Store	P	-	154.012 (B)(5)
Retail Trade	C	C*	*154.012(B) (5)
Shopping Center	C	-	154.012 (B)(5)
Wholesaling	C	C	
<i>Automotive/Vehicular Uses</i>			
Motor Vehicle (Automobile) Parts/Supply	C	-	154.505 (B) (5)
Vehicle (Car) Wash	C	-	
Motor Fuel (Gasoline) Station	C	-	154.505 (B)

Parking Facility	C	C	154.505 (B) (7)
<i>Outdoor Recreation</i>			
Outdoor Recreation Facility	C	-	154.306 (C)
Parks and Open Areas	P	P	154.012
<i>Indoor Recreation/Entertainment</i>			
Indoor Athletic Facility	C	C	154.307
Indoor Recreation	C	C	154.307
<i>Industrial and Extractive Uses</i>			
Light Industrial/limited manufacturing		C	154.012
Non-Production Industrial		C	(See Note X on page 19).
Research and Testing	C	C	154.012
<i>Transportation and Communications</i>			
Broadcasting or Communications Facility	C	C	
<i>Accessory Uses</i>			
Home Occupation	P	P	154.012 (B) (13) and 154.310 (E)
Bed and Breakfast	P	P	154.310 (A)
Family Day Care	P	P	154.012 (12) (d)
Group Family Day Care	P	P	
Temporary Sales	P	P	154.509 (G)
Parking Facility	P	P	
Outdoor Storage	C	-	
Outdoor Display	C	-	
Solar Energy System	P	P	154.310 (C)

Wind Generator – Ground Mounted	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	154.308 (B)
Swimming Pools, Hot Tubs, Etc.	P	P	
Other Structure Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	

§ 154.511 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

Table 14-2: Lot Dimension and Setback Requirements, Mixed Use-Commercial and Mixed Use-Business Park Districts.

	<i>MU-C</i>	<i>MU-BP</i>
Minimum Lot Area (sq. ft.)^{a,c}		
Single-family detached dwelling	4,000	5,000
Two-family dwelling (per unit)	3,000	4,000
Single-family attached dwelling (per unit) ^b	3,000	4,000
Multifamily dwelling (per unit)	1,500	2,200
Secondary dwelling	See Section 154.454 (C)	
Live-work unit	3,000	3,000
Non-residential uses	20,000	85,000
Minimum Lot Width (feet)		
Single-family detached dwelling	50	50
Two-family dwelling (per unit)	20	20
Single-family attached dwelling (per unit) ^b	20	20
Multifamily dwelling (per building)	60	60

Live-work unit	25	25
Non-residential uses	100	200
Maximum Height (feet)ⁱ	50	50
Maximum impervious coverage (non-shoreland areas)	75%	75%
Building setback requirements (feet)		
<i>Residential uses</i>		
Front yard ^d	20	20
Interior side yard ^f		
Principal Buildings	<u>7</u>	<u>7</u>
Attached Garage or Accessory Structures ^{e,f}	<u>5</u>	<u>5</u>
Corner side yard ^g	<u>10</u>	<u>10</u>
Rear yard	20	20
<i>Non-residential uses</i>		
Front yard ^d	30	50
Interior side yard ^j	10	30
Corner side yard ^g	25	30
Rear yard	30	30
From Residential zones	50	150
Parking setback requirements (feet)		
Front yard	15	30
Interior side yard	10	15
Corner side yard	15	30
Rear yard	10	15
From Residential zones	35	50

Notes to Mixed Use Commercial and Mixed Use Business Park Districts Table

- a. Common open space areas may be used in determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them (“twin”) or located on separate floors in a building on a single lot (“duplex”). The per-unit measurements in this table apply to “twin” units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a “duplex” containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard also is used for multifamily dwellings.
- d. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- e. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- f. Side yard setbacks shall apply to the ends of attached or two-family dwellings.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Attached garages and accessory structures on parcels on which single family homes are located may have a side yard setback of 5 feet.
- i. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- j. All accessory buildings for non-residential uses must be set back at least 10 feet from property lines.
- k. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308 (B).

§ 154.512 GENERAL SITE DESIGN CONSIDERATIONS – MIXED USE COMMERCIAL AND MIXED USE BUSINESS PARK

Development of land within the Mixed Use Commercial and Mixed Use Business Park shall meet the following general standards, in addition to those standards set forth in the City’s Design Standards and the Development Standards for Specific Uses (listed below).

- a. *Design and Layout.* The design and layout of a mixed use development shall take into account the relationship of the site to the surrounding area. The perimeter of a mixed use site shall be designed and constructed to minimize undesirable impacts of the mixed use site on adjacent or nearby properties.

- b. *Location of Residential and Commercial Development, Generally.* Residential development within the mixed use development shall be located adjacent to existing residential development in order to provide a transition to commercial development unless sufficient buffering and screening, as determined by the City, is provided.
- c. *Commercial and Business Park Development, Generally.* Developers and applicants shall design additions and all new construction to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings. All commercial/business/industrial buildings and sites are expected to meet or exceed the Lake Elmo Design Guidelines and Standards.
- d. *Mitigation.* Where the industrial or commercial nature of adjacent uses would be incompatible with residential development due to noise, vibration, odor, light, glare or other disturbance, reasonable effort shall be taken to minimize such impacts. Mitigation may include, but is not limited to, increased setbacks, the planting of substantial landscaping for buffering and/or the construction of a wall, fence or earth berm between properties.
- e. *Circulation.* New access points to a County State Aid Highway may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible. In addition, the number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- f. *Fencing and Screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principle structure(s).
- g. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security and interest to the pedestrian, and shall comply with §150.035-150.038 *Lighting, Glare Control, and Exterior Lighting Standards.*
- h. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or by a screen wall constructed of the same materials as the principal structure. The City may approve other materials for the required screening if the City determines the proposed design and materials of the screening would be of a similar design and character of the principle structure. The height of the structure or screen wall must be sufficient to completely conceal the exterior stored materials from view at eye level (measured at six feet above ground level) on the adjacent street.

- i. *Screening of Existing Residential Structures.* When a new development is proposed adjacent to existing single family residential homes, the developer shall provide screening in accordance with §154.258.F. The City may require buffering or screening above and beyond this section in cases where the City determines the required screening will not provide an adequate separation between incompatible uses.

§ 154.513 DEVELOPMENT STANDARDS FOR SPECIFIC USES

A. Single-Family Detached Dwellings.

1. All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
2. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway.
3. The primary entrance shall be located on the façade that fronts a public street.

B. Single-Family Attached Dwellings

1. A maximum of 10 units shall be allowed within a single building. Buildings with more than 10 units may be allowed as a conditional use.
2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway. Townhouses that do not meet the minimum requirements for frontage along the street or that have frontage along a private street may be allowed as a conditional use.

C. Multi-Family Dwellings

1. No vehicle parking shall be located in the front yard or between the front façade and the street.
2. Common open space for use by all residents or private open space adjacent to each unit (such as a courtyard or balcony or a combination of these) shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

D. Secondary Dwellings.

1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
2. There shall be no more than one secondary dwelling unit on the zoning lot.
3. At least one dwelling unit on the zoning lot shall be owner-occupied.
4. The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.
5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.

6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the principal building.
7. A secondary unit within the principal structure shall not contain more than 30% of the principal building's total floor area or 800 square feet, whichever is less. A detached secondary unit shall not exceed 1,000 square feet in gross floor area.

E. Live-Work Unit

1. The work space component of the unit shall be located on the first floor or basement of the building.
2. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
3. The work space component of the unit shall not exceed 30% of the total gross floor area of the unit.
4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground or in an enclosed space.
5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
6. The business component of the building may include offices, small service establishments, home crafts, etc., that are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, small engine or power equipment repair or service or a motor vehicle service or repair facility for any motor vehicles other than those registered to residents of the property.
7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than 2 workers on-site at any one time who live outside of the live-work unit.

F. Public Assembly and Community Services.

1. No exterior bells or loudspeakers are allowed.
2. The structure containing the use shall be no less than 100 feet from residential properties.
3. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
4. The building's meeting space seating capacity shall not exceed 500 persons.

G. Educational Services.

1. The structure containing the use shall be no less than 100 feet from residential properties.

2. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
3. The number of persons on-site at any given time shall not exceed 700, with the exception of larger events occurring no more than four times per year.

H. *Funeral Home*

1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. The site shall have a minimum of two driveways or vehicle access points. Crematoriums are not allowed.

I. *Medical Facilities.*

1. Medical facility structure(s), primary vehicular access points, and landing pads for helicopters involved in emergency transport or rescue operations shall not be located within 1,500 feet of a residential property

J. *Repair and Maintenance Shop.* No outdoor storage is permitted. All business activities (including repairs and maintenance) shall be conducted completely indoors.

K. ~~*Trade Shop.*~~ (*Reserved.*)

L. *Veterinary Services.* All activities and services must be conducted within an enclosed building. Crematoriums are not allowed.

M. *Restaurant with Drive-Through.*

1. All parts of the drive-through lane(s) shall be no less than 200 feet from residential properties.

N. *Standard Restaurant and Restaurant with Drive-Through, MU-BP District.* Must be incorporated as part of a larger business center or lodging use.

O. *Retail Trade, MU-BP District.* Limited to uses clearly incidental and accessory to a permitted or conditionally permitted principal use of the land.

1. The compounding, dispensing or sale of drugs, prescription items, patient or proprietary medicine, sick room supplies, prosthetic devices or items relating to any of the permitted or conditionally permitted uses is only allowed when conducted in the building occupied primarily by medical facilities or offices.

P. *Garden Center*

1. The storage or display of any materials or products shall meet all primary building setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of 154.554 (G).
2. All loading and vehicle parking associated with the business shall be provided off-street.

3. The storage of any soil, fertilizer, landscape rock, mulch or other loose, unpackaged materials shall be contained so as to prevent any negative effects on adjacent uses.

Q. *Motor Vehicle Parts/Supply*

1. The structure containing the parts supply shall be no less than 200 feet from residential properties or land uses.
2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a primary structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
3. No test driving of vehicles shall be permitted on local residential streets.
4. The City does not allow the sales, exterior storage, or display of motor vehicles in the mixed use zoning districts.

R. *Motor Vehicle Washes.*

1. The structure containing the vehicle wash shall be no less than 200 feet from residential properties.
2. The city may require additional screening to limit sight and noise impacts of service or wash bays.
3. The owner or operator shall submit equipment specifications to the City. The City may require the owner or operator of the vehicle wash to implement noise reduction measures to minimize potential negative impacts to nearby residential properties.
4. The developer and owner shall make adequate provisions for vehicle circulation and stacking on site. Stacking requirements shall be based on the specifications of the vehicle wash and the amount of time required to wash each vehicle.

S. *Motor Vehicle Fuel Stations.*

1. Fuel pumps, canopies and structures shall be no less than 200 feet from residential uses.
2. The City may require additional screening to limit the impact of headlights and noise on adjacent property.

T. *Parking Facility.*

1. *Within a Mixed Use Building.*
 - a. Structured parking is allowed only as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street.
 - b. The primary street-facing facade shall be designed for retail, office or residential use.
2. *In General, as an Accessory Use.*
 - a. The parking structure shall not exceed the height of the principal structure on the parcel.
 - b. The parking structure meet the exterior building material requirements of the district and shall be consistent with the architectural design of the principal structure.

U. Sales and Storage Lots.

1. All inventory shall be stored and displayed inside of a building or within an approved outdoor storage area that shall meet the standards required herein.
2. The outdoor storage of vehicles is prohibited.

V. Outdoor Recreation Facility

1. The City may require performance standards or conditions to minimize the impact of noise and lighting and to minimize the likelihood of the recreational activity spilling over onto adjacent property or right-of-ways. The conditions may include, but are not limited to: limiting hours of use, restricting the location of outdoor courts or rinks, and requiring the installation of fencing and/or screening.
2. Sport courts or ice rinks shall not be located in the front yard or in a side yard adjacent to a right-of-way of a residential property, and shall abide by structure setback requirements.

W. Indoor Recreation and Indoor Athletic Facility

1. Entrances for public access as well as other outdoor areas where patrons may congregate shall be no less than 200 feet from residential districts.
2. Provisions for noise reduction shall be identified and implemented based on the type of use.

X. Non-Production and Light Industrial, MU-BP District. Non-production industrial use shall be allowed as a principal use, and may include wholesale and off-premise sales, provided that:

1. The structure containing the use shall be no less than 200 feet from residential land uses.
2. The use shall be served by a street of sufficient capacity to handle the traffic the use will generate;
3. The use shall include a retail or office component equal to at least 25% of the floor area of the use;
4. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the area;
5. The owner or operator shall submit equipment specifications to the city. The city may require the owner or operator to implement vibration and noise reduction measures as part of their business.

Y. Outdoor Dining Accessory to Food Services.

1. Tables shall not block a public sidewalk or other walkway needed for pedestrian circulation. A minimum of 5 feet of sidewalk or walkway must remain open.
2. All outdoor dinner space shall be at least 200 feet from any residential property.
3. The outdoor dining area shall be directly adjacent to the principal structure and shall be clearly delineated by fencing and decorative landscaping.
4. Outdoor loudspeakers and lighting shall be designed to limit impacts on adjacent property or rights-of-way.

Z. Medical Facilities.

1. Medical facility structure(s), primary vehicular access points, and landing pads for helicopters involved in emergency transport and rescue operations shall be located at least 1,500 feet from a residential property.

AA. Outdoor Storage Yard/Facility

1. Outdoor storage of display of goods used in conjunction with and on the same site as the permitted or conditional use:
 - a. The display area shall be directly adjacent to a structure or under a permanent canopy.
 - b. The display area shall not exceed 2% of the area of the footprint of the principal building or 400 square feet, whichever is less.
 - c. Goods in the display area shall be neatly organized and stored.
 - d. The display area shall not occupy parking/loading or landscaping areas, and shall not interfere with fire and safety access to the building.
2. Outdoor storage of materials and inventory:
 - a. Outdoor storage shall not be permitted on parcels less than three acres in size.
 - b. The area of storage shall not exceed an area equal to 10% of the gross area of the lot or 20% of the footprint area of the principal structure, whichever is less.
 - c. The area of storage shall not be located within the front yard or a side yard adjacent to a right-of-way.
 - d. The outdoor storage of damaged or inoperable motor vehicles or equipment is prohibited.

SECTION 2. Existing Articles XIV-XX are hereby renumbered as follows:

- Article XV: Commercial Districts
- Article XVI: Public and Semi-Public Districts
- Article XVII: Open Space Planned Unit Developments
- Article XVIII: Planned Unit Development Regulations
- Article XIX: Shoreland Management Overlay District
- Article XX: Closed Landfill Restricted
- Article XXI: Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities
- Existing Article XVI: Reserved has been stricken.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-__ was adopted on this __ day of _____, 2019, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2019.



STAFF REPORT

DATE: 1/28/19
BUSINESS ITEM
ITEM #: 5B
MOTION

TO: Planning Commission
FROM: Ken Roberts, Planning Director
ITEM: High Density Residential and Rental Housing Study
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

The City Council, when considering the 2019 Work Plan for the City Planning Commission, directed staff to work with the Planning Commission to study development and ordinance standards for high-density residential rental housing in Lake Elmo.

ISSUE BEFORE COMMISSION:

Are the existing City standards and ordinance requirements for high-density housing in Lake Elmo adequate to ensure the development of safe and well-designed high density residential housing in the city?

Also, are there are measures or ordinances the City should consider adding to the City Code to regulate the operation of high density and/or rental housing in Lake Elmo?

DETAILS/ANALYSIS:

As the city continues to grow and add housing units, especially in the urban areas with sanitary sewer and water, there will be more medium and high density residential housing (both owner-occupied and rental) proposed and built. There are areas south of 5th Street that the City has planned for medium density residential development (4-8 units per acre) and the new mixed use ordinance allows for residential development ranging from 6-10 and 10-15 units per acre.

Existing City Code Requirements

For background purposes, I have attached Article XII, Urban Residential Districts, from the Lake Elmo Zoning Code and Chapter 2 (High Density Residential Development) of the Lake Elmo Design Guidelines and Standards. The Zoning Code includes district descriptions (HDR – Urban High Density Residential), the permitted and conditional land uses in each zoning district, the lot dimensions and building requirements and site design and development standards for the various land uses.

The City Design Guidelines and Standards provide more detailed standards and examples for items such as building placement, landscaping, parking and building design. The City uses both these documents and their corresponding requirements when reviewing and analyzing development proposals - including high density residential projects. I am not aware of any particular issues or concerns with either of these sets of standards, so I am not proposing any changes to them at this time.

Other Possible Considerations

In preparing this report, I found three general categories or areas of regulation that cities use for high density and rental housing. They include Rental Housing Licensing, Excessive Consumption (or Use) Services Ordinances and Zoning and Design Standards.

1. Is there a need for rental housing licensing in Lake Elmo? **(Staff does not see the need or support this step at this time).** **NOTE:** There are many cities in the area that have a rental housing licensing program.
 - a. If so, for what units or types of buildings? (For all rentals or just those buildings or development with four or more units?)
 - b. What would be the purpose and intent of such a program?
 - c. How many rental housing units are now in the City?
 - d. For just licensing of rental properties (but no inspections), would there be a need for additional city staff to implement – clerical, tracking, complaints, etc.
 - e. Require inspections? There would be additional staffing required (inspectors, clerical) to accomplish this.
 - f. Require owners or managers to join a crime-free housing association? How would the city track or verify this?
 - g. Require owners or management companies of residential rental property to use a crime free lease addendum as part of every lease? Again, how would the City track or verify this?
2. Should the City consider adding an Excessive Consumption (or Use) of Services ordinance?

Local jurisdictions use such an ordinance to help recover their costs from property owners and managers of properties where the city determines there have been an excessive number of calls for city service (Police, code complaints, nuisances). I have included several examples of such ordinances and 3 articles that provide additional information (with pros and cons) about such programs for the city's consideration.

- a. See information from St. Paul, West St. Paul, Lakewood Ohio and Hagerstown Maryland for examples
- b. How many visits would trigger – 3, 4 or more per year?
- c. What types of visits – Police, Sheriff, Fire, Code complaints, nuisances could qualify
- d. Must identify the types of properties the ordinance would apply to (typically would apply to properties or addresses – not just residential, or just rentals, or only commercial)

- e. City would need to establish a system for tracking calls and reports and then determining who and how to respond to violators. (Call information should be available from the Sheriff's office and the Fire Department)
 - f. Would need to include the expectations of property owners, landlords or managers responsible for the property with violation(s) of the ordinance
 - g. Must include penalties for failure to comply with the ordinance
 - h. Must not negatively affect victims of domestic violence or sexual assault (these types of service calls cannot be counted against a property)
 - i. Must not violate the Fair Housing Act (including discrimination relating to sex, race, and disability)
 - j. Must allow for due process and appeals (with possibly an appeal hearing with a hearing officer or some other official))
3. Should the City change (strengthen) the zoning and/or design standards for multi-family and high density residential housing?
- a. Are the problems or concerns with the current expectations and standards for these types of developments? If so, what?
 - b. See Lake Elmo Zoning Code, Article XII (Urban Residential Districts) and City Design Guidelines and Standards (Chapter 2) for more information.
 - c. The Met Council prepared a power point presentation in 2015 showing a range of housing types and densities in urban and suburban setting. This is helpful visual tool for a person to study to get a sense of size and scale of various housing types.
 - d. The Urban Land Institute (ULI) prepared a fact sheet about higher-density development myths and facts that I have attached for your reference.

RECOMMENDATION:

Staff recommends that the Planning Commission review the high-density housing study information and provide staff feedback as to what, if anything, the City should study further or change about the regulation and development of high density residential and rental housing in Lake Elmo.

ATTACHMENTS:

- 1. Article XII – Urban Residential Districts (Lake Elmo Zoning Ordinance)
- 2. Chapter 2 (High Density Residential Development) form the City Design Guidelines and Standards
- 3. Excessive Consumption Information and Ordinances
 - a. St. Paul
 - b. West St. Paul
 - c. Lakewood, Ohio
 - d. Hagerstown, Maryland
 - e. May 1, 2018 Star-Tribune Article (Nuisance property laws)
 - f. June 19, 2018 article “The Problem with Crime-Free Housing Ordinances” (ACLU)
 - g. September 18, 2018 post “Reducing Crime and calls for Service through Nuisance Abatement” (Dolan Consulting Group)
 - h. *To view the two documents associated with point “g.” please visit the link below.*
<http://www.lakeelmo.org/january-28-2019-planning-commission-meeting-attachments>
 - i. Density of Development Housing examples from Met Council (dated 5-13-15)
 - ii. ULI Higher density myth/fact sheet

ARTICLE XII. URBAN RESIDENTIAL DISTRICTS

§ 154.450 PURPOSE AND DISTRICT DESCRIPTIONS.

The urban residential districts are established to provide areas for residential development that are served by public sewer and water services in accordance with the city's Comprehensive Plan. The objectives of these districts are to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the city's Comprehensive Plan, and to ensure adequate light, air, privacy and open space. The residential districts and their purposes are as follows:

- A. *GCC Golf Course Community District.* The GCC district is intended to permit urban residential developments in conjunction with a golf course and its accessory uses. Development in this district will be enhanced by coordinated site planning; open space and environmental resources; and provision of a safe and efficient system for pedestrian and vehicle traffic. The GCC district is intended to provide areas for densities lower than other Urban Residential Districts, ranging from 1.4 to 1.65 units per acre, with adequate open space buffers to provide a transition between denser, sewer development and rural areas. Residential development within the GCC district will consist of an environment of predominantly single-family dwellings with lots slightly larger on average than those in most Urban Residential Districts.
- B. *LDR Urban Low Density Residential District.* The LDR district provides an environment of predominantly single-family dwellings on moderately sized lots, and is designed to be the most restrictive of the urban residential districts. The LDR district is intended to provide areas for lower density residential development within the city's planned sewer development areas, and may be used to provide a transition between rural development areas and the city's urban development and districts. Densities shall range from two 2 to 4 units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan. The lot size and other district standards allow for the creation of smaller lots with the expectation that common open space will be provided within developments that exceed the base densities (at low end of the land use density range) within the Comprehensive Plan.
- C. *MDR Urban Medium Density Residential District.* The MDR district is established to provide for a diversity of housing types in those areas where such development is consistent with the medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area. Clustering of buildings to permit more orderly development and to preserve open space within new developments is encouraged. Development within the district shall occur at densities in the range of 4 to 7 dwelling units per acre, with two-family dwellings and townhouses permitted. The city will determine the allowed density for a piece of property at the time of the development application, and this determination will be based upon the site-specific characteristics of the property and the requested development. Factors to be considered in increasing or decreasing the allowed density include the existing environmental conditions such as wetlands, floodplains, steep slopes, significant trees; the specific site plan; the amount of open space preserved, and the type of housing units

proposed, including whether greater density is desirable because the development contains housing that is consistent with the city's housing goals. The burden of establishing the appropriateness of the high end of the density range will be on the applicant.

- D. *HDR Urban High Density Residential District.* The HDR district is established to provide for an environment of moderate to high-density attached and multi-family housing, designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings. Small office and service businesses of limited size and extent may be allowed as conditional uses. The HDR district is appropriate as a transition between commercial or industrial districts and surrounding neighborhoods, and in already developed higher-density areas. Development within the district may occur at densities in excess of 7 dwelling units per acre, provided the overall densities for within a development area are consistent with the net densities specified in the Comprehensive Plan and that a density analysis is used consistent with the purpose statement for the MDR district.

(Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-167, passed 2-7-2017)

§ 154.451 PERMITTED AND CONDITIONAL USES.

Table 10-1 lists all permitted and conditional uses allowed in the urban residential districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this chapter of specific development standards that apply to the listed use.

- A. *Combinations of Uses.* Principal and accessory uses may be combined on a single parcel. A principal and secondary dwelling unit may be combined according to the standards of § 154.454 (C). Single-family attached or multi-family complexes designed for rental or condominium occupancy, typically include multiple units and buildings on a single parcel.

Table 10-1: Permitted and Conditional Uses, Residential Districts

	<i>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>	<i>Standard</i>
<i>Residential Uses</i>					
Household Living					
Single-family detached dwelling	P*	P	P	P	154.174 (B), (E), *(O)
Two-family dwelling	-	-	P	P	154.174 (F)
Single-family attached dwelling	-	-	P*	P**	154.154 *(G), **(J)

	GCC	LDR	MDR	HDR	Standards
Multifamily dwelling (rental or condominium)	-	-	C*	p**	154.454 *(H),**(K)
Secondary dwelling	C	C	C	C	154.454 (C)
Live-work unit	-	-	-	C	154.454 (L)
Manufactured home park	-	-	C	-	151.035- 151.150
Group Living					
Group Home	-	P	P	P	154.301 (C)
Group residential facility	-	-	C	C	154.301 (B)
Halfway House	-	-	-	C	154.301 (B)
Congregate Housing	-	-	C	C	154.301 (C)
Semi-transient accommodations	-	-	C	C	154.301 (D)
Public and Civic Uses					
Community services	-	-	-	C	
Day care center	-	-	C	C	154.012 (2) (d)
Schools, public and private	-	C	C	C	154.303 (A)
Services					
Offices		-	-	C	154.454 (M)
Funeral home		-	-	C	154.454 (I)
Personal services		-	-	C	154.454 (I)
Nursing and personal care		-	-	C	154.303 (C)
Sales of Merchandise					
Neighborhood convenience store		-	-	C	154.454 (N)
Wayside stand		P	P	P	154.454 (D)
Outdoor Recreation					
Golf course	P	C	-	-	154.306 (A)
Outdoor recreation facility	C	-	-	-	154.306 (C)
Indoor recreation facility	C	-	-	-	154.307, 154.454 (Q)
Parks and open areas	P	P	P	P	

	GCC	LDR	MDR	HDR	Standards
<i>Transportation and Communications</i>					
Broadcasting or communication facility	-	C	C	C	
<i>Accessory Uses</i>					
Home occupation	P	P	P	P	154.310 (E)
Bed and breakfast	P	P	P	P	154.310 (A)
Domestic pets	P	P	P	P	
Family day care	P	P	P	P	154.012 (12) (b)
Group family day care	-	C	C	C	154.012 (12) (b)
Temporary sales	P	P	P	P	154.456 (I)
Parking facility	-	-	-	C	
Solar equipment	P	P	P	P	154.456 (I)
Swimming pools, hot tubs, and the like	P	P	P	P	154.310 (C)
Water-oriented accessory structures	P	P	P	P	154.800
Restaurant	C	-	-	-	154.454 (P)
Drinking and Entertaining	C	-	-	-	154.454 (P)
Semi-transient accommodations	C	-	-	-	154.454 (R)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	

Note: Standards listed in Table 10-1 are listed by Article, Section and Subsection.

(Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-157, passed 2-7-2017; Am. Ord. 08-197, passed 2-7-2018)

§ 154.452 LOT DIMENSIONS AND BUILDING BULK REQUIREMENTS.

Lot area and setback requirements shall be as specified in Table 10-2, Lot Dimension and Setback Requirements.

Table 10-2: Lot Dimension and Setback Requirements, Residential Districts

	<i>GCC</i>	<i>LDR</i>	<i>MDR</i>	<i>HDR</i>
Minimum Lot Area (sq. ft.)				
Single family detached dwelling	9,000	8,000	7,000	5,000
Two-family dwelling (per unit) ^a	-	-	4,000	3,000
Single-family attached (per unit) ^b	-	-	4,000	2,500
Multi-family dwelling (per unit)	-	-	4,000	1,800
Secondary dwelling	See 154.454 (C)			
Live-work unit	-	-	-	3,600
Congregate housing	-	-	154.301 (C)	
Manufactured home park	-	-	151.035-151.150	
Minimum Lot Width (feet)				
Single family detached dwelling	70	60	50	50
Two-family dwelling (per unit) ^a	-	35	30	20
Single-family attached (per unit) ^b	-	-	25	20
Multi-family dwelling (per building)	-	-	75	60
Live-work unit	-	-	-	25
Maximum Height (feet)	35	35	35	50
Maximum Impervious Coverage	30%	40%	50%	75%
Minimum Building Setbacks (feet)				
Front yard	25	25 ^c	25 ^c	20 ^c
Interior side yard ^e				
Principal Buildings ^{f,g}	10	10	10	10 ^d
Attached Garage or Accessory Structures ^{f,g}	5	5	5	10 ^d
Corner side yard ^{g,h}	15	15	15	15
Rear yard	20	20	20	20

Notes to Urban Residential Districts Table

- a. Common open space areas may be used in the determining whether or not the minimum lot areas within a development are met, when provided as part of an overall development plan.
- b. Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit measurements in this table apply to "twin" units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a "duplex" containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Single family dwellings (both attached and detached) and two-family dwellings may use the side yard setbacks within MDR zoning districts.
- e. In a block where the majority of the block face has been developed with the same or similar setbacks, the front setback for the remaining lots on that block face shall fall within the range established by the existing setbacks.
- f. In situations where a garage or accessory building is set back less than 7 feet from a side property line, the maximum permitted encroachment for anything attached to said building (including eaves, overhangs, steps, chimneys, and other appurtenances as described in Section 154.081) will be two (2) feet.
- g. Side yards setbacks shall apply to the ends of attached or two-family dwellings.
- h. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.

(Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-071, passed 3-5-2013; Am. Ord 08-167, passed 2-7-2017)

§ 154.453 DIMENSIONAL REQUIREMENTS AND PRESERVATION OF OPEN SPACE.

- A. *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- B. *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a planned unit development if these reductions provide for common open space within a development.

- C. *Lots Adjacent to Public Greenway Corridors.* On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.

(Ord. 2012-062, passed 9-18-2012)

§ 154.454 SITE DESIGN AND DEVELOPMENT STANDARDS.

Development of land within the urban residential districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 7, 8 and 9. (Ord. 08-152, passed 10-01-2016) The following standards apply to specific uses, and are organized by district.

- A. *Planned Unit Developments, All Urban Residential Districts.* A planned unit development may be submitted for consideration within any residential district, subject to the requirements and standards established in Section 154.800, Planned Unit Developments.
1. A residential development that exceeds 15 units per acre in an HDR Zoning District may be allowed as a Planned Unit Development in accordance with the density bonus provisions of Section 154.800, Planned Unit Developments.
- B. *Single-Family Detached Dwellings, All Urban Residential Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- C. *Secondary Dwelling, All Urban Residential Districts.* The purpose of a secondary dwelling is to provide life-cycle housing opportunities for family members or small households of one or two people, while providing more efficient use of large single-family dwellings or large lots.
1. A secondary dwelling unit may be located within a principal structure used as a single-family detached dwelling, above a detached garage, or within a separate detached structure.
 2. There shall be no more than one secondary dwelling unit on the zoning lot.
 3. At least one dwelling unit on the zoning lot shall be owner-occupied.
 4. The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for a single-family detached dwelling in the zoning district.
 5. If the secondary unit is included in the principal building, the appearance of the building shall remain that of a single-family dwelling. Any new or additional entrances must face the side or rear of the building.
 6. Whether the secondary unit is an addition to an existing structure or a new detached structure, roof pitch, windows, eaves and other architectural features must be the same or visually compatible with those of the principal building. Exterior finish materials and trim must be the same or closely match in type, size and location the materials and trim of the original building.

7. A secondary unit within the principal structure shall not contain more than 30% of the principal building's total floor area or 800 square feet, whichever is less. A detached secondary unit shall not exceed 1,000 square feet in gross floor area.
8. Impervious limits for the lot within the zoning district in question shall not be exceeded.

D. *Wayside Stand, All Urban Residential Districts.*

1. No more than one stand per lot shall be permitted.
2. Adequate off-street parking shall be provided.

E. *Single-Family Detached Dwelling, All Urban Residential Districts.*

1. No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
2. The primary entrance shall be located on the facade fronting a public street.

F. *Two-Family Dwelling, MDR and HDR Districts.*

1. No parking shall be located in the front yard or between the front facade and the street except on a permitted driveway.
2. Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.
3. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block may be redeveloped as two-family units, and no further two-family or higher density development is permitted once this threshold is reached. Lineal frontage shall be measured around the entire perimeter of the block.
4. Two-family dwellings shall be designed to reflect the general scale and character of surrounding buildings on surrounding blocks, including front yard depth, building width height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.

G. *Single-Family Attached Dwelling (Townhouse), MDR District.*

1. A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a conditional use.
2. Townhouses shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front facade and the street.
 - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
3. The primary entrance shall be located on the facade fronting a public street unless the townhouses are approved as a Conditional Use under division §154.454 (G) (2)(a) above; an additional entrance may be provided on the rear or side facade.

4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a developed block (measured around the entire block perimeter) may be converted to townhouse units, and no further townhouse, two-family or higher-density development is permitted once this threshold is reached.
5. Townhouse units shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, height and roof pitch, primary materials, facade detailing and size and placement of window and door openings.
6. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of 500 square feet per unit.

H. Multi-Family Building, MDR District.

1. A maximum of 8 units shall be permitted within a single building. Buildings with more than 8 units may be allowed as a Conditional Use.
2. The multi-family building shall be designed to reflect the general scale and character of buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front facade and the street.
4. New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than 1/4 of the lineal frontage of a block (measured around the entire block perimeter) may be developed as multi-family units, and no further multi-family, two-family or townhouse development is permitted on the block once this threshold is reached.
5. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

I. Funeral Home, HDR District. A facility developed after the effective date of this chapter shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two access points shall be provided.

1. Additions or new construction shall be designed to reflect the general scale and character of the existing building and surrounding neighborhood, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.

J. Single-Family Attached Dwelling, HDR District.

1. A maximum of 10 units shall be permitted within a single building. Buildings with more than 10 units may be allowed as a conditional use.

2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of 15 feet of street frontage. No parking shall be located in the front yard or between the front façade and the street.
 - a. Townhouses that do not meet the minimum requirements for frontage along a street or that have frontage along a private street may be allowed as a conditional use.
3. The primary entrance shall be located on the facade fronting a public street unless the townhouses are approved as a conditional use under division (J)(2)(b) of this section; an additional entrance may be provided on the rear or side façade.
4. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of 300 square feet per unit.

K. *Multi-Family Building, HDR District.*

1. No parking shall be located in the front yard or between the front façade and the street.
2. Common open space for use by all residents or private open space adjacent to each unit (as a courtyard or balcony) shall be provided. Such open space shall comprise a minimum of 200 square feet per unit.

L. *Live-Work Unit, HDR District.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.

1. The work space component shall be located on the first floor or basement of the building.
2. The dwelling unit component shall maintain a separate entrance located on the front or side façade and accessible from the primary abutting public street.
3. The work space component of the unit shall not exceed 30% of the total gross floor area of the unit.
4. A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.
5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
6. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than 2 workers on-site at any one time who live outside of the live-work unit.

M. *Offices or Personal Services, HDR District.* The establishment shall not exceed 3,000 square feet in size, and may be located within a multi-family building or a freestanding building.

1. Additions or new construction shall be designed to reflect the general scale and character of surrounding buildings, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
2. No parking shall be located in the front yard or between the front facade and the street.
3. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 300 feet from any other retail or service business on the same street within the HDR District.

N. *Neighborhood Convenience Store, HDR District.*

1. The establishment shall not exceed 3,000 square feet in size, and may be located within a multi-family building or a free-standing building.
2. Additions or new construction shall be designed to reflect the general scale and character of existing buildings on surrounding blocks, including front yard depth, roof pitch, primary materials, facade detailing and size and placement of window and door openings.
3. No parking shall be located in the front yard or between the front facade and the street.
4. The use shall occupy a corner property. Any freestanding building developed on such a property shall have a minimum setback of 10 feet from each right-of-way line.
5. No building shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of 500 feet from any other retail or service business on the same street within the HDR District.

O. *Development, GCC District.*

1. *Open Space Required.* A minimum of 50% of the gross acreage being developed as Golf Course Community must be designated as either a golf course or as open space.
2. *Buffers Required.* All residential lots must be a minimum of 100 feet from external residential lots within the City on the periphery of the proposed Golf Course Community. The resulting buffer area shall be part of the required 50% open space. Buffer widths may be reduced as determined by Council in areas where existing mature vegetation and/or changes in topography occurring on the site proposed for development exist or are introduced to provide an effective year-round buffer.

3. *Connectivity.* Trails, walkways, or paths must be provided within the development and make planned connections to planned external trails, walkways or paths within the community. There must also be internal trail connectivity between proposed housing and the golf course or main area of open space being established within the Golf Course community.
- P. *Restaurant and Drinking and Entertaining, GCC District.* Restaurants and drinking and entertaining establishments within the Golf Course Community must adhere to the following standards:
1. Must meet applicable standards set forth by Lake Elmo Design Guidelines and Standards for commercial development.
- Q. *Indoor Athletic Facility, GCC District.*
1. Must be owned and operated by the same entity that owns and operates the golf course or homeowner's association and must not be a freestanding commercial operation.
- R. *Semi-Transient Accommodations, GCC District.*
1. Must be accessory to a golf course.
 2. Must be owned and operated by either the owner(s) of the golf course or homeowners association and must not be a freestanding commercial operation.
- (Ord. 2012-062, passed 9-18-2012; Am. Ord. 08-167, passed 2-7-2017) Penalty, see § 154.999

§ 154.455 RESIDENTIAL DISTRICT DESIGN STANDARDS.

Review of Design. For certain development activity as specified in the Lake Elmo Design Guidelines and Standards Manual, design review is required as part of the approval process for a permit or certificate under this Ordinance. All projects subject to design review shall be reviewed for conformance with the Lake Elmo Design Guidelines and Standards Manual and shall follow the review procedures specified in §154.506.A.

(Ord. 08-095, passed 11-19-2013)

§ 154.456 ACCESSORY USES AND STRUCTURES.

Accessory uses are listed in the Urban Residential District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the urban residential districts shall comply with the following standards and all other applicable regulations of this subchapter.

- A. *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
- E. *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.
- F. *Attached Structures, Urban Residential Districts.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction. Exceptions: Gazebos; swimming pools, tennis and sport courts; and other structures in which the required design is integral to the intended use, such as a greenhouse.
 2. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located; and
 3. The structure shall not exceed the height of the principal building to which it is attached.
4. *Attached Garages, Urban Residential Districts*
- a. Attached garages are encouraged to be side or rear loaded.
 - b. For single family detached dwellings, the width of the visible garage door area when closed shall not exceed 60% of the principal building façade (including garage) fronting the primary street.
 - c. Attached garages shall not exceed 1,000 square feet in area at the ground floor level except by conditional use permit.
 - d. Garage doors or openings shall not exceed 14 feet in height.
- G. *Detached Structures, Urban Residential Districts.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, exceeding 120 square feet shall be prohibited.
 4. No more than 30% of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed 14 feet in height.

(Ord. 08-104, passed 3-18-2014) (Ord. 08-112, passed 6-3-2014) Penalty, see § 154.999

H. *Accessory Uses.*

1. *Exterior Storage in Residential Districts.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
 - a. Laundry drying;
 - b. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding 6 months shall be screened or stored out of view of the primary street on which the house fronts;
 - c. Agricultural equipment and materials, if these are used or intended for use on the premises;
 - d. Off-street parking and storage of vehicles and accessory equipment, as regulated in § 154.210;
 - e. Storage of firewood shall be kept at least 10 feet from any habitable structure and screened from view from adjacent properties; and
 - f. Outdoor parking.
- I. *Temporary sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to 2 per calendar year per residence, not to exceed four 4 days in length.
- J. *Accessory Uses and Structures Not Listed.* Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in Article 9, Specific Development Standards. These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.

(Ord. 2012-062, passed 9-18-2012)(Ord. 08-152, passed 10-01-2016)

2 High Density Residential Development

Applicable Zoning Districts:

- Urban Medium Density Residential (MDR)
- Urban High Density Residential (HDR)

Both the I-94 Corridor and Old Village are expected to experience growth in the form of high density residential development. This growth will be comprised of single-family attached (townhome) development and multi-family residential development, including apartments and condominiums. For residential development, the intent of the design standards is to provide housing of a high aesthetic quality with open or recreational spaces integrated directly into the site.

A. Site Design

Building Placement

Goal: Structures should be located and oriented in a manner that allows for pedestrian accessibility and provides visual interest from the public right of way.

- Buildings are encouraged to be located as close to the public street as possible while still meeting the setback requirement. In addition, the setbacks of adjacent residential buildings are encouraged to be varied slightly to contribute to an interesting streetscape, avoiding monotonous facade or wall depth.
- Buildings should be easily accessed from the street, particularly near commercial or mixed-use development.
- The area fronting the main public street, or front-yard setback area, should be utilized for



Common open or recreation spaces should be located to the interior or rear of the site.



Buildings are encouraged to be sited closer to public streets to promote access and visual interest.

- Recreational and common spaces should be located at the interior or rear of the site to promote access and safety for residents. Keeping these spaces out of the front of the site also helps maintain visual interest and attractive sight lines.
- Some provision of open or common space on the site is required to maintain Lake Elmo's open space character. This provision can be found in §154.454 of the Lake Elmo City Code.

HIGH DENSITY RESIDENTIAL DEVELOPMENT



Decorative fencing provides a nice transition from the public right of way to the entryway.

Landscaping

Goal: To enhance the visual aesthetic of the built environment and reduce impervious surface, thereby aiding storm water management practice.

- Shade and ornamental trees and other plant material should be installed within the front setback area.
- Bare soils should be planted or mulched with bark, stone or other suitable material to avoid unnecessary runoff.
- Plant species are encouraged to be native, low-maintenance and suitable to the Lake Elmo climate.
- Making use of similar plant materials as adjacent properties and public spaces is encouraged to create continuity.
- Mature trees located on building sites should be retained whenever possible.
- Service, storage, utility and parking areas should be buffered by plantings to reduce visual impact.
- Parking areas should include landscaped islands or plant beds to reduce the visual impact, break up monotonous hardscape and retain storm water.

- Sidewalks shall be provided parallel to public streets in order to ensure pedestrian accessibility and circulation.
- Sidewalk materials should be attractive and low-maintenance, such as concrete or decorative pavers.
- Boulevard areas should be planted with turf grass and/or other attractive, low-maintenance ground cover. In addition, boulevard trees should be provided in regular intervals.
- Site furnishings such as benches, pedestrian-scaled lighting, decorative fencing, trash receptacles and other amenities are recommended. Applicants are encouraged to utilize design elements and site amenities from the Lake Elmo Branding & Theming Study.
- Paths and access points/entryways should be clearly visible and well lit at night.



At left: Pedestrian amenities contribute to an inviting and functional streetscape.

Streetscape

Goal: Residential streetscapes should provide for pedestrian accessibility and safety while offering aesthetically pleasing environments.

HIGH DENSITY RESIDENTIAL DEVELOPMENT



Lighting should be down-cast and shielded to prevent glare or spill-over onto adjacent properties.

Parking

Goal: To accommodate automobile parking in a manner that reduces visual impact, supports pedestrian circulation and maintains good sight lines along the public right of way.

- Parking areas should be located to the rear, side or within primary buildings whenever possible.
- Structured or underground parking is encouraged.
- The linear measurement of surface parking areas parallel to the public street may not exceed more than 50% of primary street frontages. Sites or projects that are unable to meet this requirement will be required to install berms and/or additional landscaping to buffer areas of surface parking adjacent to the primary street frontage.

- Access to parking areas should be designed in a way that does not impede pedestrian traffic.
- Parking should be screened from adjacent structures with landscaping strips not exceeding 4 feet in height in order to ensure pedestrian safety.
- Lighting must be provided in parking areas at night for safety purposes. However, direct glare, spillover or other forms of light pollution directed at adjacent properties are prohibited.
- Parking facilities must be ADA compliant when deemed necessary.

Delivery, Service, Storage and Utility Areas

Goal: To minimize the visual impact of storage and utility areas within residential developments.

- Exterior storage and utility areas should be located in low trafficked areas and screened from adjacent properties.
- Trash enclosures should be located so that noise and odor do not affect nearby residents or adjacent properties.
- Screening of storage and utility areas may include landscaping and architectural features that match the primary structure.
- Storage areas should match the architectural design of the primary structure.
- Utilize directional signage for storage and trash areas when appropriate.

B. Building Design

Form and Facade

Goal: Standards are intended to ensure high quality design, encourage creativity and promote visually appealing development, thereby cultivating a sense of place and identity.

- Blank facades without windows and doors are discouraged. All sides of the structures shall have architectural treatments.
- Window and door styles should reflect the prevailing architectural style of the structure.
- Window sills and trim are required for all exterior windows.
- Flat panel exterior and garage doors are discouraged.
- Garages should be recessed from the facade of the principal structure whenever possible to draw visual attention away from parking areas.
- If there are multiple garages within a structure, they should be varied in their location to minimize the visual impact of a row of garage doors.



Attached units on a public street benefit from individual entries.

HIGH DENSITY RESIDENTIAL DEVELOPMENT

- g. Detached garages shall be architecturally consistent with the principal structure.
- h. Finished exterior materials shall be applied to all wall facades above 18 inches from the finished grade line, where unfinished exterior foundation may be visible.
- i. Ground level of multi-family structures should be distinguished architecturally from upper levels to provide human-scale elements for pedestrians.
- j. Living space below the main building level, such as a walkout structure, may not be visible from the front side of the structure facing the main public street.
- k. Split entry type structures are discouraged.
- l. Where individual units face a public street, each unit should be designed with a walkway from the sidewalk to the front entry feature.
- m. Entryways to individual units should contain an entryway feature, such as a porch or portico.

Building Materials

Goal: To offer a variety of attractive and quality building materials that will shape the identity and visual interest of residential development in Lake Elmo.

- a. All structure facades should utilize multiple building materials.
- b. Changes in facade building materials should occur at clean horizontal and vertical separations, such as at building levels or architectural features.
- c. Siding materials should emphasize horizontal lines to reduce the appearance of height and mass.
- d. Multiple facade colors are encouraged as long

as they are balanced and consistent.

- e. Primary building materials for residential structures should include brick, finished wood, stone, quality metals, glass, cast-stone, or pre-cast concrete panels with aggregate, banding, texturing, or other similar decorative finish.
- f. Exposed exterior building materials such as brick, stone, wood, or stucco should be authentic. Simulated materials may also be used if demonstrated to be of high quality and approved by the City.
- g. Materials which are prohibited as the primary facade material include the following:
 - Vinyl siding
 - Unpainted galvanized metal
 - Corrugated metal, plastic, or fiberglass
 - Plain, unpainted, or painted concrete block
 - Prefabricated concrete panels
- h. Roofing materials should consist of composition shingles, wood shakes, or clay or stone tiles. Metal used as a roofing material must incorporate ribs or standing seams to be acceptable.

Scale and Mass

Goal: To establish parameters for building horizontally and vertically with a human scale in mind.

- a. Building volume should be broken up with recesses and projections such as balconies, bay windows, dormers, porches, and other features that provide variation and identity.
- b. Mass should be reduced through facade articulation, breaking up the wall area into smaller

sections.

- c. Architectural elements, such as dormers, decorative windows and trim, porch details, decorative shutters, and wainscoting, can reduce the appearance of bulk and mass by providing visual interest.
- d. Building mass should be broken up with multiple roof and ridgelines perpendicular with one another.
- e. Structures of two-stories or higher should have articulated facades to minimize the appearance of mass, as well as multiple roof lines with corresponding gables.
- f. Scale should be reduced by utilizing "step-down" methods towards the public street. Porches, entries, window-bays or bump-out are effective in this regard.



Building Mass is reduced by breaking the building up into smaller sections and "stepping-back" levels above the ground floor. Source: www.minnpost.com

HIGH DENSITY RESIDENTIAL DEVELOPMENT

Roof Design

Goal: *To break up monotonous roof lines, add architectural detail and screen rooftop equipment.*

- a. All rooftop equipment and must be screened using materials consistent with the overall architecture, particularly on roofs that are visible from adjacent buildings.
- b. Multiple peaks and ridgelines are encouraged to promote greater visual interest.
- c. Dormers are encouraged to break up continuous rooftop.
- d. Providing architectural detail on soffits and fascias are encouraged.

Entries

Goal: *To encourage entryways of high architectural quality that emphasize access, safety, and a human scale.*

- a. Primary building entries shall be visible and connected to the street sidewalk by the most direct route practical. However, some curvature in design for aesthetic purposes is allowed.
- b. Each building should have one or more clearly identifiable "front doors" that address the street and include signage denoting property address.
- c. Building entries should incorporate design elements or architectural treatments, such as awnings, columns or cornices to emphasize the primary entryway.
- d. Primary communal entryways are encouraged to be recessed to offer shelter from inclement weather. Units with individual exterior entries

are encouraged to include porches, covered recesses or covered stoops.

- e. Ground floor residences that adjoin a public street or open space shall have direct access to the public street or open space.
- f. For units with individual exterior entries, small, landscaped private entry yards afford an attractive appearance on the street side and allow residents to take pride in these areas.

Lighting

Goal: *To provide for safety and visual interest, while respecting the City's dark sky ordinance.*

- a. Lighting should be provided in all common areas, including parking, vehicular and pedestrian entries, walkways and common facilities (mailboxes, pools, etc.).
- b. Lighting height shall be consistent with the City's exterior lighting standards.
- c. Service area lighting shall be confined within the service yard boundaries and enclosure walls.
- d. Spill-over light from storage or service areas is not allowed. Lights at service or exit doors shall be limited to low wattage, downcast or low cut-off fixtures that remain on throughout the night.
- e. Accent lighting should be used to draw interest to architectural features or entryways and not to exhibit or advertise buildings. Architectural lighting must be downcast and shielded to prevent light pollution.
- f. Bare bulb or exposed neon lighting is not allowed for accentuating building form.

Signage

Goal: *Residential signage should be subtle in nature and utilized to promote building identity and to properly direct automobile and pedestrian traffic.*

- a. Signs shall be consistent with the architectural style of the building on which they are placed, including scale, lighting levels, color and material.
- b. Signs shall be constructed of quality materials.
- c. All signage should be illuminated and clearly visible after dark.
- d. Signs are encouraged to be creative in the use of two and three-dimensional forms, lighting and graphic design, and use of color, patterns, typography, and materials.
- e. Interior vehicle and pedestrian routes should be clearly marked.
- f. All buildings are encouraged to incorporate elements of community theming in appropriate signage, supporting district and city identity.



(/calendar) (/departments) (https://stpaul.mn.gov/apps/Maps/MapIndex.html?connect=appid=8163a199754d4367b85ee928026b58a1#)

(/departments/human-resources/jobs)

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RESIDENTS
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BUSINESSES
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GOVERNMENT
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VISITORS
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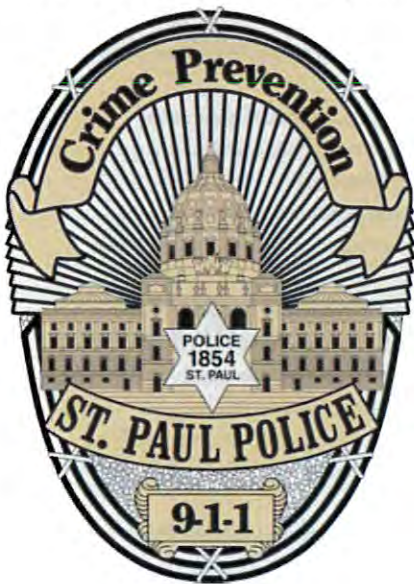
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Excessive Consumption of Police Services

Excessive Consumption of Police Services



[City of Saint Paul Ordinance Chapter 267](#)

https://www2.municode.com/library/mn/st_paul/codes/code_of_ordinances?searchRequest=%7B%22searchText%22%3A%22267%22%22pageNum%22%3A1%22resultsPerPage%22%3A25%22booleanSearch%22%3Atrue%22fuzzy%22%3Atrue%22%7D%22%7D

deals with Excessive Consumption of Police Services (ECPSo). The Saint Paul Police Department has instituted a program to track nuisance properties which experience excessive calls to a specific location. This will provide motivation for the property owners to actively participate in solving the problems on their property. This ordinance is not intended to penalize victims of certain crimes or activities nor become a revenue producer for the city.

A nuisance event includes, but is not limited to, the following:

- loud and boisterous conduct
- noises and activities disturbing the peace

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Special Events & Permitting
(/departments/police/step-forward/events/special-events-permitting)
Traffic Stop Data (/departments/police/traffic-stop-data)
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Community Engagement Unit Programs
(/departments/police/step-forward/community-engagement-unit-programs)

- congregation of two or more persons in intoxicated condition or under the influence of drugs or alcohol
- fighting or use of obscene or inflammatory language
- loud music constituting a nuisance or disturbing the peace
- activities causing excessive pedestrian, vehicular traffic and parking problems and congestion
- events occurring after 11:00 p.m. to sunrise of the following day which disturb the peace and tranquility of the neighborhood
- use and display of narcotics, illegal drugs and controlled substances and paraphernalia for its use
- congregating in a tumultuous, noisy or rowdy crowd
- indecent exposure or lewd conduct

Calls for service will not be considered a "nuisance event" where the victim and suspect are "family or household members" as defined in the Domestic Abuse Act 518B.01 sub. 2(b) (<http://www.revisor.leg.state.mn.us/stats/518B/01.html>), or reports of crimes regarding stalking or harassment.

The responsible person is a person who owns the property where the nuisance event takes place and/or a person in charge of the premises, and/or a person who organized or served as a host of the nuisance event. If the responsible person is a minor, then the parents or guardians of that minor will be considered responsible person.

Initial police response to a nuisance event where the officer determines that there is an immediate threat to the public peace, health, safety or general welfare may result in an arrest and/or citation for violations of state or local laws or ordinances, as always.

The on-scene officers are advised that they should not attempt to use this ordinance in a threatening manner or for leverage in advising parties not to call the police. Individuals should have no fear in calling the police for help at any time.

The Saint Paul Police Department assists landlords or property owners in finding solutions to reduce the number of nuisance calls to the property before any fines or penalties are imposed or assessed. Such solutions may be CPTED (Crime Prevention Through Environmental Design) ([/DocumentView.asp?DID=3763](#)), surveys, landlord training, security, crime prevention tips or any other police knowledge which could curb nuisance calls.

Police Explorer Program
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Jr. Police Academies (/departments/police/step-forward/community-engagement-unit-programs/jr-police-academies)

Police Activities League
(/departments/police/step-forward/community-engagement-unit-programs/police-activities-league)

Police Internships (/departments/police/step-forward/community-engagement-unit-programs/police-internships)

Snow Emergency Impound Lots
(/departments/police/administration-office-chief/support-services-administration/police-impound-lot-2)

Civilian Police Academy
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File a Police Report (/departments/police/file-police-report)

Ride Alongs (/departments/police/step-forward/community-engagement-unit-programs/ride-alongs)

Professional Development Institute
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Crime Statistics (/departments/police/crime-statistics)

Saint Paul Police Chaplains
(/departments/police/step-forward/community-engagement-unit-programs/volunteer/saint-paul-police)

Saint Paul Police Department Manual
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Events (/departments/police/step-forward/events)

1/15/19 - Monday night shooting leaves one dead in Saint Paul ([/news/monday-night-shooting-leaves-one-dead-saint-paul](#))

1/4/19 - Saint Paul Police Department releases Canine Unit audit report ([/news/saint-paul-police-department-releases-canine-unit-audit-report](#))

12/23/18 - Saint Paul police investigating after male found dead in parking lot ([/news/saint-paul-police-investigating-after-male-found-dead-parking-lot](#))

12/21/18 - Coming soon to a theater near you: The Saint Paul Police Department on the big screen ([/news/coming-soon-theater-near-you-saint-paul-police-department-big-screen](#))

12/6/18 - Saint Paul, meet your newest police officers ([/news/saint-paul-meet-your-newest-police-officers](#))

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CHAPTER 34: FEES, FUNDS AND FINANCE

Section

General Fees, Funds and Finance

- 34.01 Emergency service and special equipment charges
- 34.02 Watershed Management Tax District
- 34.03 Zoning application fees and deposits
- 34.04 Alarm fees
- 34.05 Unpaid special assessments or service charges
- 34.06 Sidewalk and trail special improvement district
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Repeat Nuisance Service Calls Fee

- 34.15 Purpose
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GENERAL FEES, FUNDS AND FINANCE

§ 34.01 EMERGENCY SERVICE AND SPECIAL EQUIPMENT CHARGES.

(A) *Purpose and intent.* It is the purpose of this section to establish emergency service and special equipment charges for emergency services provided by the Public Safety Department described in this section, pursuant to Minn. Stat. §§ 415.01, 366.011 and 366.012, as they may be amended from time to time.

(B) *Application.* This section applies to emergency services including, but not limited to, fire, rescue, technical rescue, hazardous materials, medical and related services.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXCAVATOR. A person who conducts an excavation.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self propelled vehicle. This includes semi trailers and boats. It does not include snowmobiles, manufactured homes or all terrain vehicles.

MOTOR VEHICLE OWNER. Any person, firm, association or corporation owning or renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.

PERSON. The state, a public agency, a local governmental unit, an individual, corporation, partnership, association or other business or public entity or a trustee, receiver, assignee or personal representative of any of them.

PUBLIC SAFETY DEPARTMENT. The Police Department and the Fire Department.

SPECIAL EQUIPMENT. Heavy or specialized public safety equipment that the Public Safety Department does not currently own but that it must rent or lease to render public safety services and includes, but is not limited to, cranes, bulldozers, back hoes and trench boxes.

UNDERGROUND PIPELINE UTILITY. An underground line, facility, system and its appurtenances used to produce, store, convey, transmit or distribute gas, oil, petroleum products and other similar substances.

(D) *Conflicts.* In the event of any conflict between the provisions of this section and applicable provisions of state law, rules or regulations, the latter shall prevail.

(E) *Emergency services charges.*

(1) *Authority.* The city may charge a property owner for all expenses associated with the use of any special equipment that is required to render emergency services.

(2) The collection of emergency services charges shall be conducted as authorized in Minn. Stat. § 366.011, as it may be amended from time to time.

(3) The collection of unpaid emergency services charges shall be conducted as authorized in Minn. Stat. § 366.012, as it may be amended from time to time.

(4) Emergency service charges incurred by the Public Safety Department shall be imposed pursuant to the fee schedule adopted by ordinance or resolution, in the following circumstances:

(a) *Technical rescue.*

1. Any incident response such as, but not limited to to a rescue on the water, ice, confined space, structured collapse, terrorism, trench, high or low level where special equipment is required.

2. An invoice will be sent to the persons, corporation, business owner receiving the service or the owner's insurance company, based on the number of hours spent responding to the incident, any special equipment and materials needed to respond to the incident, and personnel costs.

(b) *Underground pipeline utility breaks.*

1. Any incident response to an underground pipeline utility break.

2. An invoice will be sent to the excavator or person responsible for the pipeline utility break, based on the number of hours spent responding to the incident, any special equipment and materials needed to respond to the incident, and personnel costs.

(c) *Hazardous materials.*

1. Any incident response to a release of hazardous material from its container, or the threat of a release of a hazardous material from its container, chemical reaction or other potential emergency as the result of a hazardous material.

2. An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material, based on the number of hours spent responding to the incident, any special equipment and materials needed to respond to the incident, and personnel costs.

§ 34.02 WATERSHED MANAGEMENT TAX DISTRICT.

(A) *Establishment.* Pursuant to Minn. Stat. § 103B.245, as it may be amended from time to time, the city establishes a Watershed Management Tax District for the purpose of paying capital costs, as well as normal and routine maintenance costs of the water management facilities described in the capital improvement program.

(B) *Boundary.* The boundary of the Watershed Management Tax District is the boundary of the city, and the area of the District is the area of the city.

(2001 Code, § 725)

§ 34.03 ZONING APPLICATION FEES AND DEPOSITS.

(A) *Forms.* Applications for zoning requests are made to the Zoning Administrator upon forms provided by the city.

(2001 Code, § 1020.01)

(B) *Payment of fees.*

(1) The fees required for zoning requests must be paid to the Zoning Administrator and must be submitted with the application.

(2) No application will be considered complete without payment of the fee.

(2001 Code, § 1020.03)

(C) *Deposit of planner's and attorney's fees.*

(1) At the time the application is submitted, applicants must deposit a fee for the City Planner and City Attorney, pursuant to § 153.034(B).

(2) The deposit will be a credit toward all reasonable fees and expenses charged by the City Planner and the City Attorney to investigate and make a recommendation to the City Council concerning the application. The applicant must pay all reasonable expenses and fees in excess of the deposit within 30 days of final action on the matter by the city.

(3) The city will return any excess amount to the applicant upon final action.

(2001 Code, § 1020.05)

(D) *Fees.* The following fees and deposits apply to zoning requests:

<i>Zoning Request</i>	<i>Fee</i>	<i>Deposit</i>
Conditional use permit	\$275 Residential \$275 Commercial	\$400 Residential \$800 Commercial
Interim use permit	\$175	No deposit
Proposed preliminary plat	\$275+\$2/lot	\$600 for 1-2 lots \$1,600 for 3 or more lots
Zoning Ordinance Text or Map Amendment	\$325	\$800
Special meetings of the Planning Commission	\$275	No deposit
Site plan approval	\$275	\$1,300
Vacation of rights-of-way	\$175	No deposit
Variance	\$100 Residential	\$400 Single \$500 Multiple variances
Variance	\$200 Commercial	\$600 Single \$700 Multiple variances

Zoning Letter	\$75 Standard Letter \$150 Detailed Letter	No deposit
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§ 34.04 ALARM FEES.

(A) *Purpose.* The purpose of this section is to protect the public safety services of the city from misuse and to provide for efficient sendee to public safety alarm users.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM BUSINESS OR RESIDENCE. Any premises within the city utilizing an alarm system which, when activated, necessitates a public safety response.

ALARM SYSTEM. Any alarm installation system designed to be used for the prevention or detection of burglary, robbery, fire or any other type of emergency situation occurring on or at the alarm business or residence.

ALARM USER. The person, firm, partnership, association, corporation, company or organization of any kind who is in control of any building, structure or facility where an alarm system is maintained.

FALSE ALARM. An alarm signal eliciting a response by public safety personnel at an alarm business or residence when a situation requiring a response does not in fact exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunctions, improper installation or the inadvertence of the owner or another. **FALSE ALARMS** do not include alarms caused by climactic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions that are clearly beyond the control of the alarm manufacturer, installer, owner or occupant. **FALSE ALARMS** do not include alarms occurring within the first 30 days of operation of a new alarm system.

PUBLIC SAFETY COMMUNICATIONS CENTER. The city facility used to receive emergency requests for service, usually resulting in the dispatching of a public safety response.

PUBLIC SAFETY PERSONNEL. A duly authorized city public safety employee, including an independent contractor.

(C) *False alarm fees.*

(1) *Number of responses.* Alarm users may report up to three false alarms requiring a public safety response per 12-month period without charge. A false alarm fee shall be imposed for more than three false alarms, as established by City Council resolution.

(2) *Appeal.* An alarm user required by the city to pay a false alarm fee as the result of a false alarm, may make a written appeal to the Police Chief within ten days of receipt of notice by the city of the false alarm fee. The Police Chief has authority to make a final determination whether the appellant should be charged with a false alarm fee, based on the circumstances.

(3) *Payment.* Payment of security false alarm fees must be paid to the city. Payment of fire false alarm fees must be paid to the Fire Department.

(D) *Alarm report.* When a security alarm user has incurred a security false alarm to which the Police Department responded, the alarm user will be sent a false alarm report, which must be completed and returned to the Police Department within ten days after it was received. The report shall describe actions taken or to be taken to discover and eliminate the cause of the false alarm. Failure to return a written report will be considered a violation of this section.

(Ord. 13-01, passed 4-8-2013)

§ 34.05 UNPAID SPECIAL ASSESSMENTS OR SERVICE CHARGES.

As provided in Minn. Stat. § 429.101, as it may be amended from time to time, unpaid special or service charges for all or any part of the cost of the activities set forth in division (A) below may be specially assessed against the benefitted property.

(A) *Service charges.* Service charges may be made by the city for all or any part of the cost of:

- (1) Snow, ice or rubbish removal from sidewalks;
 - (2) Weed elimination from streets or private property;
 - (3) Removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minn. Stat. §§ 463.15 through 463.26, as they may be amended from time to time;
 - (4) Installation or repair of water service lines, street sprinkling or other dust treatment of streets;
 - (5) The trimming and care of trees and the removal of unsound trees from any street;
 - (6) The treatment and removal of insect infested or diseased trees on private property;
 - (7) The repair of sidewalks and alleys;
 - (8) The operation of a street lighting system;
 - (9) The operation and maintenance of a fire protection system; and
 - (10) The operation and maintenance of a pedestrian skyway system.
- (B) *Notice of work.* The city may, where it deems practical, allow the property owner or occupant to do the work upon reasonable notice, before the work is undertaken by or on behalf of the city.
- (C) *Payment.* The city must provide the property owner or occupant 30 days after notice of billing, to make payment before the unpaid charges are made a special assessment.

(2001 Code, § 830.01)

§ 34.06 SIDEWALK AND TRAIL SPECIAL IMPROVEMENT DISTRICT.

- (A) *Findings.* The City Council finds that all areas within the city should have safe pedestrian walkways and trails to and from schools and school bus stops, public transportation facilities and other services to the neighborhood and community. Minn. Stat. § 435.44, as it may be amended from time to time, authorizes a city to establish sidewalk and trail improvement districts to defray all or part of the total costs of sidewalk and trail construction and repair and apportion the cost to all parcels located within the district on a direct or indirect basis. The Council finds that the costs apportioned for such sidewalk and trail improvements are reasonably related to the improvements or repairs within the sidewalk and trail improvement district hereby established.
- (B) *District established.* Based on Minn. Stat. § 435.44, as it may be amended from time to time, and the city's police powers, the City Council hereby establishes the Sidewalk and Trail Improvement District (the "District"), which includes all of the streets, sidewalks, trails, land and parcels within the boundaries of the city.
- (C) *Assessment.* The City Council shall establish an assessment policy for all sidewalk or trail improvements or repairs within the District, as long as such assessments are applied on a uniform basis as to each classification of real estate. Where sidewalk or trail widths are wider than the standard width of a typical sidewalk or trail, the additional costs may be assessed as a direct benefit to the abutting property. An indirect benefit assessment may involve all parcels or tracts of land located in the District without regard to the location of the sidewalks or trails, as it is deemed that all parcels or tracts of land within the District are benefitted equally.
- (D) *Assessment period.* The city may assess the costs on all sidewalk and trail improvements up to a maximum of five years on equal annual installments, plus interest on the unpaid balance.

§ 34.07 ELECTRIC UTILITY; TAX.

- (A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELECTRIC COMPANY. Every person, firm, company, joint stock association or corporation engaged in the business of selling electricity for light, heat, power and other purposes for public or private use in the city.

GROSS EARNINGS. All sums received by the electric company from the sale of electric energy within the city, except all sums received by the company for electric energy supplied to the city for municipal services.

(B) *Tax imposed.* Every electric company must pay the city 5% of its monthly gross earnings derived from the sale of electricity within the city. The payment of the gross earnings tax must be in two installments. The first installment must be paid on or before July 31 and shall cover the period from January 1 through June 30. The second installment must be paid on or before January 31 and shall cover the period from July 1 through December 31.

(C) *Accounting.* For the purpose of ascertaining the gross earnings, each electric company must keep an accurate account of all sales within the city and must annually furnish the City Treasurer with an accounting of the sales. A qualified person from the electric company must verify the accounting.

(2001 Code, § 710)

REPEAT NUISANCE SERVICE CALLS FEE

§ 34.15 PURPOSE.

(A) The purpose of this subchapter is to protect the public safety, health and welfare by preventing over-consumption and misuse of law enforcement, emergency and city services.

(B) By adopting this subchapter, the city intends to impose and collect repeat nuisance service call fees from the persons responsible for the nuisance service call.

(2001 Code, § 955.01) (Ord. 09-06, passed - -)

§ 34.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE SERVICE CALL. A response to any activity, conduct or condition occurring within the city that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. A ***NUISANCE SERVICE CALL*** includes, but is not limited to, a response to the following:

(1) Any activity, conduct or condition violating the following provisions of the city code:

- (a) Sections 150.020 through 150.023 (International Property Maintenance Code);
- (b) Section 92.01 (public health nuisances);
- (c) Sections 94.35 through 94.38 and § 95.01 (weeds), §§ 150.060 through 150.073 (vacant and hazardous buildings);
- (d) Chapter 93 (parks and recreational areas);
- (e) Chapter 90 (animals), Chapter 112 (sale, consumption and display of liquor, beer and wine);
- (f) Chapter 72 (parking regulations);
- (g) Section 72.05(D) (parked or stored motor vehicles);
- (h) Section 94.18 (unsheltered storage of junk and inoperable or abandoned motor vehicles);
- (i) Section 130.02 (assaults);
- (j) Section 130.02 (falsely reporting a crime);
- (k) Section 130.02 (negligent fires, dangerous smoking);
- (l) Section 130.02 (dangerous weapons);
- (m) Chapter 94 (nuisances).

(2) Any activity, conduct or condition violating, the following provisions of the Zoning Code:

- (a) Section 153.346(D) (location of parking facilities); and
- (b) Section 153.348 (number of required off-street parking spaces).
- (3) Any activity or conduct violating Minn. Stat. § 609.78(4), as it may be amended from time to time (Misuse of 911);
- (4) Any activity, conduct or condition violating state laws prohibiting or regulating prostitution, gambling, controlled substances or use of firearms; or
- (5) Loud and boisterous conduct, noise and activity that disturbs the peace, or constitutes a public nuisance or disorderly conduct as defined by the state statutes.

REPEAT NUISANCE SERVICE CALL FEE. The fee upon the responsible party if the city has rendered services or responded for a nuisance service call on three or more occasions within the 12 months immediately preceding the current offense. The **REPEAT NUISANCE SERVICE CALL FEE** under this section shall be an amount set forth and duly adopted by City Council resolution.

RESPONSIBLE PARTY OR PARTIES. The owner, occupant or anyone having control of real property where the nuisance service call occurred, or the person or persons responsible or involved in the nuisance service call, regardless of where the nuisance service call occurred.

(2001 Code, § 955.03) (Ord. 05-06, passed - -)

§ 34.17 NUISANCE SERVICE CALL FEE IMPOSED.

(A) *Notice.* After two nuisance service calls within 12 months, the city shall provide written notice to the responsible party or parties that subsequent nuisance service calls may result in the imposition of the repeat nuisance service call fee. The written notice shall:

- (1) State the nuisance conduct, activity or condition that is or has occurred or is being maintained or permitted, and the dates of the nuisance conduct, activity or condition;
- (2) State that the responsible party or parties may be subject to a repeat nuisance service call fee for a third nuisance service call and for every nuisance service call occurring thereafter within the noticed time period that involves the same property, unit, complex or persons, in addition to the city's right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law;
- (3) State the amount of the nuisance service call fee that will be due and payable;
- (4) State that failure to pay may result in the costs being assessed against the owner's property or in the issuance of a criminal citation to the responsible party; and
- (5) Be served personally or by U.S. mail upon the responsible party or parties at the last known address.

(B) *Imposition of the fee.* If, after written notice is served pursuant to this section, a subsequent nuisance service call occurs within that time period provided in the notice, then the city may impose the repeat nuisance service call fee upon the responsible party or parties, for the third nuisance service call and every nuisance service call occurring thereafter within the same noticed time period. The responsible party who received notice pursuant to division (A) above shall be responsible for payment of the repeat nuisance service call fee. The city may impose the nuisance service call fee on all responsible parties.

(2001 Code, § 955.05)

§ 34.18 APPEAL.

The responsible party or parties may appeal the imposition or amount of the fee by filing written notice pursuant to § 10.98(F) and requesting an administrative hearing, which shall be conducted as provided in § 10.98(G).

(2001 Code, § 955.07)

§ 34.19 EXCEPTIONS.

(A) *Medical emergencies.* Fees shall not be imposed for any medical-related emergency response except for medical-related emergencies, that are violations of Minn. Stat. § 609.78(4), as it may be amended from time to time.

(B) *Domestic incidents.* Fees shall not be imposed against the victim for a response to circumstances involving domestic-assault incidents or order for protection violations, except when the victim consented to a violation of a court order and the violation resulted in the response.

(C) *Landlords.* Fees shall not be imposed against a landlord for a response initiated by a tenant, unless the landlord was sent notice as set forth in § 34.17(A) and the landlord has not taken the necessary steps outlined in division (D) below.

(D) *STAR program participants.* Notices shall be sent according to § 34.17(A), but fees shall not be imposed against an owner who actively participates in the STAR Program, pursuant to § 150.042 as a Level 2 participant and if the owner and complex are actively working with the City Police Department on a coordinated plan to reduce and prevent future repeat nuisance service calls. If the city, in its sole discretion, finds that coordinated plan does not significantly reduce repeat nuisance service calls within six months after notice has been sent in accordance with § 34.17(A), this exception no longer applies and the fees shall be immediately due and payable.

(2001 Code, § 955.09)

510.01 DECLARATION OF NUISANCES.

(a) **Definition of Nuisance Activity.** The following activities occurring either on residential or commercial property, or within one thousand (1,000) feet of the property line of said residential or commercial property, and engaged in by an owner, or the owner's agent, or, the owner's lessee, occupant, invitee or the person or entity in charge of said residential or commercial property (including individual apartment and condominium units) are hereby declared to be public nuisances:

- (1) Any animal violations under Sections 505.02 (dogs running at large), 505.13, 505.15 and 505.20 (animal noise, excrement and biting), 505.18 or Chapter 506 (dangerous or vicious animals), 505.07 (killing or injuring animals), 505.09 (cruelty to animals) of the Codified Ordinances;
- (2) Any disorderly conduct disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;
- (3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;
- (4) Any noise violation under Chapter 515 of the Codified Ordinances;
- (5) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (6) Any health, safety, or sanitation violation under Chapter 521, 1775 or 1779 of the Codified Ordinances;
- (7) Any littering or deposition of waste under Section 521.08 of the Codified Ordinances;
- (8) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;
- (9) Any alcohol violations under Chapter 529 of the Codified Ordinances or under Chapter 4301 of the Ohio Revised Code;
- (10) Any sex offenses under Sections 533.07 (public indecency), 533.08 (procuring), 533.09 (soliciting) or 533.10 (prostitution) of the Codified Ordinances;
- (11) Any offenses against persons under Chapter 537 of the Codified Ordinances except Sections 537.055 (menacing by stalking) and 537.14 (domestic violence);
- (12) Any offenses against property under Sections 541.03 (criminal damaging or endangering) or 541.04 (criminal mischief) of the Codified Ordinances;
- (13) Any theft violation under Sections 545.05 (petty theft), 545.08 (unauthorized use of property), of the Codified Ordinances;
- (14) Any weapons, explosives, firearm or handgun violation under Chapters 549 of the Codified Ordinances;
- (15) Any fireworks violation under Section 549.10 of the Codified Ordinances;
- (16) Any false alarm call which is defined for the proposes of this Chapter as being an emergency call by an alarm company triggered by either an automated or manual alarm activation which, after investigation by the Division of Police it is determined that there is no need for criminal investigation and that the alarm activated for some other reason.
- (17) Any offense that is a felony under the Ohio Revised Code.
(Ord. 22-18. Passed 7-2-2018.)

(b) For purposes of subsection (a), the occurrence of a nuisance activity means either a citation has been issued, or an arrest has been made, or a conviction has been obtained, or a City Department, including, but not limited to, Police, Fire, Animal Control, or Building, has documented the activity in lieu of arrest or citation.

(c) **Initiation of Nuisance Declaration Process.** The Director of Public Safety or his or her designee, upon finding that two or more nuisance activities or any one felony as outlined in subsection (a) have occurred within a twelve-month period, may cause a written notice and order to be served on the owner of the property. The notice shall declare that if a third nuisance activity, or any additional felony as outlined in subsection (a) hereof occurs within a twelve-month period of the first nuisance activity, such property shall be declared a nuisance property. The notice and order shall set forth the nature of the nuisances and the estimated costs to abate any future nuisance and shall state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that the City may abate the nuisance by responding to the activities using administrative and law enforcement actions and the costs of such abatement shall be assessed on the nuisance property as set forth in subsection (g). Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

(d) **Nuisance Declaration.** If a third nuisance activity as declared in this section, or any additional felony, occurs within twelve months after the first of the two nuisance activities referred to in subsection (c), the

Director of Public Safety or his or her designee may declare the property to be a nuisance under this chapter. Once a property has been declared a nuisance then any subsequent occurrence of any activity listed in subsection (a) may cause another nuisance declaration. The cost of responding to the nuisance activity shall be assessed on the nuisance property. The nuisance declaration may come before or after the City has incurred the response costs. The costs shall be calculated as set forth in subsection (g) hereof. The City shall provide notice to the owner of the nuisance property to pay the costs of abatement at least thirty (30) days before such costs are certified to the County Auditor for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. If the same is not paid within thirty (30) days of the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected, or the City may seek recovery of such costs by civil action. Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

(Ord. 23-08. Passed 12-15-2008.)

(e) Reconsideration Request. The owner of a nuisance property who receives a nuisance declaration notice from the Director of Public Safety or his or her designee pursuant to subsection (d) may appeal such notice by submitting a written request for reconsideration to the Director of Public Safety within thirty (30) days of the date of the nuisance declaration notice. If the Director of Public Safety or his or her designee finds that the facts presented do not constitute a public nuisance then the Director of Public Safety or his or her designee shall rescind the notice. Otherwise the Director of Public Safety or his or her designee shall deny the request and advise the appellant in writing of the denial and of the appellant's right to file an appeal to the Board of Nuisance Abatement Appeals.

(f) Appeal to the Board of Nuisance Abatement Appeals. The owner may appeal the denial of the request for reconsideration by submitting a written appeal letter to the Board of Nuisance Abatement Appeals within thirty (30) days of the date of the denial. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the City must show by a preponderance of the evidence that each nuisance activity stated in the notice being appealed, or if the activities stated in the notice number more than three, each nuisance activity for which the City seeks compensation, has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. If a nuisance activity has been evidenced by a criminal conviction then it shall be per se proof that the activity has occurred.

The City shall be deemed to have failed to meet this standard if the owner demonstrates by a preponderance of evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or

(3) He or she had no knowledge of the nuisance activity and could not with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(Ord. 23-08. Passed 12-15-2008.)

(g) Costs of abatement shall be the actual cost based upon expenses and the hourly wage of any personnel involved in the response to the nuisance activity defined in subsection (d) and any related notice and declaration proceedings.

(Ord. 25-12. Passed 3-19-2012.)

(h) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, does not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances. (Ord. 23-08. Passed 12-15-2008.)

FAIR SUMMARY

CRIME FREE HOUSING AND WHAT IT MEANS TO ME AS A LANDLORD

In March 2014, The Hagerstown City Council amended **Chapter 197, Rental Facilities**, of the City Code. A summary of Chapter 197 follows:

1. A rental facility license is required for all residential rental units, with certain exceptions.
2. An application and annual license fee are required for all rental units, with certain exceptions.
3. All residential landlords or their designated agent must obtain certification as a Residential Operator. Such certification is granted with submission of a complete rental license application and written acknowledgment by Landlord of its obligations pursuant to Chapters 95 and 197 of the City Code. Certification as a Residential Operator may be lost for a violation of the applicable training, written lease or crime free housing provision enforcement requirements of this chapter.
4. An owner, landlord or agent shall notify the City upon any tenant turnover.
5. The Chapter establishes certain required interior and exterior inspections of rental units.
6. Hagerstown Police Department (HPD) will offer a voluntary educational seminar on Crime-Free Housing. The seminar is free and will be approximately 4 hours in length. Details on the seminar are available at 301-797-6408 or crimefree@hagerstownpd.org.
7. Owners or their designated agent will be REQUIRED to attend the seminar if HPD has received 2 or more qualifying calls in a one year period or if there are any calls to HPD for offenses that are considered a felony under Maryland law. (see back side for details of what type of calls qualify)
8. Effective July 1, 2014, or upon termination of an existing term of tenancy, a residential property may not be rented without a written lease. All written leases shall comply with the requirements of Maryland Real Estate Property Section 8-208. The lease must also contain the following:
 - A notice that the rental unit may be subject to reasonable inspections by landlord.
 - An attachment of the text or fair summary of the text of City Code Chapters 95 & 197.
 - A Crime Free provision. The language of that provision must be in substantially the following form:

"Tenant, or a member of the household, a guest or other person(s) under control of the tenant:

 - a. *Shall not knowingly engage in criminal activity or commit a disturbance as defined in Chapter 95 of the City Code at, on, or near the said premises. "Criminal activity" means the commission of any of the acts defined in the Maryland Criminal Law Code Annotated.*
 - b. *Shall not knowingly engage in any act intended to facilitate criminal activity and shall not knowingly permit the premises to be used for or to facilitate criminal activity, regardless of whether the individual engaging in the activity is a tenant, a member of the household, a guest, or other person(s) under control of the tenant".*

Violations of the above provisions shall be a material breach of the lease and good cause for immediate termination of tenancy. Proof of violation of the lease hereunder shall not require a criminal conviction, but shall be by preponderance of the evidence.
9. Landlords will be required to take "reasonable" steps to enforce the crime free provision of the lease upon notice that the property is designated as a chronic nuisance property. Reasonable steps include, but are not limited to:
 - a. Written notification to tenants
 - b. Use of No Trespass letters
 - c. Legal remedies
 - d. Additional training by owner and/or designated agent
 - e. Communication and cooperation with HPD
10. All appeals will be heard by an Administrative Hearing Officer.
11. The Chapter establishes a maximum \$1,000 civil penalty for violations.
12. The Chapter establishes a volunteer Crime Free Designation program offered by HPD.

Chapter 95, Excessive use of Police Services, has been repealed and replaced by **Chapter 95, Excessive use of City Services**. Highlights are:

1. Establishes the definition of a **Chronic Nuisance Property**:
In summary - A property where the occurrence or commission of behavior reaches a minimum number of qualifying calls to HPD or has had a minimum number of certain code violation notices in a one year time period.
2. Establishes the minimum number of police qualifying calls which must be met for a property to be designated a Chronic Nuisance Property:
 - Commercial property - 8
 - Residential property (1 or 2 units) – 3, or 2 if at least one is a felony
 - Multi-Unit residential (3-24 units) – 4, or 3 if to one individual unit, or 2 if one is a felony
 - Apartment Complexes
 - (25-49 units) – 6, or 3 if to one individual unit, or 2 if one is a felony.
 - (50-99 units) – 8, or 3 if to one individual unit, or 2 if one is a felony
 - (100-199 units) – 10, or 3 if to one individual unit, or 2 if one is a felony
 - (200-399 units) – 12, or 3 if to one individual unit, or 2 if one is a felony
 - (400 + units) – 14, or 3 if to one individual unit, or 2 if one is a felony

Qualifying HPD calls are those that include the following “disturbances”:

- Controlled substance, possession or sale
 - Disorderly conduct and/or disturbing the peace
 - Liquor law violations (public consumption or open containers)
 - Loud noise complaints
 - Loitering
 - Prostitution
 - Indecent exposure or public urination
 - Undesirable, intoxicated or suspicious person
 - Any conduct which constitutes a felony under Maryland law
3. Establishes the minimum number of certain Code Administration violation notices which must be issued for a property to be designated a Chronic Nuisance Property:

3 or more of the following Notices of Violation in a one year time period:
 - Sanitation (Property Maintenance Code 64-8, section 302.1)
 - Weeds (Code 64-8, section 302.4)
 - Nuisance abatement (Chapter 185: Weeds, trash and debris abatement ordinance)
 4. Provides for notice to property owners of all qualifying calls and designations as a chronic nuisance property.
 5. Establishes an Administrative Hearing Officer to hear appeals.
 6. Establishes a Chronic Nuisance Property list. This list will be maintained and annually published for those being designated as such due to the number of HPD qualifying calls. Another list will also be maintained, but not published, for properties that are designated as a Chronic Nuisance due only to code violations.
 7. Once a property is designated a Chronic Nuisance Property, a fee will be assessed for each additional HPD or Code qualifying call. Fee schedule:
 - First offense - \$100
 - Second offense - \$250
 - Third or subsequent offenses - \$500 per qualifying call

MINNEAPOLIS

Nuisance property laws in Minneapolis are getting a second look

Crime victims are sometimes caught up in the net, study finds.

By Libor Jany (<http://www.startribune.com/libor-jany/219430401/>) Star Tribune

MAY 1, 2018 — 2:15PM

In Minneapolis, as elsewhere, nuisance property laws were conceived as another tool for law enforcement against the scourge of drug-related crime. But in practice they can uproot tenants in low-income and minority neighborhoods, some of whom are themselves crime victims, according to a new study.

If the city puts too much pressure on landlords to deal with problem properties, they are more likely to evict tenants or discourage them from calling 911, according to the preliminary research done by the Police Conduct Oversight Commission, a civilian-led body that makes policy recommendations.

Ryan Patrick, an analyst with the city's Office of Police Conduct Review, said the study of hundreds of management plans showed the nuisance ordinance was applied unevenly after landlords received a warning letter from the city.

"By adding some due-process elements, along with some additional review of the cases, you may be able to avoid vacating some of the tenants — particularly some of those with children, or tenants who weren't necessarily directly involved in the criminal activity," said Patrick, one of the study's authors.

A property can land on a city's nuisance list if police or emergency services respond to an address too frequently, which in Minneapolis means more than once a year on most drug- and weapons-related calls, according to Imani Jaafar, director of the Office of Police Conduct Review. But some of the cases reviewed involved the discovery of small amounts of narcotics, which could trigger an eviction even if the possessor didn't live at the address.

Researchers also found problems with how landlords in trouble with the city were being taught to resolve the issue. A city-sponsored class for property owners who received a warning letter focused on evicting problem tenants, leading some landlords to seek evictions out of fear of facing hefty fines or having their rental licenses revoked for tolerating disturbances — without considering other options, Jaafar said. The trainings, which were led by a Police Department crime prevention specialist, had gone on for years with little oversight, she said.

"What he was doing is that he was training people to say, 'Hey, the easy thing is to get people to vacate,'" said Jaafar, a former housing lawyer. "If you're training them to have an eviction training lens, then they're not going to think any other way."

Still an effective tool

Some of the report's suggestions have already been implemented, including shifting responsibility for the landlord trainings to the city's Regulatory Services division, according to Minneapolis police Cmdr. Charlie Adams. But, he added, the law is still an effective tool for dealing with "gambling, liquor sales, drugs, weapons, loud music, basically dealing with those livability issues."

"I don't think anybody's talking about getting rid of the ordinance," said Adams, head of the department's community engagement efforts. "They're just basically looking at the ordinance to see [if it has] an impact on certain groups."



Imani Jaafar, of the Office of Police Conduct Review, was photographed outside her office at Minneapolis City Hall Wednesday. J AARON

The office of Regulatory Services declined to comment on the study. Statistics from the findings were not yet released, but the final report will be presented to the police oversight commission for approval next week, followed the week after by the City Council's public safety committee.

In some cases, officers were surprised to learn their reports were being used against tenants in housing court, she said. She recounted the story of one cop, who, upon finding out that an East African man was in the process of being evicted after police found a small amount of khat in his apartment, wound up testifying in court that he may have confused the leafy narcotic with spinach.

Proponents of nuisance laws, created in the 1990s to combat the exploding drug trade, argue that these ordinances create safer communities by giving cities tools to get rid of troublesome residents, without meeting the legal burden of convicting someone of a crime.

But critics say that an eviction under any circumstances can send tenants into a downward spiral, pointing out the link between evictions and homelessness. Evictions, they argue, can carry as much of a stigma as a criminal record, not only limiting a tenant's future job and housing prospects but also potentially leading to weakened social ties and lower credit ratings.

This can happen even in cases when the tenant was the victim of the crime or called the police for protection. And while there are certain protections locally for victims of domestic violence, some residents may still avoid calling the police in times of crisis, rather than face potential fines, eviction or other penalties.

"This one stupid call has now spiraled into a whole family getting kicked out," said Patrick. "Do you want to dissuade people from calling 911 because of that possibility?"

Much like in a widely cited study out of Milwaukee, evictions in Minneapolis disproportionately affected poor and minority ZIP codes, researchers say. In fact, eight neighborhoods in north Minneapolis comprise more than half the cases where the ordinance was used, they say.

A 2016 Minneapolis study found that the number of evictions sought by landlords decreased in recent years, from 4,136 in 2009 to 3,140 in 2015 (mostly for nonpayment of rent), although the report's authors pointed out that those figures don't account for a "potentially significant number" of informal evictions.

The focus on court-ordered evictions masks a bigger problem, because far more tenants, when threatened with eviction, leave on their own accord and move in with relatives, according to Joseph Mead, an assistant professor of urban studies at Cleveland State University. Others are forced to move into more rundown apartments or homeless shelters, he said.

"Police are called unevenly — in apartment buildings, for example, the closeness of living space means that people are more likely to call the police on their neighbors than they normally would," said Mead, who has analyzed thousands of nuisance-related public records from around the country. "So punishing people because police happen to be visiting a property, that falls unevenly on a community."

Groups such as the American Civil Liberties Union have sued to challenge several cities' nuisance laws.

"It's not being used against a drug house or problem properties," Mead said. "It's being used against survivors of domestic abuse, it's being used against somebody who called a suicide hotline."



Imani Jafaar, of the Office of Police Conduct Review, was photographed in a conference room near her office at Minneapolis City Hall

Libor Jany is the Minneapolis crime reporter for the Star Tribune. He joined the newspaper in 2013, after stints in newsrooms in Connecticut, New Jersey, California and Mississippi. He spent his first year working out of the paper's Washington County bureau, focusing on transportation and education issues, before moving to the Dakota County team.

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ACLU of Minnesota

THE PROBLEM WITH CRIME-FREE HOUSING ORDINANCES

AUTHOR

[Eric Hauge \(/en/biographies/eric-hauge\)](/en/biographies/eric-hauge)

JUNE 19, 2018



executive director of HOME Line, a nonprofit organization that provides free legal, organizing, educational, and advocacy services so tenants throughout Minnesota can solve their own rental housing problems. Learn more at homelinemn.org (<https://homelinemn.org>).

As a Minnesota-based statewide tenant rights organization that advises roughly 15,000 renter households annually, [our organization](http://homelinemn.org) (<http://homelinemn.org>) has witnessed numerous Minnesota cities adopting rental housing disorderly conduct, nuisance, and/or crime-free ordinances (hereafter abbreviated CFOs) over the past 20 years. In general these types of ordinances provide cities the ability to issue penalties to landlords or revoke rental licenses if there is repeated disorderly, nuisance or criminal behavior occurring at or around their rental property.

A little over a year ago HOME Line initiated a preliminary analysis outlining a list of metro-area communities that have enacted local ordinances governing conduct at rental properties. The research identified nearly 50 cities in the 7-county Twin Cities metro area that regulate such activities within rental housing, most of which penalize landlords in some fashion if they do not pursue lease termination and/or eviction for certain activities. In 18 cities, codes require that landlords include detailed lease language or lease addendums that outline specific “good causes” for termination of the tenancy. This analysis prompted key questions. Are these ordinances actually helping prevent crime? How are tenants notified of such actions? How might CFOs influence tenants’ perceptions about their ability to seek emergency assistance?

HOME Line is concerned about how CFOs potentially lead to harmful outcomes for tenants—both in their direct enforcement on individual families as well as related to broader implications on renters’ rights to fair, safe, and uninfringed access to police and emergency services. We regularly advise tenants about public safety concerns and we want cities to care about and regulate rental housing to ensure decent, safe, healthy housing. Cities asking tenants to follow the law and requiring landlords to protect their tenants from criminal actions against them is not inherently bad, but certainly the details around implementation and community perception of such regulation could contribute to fear of calling for help or even unjust involuntary displacement.

And details matter—they can mean the difference between a police-related call counting against a landlord or a call for emergency assistance or a response to domestic abuse already exempted from such penalties by [Minnesota state law](#) (<https://www.revisor.mn.gov/statutes/cite/504b.205>). Further, on a national level, the U.S. Department of Housing and Urban Development [issued guidance in 2016](#) (<https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>)

outlining that enforcement of these local policies, depending on the scenario, could be a violation of the Fair Housing Act.

HOME Line supports the [ACLU's legal challenge \(https://www.aclu-mn.org/en/news/minnesota-citys-ordinance-illegally-targets-people-color-rental-housing\)](https://www.aclu-mn.org/en/news/minnesota-citys-ordinance-illegally-targets-people-color-rental-housing) to the City of Faribault's Rental Licensing Ordinance for a number of reasons. First, Faribault's crime-free ordinances are among the most aggressive that HOME Line has reviewed while advising renters throughout Minnesota. The city requires criminal background screening of all adult prospective tenants, retention of that information, and release of the information to the city. Second, landlords are ordered to "actively pursue the eviction of the tenants or termination of the lease with the tenants who violate the terms of the lease and/or the crime-free/ drug-free housing lease addendum." Lastly, the occupancy standards included in Faribault's Rental Licensing chapter are above and beyond what many cities require, and they are enforced only on residential rental properties. These standards, intentionally or not, directly and without cause impact families and children, and they appear to be specifically targeting Faribault's Somali population. In most Minnesota cities, rental properties are simply regulated under the same occupancy standards as other residential properties (commonly within zoning or fire codes).

Considering that Faribault's ordinances are more intrusive than most Minnesota cities where HOME Line advises renters, and that it appears that the drive to enact or intensify these provisions were in response to the changing demographics of the city, we agree that the city should repeal these ordinances immediately and work with renters, advocates, and community stakeholders to reform local rental licensing policies.

Fortunately, some Minnesota cities are taking note of the impacts of CFOs. For example, [Minneapolis city council member Phillipe Cunningham has moved forward on changes \(http://www.startribune.com/minneapolis-reconsiders-its-eviction-oriented-](http://www.startribune.com/minneapolis-city-council-member-Phillipe-Cunningham-has-moved-forward-on-changes)

[approach-to-landlords/485045801/](#) to the city's Conduct on Premises ordinances following a [critical report on the impact of the policy by the Police Conduct Oversight Commission](#) (<https://lims.minneapolismn.gov/Download/RCA/4711/Eviction%20Study%20v2.1.pdf>).

Other cities should take Minneapolis's lead on evaluating the impacts of their local CFOs (prioritizing a racial equity lens in such reviews), considering amending CFOs to include important tenant protections, and identify other key changes to ensure these ordinances comply with while also affirmatively furthering Fair Housing.

Crime Free Housing & Excessive Use of Services - Ordinance

OVERVIEW OF PROGRAM

In March of 2014, The Hagerstown City Council amended Chapter 197 "Rental Facilities" and Chapter 95 "Excessive Use of City Services" to promote the City's vision and commitment to safer neighborhoods.

An outline of these changes can be found in the attached document.

Link to [Crime Free Housing Fair Summary](#).

The City's Crime-Free Housing program consists pertains mainly with the types of calls that impact the safety and quality of life for residents living throughout the city. Program highlights include the use of designated "Qualifying Calls" along with a "[Crime-Free Housing Provision](#)" within written leases and the issuance of a "Residential Operator's Certification".

The program hinges on open communication between the City and Property Owners. Officer Gerry Kendle of the Crime Prevention section serves as the program administrator for the Police Department. For additional information please contact Officer Kendle at or direct at 301-797-6408.

Property Owners will be notified in writing by the Police Department anytime a "Qualifying Call" takes place at their property whether it be a residential, rental or commercial property.

EXCESSIVE USE OF CITY SERVICES (Chapter 95)

Qualifying Calls

Means that a sworn officer of HPD has been dispatched to, responds to, or otherwise comes upon a situation at a property as a result of certain conduct of the owner, tenant, occupant, patron, guest, or other person present with the implied or express permission of the owner, at or about said property and HPD verifies that said conduct qualifies as a disturbance as defined herein.

Disturbance

For the purposes of this Chapter a disturbance shall mean conduct consisting of any of the following:

- Controlled dangerous substance or paraphernalia, possession or sale;
- Disorderly conduct;
- Disturbing the peace;
- Liquor law violation, public consumption or open container of alcohol;
- Loud noise complaint;
- Loitering;
- Prostitution;
- Public urination or indecent exposure;
- Undesirable, intoxicated or suspicious person; or
- Any conduct which constitutes a felony under Maryland law.

NOTE: Disturbance shall NOT include calls for service for domestic violence issues.

Fees for Excessive Calls for Service range from \$100 - \$500.

(Refer to Chapter 95-5 for complete description of fees and appeal process)

Read More.....[Chapter 95 Excessive Use of City Services](#)

RENTAL FACILITIES (Chapter 197)

Written Lease Required

Beginning on July 1, 2014, or immediately upon the termination of a then-current term of tenancy for a particular unit existing on said date, a landlord or designated agent who offers a residential rental unit in a rental facility for rent in the City of Hagerstown may not rent or permit the occupancy of any such unit without using a written lease, or a written lease extension.

Additional Lease Provision

Landlords are also required to include a Crime-Free Housing Lease Provision as outlined in Chapter 197-8 C (1).

[Download Form Crime-Free Housing Provision.](#)

Certification as a Residential Operator

New and Existing Landlords shall be automatically issued a Residential Operator's Certification as part of this ordinance.

Certification as a Residential Operator shall remain valid, so long as the certified individual is not in violation of any of the provisions of:

1. §197-7. *Training*; or
2. §197-8. *Written Leases; Required Provisions*; or
3. §197-9. *Enforcement of Crime Free Provision*.

Such a violation shall subject the operator to revocation of the certification. Re-certification shall be required after a revocation hereof.

Reasonable Steps

In relation to §197-9 Enforcement of the Crime Free Provision, reasonable steps are measures instituted and/or supported by the owner to proactively and progressively respond to receipt of notice of HPD qualifying calls as defined in Chapter 95, and/or a Chronic Nuisance Designation. Such measures may include but not be limited to written notifications to tenant(s), use of no trespass letters, legal remedies, and/or additional training for the owner. Reasonable steps include communication and cooperation with HPD.

Training

A. HPD shall sponsor a voluntary Crime Free Housing Seminar for landlords or their designated agents. The training seminar is approximately four (4) hours in length.

B. If an owner, landlord or designated agent has received notice of more than one (1) HPD qualifying call, or one (1) HPD qualifying call which constitutes a felony under Maryland law pursuant to Chapter 95 of the Code, in addition to the application requirements contained in Section 197-4 hereof, Certified Residential Operator Status and the issuance of the Rental Facility license is subject to and contingent upon the successful completion of the

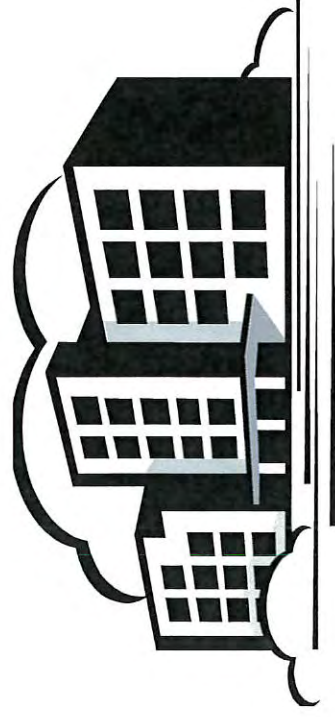
Crime Free Housing Seminar. If HPD is unable to facilitate the completion of this training requirement, HPD may issue a conditional certification, subject to the landlord or designated agent completing the training requirements within ninety (90) days of the issuance thereof. This training requirement may be satisfied by the completion of a training seminar offered by a third party, so long as said seminar has been reviewed and approved by HPD.

Read More.....[Chapter 197 Rental Facilities](#)

Voluntary Crime-Free Multi-Housing Program

In addition to the minimum "Crime-Free" standards outlined in this section, the Police Department also offers a Voluntary Crime-Free Multi-Housing program geared toward property owners and managers of larger apartment complexes. The Crime-Free Multi-Housing program is a nationally recognized crime prevention tool that has been found to increase occupancy rates and decrease turn-overs. See our [Voluntary Crime-Free Multi-Housing](#) page for more information on this cost effective program.

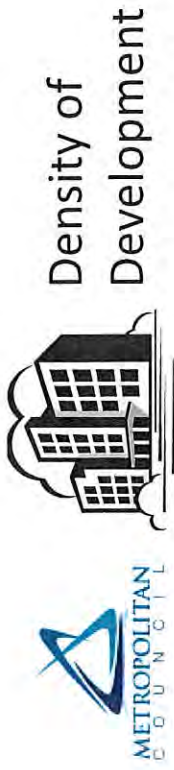
CONNECT
WITH US:



Density of Development



Twin Cities Metropolitan Area Examples



Introduction

- *Visualizing Housing Density*

This presentation is designed to help visualize housing unit density in a variety of urban and suburban settings. Density is an important characteristic in relationship between land use and transportation, particularly in supporting successful transit service. However, density has many forms and applications and developments of the same density can have a very different look and feel. Density also has numerous definitions and methods of measurement. This presentation defines density by how many housing units are in a development designated for housing, dwelling units per acre (du/acre). In some cases, it is the parcels that comprise the subdivision. In others, it is area included in the development project or neighborhood block.

Key Points

- Density is a number of units in a given land area (project area, subdivision, parcel). In the residential developments used the land area includes all the area of the legal parcel or parcels. The maps show the land area definition for each project highlighted.
- In mixed use projects, density is the number of housing units divided by the land area of the mixed-use development (that includes area used for non-residential uses such as office or retail space).
- For questions about this presentation, contact John Kari at john.kari@metc.state.mn.us



Density of
Development

Suburban 3.3 units per acre

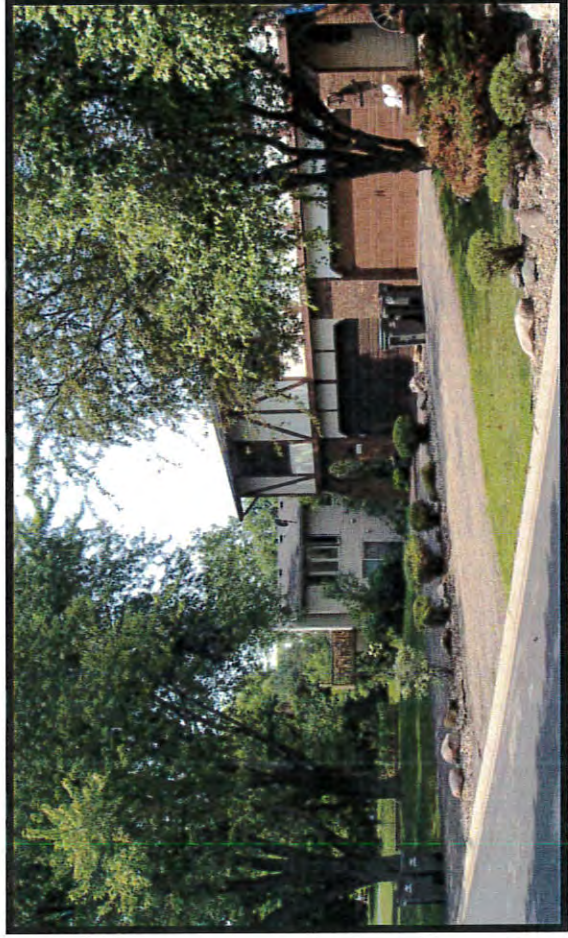
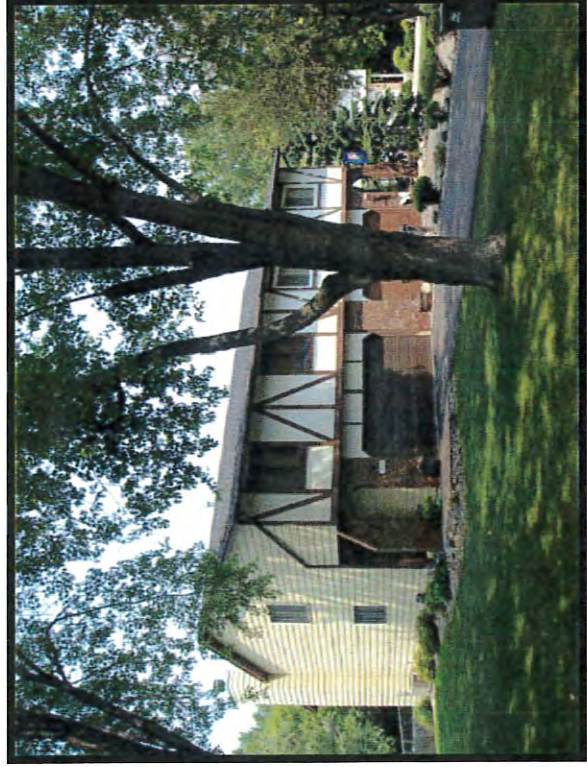




Density of
Development



Suburban 5 units per acre

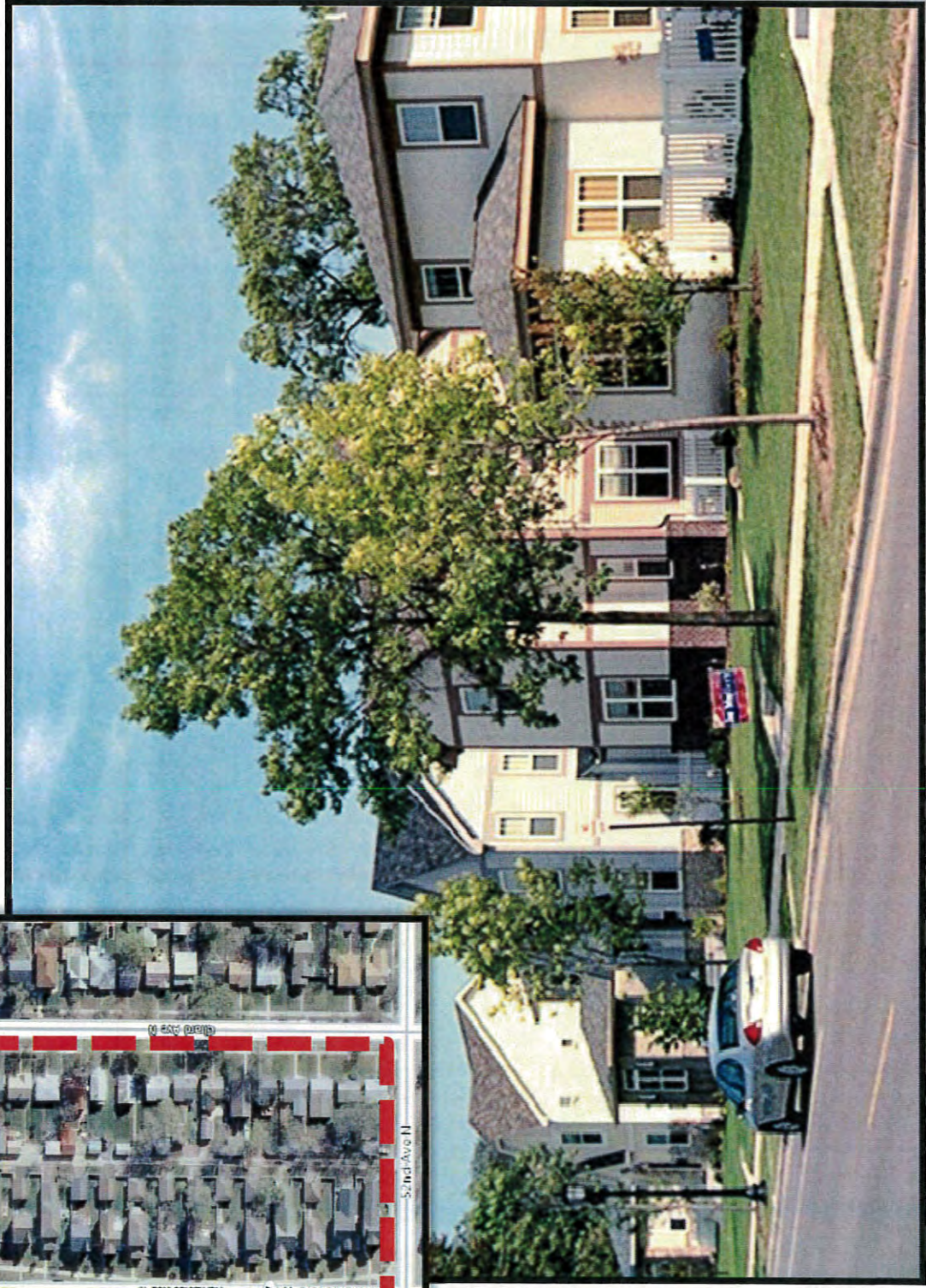




Density of
Development



Urban 7 units per acre



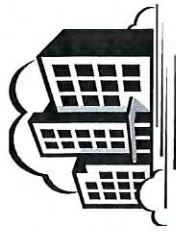


Density of
Development



Suburban 7 units per acre

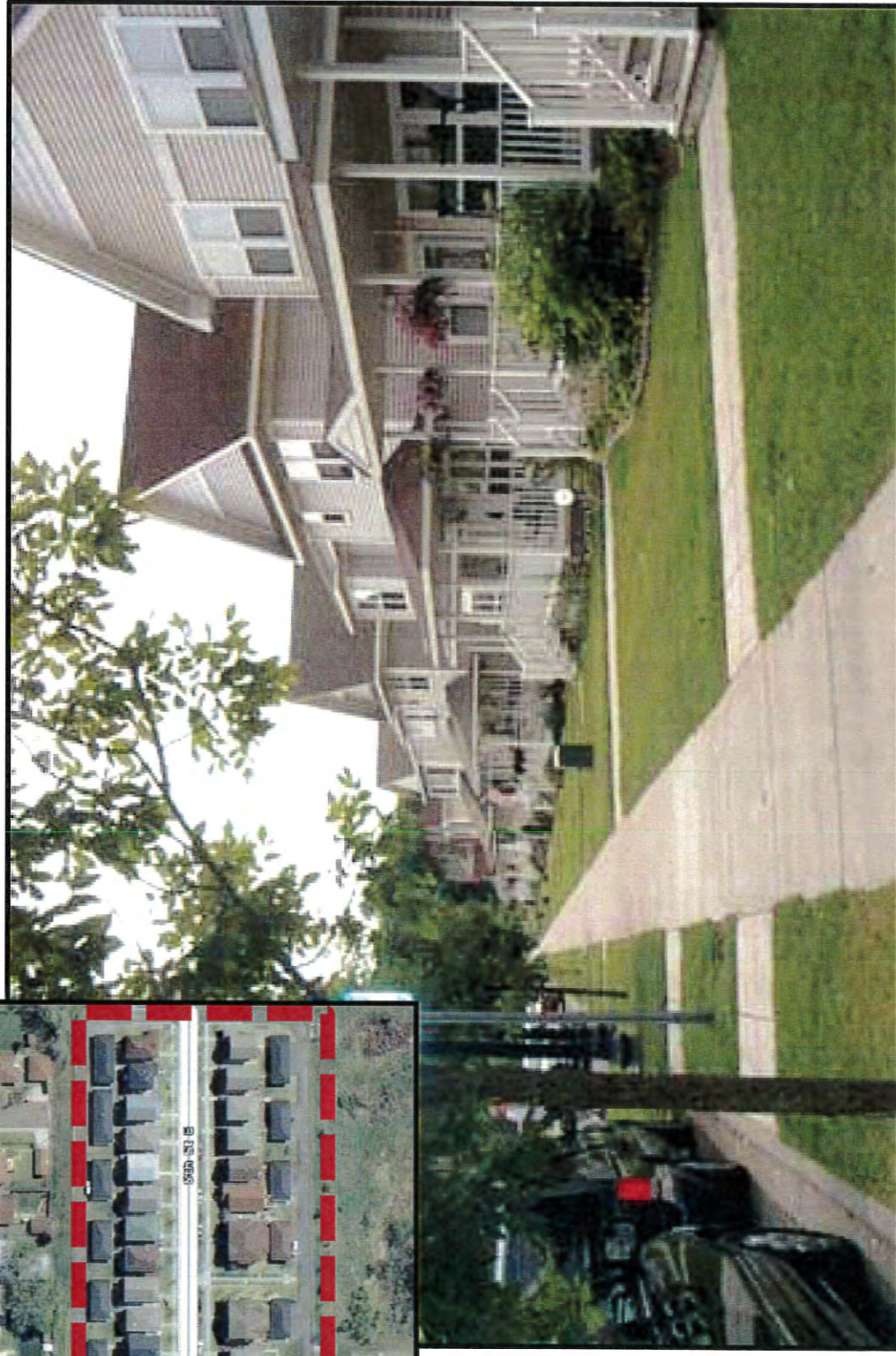


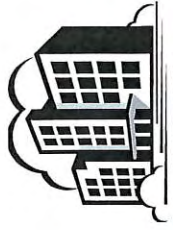


Density of
Development



Urban 10 units per acre





Density of
Development



Suburban 10 units per acre

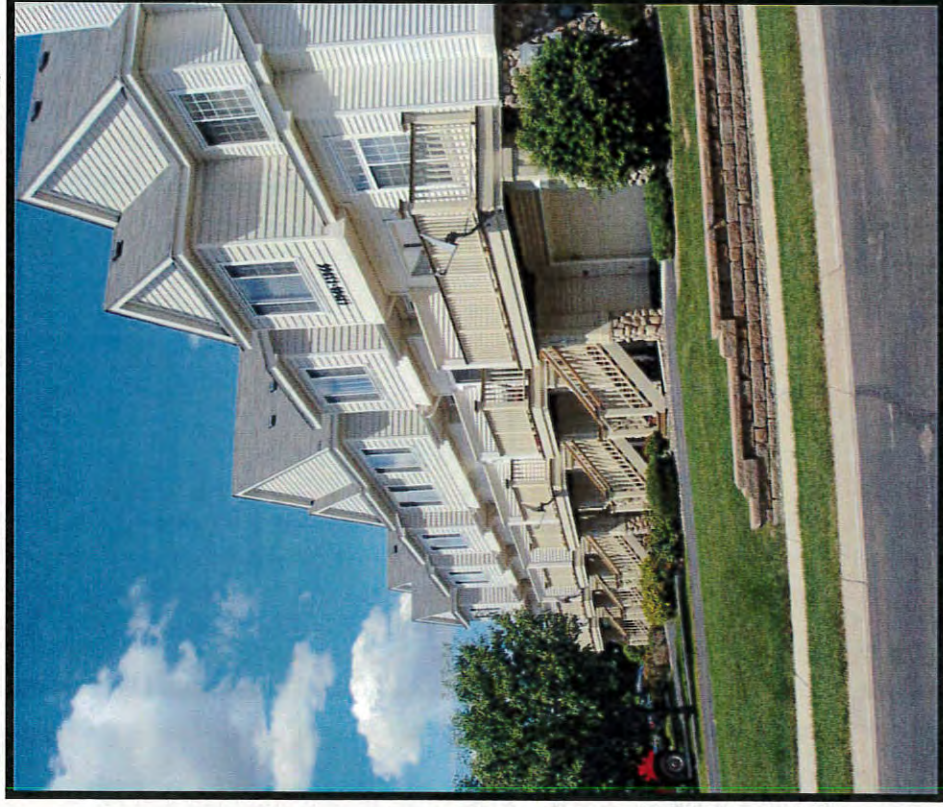


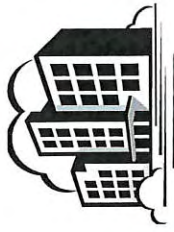


Density of
Development



Suburban 15 units per acre

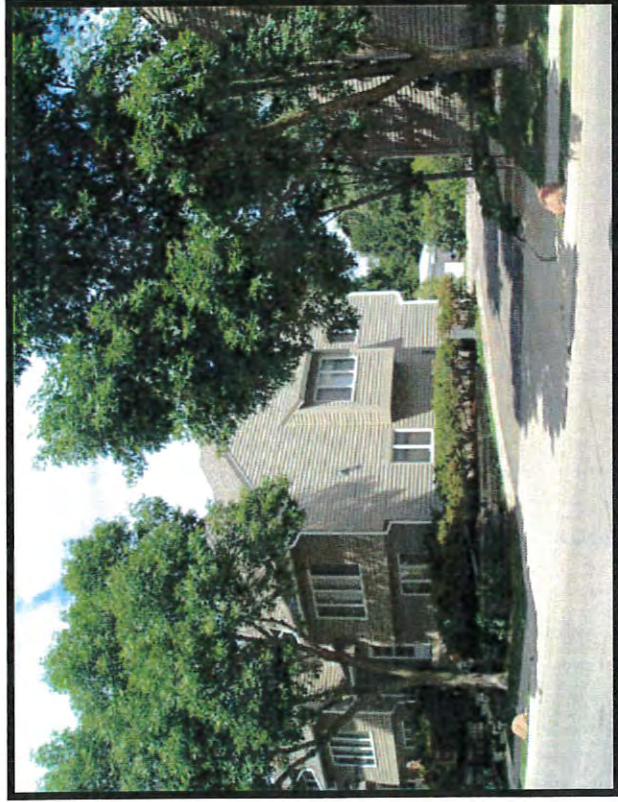


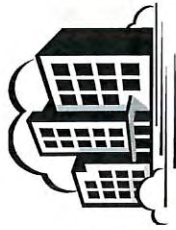


Density of
Development



Urban 16 units per acre

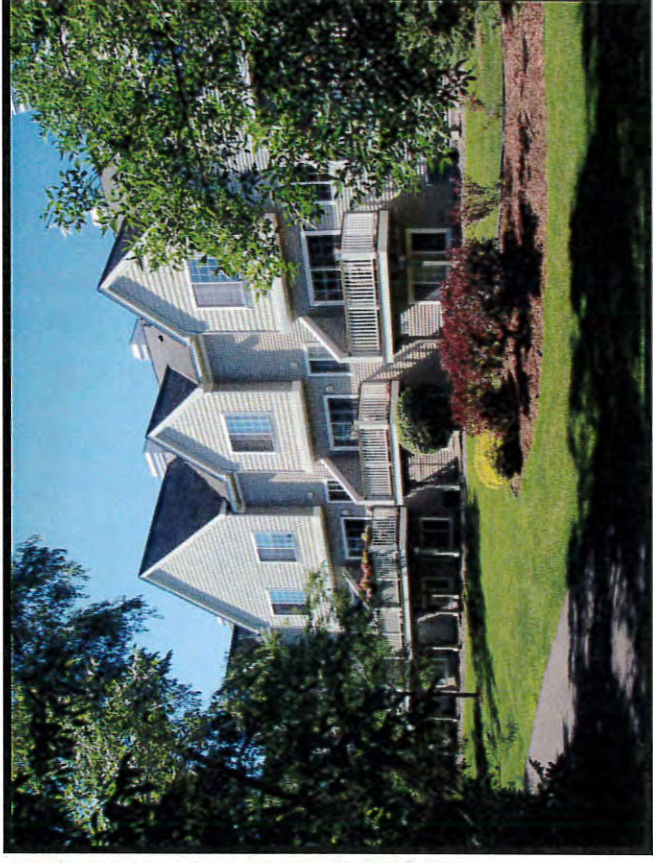
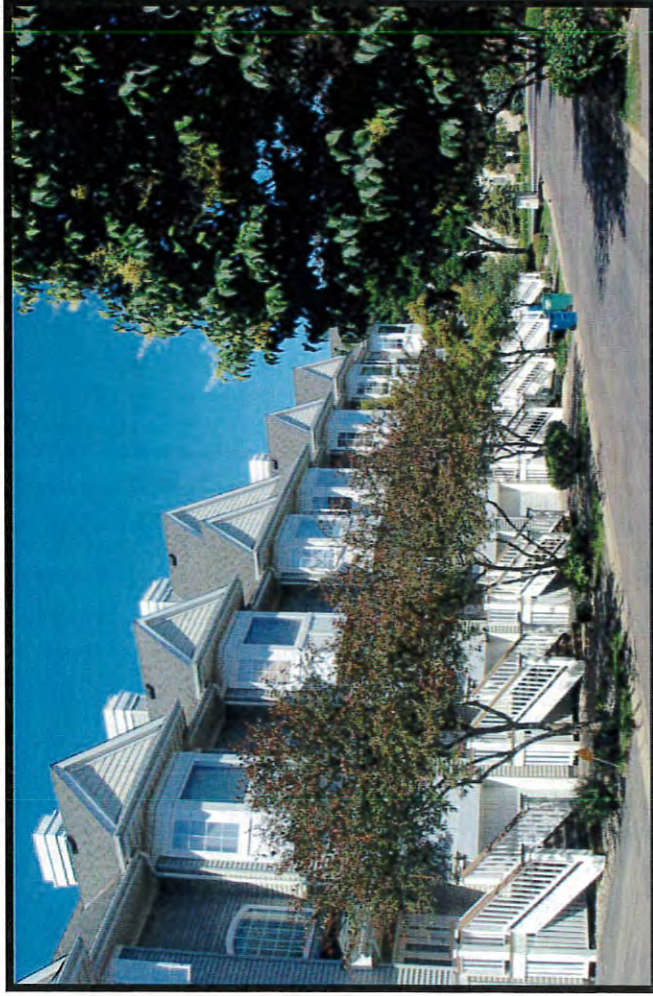
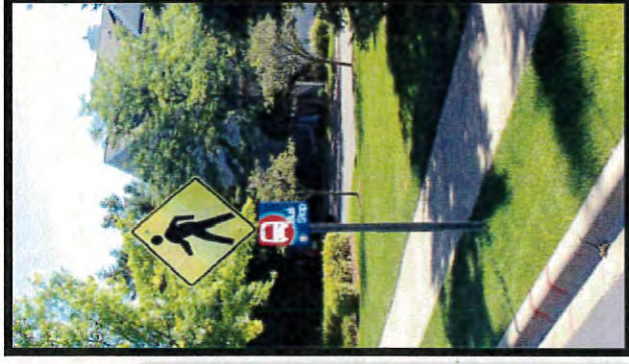




Density of
Development



Suburban 18 units per acre

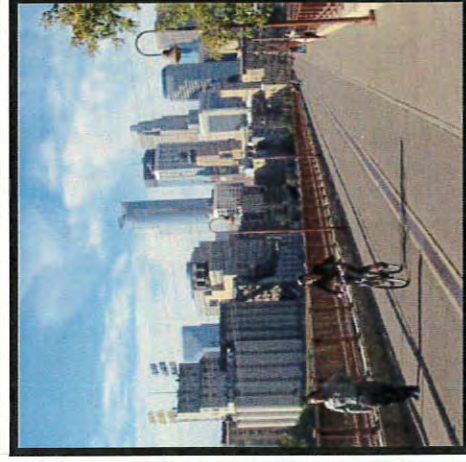
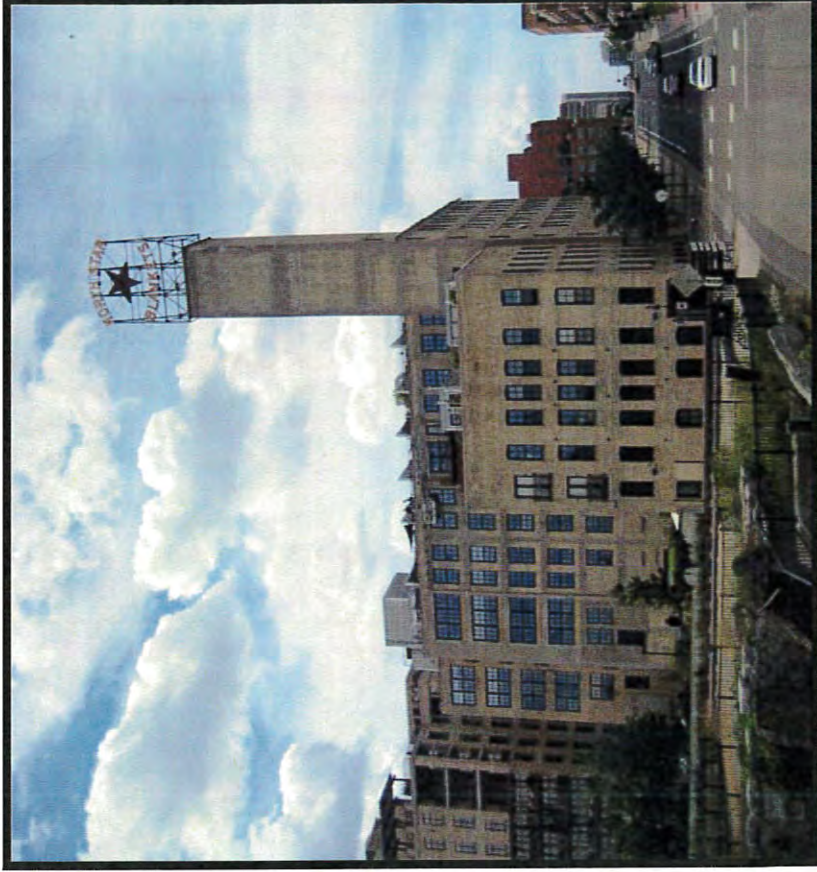
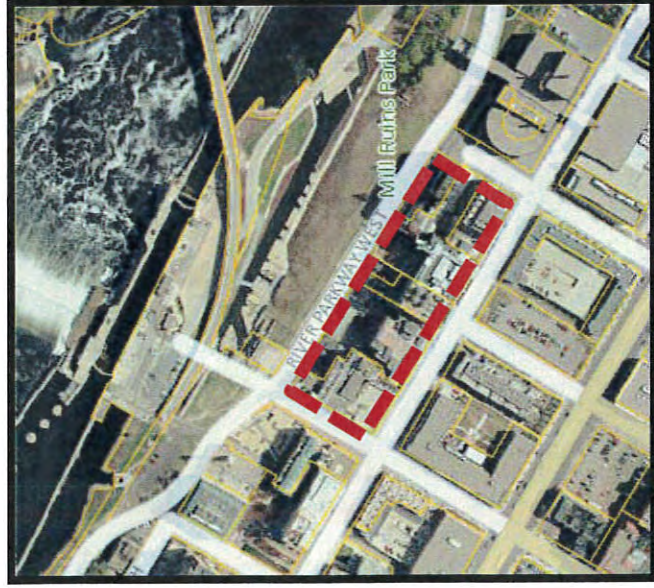


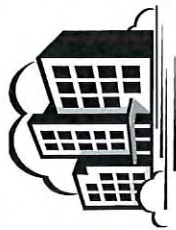


Density of
Development



Urban 24 units per acre mixed use

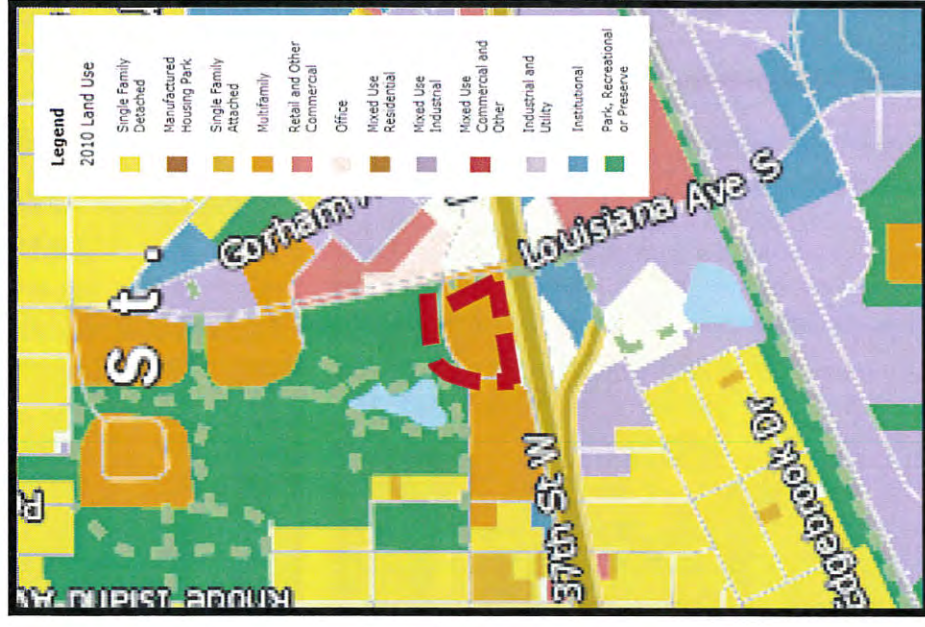
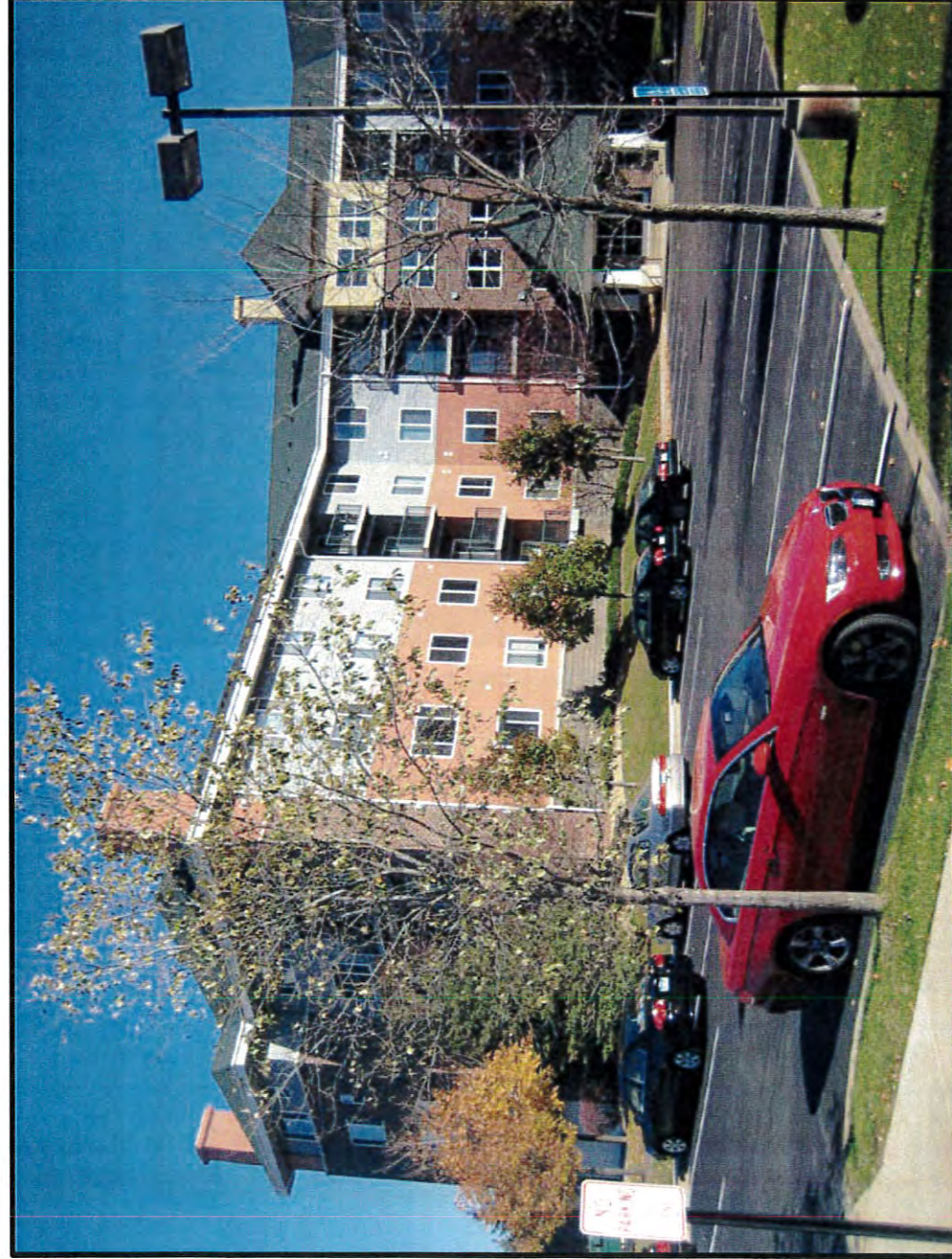


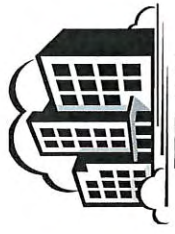


Density of
Development



Suburban 25 units per acre

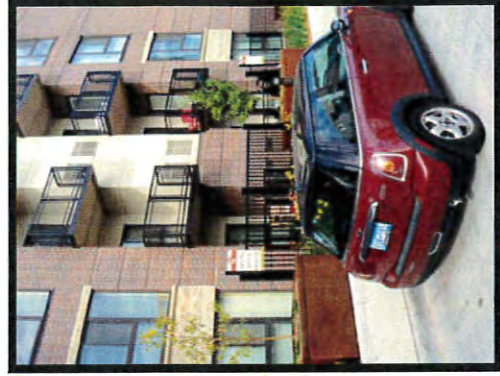
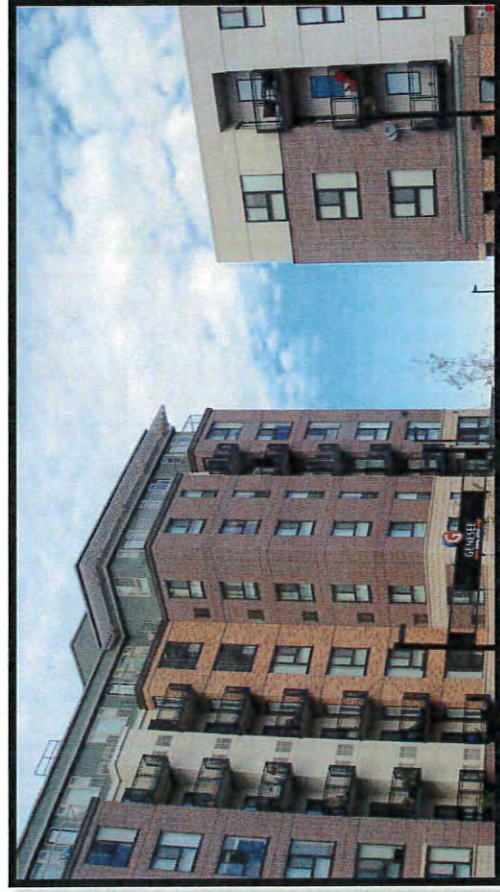
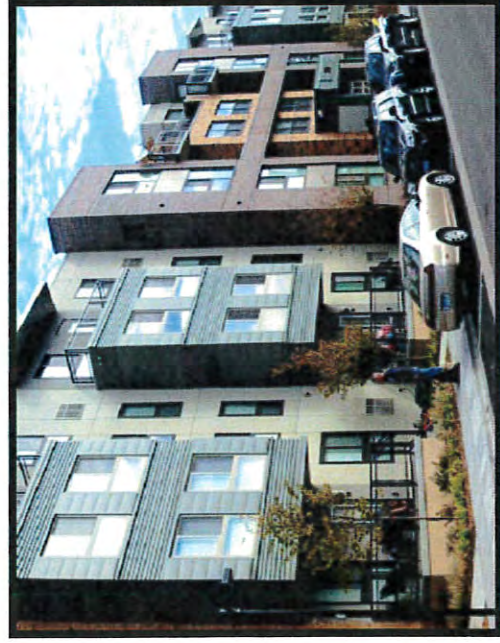
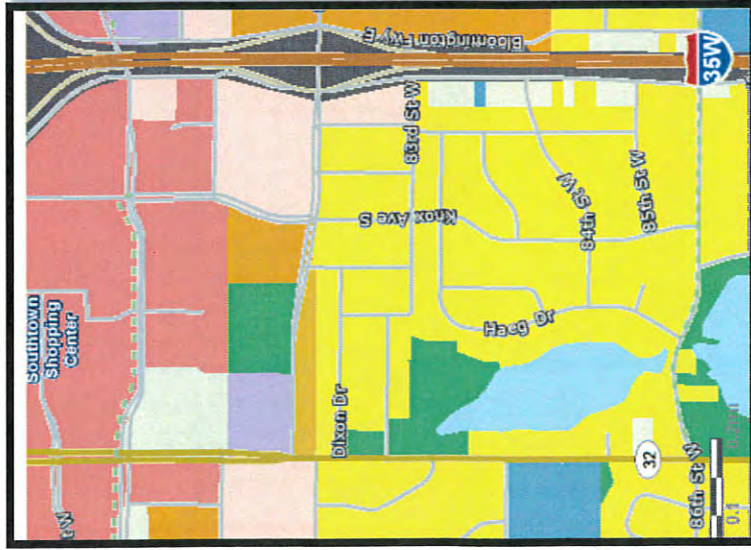


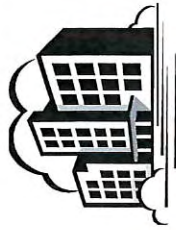


Density of
Development



Suburban 28 units per acre
mixed use

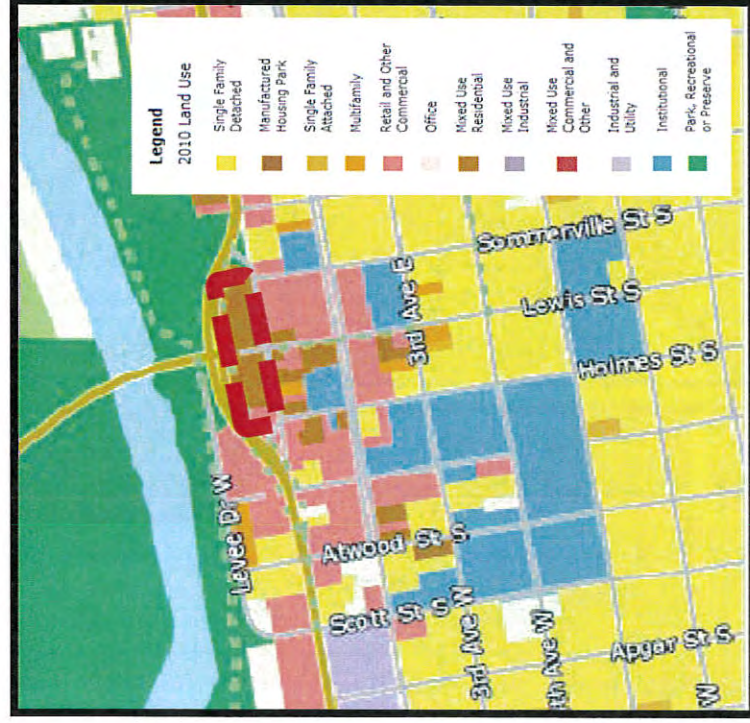




Density of
Development



Suburban 28 units per acre
mixed use

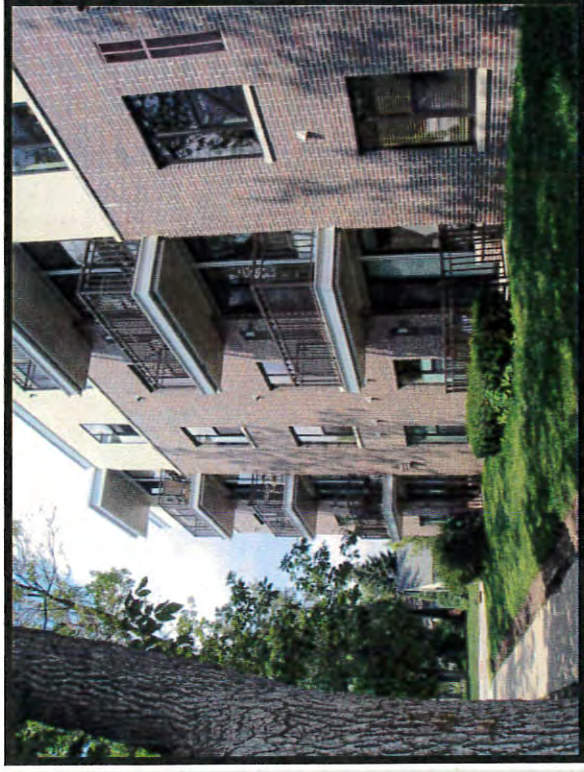
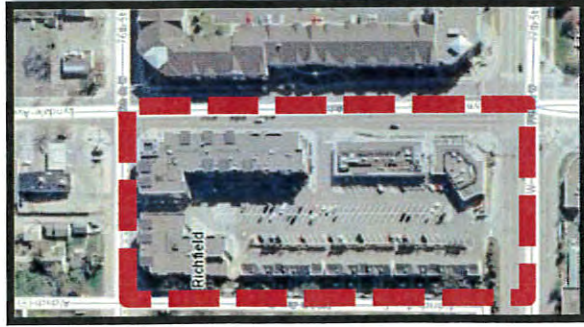




Density of
Development



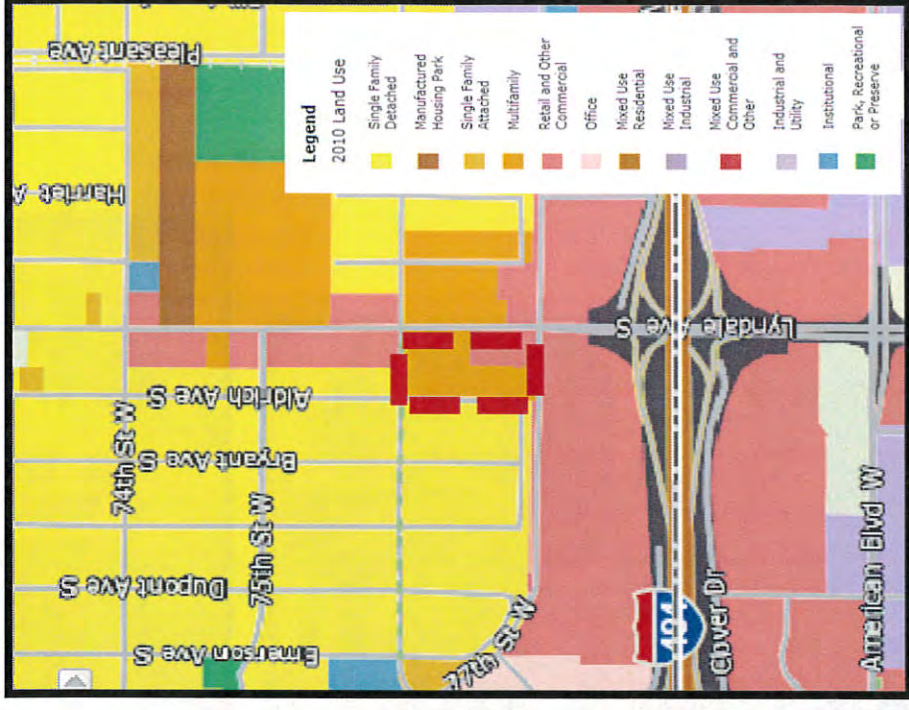
Suburban 32 units per acre (1) mixed use





Density of
Development

Suburban 32 units per acre (2) mixed use



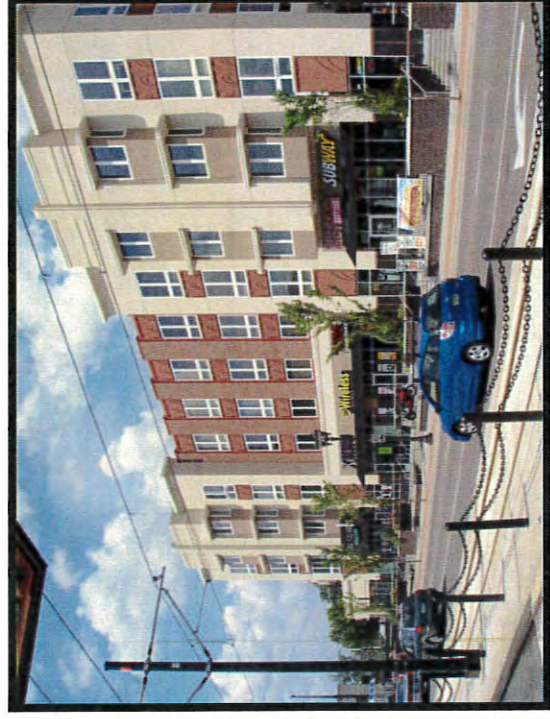
2010 Land Use



Density of
Development



Urban 40 units per acre
mixed use

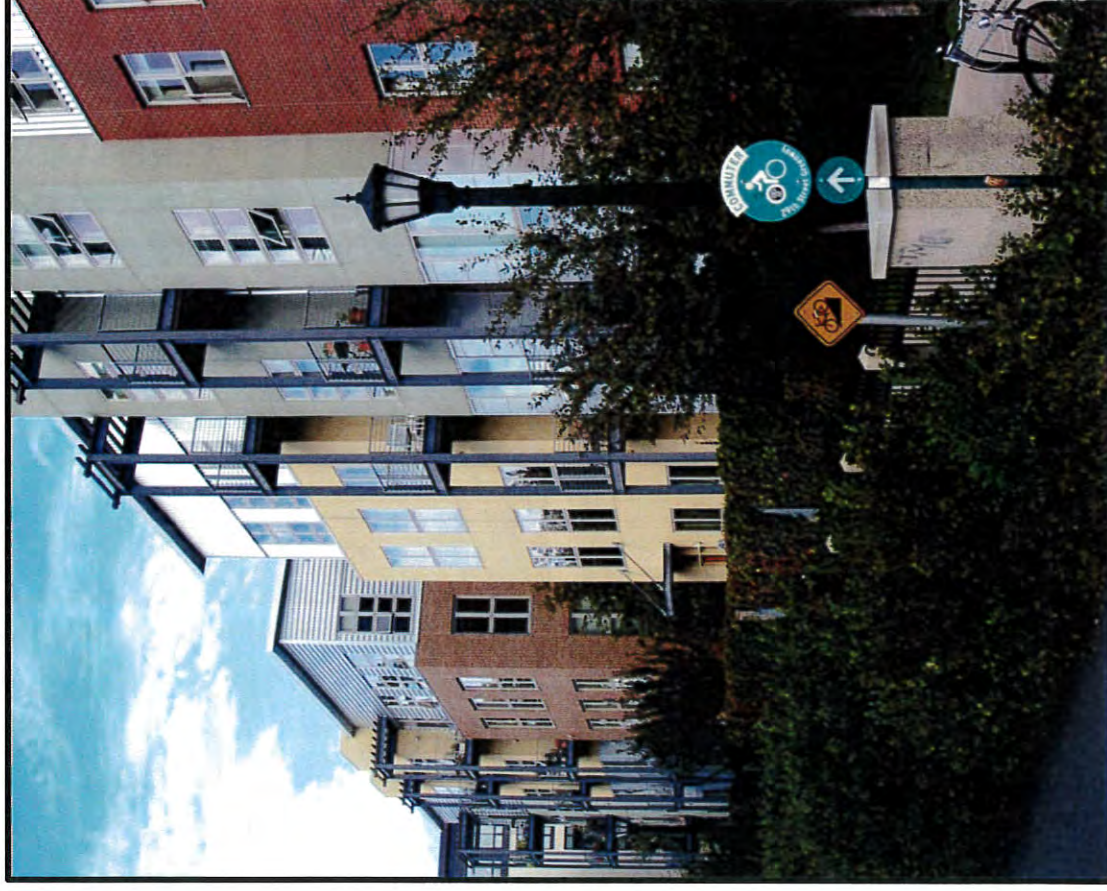




Density of Development



Urban 45 units per acre

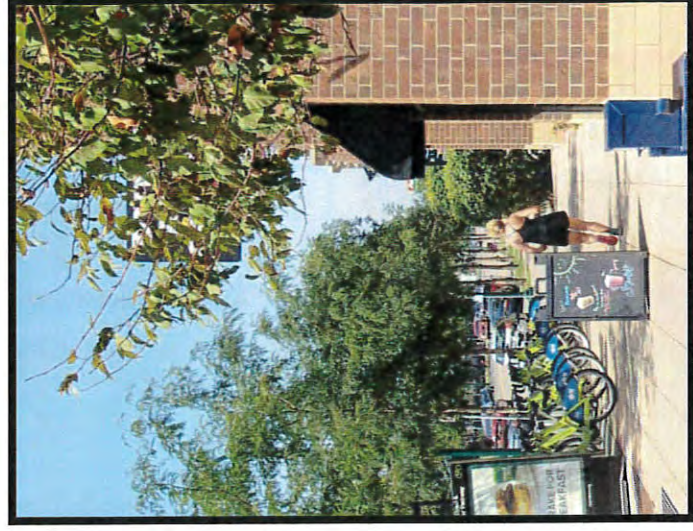
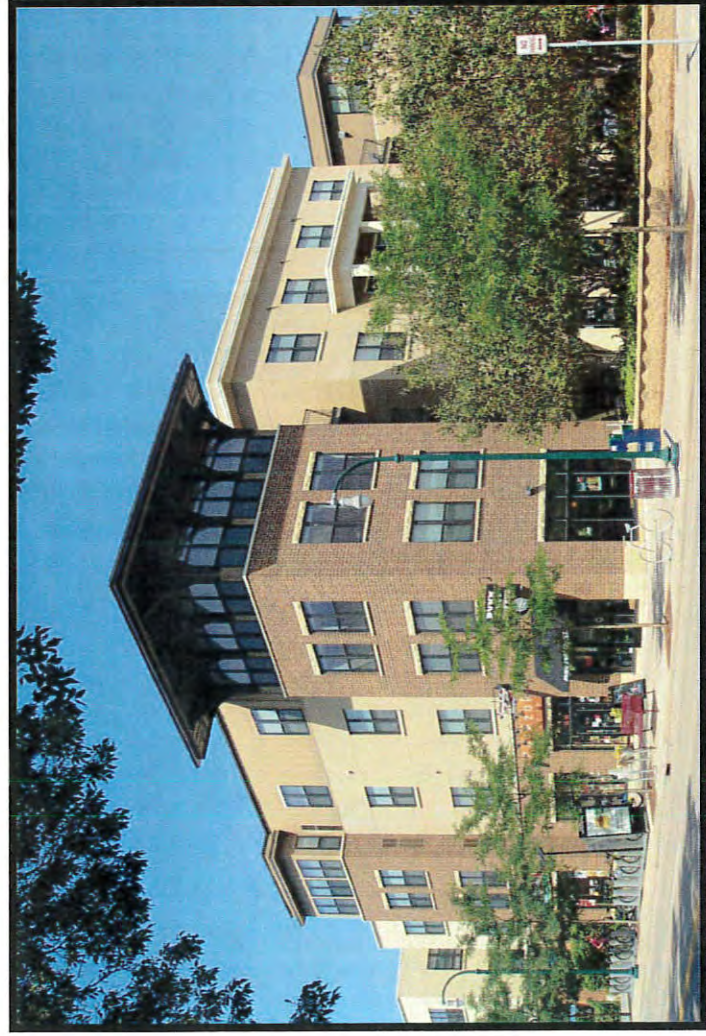
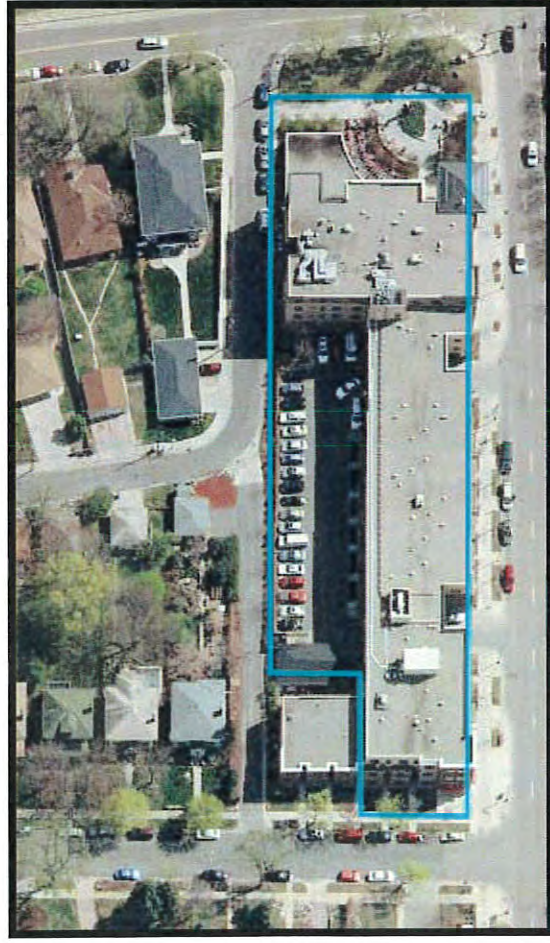




Density of
Development



Urban 46 units per acre Mixed Use

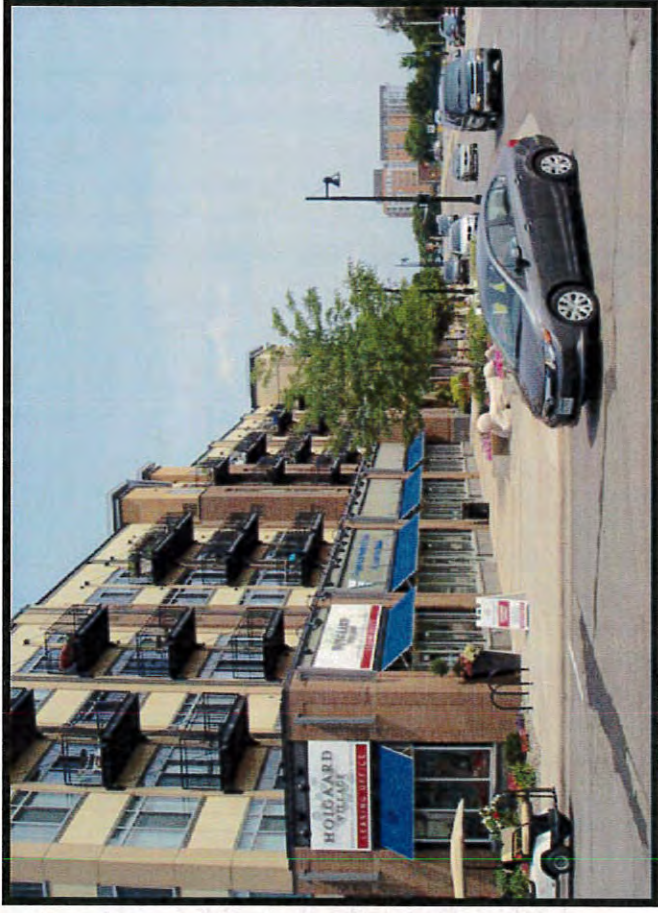


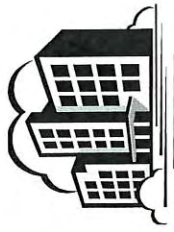


Density of
Development



Suburban 46 units per acre Mixed Use

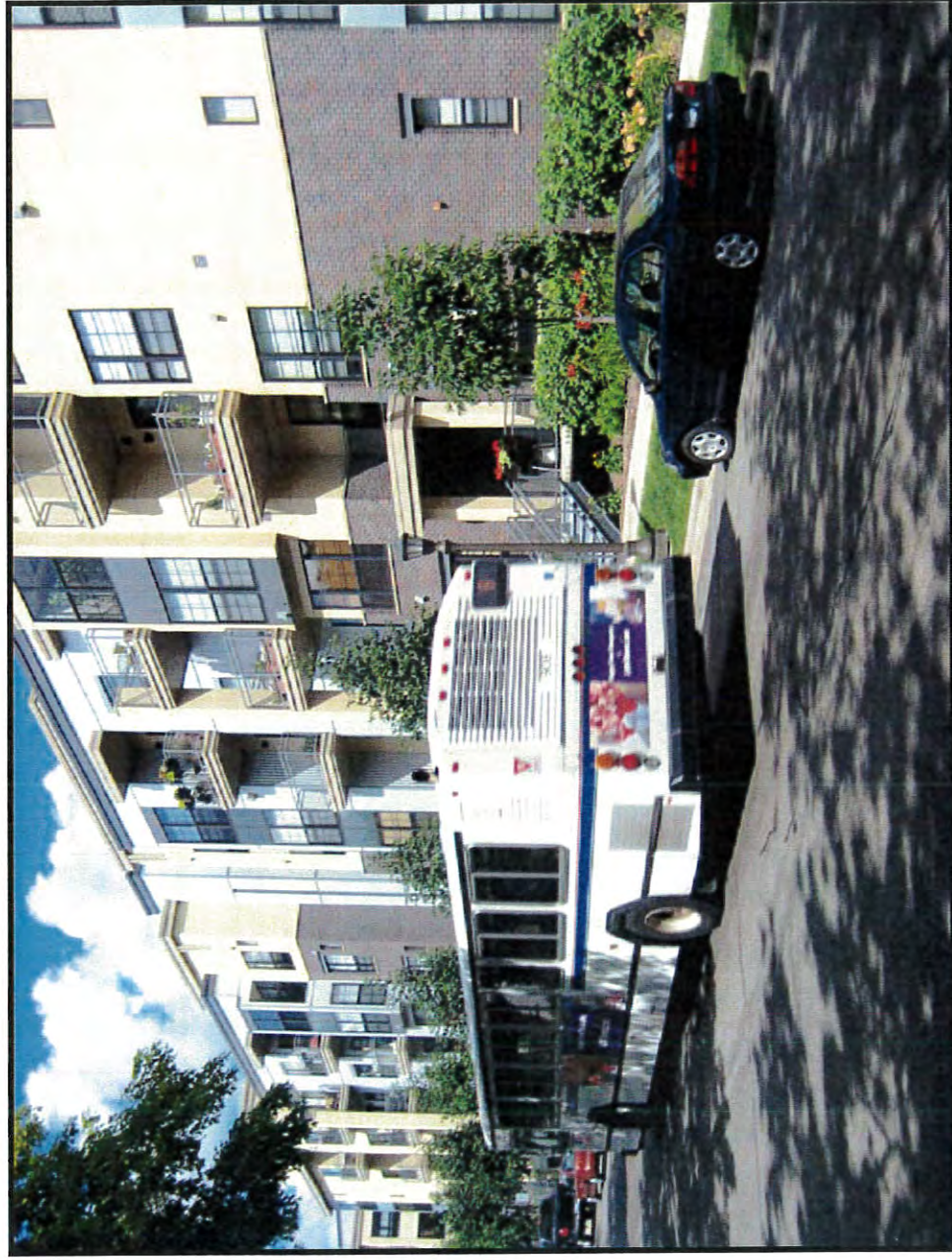




Density of
Development



Urban 59 units per acre (1)

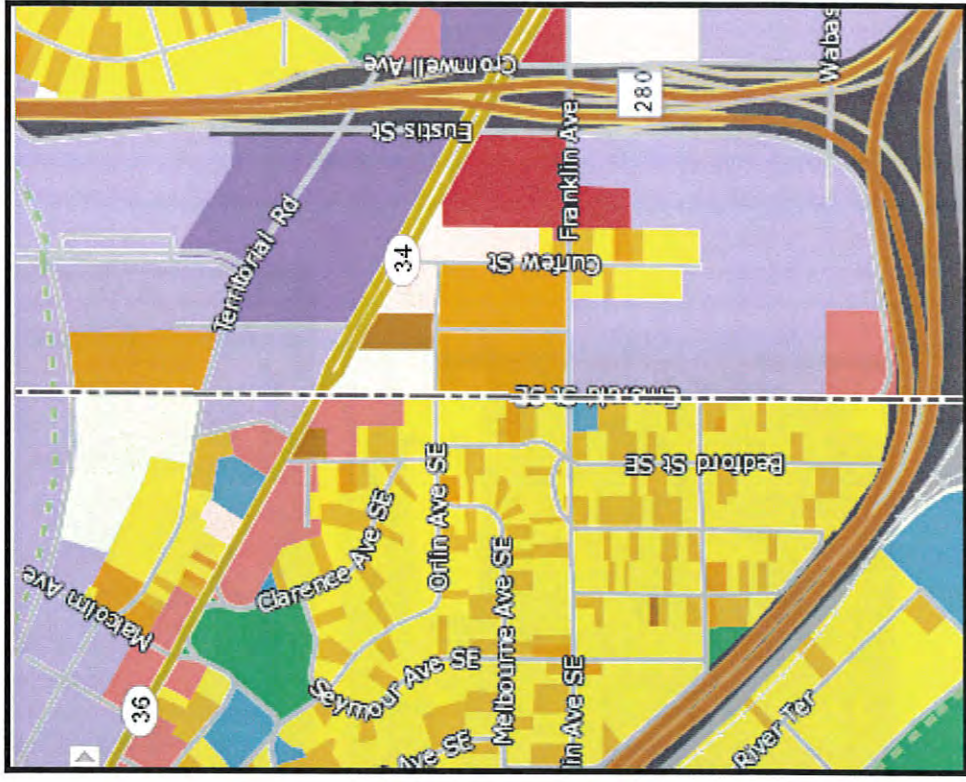




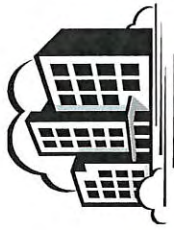
Density of
Development



Urban 59 units per acre (2)



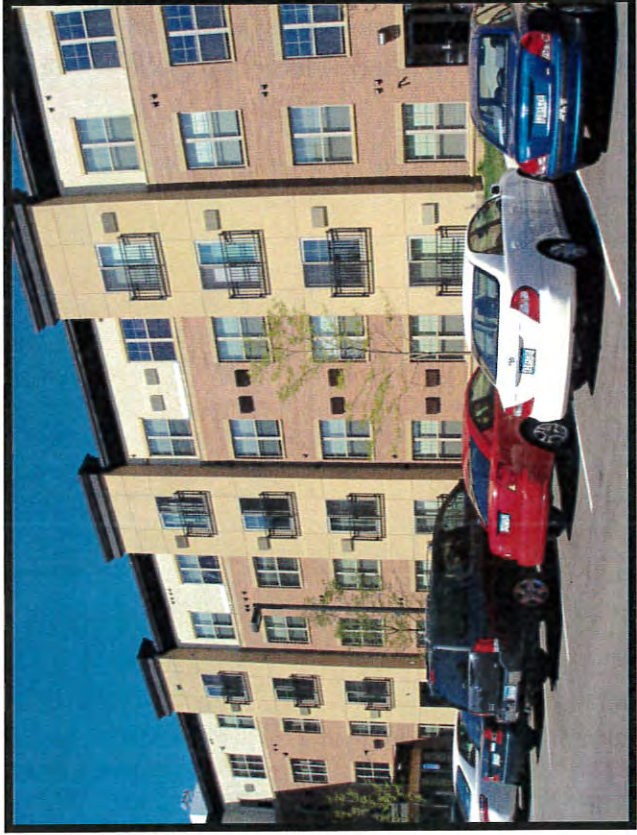
2010 Land Use



Density of
Development



Suburban 64 units per acre

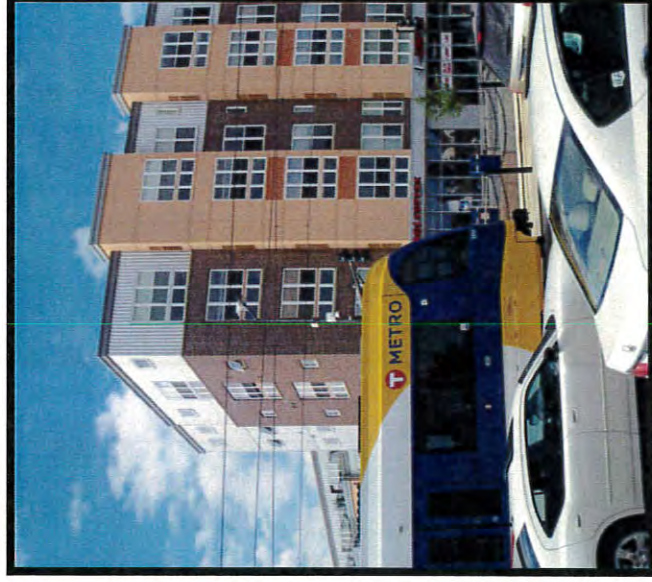


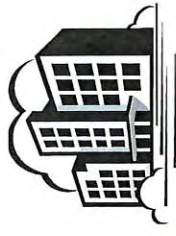


Density of
Development



Urban 74 units per acre (1)

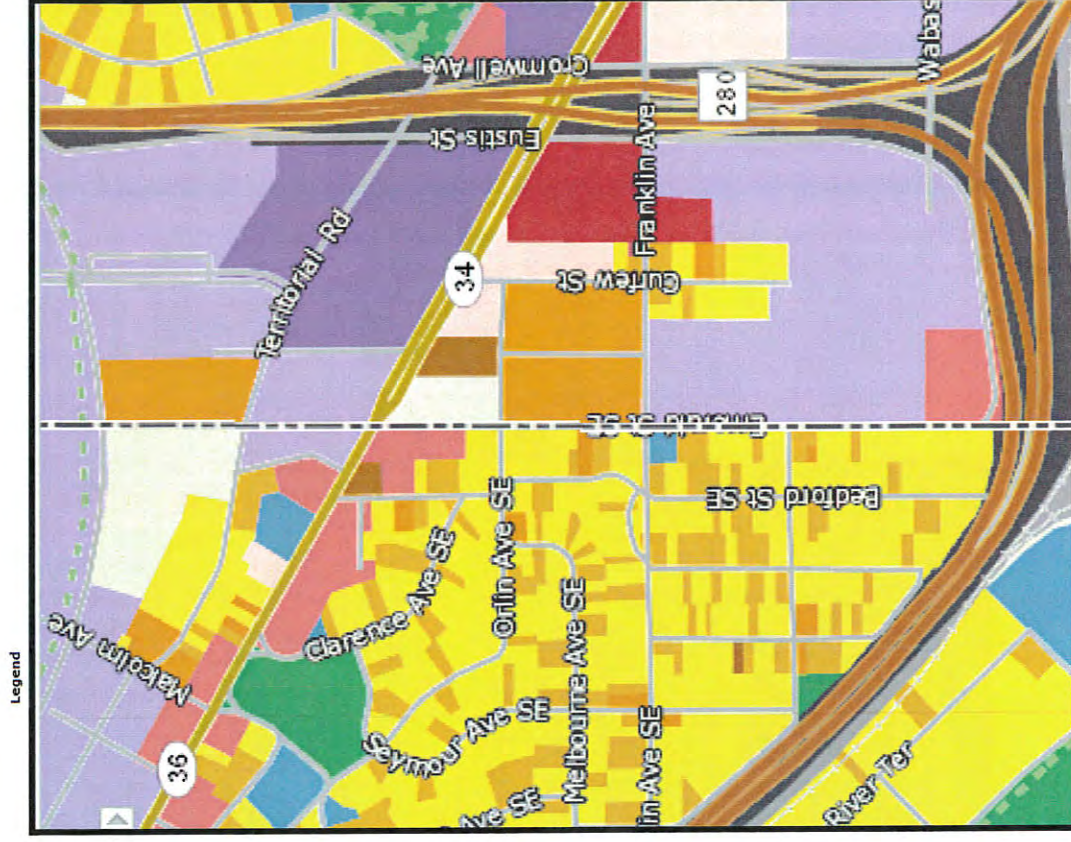
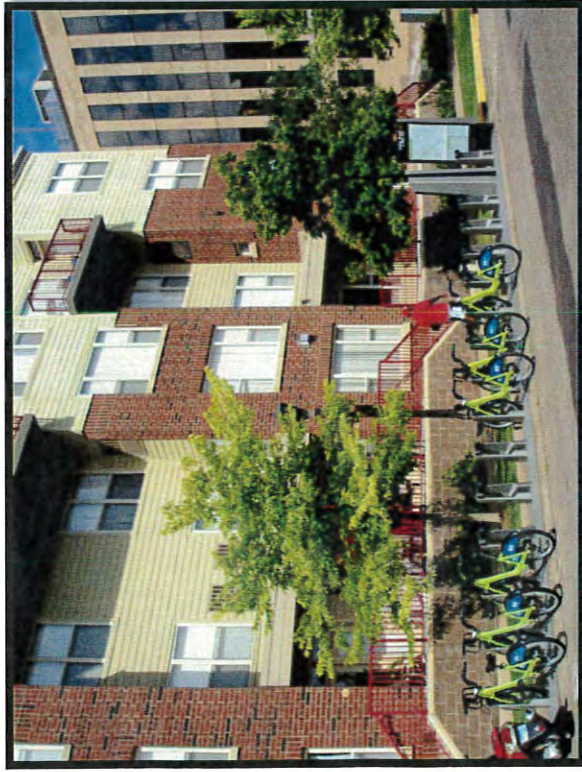




Density of
Development



Urban 74 units per acre (2)



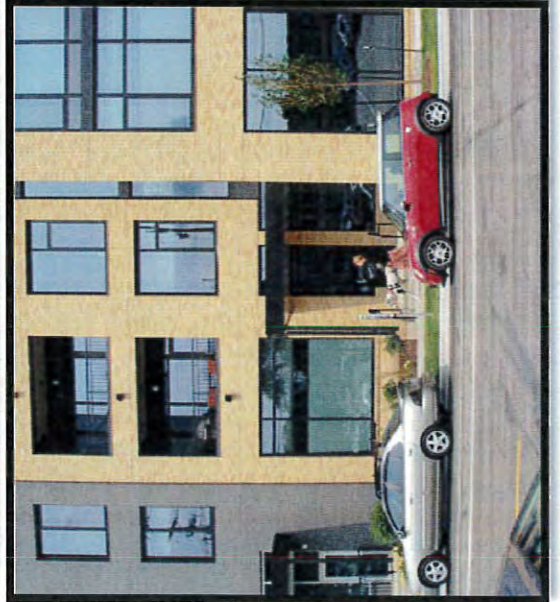
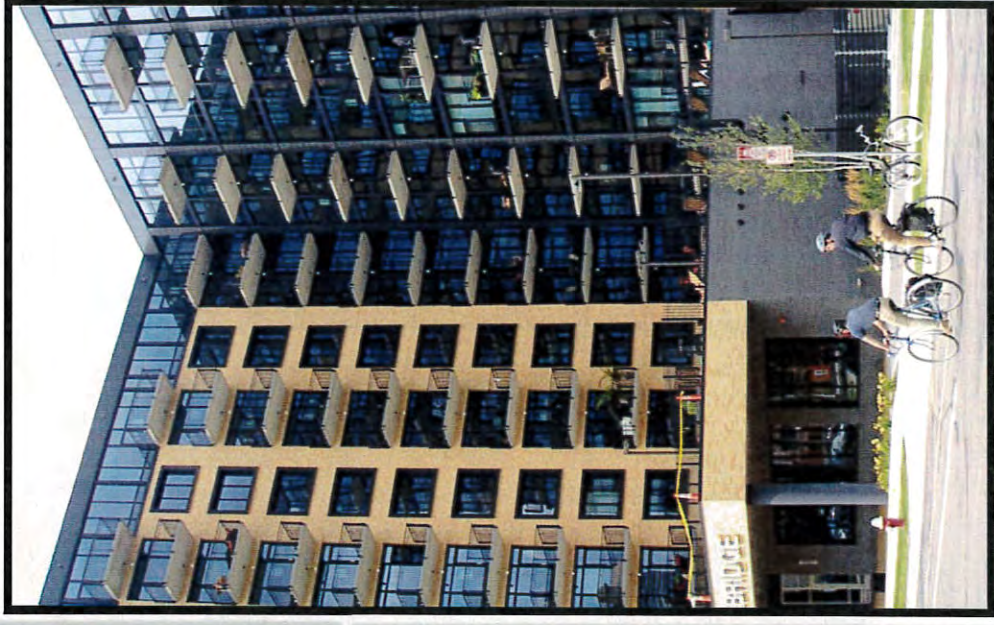
2010 Land Use



Density of
Development



Urban 74 units per acre

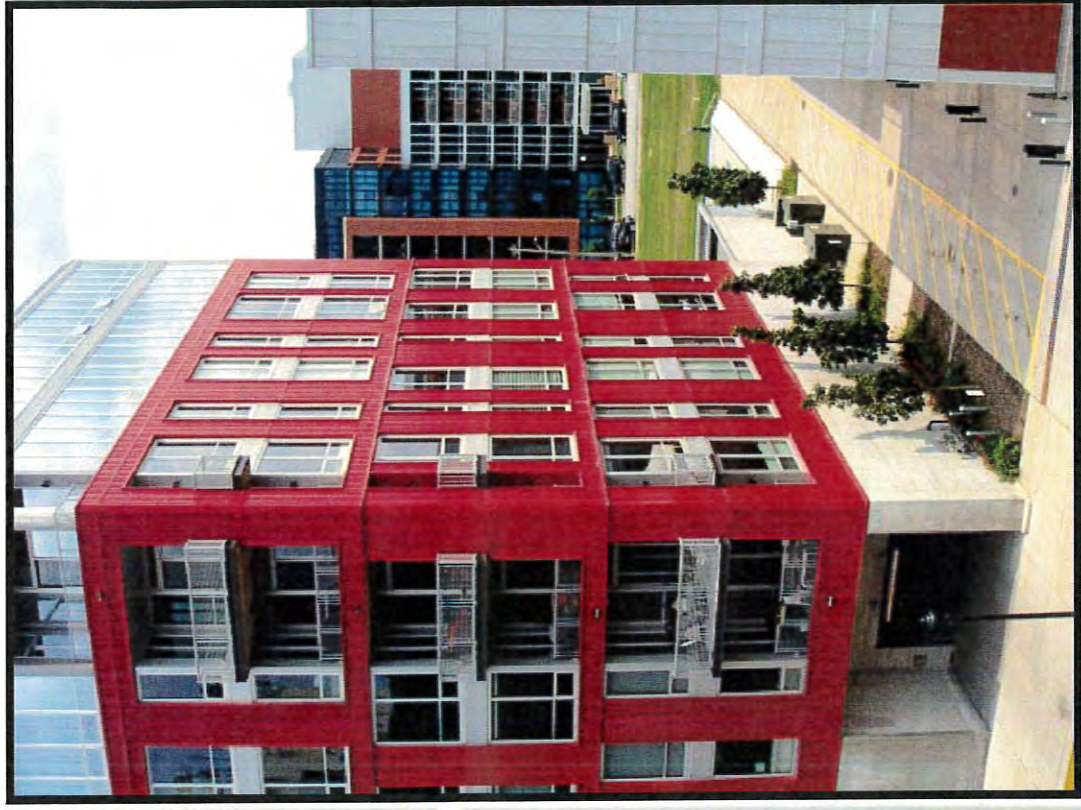




Density of
Development



Urban 79 units per acre





Density of
Development



Urban 80 units per acre



46th Street
Station

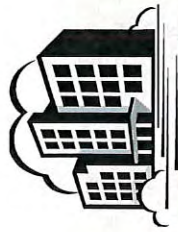




Density of
Development

Suburban 90 units per acre

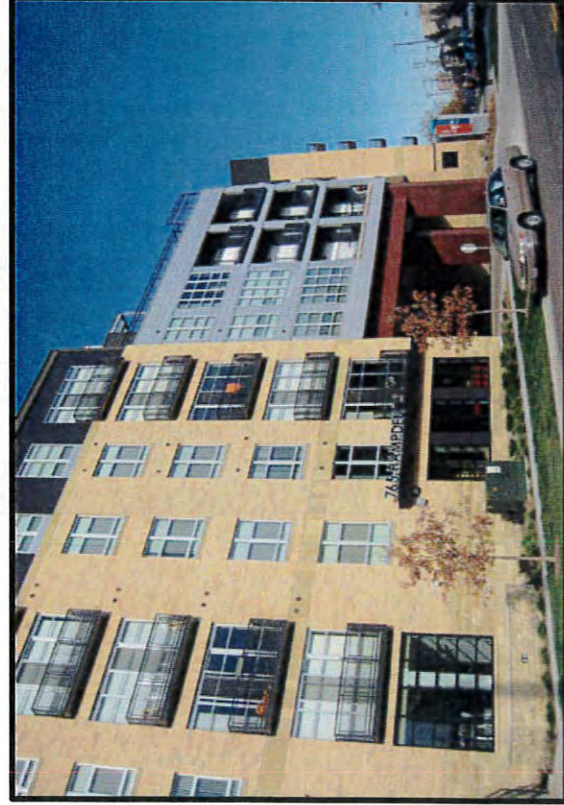
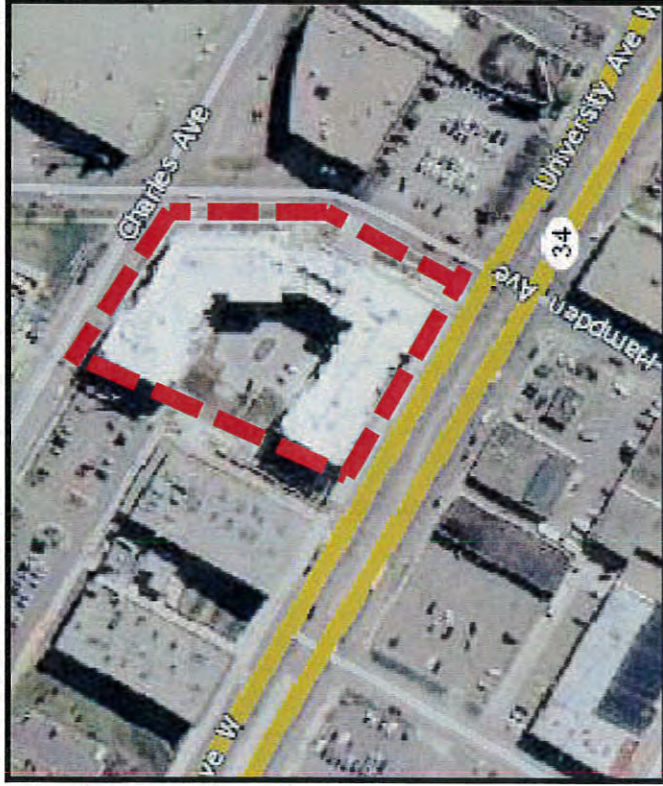


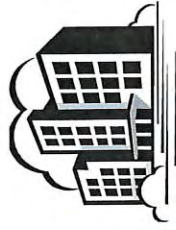


Density of
Development



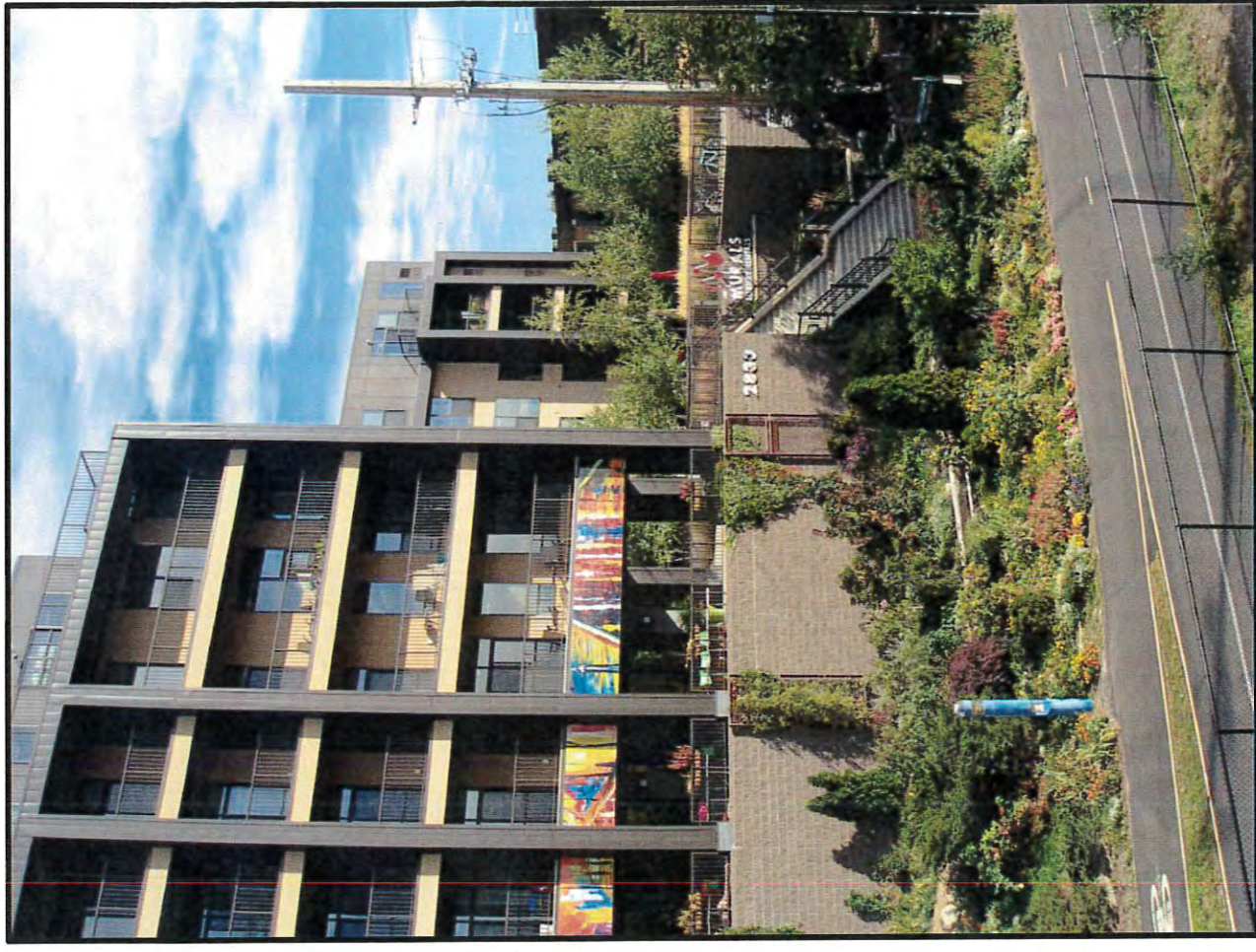
Urban 97 units per acre





Density of
Development

Urban 108 units per acre





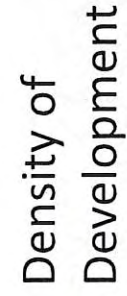


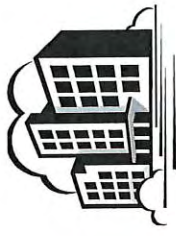
Density of
Development



Urban 135 units per acre



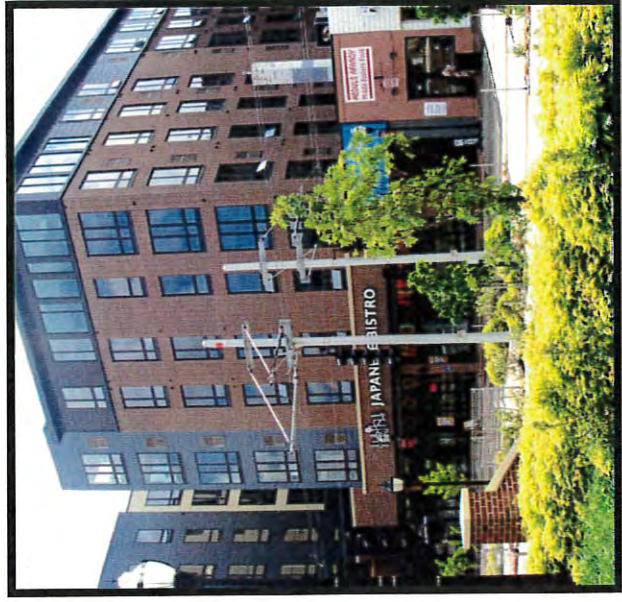
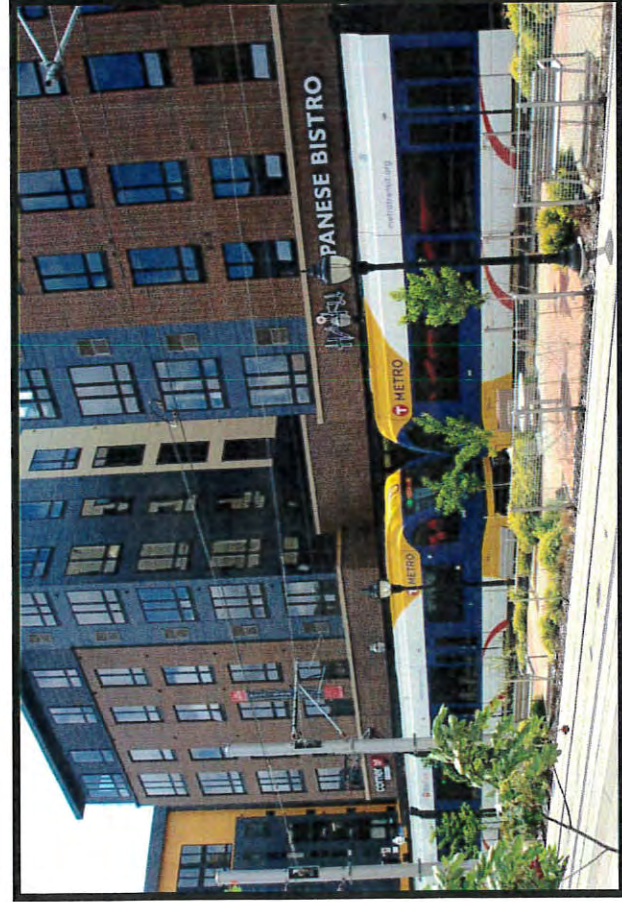
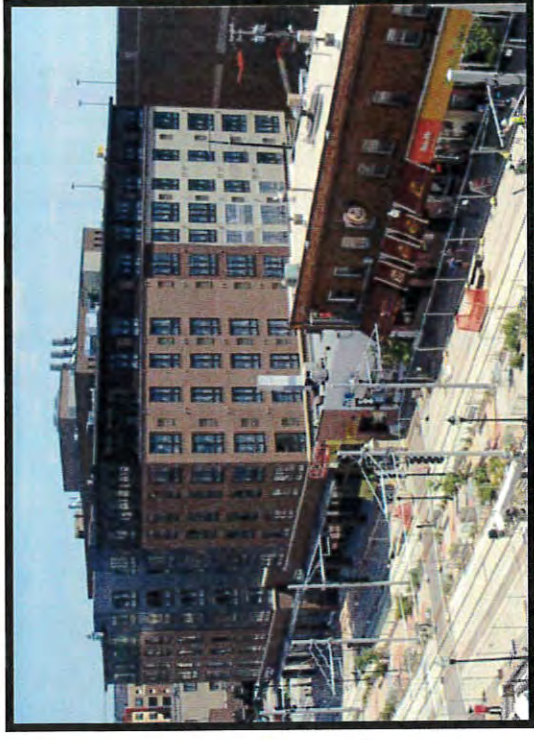




Density of
Development

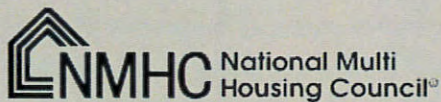


Urban 196 units per acre Mixed use



Higher-Density Development

MYTH AND FACT



Urban Land
Institute

Higher-Density Development

MYTH AND FACT



Urban Land
Institute

About NMHC—the National Multi Housing Council

NMHC is a national association representing the interests of the nation's larger and most prominent apartment firms. NMHC advocates on behalf of rental housing, conducts apartment-related research, encourages the exchange of strategic business information, and promotes the desirability of apartment living. One-third of Americans rent their housing, and 15 percent of all U.S. households live in an apartment home.

Doug Bibby, *President*

About Sierra Club

The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest, and most influential grass-roots environmental organization.

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About AIA—the American Institute of Architects

Since 1857, the AIA has represented the professional interests of America's architects. As AIA members, more than 75,000 licensed architects, emerging professionals, and allied partners express their commitment to excellence in design and livability in our nation's buildings and communities. Members adhere to a code of ethics and professional conduct that assures the client, the public, and colleagues of an AIA-member architect's dedication to the highest standards in professional practice.

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About ULI—the Urban Land Institute

ULI—the Urban Land Institute is a nonprofit educational and research institute supported by its members. Its mission is to provide responsible leadership in the use of land to enhance the total environment. ULI sponsors educational programs and forums to encourage an open exchange of ideas and sharing of experiences; initiates research that anticipates emerging land use trends and issues and proposes creative solutions based on that research; provides advisory services; and publishes a wide variety of materials to disseminate information on land use and development. Established in 1936, the Institute has more than 24,000 members and associates from more than 80 countries representing the entire spectrum of the land use and development disciplines.

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As this country continues to grow and change, communities are left to figure out where all these new people will live, work, and shop. New markets are emerging for real estate that offers a more convenient lifestyle than is offered by many low-density sprawling communities. New compact developments with a mix of uses and housing types throughout the country are being embraced as a popular alternative to sprawl. At the core of the success of these developments is density, which is the key to making these communities walkable and vibrant.

Unfortunately, in too many communities higher-density mixed-use development is difficult to construct because of zoning and building codes that favor low-density development with segregated uses and because of opposition from the community. This publication looks at several myths surrounding higher-density development and attempts to dispel them with facts to help dismantle the many barriers such developments face.

ULI is proud to have partnered with NMHC—the National Multi Housing Council, Sierra Club, and AIA—the American Institute of Architects on this publication. This convergence of interests highlights the importance each organization has placed on finding a new development pattern that better fits the needs of a growing and changing country.

ULI will continue to provide forums in which all stakeholders can explore and debate issues about growth and development patterns and how properly designed and incorporated density can be used to accommodate new growth. ULI will conduct research, produce well-balanced information, and identify best practices on issues relevant to growth and density. Through these efforts, ULI and its partners hope to play a role in planning a better development pattern for the future.

Harry H. Frampton III
Chair

Myth and Fact

America's changing population is creating demand for new types of homes, offices, and retail outlets. Better solutions are needed to the challenges created by changing demographics, dwindling natural areas, smog and public health issues, shrinking municipal budgets, and traffic congestion. Communities that answer these challenges will develop into great places to live.

America will add roughly 43 million new residents—that's 2.7 million new residents per year—between now and 2020.¹ America is not only growing but also undergoing dramatic demographic changes. The traditional two-parent household with children is now less than a quarter of the population and getting proportionally smaller. Single-parent households, single-person households, empty nesters, and couples without children make up the new majority of American households, and they have quite different real estate needs.² These groups are more likely to choose higher-density housing in mixed-density communities that offer vibrant neighborhoods over single-family houses far from the community core.

The fact is that continuing the sprawling, low-density haphazard development pattern of the past 40 years is unsustainable, financially and otherwise. It will exacerbate many of the problems sprawl has already created—dwindling natural areas and working farms, increasingly longer commutes, debilitating traffic congestion, and harmful smog and water pollution. Local officials now realize that paying for basic infrastructure—roadways and schools, libraries, fire, police, and sewer services—spread over large and sprawling distances is inefficient and expensive.

Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it. Planning for growth is a comprehensive and complicated process that requires leaders to employ a variety of tools to balance diverse community interests. Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development. Indeed, well-designed and well-integrated higher-density development makes successful planning for growth possible.

Density refers not only to high-rise buildings. The definition of density depends on the context in which it is used. In this publication, *higher density* simply means new residential and commercial development at a density that is higher than what is typically found in the existing community. Thus, in a sprawling area with single-family detached houses on one-acre lots, single-family houses on one-fourth or one-eighth acre are considered higher density. In more densely populated areas with single-family houses on small lots, townhouses and apartments are considered higher-density development. For many suburban communities, the popular mixed-use town centers being developed around the country are considered higher-density development.

Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally. And across the country, the general public is becoming more informed and engaged in making the tough land use choices that need to be made while understanding the consequences of continuing to grow as we have in the past. Many have also come to appreciate the “place-making” benefits of density and the relationship between higher-density development and land preservation. Media coverage of the topic of growth and development has also evolved. Past media coverage of growth and development issues was often limited to the heated conflicts between developers and community residents. Many in the media are now presenting more thoughtful and balanced coverage, and several editorial boards support higher-density developments in their communities as an antidote to regional sprawl.

Yet despite the growing awareness of the complexity of the issue and growing support for higher-density development as an answer to sprawl, many still have questions and fears related to higher-density development. How will it change the neighborhood? Will it make traffic worse? What will happen to property values? And what about crime? Ample evidence—documented throughout this publication—suggests that well-designed higher-density development, properly integrated into an existing community, can become a significant community asset that adds to the quality of life and property values for existing residents while addressing the needs of a growing and changing population.

Many people's perception of higher-density development does not mesh with the reality. Studies show that when surveyed about higher-density development, those interviewed hold a negative view. But when shown images of higher-density versus lower-density development, people often change their perceptions and prefer higher density.³ In a recent study by the National Association of Realtors® and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They preferred this option over the one with longer commutes and larger lots but limited options for walking.⁴ The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.⁵ Such contradictions point to widespread misconceptions about the nature of higher-density development and sprawl. Several of these misconceptions are so prevalent as to be considered myths.

To some degree, these myths are the result of memories people have of the very-high-density urban public housing projects of the 1960s and 1970s that have been subsequently deemed a failure. Somehow, the concept of density became associated with the negative imagery and social problems of depressed urban areas. The reality

is that complex interrelated factors such as the high concentration of poverty and poor educational and employment opportunities combined to doom the public housing projects. Even very-high-density housing can be practical, safe, and desirable. For example, the mixed-income apartments and condominiums or luxury high rises in New York and Chicago—some of the safest and most expensive housing in the country—prove that density does not equal an unsafe environment.

The purpose of this publication is to dispel the many myths surrounding higher-density development and to create a new understanding of density that goes beyond simplistic negative connotations that overestimate its impact and underestimate its value. Elected officials, concerned citizens, and community leaders can use this publication to support well-designed and well-planned density that creates great places and great communities that people love. With the anticipated population growth and continuing demographic and lifestyle changes, consensus is building that creating communities with a mix of densities, housing types, and uses will be both necessary and desirable.

Higher-Density Development: Myth and Fact is the sixth in a series of Urban Land Institute myth and fact booklets. The series is intended to clarify misconceptions surrounding growth and development. Other topics covered have included transportation, smart growth, urban infill housing, environment and development, and mixed-income housing.

Higher-Density Development: Myth and Fact examines widespread misconceptions related to higher-density development and seeks to dispel them with relevant facts and information. Although the benefits of higher-density development are often understated, so are the detrimental effects of low-density development. The advantages and drawbacks of higher-density development are compared throughout this publication with the alternative of low-density development. In the process, misconceptions regarding low-density development are also addressed.

MYTH

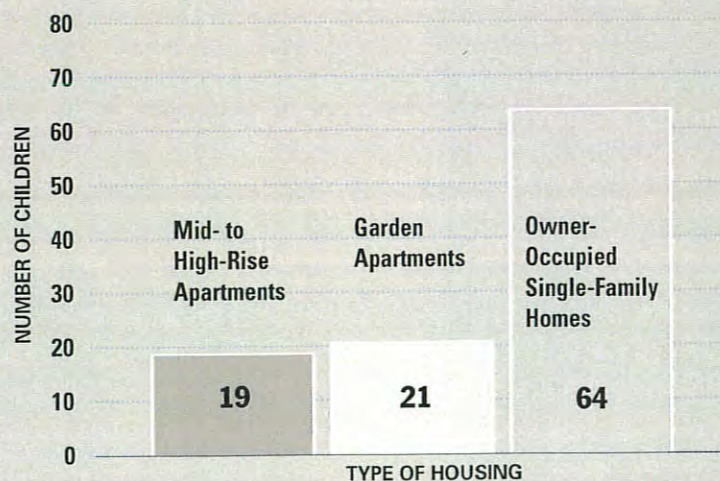
Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.

FACT

The nature of who lives in higher-density housing—fewer families with children—puts less demand on schools and other public services than low-density housing. Moreover, the compact nature of higher-density development requires less extensive infrastructure to support it.

Public officials across the country struggle to afford the infrastructure needed to support sprawling development. A recent study analyzing the costs of sprawl estimated that more than \$100 billion in infrastructure costs could be saved over 25 years by pursuing better planned and more compact forms of development.⁶ The issue has transcended political parties and ideologies and has become an issue of basic fiscal responsibility. California's Republican Governor Arnold Schwarzenegger has criticized "fiscally unsustainable sprawl,"⁷ while Michigan's Democratic Governor Jennifer Granholm has noted that sprawl "is hampering the ability of this state and its local governments to finance public facilities and service improvements."⁸

**NUMBER OF SCHOOL AGE CHILDREN
PER 100 UNITS OF NEW HOUSING**



Source: 1999 American Housing Survey (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1999).

Progressive and conservative groups have identified sprawl as a real problem. Charter of the New Urbanism states that “placeless sprawl” is an “interrelated community building challenge.”⁹ Conservative groups have concluded that “sprawl is in fact a conservative issue” with “conservative solutions” and that “sprawl was in large part created through government intervention in the economy.”¹⁰

Indeed, numerous government policies over the last half century have led to and supported sprawl. Historically, federal spending for transportation has subsidized large-scale highway construction over other modes of transportation. Financing policies from the Federal Housing Administration have promoted suburban subdivisions across the nation. Large lot exclusionary zoning has forced the artificial separation of land uses, leading to large distances between employment centers, housing, and retail. But many government agencies now realize they cannot afford to continue providing the infrastructure and public services that sprawl demands.

Not only do local governments absorb much of the cost of more and more roadways, profoundly longer water and electrical lines, and much larger sewer systems to support sprawling development, they must also fund public services to the new residents who live farther and farther from the core community. These new residents need police and fire protection, schools, libraries, trash removal, and other services. Stretching all these basic services over ever-growing geographic areas places a great burden on local governments. For example, the Minneapolis/St. Paul region built 78 new schools in the suburbs between 1970 and 1990 while simultaneously closing 162 schools in good condition located within city limits.¹¹ Albuquerque, New Mexico, faces a school budget crisis as a result of the need to build expensive new schools in outlying areas while enrollment in existing close-in schools declines.

PROFILE



Located within walking distance of a Washington, D.C., Metro stop, the Market Common provides housing, offices, retail, and restaurants on a ten-acre site that was formerly a parking lot.

The Market Common Clarendon

Located on the site of a former parking lot and occupying roughly ten acres of land, the Market Common in Clarendon, Virginia, just outside Washington, D.C., provides 300 Class A apartments, 87 townhouses, 100,000 square feet of office space, and 240,000 square feet of prime retail space. Located within walking distance of the Orange Line of Washington's extensive subway system, residents can leave their cars parked while they take public transit to work. They can also walk to a Whole Foods grocery store adjacent to the highly successful development. Prominent national retailers occupy the ground level of the building, and structured parking is provided. The compact development form of the Market Common promotes walking, biking, and using public transit over autos. The apartments are attractive to young professionals without children, lessening the impact on the county's

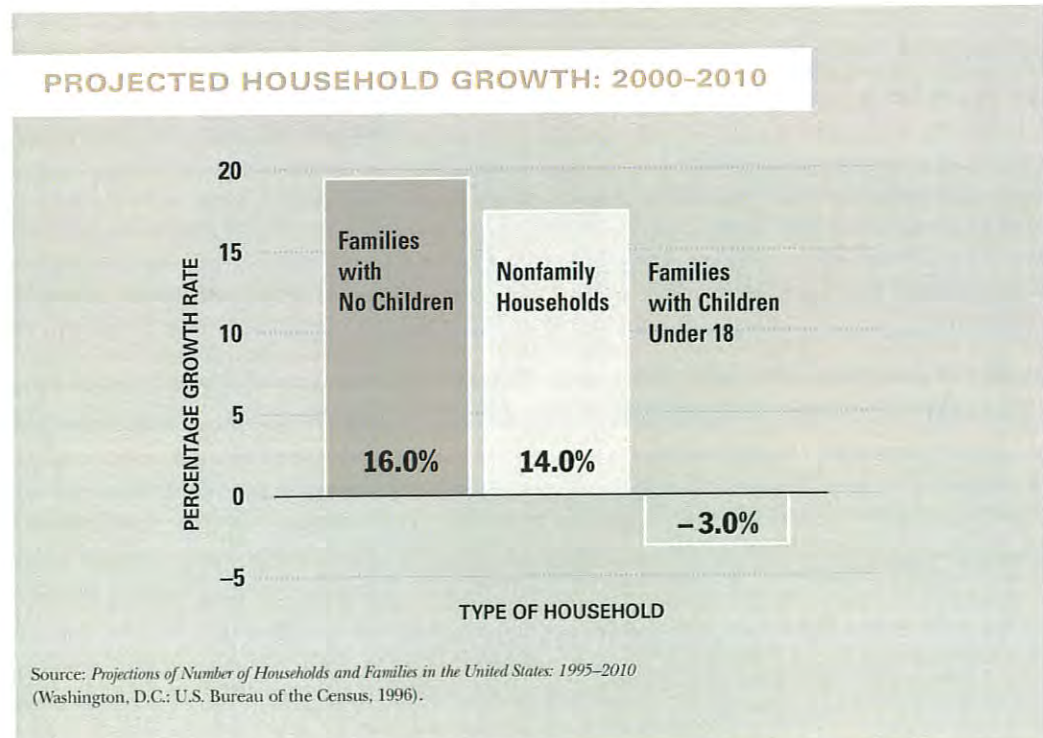
school system. The project is the result of a successful collaboration of McCaffery Interests, Arlington County officials, and citizens of the Clarendon neighborhood; it has spurred new retail, office, and residential construction on neighboring sites.

Unfortunately for local governments, a growing body of evidence shows that sprawling development often does not pay enough property tax to cover the services it requires. A study conducted for a suburban community outside Milwaukee found that public services for an average-price single-family house in that community cost more than twice as much as the property taxes paid by the homeowner.¹²

One reason for the disparity between property tax revenue and the cost of public services is expenditures for public schools. Low-density suburbs and exurban areas generally attract families with more school-age children. In fact, single-family developments average 64 children for every 100 units, compared with only 21 children for every 100 units of garden apartments and 19 children for every 100 units of mid- to high-rise apartments.¹³ The reason is that multifamily housing attracts predominantly childless couples, singles, and empty nesters.

And although apartment renters do not pay property tax directly, apartment owners do. Apartments are also usually taxed at a higher commercial real estate tax rate,¹⁴ so a typical mixed-use development with retail, office, and apartments may subsidize the schools and other public services required by residents of low-density housing in the same community. This phenomenon is further exacerbated because many multifamily developments and retail and office establishments pay for their own trash disposal, shuttle buses, and security.

Reducing the distance between homes, shops, and offices also reduces the cost of public infrastructure. According to one of many studies, “The public capital and operating costs for close-in, compact development [are] much lower than they [are] for fringe, scattered, linear, and satellite development.”¹⁵ And many of these studies do not take into account the advantages created by making public transit



more feasible as well as making delivery of basic services like mail delivery, trash collection, and police and fire protection more efficient.

Another emerging body of research suggests that higher-density development is an important component of economic development initiatives and helps attract new employers. “Information economy” is a term used to define the growing industries based on the economics of the Internet, information goods, and intellectual property. Workers in this field are known as “knowledge workers,” and many believe they are the future of the American economy. These workers are comfortable with the latest technology and, because their skills are transferable, choose their jobs based on the attributes of the town or city where they are located. They seek out vibrant, diverse urban centers that offer access to technology, other knowledge workers, and lifestyle.¹⁶

The economic development game has changed. Employers now follow the workers rather than the other way around. Therefore, communities that focus on providing a high quality of life with the energy and vitality created by urban centers will be much more likely to attract these highly prized, talented, and productive workers than communities of faceless sprawl. Companies that understand the appeal of these communities are making relocation decisions with these workers in mind. Studies have shown that increasing employment density increases labor productivity, generally by reducing commuting times.¹⁷

Thus, introducing higher-density projects into a community will actually increase that community’s revenue without significantly increasing the infrastructure and public service burdens. Blending apartments into low-density communities can help pay for schools without drastic increases in the number of students. Diversifying housing options and adding amenities like shops and offices close by will improve the quality of life and attract businesses and people that will strengthen the community’s economic stability. Increasing density provides a real economic boost to the community and helps pay for the infrastructure and public services that everybody needs.



PROFILE

Highlands' Garden Village

Built on the site of the Elitch Gardens amusement park in Denver, Highlands' Garden Village is a walkable, transit-linked community and a financially viable model for environmentally responsible infill development. New York-based developer Jonathan Rose & Companies developed single-family homes, townhouses, seniors' and multifamily apartments, cohousing, offices, and retail space on the site. At the center, a historic theater and carousel from the original amusement park are being transformed

Highlands' Garden Village reuses some structures from the amusement park previously located on the site. The compact development, combined with a variety of uses and housing types, uses public infrastructure more efficiently than low-density sprawling development.

into a community performing arts center and a walking labyrinth. Berkeley, California-based Calthorpe Associates designed a plan that put new homes on three sides of a square-shaped village and a commercial “main street” on the fourth. Restaurants, studios, and shops line the street with live/work townhouses and offices above, giving residents the opportunity to live, work, and shop in the same community. The proximity of amenities, location near downtown, and convenience of public bus lines encourage people to walk and reduce travel costs.

MYTH

Higher-density developments lower property values in surrounding areas.

FACT

No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.

The precise value of real estate is determined by many factors, and isolating the impact of one factor can be difficult. Although location and school district are the two most obvious determining factors of value, location within a community and size and condition of the house also affect value. Several studies have examined whether multifamily housing has any impact on the value of nearby single-family detached houses. These studies have shown either no impact or even a slightly positive impact on appreciation rates.

PROFILE



HAILE PLANTATION CORPORATION

Haile Plantation

Haile Plantation is a Gainesville, Florida, icon. Although it is denser than surrounding communities, the values of homes in Haile Plantation are often higher than the values of houses in neighboring lower-density communities, because the traditional neighborhood design employed there makes Haile Plantation more desirable and valuable. Beginning with the master plan in 1979, Haile Plantation has been called one of the first new urbanist communities in the country. Developers Bob Rowe and Bob Kramer in conjunction with the Haile Plantation Corporation developed the 1,700-acre site to include more than 2,700 units, ranging from single-family homes to townhouses and garden apartments. The sense of community has only grown with the expansion of the development to include a town center, a village green, trails, civic uses, and offices. Indeed, it is density and diversity that together add value to this popular Florida community.

Homes in Haile Plantation sell for more than neighboring homes because prospective buyers view the traditional neighborhood design as a valuable and desirable amenity.

For instance, one study by the National Association of Home Builders looked at data from the American Housing Survey, which is conducted every two years by the U.S. Census Bureau and the Department of Housing and Urban Development. It found that between 1997 and 1999, the value of single-family houses within 300 feet of an apartment or condominium building went up 2.9 percent a year, slightly higher than the 2.7 percent rate for single-family homes without multifamily properties nearby.¹⁸

Another study, commissioned by the Family Housing Fund in Minnesota, studied affordable apartments in 12 Twin Cities neighborhoods and found “little or no evidence to support the claim that tax-credit family rental developments in [the] study eroded surrounding home values.”¹⁹ And a long-term study by Harvard University’s Joint Center for Housing Studies published in 2003 also confirms that apartments pose no threat to nearby single-family house values, based on U.S. Census data from 1970 to 2000.²⁰

Not only is there compelling evidence that increased density does not hurt property values of nearby neighbors: researchers at Virginia Tech University have concluded that over the long run, well-placed market-rate apartments with attractive design and landscaping actually increases the overall value of detached houses nearby.²¹ They cite three possible reasons. First, the new apartments could themselves be an indicator that an area’s economy is vibrant and growing. Second, multifamily housing may increase the pool of potential future homebuyers, creating more possible buyers for existing owners when they decide to sell their houses. Third, new multifamily housing, particularly as part of mixed-use development, often makes an area more attractive than nearby communities that have fewer housing and retail choices.²²

PROFILE

Echelon at Lakeside

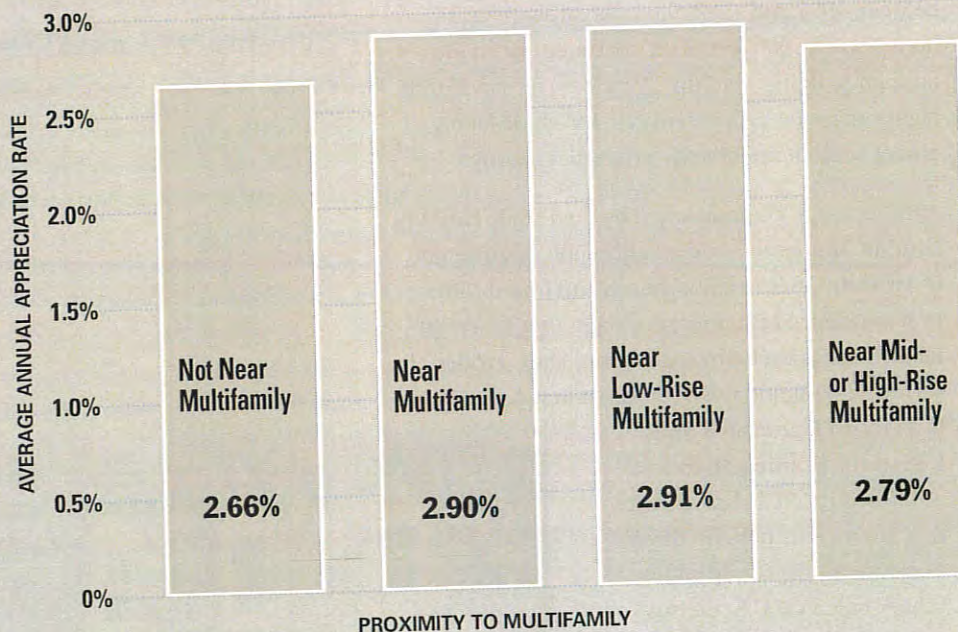
Echelon at Lakeside is the only multifamily development in an upscale, master-planned single-family suburban neighborhood of Lakeside on Preston in Plano, Texas a suburb of Dallas. Florida-based developers Echelon Communities, LLC, overcame initial community opposition from area residents through high-quality innovative design. The award-winning architecture blends seamlessly with the surrounding neighborhood’s traditional style. Larger-than-normal floor plans, individual entries, and attached garages combine to mirror the grand



The award-winning apartments at Echelon at Lakeside were designed to blend with the neighboring luxury homes.

estates in the surrounding communities. Although street elevations make the buildings appear to be one single-family home, they actually house several multifamily units. Memphis-based architects Looney Ricks Kiss used five building types and three building styles. All units include high-quality interior finishes; community amenities include a resort-style pool, fitness facility, clubroom, business and conference center, and full-time concierge.

AVERAGE ANNUAL APPRECIATION FOR SINGLE-FAMILY DETACHED HOMES BY NEARNESS TO MULTIFAMILY BUILDINGS



Source: NAHB computations based on data in the *American Housing Survey*: 1997 and 1999 (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1997 and 1999).

Concerned citizens should use the entitlement process to demand high-quality development in their communities while understanding that density and adjacent property values are not inversely related. Higher-density real estate developers and investors in higher-density real estate need to appreciate the fact that most Americans' wealth is held in their home equity. Therefore, changes in property values can have very real consequences to existing property owners. Likewise, homeowners would benefit from knowing that developers make a substantial financial commitment when investing in new higher-density projects. This investment is an incentive to make the project successful, which can give the community leverage in working with the developer. Such interrelated and overlapping economic interests among these stakeholders make it all the more likely that a mutually beneficial agreement can be reached. Such an agreement can result in a project that enhances the existing community, ensures the appreciation of residents', developers', and the local government's financial interests, and addresses the needs of current and future residents of the community and region.

3 MYTH FACT

Higher-density development creates more regional traffic congestion and parking problems than low-density development.

Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.

Most people assume that higher-density development generates more traffic than low-density development and that regional traffic will get worse with more compact development. In fact, the opposite is true. Although residents of low-density single-family communities tend to have two or more cars per household, residents of high-density apartments and condominiums tend to have only one car per household.²³ And according to one study using data from the National Personal Transportation Survey, doubling density decreases the vehicle miles traveled by 38 percent.²⁴

PROFILE

Mockingbird Station

The residents of Mockingbird Station in Dallas, Texas, are far less dependent on their cars, because they have a whole host of amenities at their doorstep. Dallas developer Ken Hughes partnered with Denver-based Simpson Housing Group to create the ten-acre pedestrian-oriented urban village, which includes 216 loft apartments, an eight-screen film center and café, more than 90 shops and restaurants, offices, an enclosed public plaza, and parking, all directly linked to the Dallas Area Rapid Transit (DART) light-rail system. Mockingbird Station provides direct platform access to DART trains, which offer residents an eight-minute commute to Dallas's central business district and a single train connection to the Dallas Convention Center, Reunion Arena, and other downtown entertainment. The new village is also immediately adjacent to the campus of Southern Methodist University and within walking distance of the university's new stadium and sports center. RTKL created architecture reminiscent of historic train stations but with a modern twist to the materials and detailing. Although only limited driving is necessary, a parking garage is provided but placed out of sight and underground. The myriad materials, architectural styles, and amenities create a vibrant transit-oriented community.



Residents of Mockingbird Station can leave their cars in the garage and take an eight-minute train ride to downtown Dallas; they can also walk to shops, offices, and a movie theater.

The reason is that higher-density developments make for more walkable neighborhoods and bring together the concentration of population required to support public transportation. The result is that residents in higher-density housing make fewer and shorter auto trips than those living in low-density housing.²⁵ Condominium and townhouse residents average 5.6 trips per day and apartment dwellers 6.3 car trips per day, compared with the ten trips a day averaged by residents of low-density communities. (A trip is defined as any time a car leaves or returns to a home.)

Increasing density can significantly reduce dependency on cars, but those benefits are even greater when jobs and retail are incorporated with the housing. Such mixed-use neighborhoods make it easier for people to park their car in one place and accomplish several tasks, which not only reduces the number of car trips required but also reduces overall parking needs for the community. But if retail uses are to survive, they must be near households with disposable income. Having those households within walking distance of the shops builds in a market for the stores. One study indicates that in some markets, 25 to 35 percent of retail sales must come from housing close to shops for the shops to be successful.²⁶

PROFILE

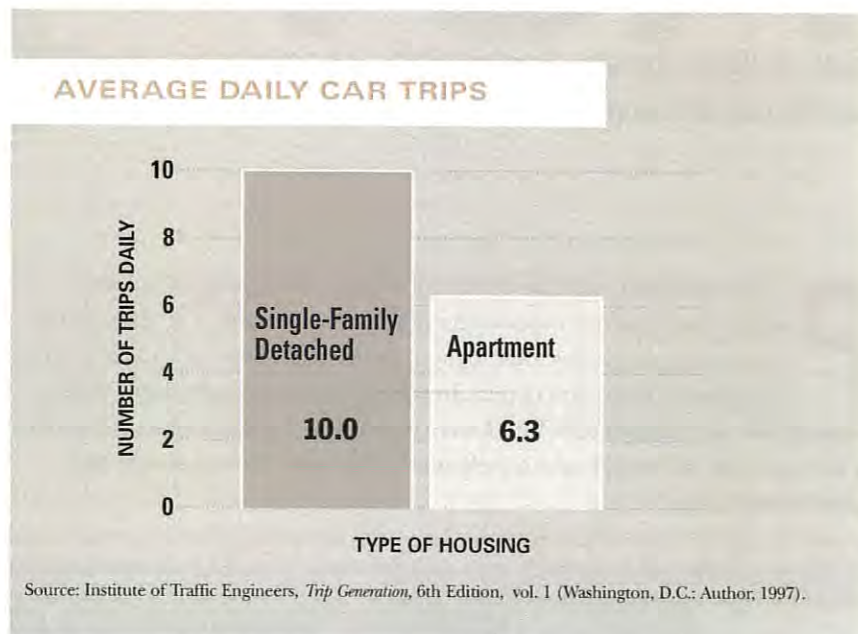
Southwest Station

The Southwest Metro Transit Commission is a small suburban bus system near Minneapolis that serves downtown Minneapolis and numerous other employment and recreation centers, including Minnesota Twins baseball games. The American Public Transportation Association calls it the "best small system in the country." In an effort to capitalize and expand on the success of the system, the commission has encouraged transit-oriented development at its bus stops. In Eden Prairie, Minnesota, the commission completed a bus depot and five-story parking garage on 22 acres of excess right-of-way. In 2001, it started selling land around the transit complex for retail and residential development. Restaurants, shops, and more than 250 apartments, condominiums, and townhouses soon followed. The new development generated revenue for the commission, new public transit riders, affordable convenient housing, and a suburban lifestyle with the amenities usually afforded only to city dwellers.



The Southwest Metro Transit Commission in suburban Minneapolis runs an award-winning bus system and has encouraged higher-density development around transit stops, like this one at Southwest Station in Eden Prairie, Minnesota.

With a typical family now making more car trips for family, personal, social, and recreational reasons than for commuting to work,²⁷ reducing the number of noncommuting trips takes on greater importance in the battle to reduce traffic congestion and parking problems. A case study in Washington, D.C., found that workers in dense downtown Washington made 80 percent of their mid-day trips by foot while suburban workers made 67 percent of their mid-day trips by car.²⁸ Although a suburban office park would never reach the density levels of a downtown area, planners can still reduce the auto dependency of suburban office workers by using some of the same design techniques. Concentrating density around



suburban offices, allowing and encouraging retail and restaurants in and near the offices, and planning for pedestrian and bike access can all reduce the number of lunchtime car trips required by office workers.

Higher-density mixed-used developments also create efficiencies through shared parking. For example, office and residential uses require parking at almost exact opposite times. As residents leave for work, office workers return, and vice versa. In addition, structured parking becomes feasible only with higher-density developments.

Higher-density development also makes public transit more feasible. When a community that includes residences, shops, and offices reaches a certain threshold of density, public transit-shuttles, bus service, trams, or light rail becomes an option for residents. It is estimated that a minimum density of seven dwelling units per acre is needed to make local bus service feasible with an intermediate level of service.²⁹ Light rail needs a minimum density of nine dwelling units per acre to be feasible.³⁰ When a community can take advantage of these options and increase the transportation choices for residents, relief is greater as total car dependency is further broken. Such choices are impossible for low-density developments.

MYTH

Higher-density development leads to higher crime rates.

FACT

The crime rates at higher-density developments are not significantly different from those at lower-density developments.

People sometimes associate density with crime, even though numerous studies show that no relationship exists between the two. A study in Irving, Texas, using geographic information systems and crime statistics, found no link between crime and density. In fact, it found that single-family neighborhoods are “not all associated with lower crime rates.”³¹ Another study conducted by the University of Alaska found no relationship between housing density and crime in Anchorage.³²

PROFILE

Westminster Place

Although today Westminster Place is a thriving, safe community in midtown St. Louis, it was not always the case. The area, approximately 90 acres, was well known by the St. Louis police department for its high rate of violent crime, which led to the area's becoming blighted. McCormack Baron Salazar, a St. Louis-based developer, brought the community back through the addition of higher-density mixed-income housing comprising affordable and market-rate units. The master plan included for-sale and rental housing, garden apartments, townhouses, single-family homes, and even an assisted living facility for seniors. A new community pool, a bustling retail center, and a magnet school are included as well. The new plan slowed traffic through the community, added landscaping and street and parking lot lighting, and new “eyes on the street,” making it more difficult for criminals to go unnoticed. The area blossomed into a place where people once again feel safe walking. The success of the community spurred the revitalization of surrounding areas.



MCCORMACK BARON SALAZAR

Increasing the housing density, adding some market-rate housing, and developing a design that slowed traffic and added additional lighting changed Westminster Place from a crime-ridden neighborhood to a thriving, safe community.

PROFILE

East Village

East Village is a small urban revitalization project on the edge of downtown Minneapolis. Before the project was built, the neglected 2.9-acre site contained several deteriorating rental homes, old commercial buildings, and abandoned surface parking lots. The neighborhood wanted to improve the area and the image of one of the city's oldest neighborhoods, Elliot Park. The developers of the project, Central Community Housing Trust and East Village Housing Corporation, developed the new mixed-income housing and commercial community to encourage a sense of community and ownership. East Village now features community green space, pedestrian paths, and neighborhood businesses. Buildings surround the greenway that leads to Elliot Park, a city park with year-round activities and a community center. Brick, bay windows, and French balconies complement historic buildings in the area. In addition, all buildings have multiple entrances to encourage interaction among neighbors. An underground 350-space parking garage frees up space for landscaped areas. This once neglected area has won two awards for innovation and design and become an exceedingly successful vibrant and safe community.



The additional “eyes on the street” created by the development of East Village in Minneapolis has led to a safer vibrant community.

Arizona researchers found that when police data are analyzed per unit, apartments actually create less demand for police services than a comparable number of single-family houses. In Tempe, Arizona, a random sample of 1,000 calls for service showed that 35 percent originated from single-family houses and just 21 percent came from apartments. Similarly, a random sample of 600 calls for service in Phoenix, Arizona, found that an apartment unit's demand for police services was less than half of the demand created by a single-family house.³³

One reason for the misperception that crime and density are related could be that crime reports tend to characterize multifamily properties as a single “house” and may record every visit to an apartment community as happening at a single house. But a multifamily property with 250 units is more accurately defined as 250 houses. To truly compare crime rates between multifamily properties and single-family houses, the officer would have to count each household in the multifamily community as the equivalent of a separate single-family household. When they do so, many find what the previous studies prove: that crime rates between different housing types are comparable.

Higher-density developments can actually help reduce crime by increasing pedestrian activity and fostering a 24-hour community that puts more “eyes on the street”³⁴ at all times. Many residents say they chose higher-density housing specifically because they felt more secure there; they feel safer because there are more people coming and going, making it more difficult for criminals to act without being discovered. This factor could explain why a ULI study of different housing types in Greenwich, Connecticut, shows that higher-density housing is significantly less likely to be burglarized than single-family houses.³⁵ The relationships among design, management, and security became better understood in the past few decades with the publication of several seminal works, including *Defensible Space: Crime Prevention through Urban Design* by Oscar Newman³⁶ and *Fixing Broken Windows: Restoring Order and Reducing Crime in our Communities* by George Kelling and Catherine Coles.³⁷ Many new higher-density developments include better lighting plans and careful placement of buildings and landscaping to reduce opportunities for crime, contributing to a safer community.

With the emergence of better-quality designs, higher-density mixed-use development is an attractive and safe addition to a community, one that is increasingly attracting a professional constituency seeking safety features. In fact, the luxury segment is one of the fastest-growing components of the multifamily industry.³⁸

5 MYTH FACT

Higher-density development is environmentally more destructive than lower-density development.

Low-density development increases air and water pollution and destroys natural areas by paving and urbanizing greater swaths of land.

Low-density sprawl takes an enormous toll on our air, water, and land. The United States is now losing a staggering 2 million acres of land a year to haphazard, sprawling development.³⁹ More than 50 percent of Americans live in places where the air is unhealthy to breathe,⁴⁰ and childhood asthma and other respiratory diseases are on the rise.⁴¹ Almost half the damage to our streams, lakes, and rivers is the result of polluted runoff from paved surfaces.⁴²

It is inefficient land use, not economic growth, that accounts for the rapid loss of open space and farms. Since 1994, housing lots larger than ten acres have accounted for 55 percent of the land developed.⁴³ This loss of land often causes unexpected economic challenges for rural communities, where farmland, forests, ranchland, and open space tend to be the economic drivers that attract businesses, residents, and tourists. Low-density sprawl compromises the resources that are the core of the community's economy and character. The majority of American homeowners think it is important to stop these trends. In fact, 76 percent of local ballot initiatives related to land conservation passed in November 2004, making \$2.4 billion in funding available for protection of parks and open space.⁴⁴ But purchasing land is only part of the solution and not always an option for financially strapped governments.

Higher-density development offers the best solution to managing growth and protecting clean air and clean water. Placing new development into already urbanized areas that are equipped with all the basic infrastructure like utility lines, police and fire protection, schools, and shops eliminates the financial and environmental costs of stretching those services farther and farther out from the core community. Compact urban design reduces driving and smog and preserves the natural areas that are assets of the community: watersheds, wetlands, working farms, open space, and wildlife corridors. It further minimizes impervious surface area, which causes erosion and polluted stormwater runoff. Two studies completed for the state of New Jersey confirm that compact development can achieve a 30 percent reduction in runoff and an 83 percent reduction in water consumption compared with conventional suburban development.⁴⁵

PROFILE

Prairie Crossing

The developers of Prairie Crossing, George and Vicky Ranney, saved \$1 million in infrastructure costs through environmentally sensitive design. The 677-acre conservation community is located in Grayslake, Illinois, 40 miles northwest of Chicago and one hour south of Milwaukee. The community features 350 acres of open space, including 160 acres of restored prairie, 158 acres of active farmland, 13 acres of wetlands, a 22-acre lake, a village green, and several neighborhood parks. Houses are sited to protect natural features such as hedge-rows, native habitat, and wetlands. Designed with colors and architecture inspired by the landscape, every home has a view of open space and direct access to ten miles of on-site walking and biking trails. Wide sidewalks, deep front porches, and rear garages encourage neighbors to meet. The homes were built with U.S. Department of Energy–approved green building techniques. As a result, they are 50 percent more energy efficient than other homes in the Chicago area, and they sell for a 33 percent sales premium. Station Village is the last phase of Prairie Crossing. When complete, it will include residential, retail, and office space, all within walking distance of two commuter train stations. Residents can ride Metra's North Line to Chicago's Union Station or the Central Line to downtown Chicago and O'Hare Airport.

More than half the land at Prairie Crossing was preserved as open space, and homes were built with approved green building techniques.



PRAIRIE CROSSING

PROFILE

The Preserve

USS Real Estate originally held a 550-acre tract of land in Hoover, Alabama, but sold 250 acres to the city, intending to create the Moss Rock Nature Preserve. The 680 single-family homes, 50,000 square feet of retail, and 50,000 square feet of office space are concentrated on the remaining 311-acre site. Before development of the Preserve, Hoover was characterized by sprawling conventional development and lacked a town center. The Preserve's future town center is planned to include 34 live/work units, 14 retail units, and two restaurants: at the heart of the community is the village green, an impressive eight-acre park with a town hall, a fitness center, a junior olympic swimming pool, and a kiddie pool. Residents have access to 15 acres of parks and seven miles of trails that connect to award-winning Hoover schools and the newly created Moss Rock preserve.

Clustering development at the Preserve in Hoover Alabama, enabled the creation of the 250-acre Moss Rock Nature Preserve.



USS REAL ESTATE

Many communities employ techniques such as infill and brownfield development to transform unused, abandoned lots into vibrant, revenue-generating components of the community. Some create direct incentives for higher-density development. The city of Austin, Texas, for example, created a program that rewards developers for locating projects in the city's existing neighborhoods and downtown. Others award points for a variety of attributes, such as transit access, the redevelopment of empty lots, and an increase in pedestrian facilities. By employing standards for factors like open space, dense development, and impact on water quality, communities can facilitate good urban design that preserves natural resources.

Although a well-designed higher-density community offers residents a higher-quality environment, poorly planned sprawl does the opposite. Because low-density sprawl gobbles up so much land through large-lot zoning, it ends up destroying the very thing most people moved there for in the first place—the natural areas and farmland. It forces people to drive longer distances, increasing regional air quality problems. The average American man spends 81 minutes behind the wheel every day, while women average 63 minutes. And surveys show that the time spent driving has been consistently increasing every year.¹⁶ The national road network, currently at 4 million miles according to the U.S. Department of Transportation, is still growing at an alarming rate, mainly for the purpose of connecting new low-density suburbs back to core communities. Along with the water and air pollution, construction of these highways perpetuates the cycle of sprawl, fragments wildlife habitats, and dries up a community's financial coffers.

Increasing density not only improves air and water quality and protects open space but also redirects investments to our existing towns and cities. It can revitalize existing communities and create more walkable neighborhoods with access to public transit and hiking and biking trails. Pedestrian-friendly higher-density developments offer general health benefits as well. Mixed land uses give people the option to walk and bike to work, shops, restaurants, and entertainment. The convenience of compact communities may help fight diseases related to obesity.¹⁷ Higher-density communities are vital to preserving a healthy environment and fostering healthy lifestyles.

6 MYTH FACT

Higher-density development is unattractive and does not fit in a low-density community.

Attractive, well-designed, and well-maintained higher-density development attracts good residents and tenants and fits into existing communities.

Higher-density development comes in many forms. Some of the most attractive well-planned modern development is built at a high density. Across America, appealing higher-density mixed-use town centers have been wildly popular with the public. Lushly landscaped boulevards, fountains, and showcase architecture have created a sense of place in areas previously known only for faceless, uninteresting low-density development. The enduring appeal

PROFILE

Post Riverside

Atlanta is often called the poster child for suburban sprawl. However, it is also the home of Post Riverside, a revolutionary new mixed-use pedestrian-oriented community developed by Atlanta-based Post Properties, Inc., and located on the banks of the Chattahoochee River between Atlanta's bustling Buckhead and Vinings communities. As is the trend nationally, 65 percent of all vehicle trips in Atlanta are to run errands, not to commute to work. With offices, shops, and restaurants within walking distance of the apartments, Post Riverside residents depend on autos much less than their neighbors in lower-density areas. In addition, the community is connected to Atlanta's MARTA subway system and the Cobb County transit system. This award-winning 85-acre mixed-use development includes 25,000 square feet of retail space, 225,000 square feet of office space, and 535 apartments, all designed around a gracious town square. For many people, this amenity-rich, low-maintenance lifestyle better suits their needs than a traditional single-family home in a low-density neighborhood.



POST PROPERTIES, INC. PHOTOGRAPH © STEVE HINDS

Post Riverside in Atlanta demonstrates that higher-density development can be attractive and successful in a community known for lower-density development.

and desirability of older and more gracious higher-density neighborhoods—Georgetown in Washington, D.C., Beacon Hill and Back Bay in Boston, and Lincoln Park in Chicago—attest to the fact that some of the more desirable neighborhoods in America historically have been of higher density than that found in typical outer suburbs.

This return to the design principles of the past is at the core of the new urbanist movement that took hold in the 1990s. The movement grew as many people came to miss the sense of community that was created by the mixed-density and mixed-use communities of the past. They realized that low-density subdivisions isolated their owners not only from pedestrian access to shops and offices but also from their neighbors. The growing sense of social alienation, highlighted in books like Robert Putnam's *Bowling Alone*,⁴⁸ has led many back to the comfort of communities that are a reminder of the places where many of us grew up. These new communities combine the best design ideas of the past with the modern conveniences of today to provide residents with what has been missing from many sprawling areas—a sense of community.

Today's developers, architects, and planners know that to attract customers and to secure zoning approvals and community acceptance, they must produce attractive and innovative properties that complement their surroundings. Design professionals are driven to produce projects that meet users' demands, understand and respond to the context of a site, enhance its neighborhood, and are built to last.⁴⁹ In fact, attendance at a recent American Institute of Architects-sponsored conference on density far surpassed expectations, speaking to the interest among land use professionals in addressing the design issues associated with density.⁵⁰

It is plausible that the high level of citizens' opposition to density may be based on an outdated notion of what higher-density development looks like. A University of North Carolina study revealed that when given a choice between two attractively designed communities, one higher density and the other low density, the majority preferred the higher-density option.⁵¹ Other visual preference surveys confirm that there is an almost universal negative reaction to the visual appearance of commercial strip sprawl and an almost universal positive reaction to traditional town-like communities of the past, communities that almost invariably included a mix of densities and uses.⁵²

PROFILE

The Plaza at the Arboretum

This award-winning mixed-use project in Santa Monica, California, developed by California-based Legacy Partners, achieves a density of 97.5 dwelling units per acre. The attractive seven-story building includes 10,000 square feet of retail space and 350 apartment units ranging from 612 to 1,555 square feet. The architecture firm Meeks and Partners used strong geometric forms to create a playful architectural character that fits nicely in the avant-garde Hollywood studio section of Santa Monica. The development includes a swimming pool, spa, fitness center, and clubhouse.



Higher-density developments like the Plaza at the Arboretum present opportunities to create outstanding award-winning architecture.

MYTH

No one in suburban areas wants higher-density development.

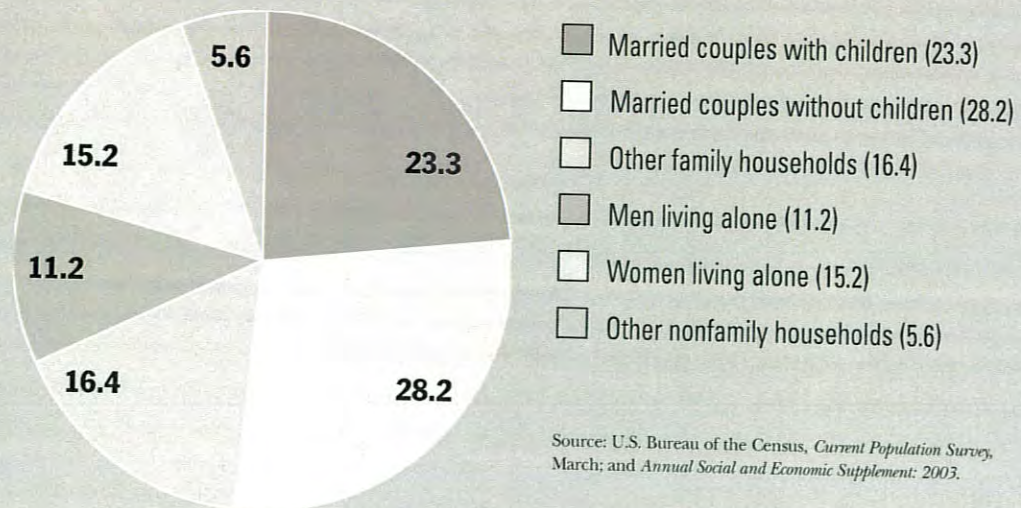
FACT

Our population is changing and becoming increasingly diverse. Many of these households now prefer higher-density housing, even in suburban locations.

When many of us think of the American Dream, we envision married couples with children living in single-family detached houses in the suburbs. The notion is that the only people who want to live in higher-density areas are those who cannot afford a traditional house with a back yard or who want to live in the middle of the city. Both perceptions are flawed.

This country's population is changing, and so are its real estate preferences. These lifestyle changes have significant implications for suburban development. For the first time, there are more single-person households (26.4 percent) than married-

HOUSEHOLDS BY TYPE: 2003 (PERCENTAGE OF TOTAL)



Source: U.S. Bureau of the Census, *Current Population Survey*, March; and *Annual Social and Economic Supplement*, 2003.

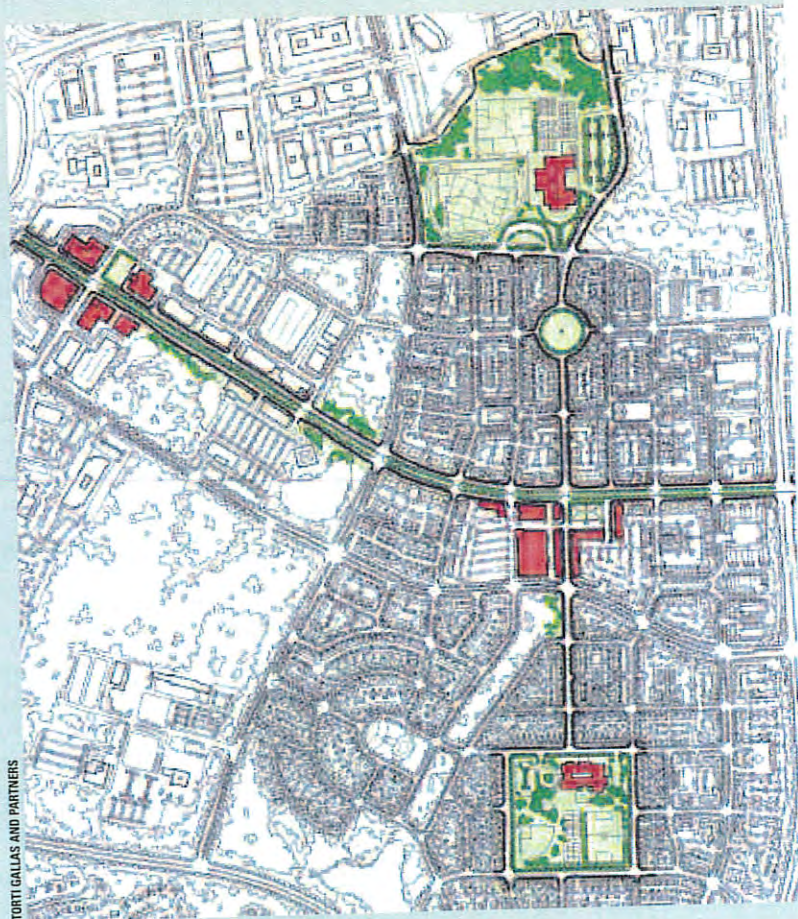
couple-with-children households (23.3 percent).⁵³ The groups growing the fastest, people in their mid-20s and empty nesters in their 50s, are the groups most likely to look for an alternative to low-density, single-family housing.⁵⁴

A growing number of Americans are redefining their American Dream. They are seeking a more convenient and vibrant lifestyle. And while some seek this lifestyle in cities, many others seek the same lifestyle in the suburbs. According to a 2002 study by the National Association of Home Builders, more than half the renters questioned said they wanted to live in the suburbs.⁵⁵ Moreover, a national survey of homebuyers' community preferences found that nearly three-quarters of all

PROFILE

King Farm

This 430-acre community is characterized by the historic architecture of the region but offers an assortment of modern conveniences as well. Developed by King Farm Associates, LLC, King Farm is located in Rockville, Maryland, five miles from the Washington, D.C., beltway, 15 miles from downtown D.C., and walking distance from the Shady Grove Metro station. The neighborhood was designed for pedestrians, but the King Farm shuttle makes getting around even easier. The shuttle runs a complimentary route between the King Farm Village Center, the Metro station, and the Irvington Center, a 90-acre commercial complex next to the Metro. In addition, two types of public bus service are available at King Farm. At the Village Center, 120,000 square feet of retail space is within walking distance from both residential and commercial development. The center also includes 47 loft apartments and a one-acre village green. Watkins Pond and Baileys Common are King Farm's two residential villages. They offer single-family homes, townhouses, condominiums, and luxury apartments intertwined with natural areas. The center of Watkins Pond is a 12-acre city park with tennis and basketball courts, a soccer and softball field, two playgrounds, several picnic areas, benches, and paths.



TORTI GALLAS AND PARTNERS

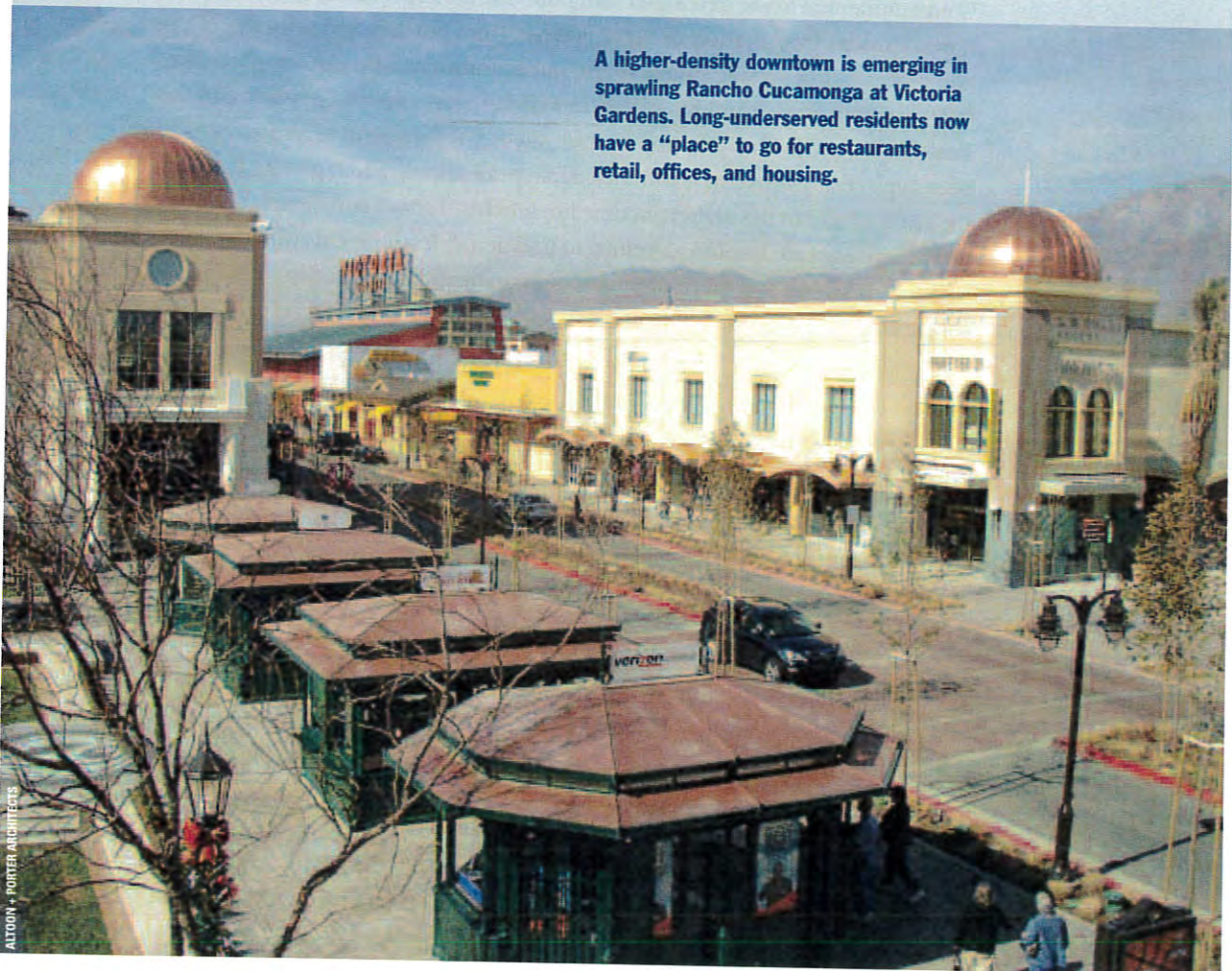
King Farm is a successful higher-density suburban community that integrates housing, retail shops, offices, and public transit.

PROFILE

Victoria Gardens

The city of Rancho Cucamonga, located roughly 60 miles east of Los Angeles in California's Inland Empire, has a rich agricultural history and, more recently, a history of low-density sprawl with no real city center. This situation is changing, however, with the opening of the first phases of a huge new mixed-use development known as Victoria Gardens. The development, designed by L.A.-based architects, Altoon + Porter, and being developed jointly by California-based developers Forest City California and the Lewis Investment Company, will create a vibrant higher-density downtown where none previously existed. Rapidly growing Rancho Cucamonga has been traditionally underserved by restaurants and entertainment options. The long-awaited addition of a "place" in the city has been well received by residents. The 147-acre development will eventually contain 1.3 million square feet of commercial and community space, including retail, entertainment, office, and civic uses with a cultural center and a library. Twenty acres of housing on site will allow people to live within walking distance of all the amenities of Rancho Cucamonga's new downtown.

A higher-density downtown is emerging in sprawling Rancho Cucamonga at Victoria Gardens. Long-underserved residents now have a "place" to go for restaurants, retail, offices, and housing.



ALTOON + PORTER ARCHITECTS

buyers prefer to live in a community where they can walk or bike to some destinations.⁵⁶ The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.⁵⁷ These surveys confirm that many people prefer the suburbs but want the amenities traditionally associated with cities, including living close to work.

With the continuing decentralization of cities and the rise of suburban communities with urban-like amenities, many people find that they can live and work in the suburbs with all the attributes of suburbia they desire without giving up walkability and convenience. A recent study confirms that in many regions, more office space is located in suburban locations than downtowns,⁵⁸ providing an opportunity for people to live near their jobs. Communities and developers that have recognized and responded to the dual trends of decentralized offices and a growing desire for a more convenient lifestyle have been rewarded. Well-placed mixed-use, higher-density developments in the suburbs are increasingly popular, creating a new sense of place.

Communities are being developed using the best concepts of traditional communities—smaller lots, a variety of housing types, front porches and sidewalks, shops and offices within walking distance, and public transit nearby. Communities like Celebration in Florida and King Farm in Maryland have been so popular with the homebuying public that past worries over whether the demand exists for them have been replaced by concerns about their rapid price appreciation, putting them out of the reach of all but the highest-income households. Today's real demographic and lifestyle changes are inspiring a return to traditional development styles that offer walkable, bikeable, and more dynamic communities that put residents closer to shops, offices, and parks.

8 MYTH FACT

Higher-density housing is only for lower-income households.

People of all income groups choose higher-density housing.

Multifamily housing is not the housing of last resort for households unable to afford a single-family house. Condominiums, for instance, are often the most sought after and highly appreciating real estate in many urban markets. The luxury segment of the apartment market is also rapidly expanding. Most people are surprised to learn that 41 percent of renters say they rent by choice and not out of necessity, and households making more than \$50,000 a year have been the fastest-growing segment of the rental market for the past three years.⁵⁹ Multifamily housing throughout the world has historically been the housing of choice by the wealthiest individuals because of the access and convenience it provides. From Manhattan to Miami to San Francisco, higher-density housing has been prized for the amenity-rich lifestyle it can provide.

Higher-density development can be a viable housing choice for all income groups and people in all phases of their lives. Many financially secure baby boomers, who have seen their children leave the nest, have chosen to leave behind the yard maintenance and repairs required of a single-family house for the more carefree and convenient lifestyle multifamily housing provides. Interestingly, their children, the echo boomers, are entering the age where many will likely live in multifamily housing. Just starting careers, many are looking for the flexibility of apartment living to follow job opportunities. Their grandparents, likely on a fixed income, may also prefer or need to live in multifamily housing as physical limitations may have made living in a single-family house too challenging.

Providing balanced housing options to people of all income groups is important to a region's economic vitality. The availability of affordable multifamily housing helps attract and retain the workers needed to keep any economy thriving. In many American towns and cities, rapidly rising house prices are forcing working families to live farther away from their jobs. In fact, the lack of affordable housing is mentioned as the number one problem facing working families today.⁶⁰

PROFILE

Rollins Square

Rollins Square, a mixed-use development in Boston's South End, is a truly mixed-income community that provides housing for a wide spectrum of people in all income brackets. Twenty percent of the overall units are reserved for people whose income is 30 to 60 percent of the Boston area median income (AMI), 40 percent are for-sale condominiums reserved for working households with incomes 80 to 120 percent of the AMI, and the remaining 40 percent are market-rate units sell-

ing for up to \$750,000. The residences occupy two city blocks and integrate seamlessly into the existing neighborhood. The varying heights and diverse exterior materials give the appearance that the development was constructed over time. Rollins Square was developed by the Planning Office for Urban Affairs, Inc., a nonprofit developer associated with the Archdiocese of Boston.

Rollins Square effectively provides housing for low-, moderate-, and high-income households in one attractive development that is well integrated into the existing community.



CITYCHILDS BERTMAN TSECKARES ARCHITECTS

PROFILE

I'On

I'On is a 244-acre master-planned community along the deep-water marshes of Hobcraw Creek in Mount Pleasant, South Carolina. Just six miles east of Charleston, the community features 700 single-family homes, community facilities, and a small-scale commercial area. Vince Graham, principal with the I'On Company, is developing six residential neighborhoods connected by narrow streets, pedestrian corridors, and community spaces. An I'On Guild member, one of 18 builders selected for experience, talent, and financial strength, builds each individual home. The architecture is inspired by classic Lowcountry style with large balconies, deep front porches, and tall windows on even taller homes. Homes now sell for \$685,000 to \$1.7 million. Community facilities include I'On Square, I'On Club, the Creek Club, and the Mount Pleasant Amphitheater. Residents also enjoy easy access to the Cooper and Wando rivers, the Charleston harbor, and the Atlantic Ocean. One neighborhood boat ramp and four community docks are available for crabbing and fishing. Two miles of walking trails are available for residents; a five-acre pond, the Rookery, is a protected nesting site for wading birds. In addition, the public and private schools in Mount Pleasant are some of the best in the area.



Some home prices in the well-planned higher-density community of I'On are approaching \$2 million. The traditional neighborhood design combined with the community amenities made possible by higher densities have made the community one of the most desirable in the Charleston area.

As the problem of affordability worsens, workers on the lower end of the salary scale may move to more affordable cities, leaving a labor shortage in their wake. Such shortages make a region less desirable as an employment center. According to PricewaterhouseCoopers, access to a large and diverse labor pool is the most important factor in making corporate decisions on locations.⁶¹ Communities that do not provide housing for all income groups become less desirable corporate locations.

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Higher-Density Development Myth and Fact

Richard Haughey

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