

CHAPTER 5.3

SOCIAL JUSTICE

Live-Work Units

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INTRODUCTION

Live-Work Units (LWUs) are properties that combine residential and non-residential uses in either commercial or residentially zoned areas. LWUs are usually restricted in that they require the owner of the business to also reside in the property or vice versa.^[1] LWUs were once popular pre-industrialism, but with advances in transportation, technology, and strict zoning codes that separated uses (also known as “Euclidean zoning”) they almost petered out of existence by the 1950s.^[2] They have since gained increasing popularity with the recent turn toward reducing carbon emissions and a desire for greater work flexibility.^[3]

Local governments may separate LWUs into three use types relating to the dominance of the non-residential activity: live/work, work/live, and home occupation.^[4] Many jurisdictions use the term home occupation to describe a property that is primarily used as a residence, with work being an accessory function.^[5] The ordinances regulating these units typically restrict the work portion to small-scale activities and limit the numbers of employees or client visits.^[6] Live/work units are similar to home occupations in that their primary use is that of a residence, but the regulations are not as restrictive. Working is permitted but is secondary to the residential component and the need to preserve the neighbor’s expectations of quiet enjoyment.^[7] In work/live units, the non-residential activity takes precedent over the residential activity.

[8] Some local governments do not distinguish between live/work and work/live units and others incorporate two or three of the different types.

EFFECTS

Zoning ordinances and strict regulations often serve as barriers to LWUs and the numerous benefits they provide to citizens and local governments. Because of their mixed residential and non-residential nature, local governments often characterize LWUs as commercial buildings for purposes of safety regulations or prohibit LWUs in residential zones.[9] This results in an inefficient, expensive, and awkward process that is usually excessive and expensive compared to any low-risk hazard that the LWU work space may possess.[10]

If allowed to flourish, LWUs, particularly live/work and work/live units, would be able to confer numerous benefits upon a community. By eliminating the need to commute to work, car usage by an LWU owner is significantly decreased.[11] This reduces greenhouse gas emissions and vehicle miles traveled. In addition, allowing patrons to walk to their destinations reduces traffic congestion as well as the demand for parking.[12] By reducing the development of separate land parcels for different uses, LWUs also help minimize urban sprawl, again reducing a community's dependence on cars and the inefficient use of natural resources.[13] Finally, occupants of LWUs are more likely to invest in their communities due to the increased commitment to the success of the area.[14] The community and occupant are able to benefit financially from increased business activity and consequentially are in a better position to reinvest.

EXAMPLES

Grand Rapids, MI

Grand Rapids permits home occupations with a focus on preserving the character of the neighborhood and the residential quality of the home.^[15] Home occupations are required to get a business license, of which there are three types: class A, home occupations that will have no impact on the surrounding neighborhood, and class B and C, those that have the potential to adversely impact the neighborhood.^[16] Each class has specific characteristics, but generally they must all adhere to certain criteria. In particular, accessory structures, whether attached or detached, are not permitted to be used in connection with the home occupation. In addition, use of the home occupation cannot require exterior alterations to the dwelling, including the creation of a separate entrance.^[17] Grand Rapids also permits live/work units subject to certain limitations. The unit must be on either a regional street, defined as streets that carry traffic between Grand Rapids and other communities in the region, or a major street, defined as streets that carry traffic through the city and region.^[18] The ordinance specifies that residential use is to be primary to the non-residential use and that a maximum of one-half of the total area of the unit may be designated to non-residential use.^[19] At least one full time employee of the non-residential activity must also reside in the unit.^[20]

To view the provisions see [Grand Rapids, MI- Code of Ordinances §§ 5.9.14, 5.9.16](#) (Current through 2018).

Oakland, CA

Oakland, CA makes a distinction between live/work and work/live units. They define live/work units as those that accommodate both residential and non-residential activities, while work/live units are primarily nonresidential with an accessory residential area.^[21] These units are permitted within the mixed-use districts and must meet certain criteria. Work/live units are divided into three types, distinguished by the maximum floor area allowed to be used for residential activities.^[22] For example, type one only allows one-third of the unit to be used for residential activities while type three allows a maximum of 55%.^[23] Each of the types also have distinct

special requirements; type one requires that all the remaining floor space be for the non-residential activity and type two requires separate entrances for the residential and non-residential space.^[24] In the live/work units, the designated floor space for residential purposes is not limited.^[25] Further, the work/live and live/work units both require that the working space be regularly used by someone occupying the residential space.^[26]

To view the provision see [Oakland, CA-Planning Code § 17.65.040](#) (2016).

ADDITIONAL EXAMPLES

[South San Francisco, CA Municipal Code § 20.350.025](#) (2011) (requiring that live/work units have at least fifty percent of total floor area used for work activities and there may be up to two non-resident employees).

[Lee County, FL Land Development Code § 34-1772](#) (2013) (requiring home occupation use to be conducted entirely within the dwelling and there may be no exterior indication that the dwelling is being used as anything other than residence).

[Sunnyvale, CA Municipal Code § 19.26.230](#) (2010) (permitting live/work units in mixed use combining districts and no portion of the unit may be rented or sold separately).

[Woodstock, GA Land Development Code § 7.508](#) (2017) (permitting live/work units as well as home occupations).

[El Paso, TX Code of Ordinances § 20.10.320](#) (2007) (dividing live-work flex units into two categories; restricted-only for artisans or professionals with no more than one employee and two customers at any time, open-permits any office or commercial use allowed in the base zoning district and there are no limits on employees or customers).

CITATIONS

^[1] Municipal Code of Chicago § 17-9-0103.1-C (2017).

[2] Marina Khoury, *Leaning Toward Live-Work Units*, Lean Urbanism Making Small Possible (May 30, 2014), <https://perma.cc/XEK8-Y52U>.

[3] *Id.*

[4] Thomas Dolan, *Live-Work Planning and Building Code Issues* 12 (Mar. 17, 2014), <https://perma.cc/QR62-DBMU>.

[5] *Id.* at 13.

[6] *Id.*

[7] *Id.*

[8] *Id.* at 14.

[9] Khoury, *supra* note 2.

[10] *Id.*

[11] Delaware Regional Valley Planning Comm'n, *Assessment of the Potential Role of Live/Work Development in Centers* 33 (July 2014), <https://perma.cc/SY9P-LGPE>.

[12] *Id.* at 35-36.

[13] *Id.* at 36.

[14] *Id.*

[15] Grand Rapids, Michigan- Code of Ordinances § 5.9.14 (2018).

[16] *Id.*

[17] *Id.*

[18] *Id.* at § 5.9.16

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.* at § 17.65.150 (2018).

[23] *Id.*

[24] *Id.*

[25] *Id.* at § 17.65.160 (2018).

[26] *Id.* at § 17.65.040 (2018).

Please note, although the above cited and described ordinances have been enacted, each community should ensure that newly enacted ordinances are within local authority, have not been preempted, and are consistent with state comprehensive planning laws. Also, the effects described above are based on existing examples. Those effects may or may not be replicated elsewhere. Please contact us and let us know your experience.