

4.2 MODEL LIVE/WORK ORDINANCE

The notion of residents living and working on a single premise may seem novel in the context of modern urban life, but it was the norm until the early decades of the twentieth century. Storekeepers, trades people, doctors, lawyers, and others commonly lived upstairs from or adjacent to their shops or offices. A wide range of economic, societal, and political factors resulted in such arrangements becoming uncommon and even outlawed. Rapid suburbanization, increased car dependence, continued adoption of Euclidean-type zoning that called for separating land uses by category, a burgeoning middle class, and a desire on the part of urbanites for relief from overcrowding and urban pollution all contributed to such change.

Live/work units emerged in the 1970s as manufacturers moved out of large industrial buildings and warehouses in downtown areas and artists began to occupy and use these spaces. By the late 1980s, a number of cities, including New York, Boston, Chicago, and San Francisco, began to legalize the live/work concept by adapting building and zoning regulations to accommodate them. This era of loft and warehouse conversions coincided with significant private investment in adaptive reuse of the structures for all manner of uses. Soon the artists were joined small businesses, restaurants, personal and professional service businesses, coffee shops, galleries, and other sole-proprietors who wanted to live near where they worked. In the 25 or more years since this trend began, many warehouse and manufacturing districts, including Printer's Row in Chicago, Larimer Square in Denver, and the South-of-Market district in San Francisco have become some of the most pricey and sought-after residential and employment locations and entertainment destinations.

Communities today are once again embracing many features of traditional town planning, including allowing a mix of land uses both within a district and within a building. The modern iteration of the live/work option exists in two distinct forms: (1) home occupations and (2) live/work units. A home occupation ordinance is intended to allow modest, low-impact business or commercial uses within a residence in a residential zone. Such uses are subject to significant limitations on the permitted extent of commercial activities, hours of operation, parking, and number of employees to ensure that such uses do not upset the residential character of the neighborhood. In contrast, a live/work ordinance may allow incidental residential uses within commercial, office, or industrial buildings and zones.

Where such uses are allowed does depend on what the city's objective is for allowing such uses at all. Mark Troxel of the Seattle Planning Department says that the live/work concept—as applied through the Seattle zoning ordinance—would be more aptly named a “work/live” ordinance because the emphasis is on maintaining the commercial or industrial character of the district while allowing some residences. Seattle also prohibits live/work units in industrial zones in adherence with the city's policy to preserve industrial lands for industrial uses. At the same time the city recognizes that entrepreneurs and creative professionals in new media and more traditional businesses are seeking ways to integrate their home life and work life, and improved technology has allowed workers to telecommute from home. To help foster live/work units, the city allows them in all commercial districts (Troxel 2004).

The strategy of wanting to retain industrial land for industrial uses is understandable, especially where there is a strong demand for residential uses. Alternatively, live-work ordinances do help

older cities with a surplus of underused or industrial land to revitalize such areas by providing development alternatives.

Primary Smart Growth Principle Addressed: Mixed land use.

Secondary Smart Growth Principle Addressed: Range of housing choices.

101. Definitions

As used in this ordinance:

“Live/work unit” or “live/work space” means a building or spaces within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

[or]

“Live-work unit” means a structure or portion of a structure:

- (a) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
- (b) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
- (c) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

102. Purposes

The purposes of this ordinance are to:

- (a) Provide for the appropriate development of units that incorporate both living and working space;
- (b) Provide flexibility for the development of live/work units, particularly within existing buildings;
- (c) Provide locations where appropriate new businesses can start up;
- (d) provide opportunities for people to live in mixed-use industrial and commercial areas where compatible with existing uses;
- (e) Protect existing and potential industrial uses and nearby residential uses from conflicts with each other; and
- (f) Ensure that the exterior design of live/work buildings is compatible with the exterior design of commercial, industrial, and residential buildings in the area,

while remaining consistent with the predominant workspace character of live/work buildings.

103. Where Live/Work Units Are Permitted

(1) Live/work units are permitted in all commercial [and manufacturing] zones.

Comment: *This provision allows the option of allowing live/work units in manufacturing or industrial zones. The city of Oakland authorizes this; Seattle does not. Seattle's decision to limit such uses to commercial districts reflects a city policy of protecting manufacturing districts from encroachment and displacement from residential or other uses. Seattle does, however, conditionally permit artist's studio/dwellings—which are regulated separately from general live/work units—in manufacturing zones.*

(2) Any commercial use permitted in the zoning district applicable to the property is permitted in the live/work unit.

(3) Live/work units at street level are prohibited where single-purpose residential structures are prohibited.

(4) Where permitted, live/work units located at street level are subject to the development standards for ground-floor retail or commercial establishments as follows, and any additional standards for ground-floor commercial establishments provided in section ___ of the [zoning ordinance]:

Comment: *The purpose of the following provisions is to allow live/work units in neighborhood commercial districts without compromising the districts' vibrant commercial environment. Seattle has several neighborhood commercial streets wherein single-purpose residential buildings are prohibited. In those areas, street-level live-work units are prohibited, but are allowed in the rear or on upper floors. Seattle's ordinance also contains provisions for the appearance and function of street-level live/work units adapted for this model.*

(a) A minimum of 80 percent of a structure's street front facade at street level shall be occupied by nonresidential uses.

(b) A minimum of 51 percent of the portion of a structure's street front facade that contains required nonresidential use shall be at or above sidewalk grade.

(c) In districts where live/work units are permitted at street level, the live/work unit shall have a minimum floor-to-floor height of [13] feet.

(d) In districts where live/work units are permitted at street level, parking for live-work units on neighborhood commercial streets and in mixed-use zones is prohibited in front of the building.

(e) Live/work units that exceed [2,000] square feet must have at least two exits.

[(f) Within each live/work unit, the living area shall not exceed [one-third] of the total floor area of the unit.]

Comment: *Not every live/work ordinance contains a required living area/working area ratio or proportion. Oakland, California, requires a ratio of one-to-three living-to-working area. In an effort to provide flexibility, Seattle opted not to set proportion standards.*

104. Business License Required

At least one resident in each live/work unit shall maintain a valid business license and [zoning permit] for a business on the premises.

Comment: *Not all businesses may require a valid business license. For example, an artist may not be required to have one.*

105. Parking

For live/work units of less than [2,500] square feet, one parking space is required for each unit. For live/work units greater than [2,500] square feet, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the [zoning administrator].

Comment: The relatively non-stringent parking standards provided here reflect the fact that a person occupying a relatively small live/work unit may have less use for a car given that he or she works on the premises. Larger units may have additional residents as well as employees, and thus must provide more parking.

References

Berkeley, California, City of. Zoning Code. Chapter 23E.20 Live/Work Provisions [accessed November 4, 2004]:

www.ci.berkeley.ca.us/bmc/Berkeley_Zoning_Code/Sub-Title_23E/20/index.html

Live/Work Institute, available at www.live-work.com/revised/lwi/.

Oakland, California, City of. Planning Code, Title 17, 17.102.190 Joint living and work quarters [accessed December 27, 2004]: <http://bpc.iserver.net/codes/oakland/>

San Jose, California, City of. Zoning Ordinance, Section 20.40.130, Live Work Units [accessed November 4, 2004]: www.sanjoseca.gov/planning/pdf/zoning_code.pdf

Seattle, Washington, City of. Live-Work Units, Ordinance No. 12196 (passed June 23, 2003), [accessed November 4, 2004]: <http://www.ci.seattle.wa.us/dclu/news/20030715a.asp>

Mark Troxel, Senior Planner, City of Seattle, telephone interview, February 26, 2004.