

**AGENDA
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, MARCH 2, 2021, 7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Binder, Campbell, Farmer, Grimes, Krueger, Long, Novak, Wyatt, Zuniga.
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**
 - A. Resolutions
 - B. Minutes: February 2, 2020
 - C. Staff Meeting Letter
 - D. 8067 Miller Road Data & Live Work Materials
- 7. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):**
- 8. BUSINESS:**
 - A. Review of 8067 Miller Road Use Options
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. REMARKS BY PLANNING COMMISSION MEMBERS:**
- 11. ADJOURNMENT:**

**RESOLUTIONS
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, MARCH 2, 2020, 7:00 P.M.**

Resolution No. 210302-__ **Agenda – March 2, 2021**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the March 2, 2021 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 210302-__ **Minutes – February 2, 2021**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the February 2, 2020 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 210302-__ **8067 Miller Road** **(Carried/Denied)**

Motion by Planning Commission Member: _____

WHEREAS, the City has been working with the Michigan Economic Development Corporation as it relates to building the community as a Redevelopment Ready Community, and;

WHEREAS, the community identified priority sites for redevelopment in downtown, including the Assenmacher Building, and;

WHEREAS, a working group related to promoting the reuse of the Assenmacher Building recommended the provision of an alley between Hayes Street and Holland Drive; and

WHEREAS, the City Council acquired 8067 Miller Road, a residential home, to enable the establishment of such an alley, as well as to hold in the event that the Assenmacher redevelopment required the real estate for 8067 Miller Road; and

WHEREAS, the Assenmacher Building has been purchase, is intended for minor rehabilitation that does not involve 8067 Miller Road, however the owner is interested in the alley access in the future; and

WHEREAS, the planning commission has reviewed the property and near term options, including residential rental, business rental, retention for investment, sale as residential, and use/rent as community space; and

WHEREAS, the planning commission finds that the best near term use is that of _____

NOW, BE IT RESOLVED that the Swartz Creek Planning Commission hereby recommends that the city council take the following action as it relates to 8067 Miller Road:

1. Survey and obtain an easement across the south side of the parcel sufficient to enable minimum two way traffic across said easement.
2. _____.
3. _____.
4. _____.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 210302-__ Adjourn

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the March 2, 2021 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
VIRTUAL PLANNING COMMISSION BOARD MEETING
ACCESS INSTRUCTIONS
TUESDAY, MARCH 2, 2021 7:00 P.M.**

March 2, 2021 starting at 7:00 p.m. and will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 under the Governor of Michigan’s Executive Orders 2020-15 and 2020-21.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Connie Olger is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: March 2, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5699610014>

Meeting ID: 569 961 0014

One tap mobile

+13126266799,,5699610014# US (Chicago)

+19292056099,,5699610014# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 569 961 0014

Find your local number: <https://us02web.zoom.us/u/kedFRqg7ij>

If you have any further questions or concern, please contact 810-429-2766 or email colger@cityofswartzcreek.org. A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.

CITY OF SWARTZ CREEK
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
 - (a) why the public body is meeting electronically;
 - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
 - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
 - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

MAINTAINING ORDER

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing *9 on their phone.

MOTIONS & RESOLUTIONS

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

PUBLIC ADDRESS OF BOARD OR Commission

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

VOTING RECORD OF PUBLIC BODIES

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF VIRTUAL PLANNING COMMISSION
MEETING
FEBRUARY 2, 2021**

Virtual Meeting called to order at 7:05 p.m. by Commissioner Wyatt.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Long, Campbell. Krueger, Farmer, Zuniga, Wyatt.

Commissioners absent: Novak, Grimes.

Staff present: Adam Zettel, City Manager.

Others present: George Hicks, Lania Rocha, Nate Henry.

APPROVAL OF AGENDA:

Resolution No. 210202-01 **(Carried)**

Motion by Commissioner Krueger support by Commissioner Binder, February 2, 2021 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

APPROVAL OF MINUTES:

Resolution No. 210202-02 **(Carried)**

Motion by Commissioner Binder support by Commissioner Krueger the Swartz Creek Planning Commission approves the minutes for the November 10, 2020 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Selection of Chairperson

Resolution No. 201110-03 **(Carried)**

Motion by Planning Commission Member Farmer
Second by Planning Commission Member Binder

I Move, the Swartz Creek Planning Commission selects Commissioner Wyatt to serve as the Planning Commission Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Unanimous Voice Vote
Motion Declared Carried

Selection of Vice Chairperson

Resolution No. 201110-04 **(Carried)**

Motion by Planning Commission Member Farmer
Second by Planning Commission Member Zuniga

I Move, the Swartz Creek Planning Commission selects Commissioner Novak to serve as the Planning Commission Vice-Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Unanimous Voice Vote
Motion Declared Carried

Selection of Secretary

Resolution No. 201110-05 **(Carried)**

Motion by Planning Commission Member Zuniga
Second by Planning Commission Member Binder

I Move, the Swartz Creek Planning Commission selects Commissioner Farmer to serve as the Planning Commission Secretary for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Unanimous Voice Vote
Motion Declared Carried

2020 Annual Report

Resolution No. 201110-06 **(Carried)**

Motion by Planning Commission Member Binder
Second by Planning Commission Member Farmer

WHEREAS, the Planning Enabling Act of the State of Michigan requires an annual report to be compiled that reflects the activities of the planning commission, and;

WHEREAS, the City of Swartz Creek desires to consolidate such activities with those of the Zoning Board of Appeals to better communicate with officials and the public, and;

WHEREAS, the annual report, as reviewed by the planning commission at their regular meeting on February 2, 2021 also includes training and related information to shape actions in the coming year.

NOW, BE IT RESOLVED that the Swartz Creek Planning Commission hereby recommends the approval of the 2020 annual report and direct staff to submit the report to the city council.

Unanimous Voice Vote
Motion Declared Carried

Review of 8067 Miller Road Use Options

Mr. Zettel updated the board on the purchase of the property. He recommended that the city carve out the easement and sell the property as residential with restrictions on the deed (residential only, no rentals, first right of refusal for city, etc.).

However, there are other near term options that are available. It is still possible to hold the building for future public use (museum, visitor center/restrooms, chamber building, etc.). It is also possible to rent the building as a home or business, thereby enabling long term speculation on future use or value.

The council wishes to know the Planning Commission's recommendation. The Planning Commission would like to continue research on the options for this property.

2020 Annual Report Amendment

Resolution No. 201110-07

(Carried)

Motion by Planning Commission Member Farmer
Second by Planning Commission Member Krueger

I Move, the Swartz Creek Planning Commission amend the 2020 annual report updating Commission Farmer's address and update the commission's roster.

Unanimous Voice Vote
Motion Declared Carried

Meeting Open to Public:

Nate Henry commented on some changes needed on the annual report.

Remarks by Planning Commission:

None.

Adjourn

Resolution No. 201110-08

(Carried)

Motion by Planning Commission Member Farmer
Second by Planning Commission Member Krueger

I Move the Swartz Creek Planning Commission adjourns the February 2, 2021 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 7:48 p.m.

Jentery Farmer, Secretary



Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: February 23, 2021

To: Planning Commissioners
From: Adam Zettel, AICP
RE: March 2, 2021 Planning Commission Meeting

Hello everyone,

We will be meeting at 7:00 p.m. on March 2, 2021. This will be a virtual meeting, held using the Zoom application. Instructions and expectations for the virtual meeting format are in the packet.

For this meeting, we will be continuing the deliberation concerning the future of 8067 Miller Road. Please see the February packet for property data and the original narrative concerning the property history, purpose, and options. Please refresh yourself with the master plan narratives and maps related to this site.

Summarily, this is a two story brick single family home with historic value that is located on the south east corner of Hayes and Miller, west of the Assenmacher Building. It is zoned Downtown Residential (R-3) and is listed in the future land use map as Mixed Use (enabling the building, property, and block to be represented by retail, office, and residential in various forms. It is our most flexible future land use category).

The property was acquired to secure an easement to the Assenmacher Building and Hayes. With the ability to do that in hand and no other use apparent, the council is seeking the best options to proceed with use or sale of the property.

In February, the planning commission was leaning towards selling the site as live-work space. To that end, our resident expert, Mr. Zuniga, has provided some printed and online resources. He will also be speaking to the commission about his experience and recommendations for this site.

In preparation for this meeting, Mr. Zuniga offers the following:

“I would like to share with the Planning Commission members in regards to consideration of the 8067 Miller Rd. property being utilized as a Live-Work space. The attachment titled **Ten Truths of Live-Work** is an excellent document for

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March 2, 2021
Planning Commission

getting to understand the value add of such a building reuse. In the past, I was able to have several conversations with Thomas Dolan on how to implement Live-Work's into the Neighborhood Revitalization work we were doing at Habitat for Humanity. Much as was discussed on our meeting, Mr. Dolan is quick to point out that, community buy-in is of utmost importance as to ensure that there is not the creation of an unused asset. The other document titled **Live-Work Units Sustainable Development Codes**, gives a good example on how municipalities should look at Live-Work concerning regulations.

"For 8067 Miller Rd., I could envision the two-story home to include living quarters on the 2nd floor and business on the first. There would be separate entrances for both, with the first floor being made ADA compliant. If the easement for the ally stayed at 10', there would still be ample room to add parking for a couple additional spots. There also seems to be ample room north of the building for the addition of a nice patio with a few small tables if needed. For the business type, not wanting to duplicate what is already downtown, there could be a counseling service, bookkeeping service, architecture/interior design, alterations/sewing, small bakery, etc."

The following online resources also provide some good information on the topic:

<https://www.cnu.org/publicsquare/leaning-toward-live-work>

https://issuu.com/neuarchitecture/docs/live_work_isuu

https://www.mlive.com/news/flint/2015/07/national_work-live_project_con.html

Hopefully, we will be able to continue and perhaps conclude the deliberation this coming Tuesday. If you wish to see the inside, let me know. We may be able to arrange a time to have folks go through it. It is quite impressive in its historical offerings.

In other news, the raceway owner is looking to consider other options, and the city master plan will be opened this year. As such, we can expect some changes in our plans and future. Please read the city council, DDA, and park board packets when they are sent out to stay in the loop!

That is all for now. Contact me with questions or comments. If I get other materials, I will send them along!

Sincerely,

March 2, 2021
Planning Commission



Adam H. Zettel, AICP
City Manager
City of Swartz Creek
azettel@cityofswartzcreek.org

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[WORK-USE INTENSITY TYPES](#) /
 [LIVE-WORK PROXIMITY TYPES](#) /
 [LIVE-WORK PROJECT TYPES](#) /
 [LIVE-WORK AND COMMUNITY](#) /
 [LIVE-WORK NEIGHBORHOOD](#) /
 [THOMAS DOLAN INTERVIEW](#) /
 [THE TEN TRUTHS OF LIVE-WORK](#) /
 [LIVE-WORK IN PLAIN ENGLISH](#)

THE TEN TRUTHS

THE TEN TRUTHS OF LIVE-WORK PLANNING POLICY

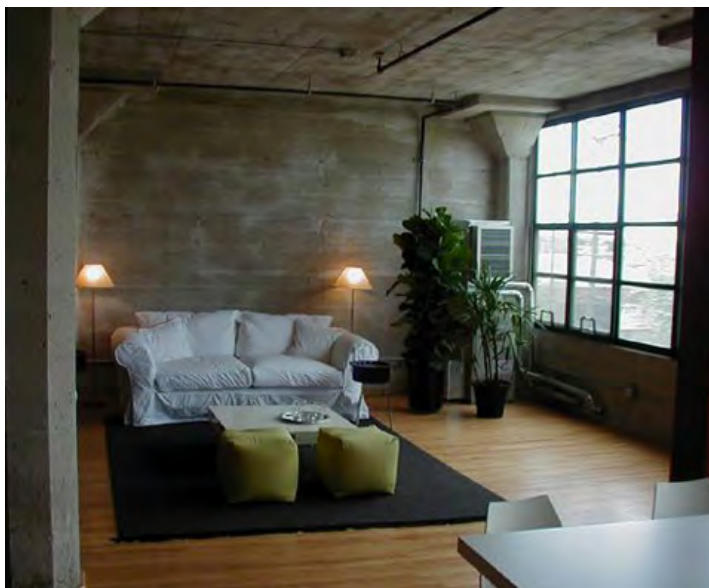
What are the planning and community development implications of live-work? They are legion, and some are not what they first appear to be. All are treated in detail in **[Live-Work Planning and Design: Zero-Commute Housing](#)**, by Thomas Dolan (Wiley, 2012).



Dutch Boy Studios, Oakland

1

First, live-work is not a monolithic phenomenon. Some of what bears the name is predominantly residential in character. The rise of the internet, telecommuting, and teleconferencing have created unprecedented opportunities for home office and small, at-home business, which we (and many jurisdictions) call home occupation. On the other hand, there is a demand for a more work-driven type of space in which employees and walk-in trade are permitted and more intense and/or more hazardous kinds of work are performed. This we are calling work/live.



The Phoenix Lofts, Oakland

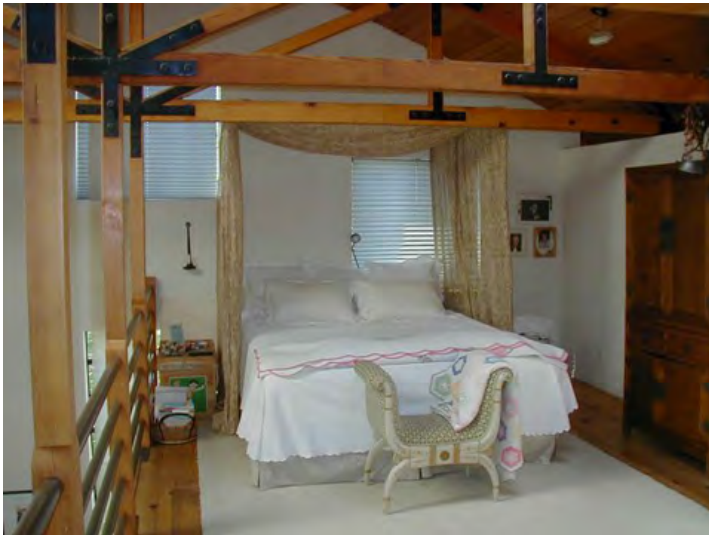
2

There is a demonstrated tendency for live-work space to revert to purely residential use, regardless of how it was permitted or represented. This tendency is most pronounced in new construction condominiums or “lifestyle lofts.” In some locations this is tolerable, in others it can cause harm. Because it is intended to be a flexible type, it is fair to say that work will occur in a live-work unit at some time, but that work activity may not always be present.



3

Each of these three **types**, home occupation, live/work and work/live is more appropriate in some areas than others. Planning regulations should be applied to locate live-work types suitably, while providing for flexibility and use evolution. The goal for many areas where live-work occurs at work-use intensities greater than home occupation: a “neighborhood that learns.”



4

Residential reversion, described in #2 above, should be discouraged strenuously in those areas where pure residential use is undesirable due to incompatibilities with other pre-existing uses, lack of residential amenities, etc. Residential reversion can be slowed down, if not entirely stopped, through the use of a combination of regulations, sanctions, financial incentives, tax policy incentives and, perhaps most importantly, the design of units for the appropriate level of **proximity** between living and working spaces. Residential reversion as a central issue of concern was an important part of a study conducted in 1997 by TDA and others, entitled *Work/Live in Vancouver*.



5

While it can be a valuable tool for converting commercial/industrial districts to neighborhoods, the development of live-work must be balanced with the valid need for the kinds of small and medium-sized businesses that are needed to make a city work, and for the larger commercial and industrial companies that employ her citizens. Laissez-faire loft development — which usually leads to wholesale residential reversion — can spell disaster for these businesses in the form of prohibitive property values and “Imported NIMBY’s.”



6

There is, however, a place for lifestyle lofts, especially as part of a lively mixed-use district, often transitioning (spatially) between residential and commercial/industrial areas, between downtown commercial and industrial neighborhoods, or generally on residential neighborhood edges. Lofts are often an appropriate re-use of historic structures which might otherwise remain vacant, and in fact, relaxation of building code requirements for all kinds of live-work is permitted under state law in California. The permitting process for lofts, particularly in the case of new construction live-work, should be closer in character to residential regulations, which means instituting design review, open space requirements, inclusionary zoning, and (in California) full imposition of school impact fees.



7

Artists began the live-work phenomenon, and they require a kind of affordable space that can (almost) only be found in older industrial buildings. In areas with hot real estate markets (or where lifestyle lofts are already out of control, which includes many cities), the only way many artists can retain control of their spaces is through ownership, long-term rent subsidies, or the creation — and enforcement — of “Artists’ Protection Zones” providing long-term affordable live-work. It is, in fact, more of a financial problem than a coding problem, although certain planning measures can help (such as designating certain live-work areas as rental only in existing buildings only). Artists contribute significantly to cities’ economies (in San Francisco, 1 in 11 jobs are in the arts sector). They are the keepers of our culture, and they deserve our support and protection.



8

Live-work plays an important part in The Incubator Cycle. Ideas for small businesses often progress through different work spaces, from a spare room at home, to the garage (of Apple Computer and Hewlett Packard fame and fame), and often next to a live-work space. In fact, for some, the progression from home occupation to live/work to work/live space is part of the cycle. Government and corporate-sponsored incubators are a valuable newcomer on the scene: many have been very successful. A project idea that should be considered is a “Live-work Incubator,” in which business assistance and facilities would be provided in a residential — i.e. live-work — setting. Such an incubator could combine well with a coworking space.



9

Live-work and community is a topic treated elsewhere. Its implication for planning policy and zoning regulations are enormous — they speak to the future of socialization in the 21st century, in which commuting may become more the exception than the norm. Live-work has been occupied and experimented with (mostly by trial and error, in a relative regulatory vacuum) for most of the last half of the 20th century. Any person who works at home (most do so alone) will attest to the fact that it can be a very isolating experience in a single-family house, or even a conventional apartment or condominium. Live-work projects can be planned to alleviate this isolation in two ways:

1. By requiring that live-work projects be designed such that they provide opportunities for spontaneous interaction among residents as they come and go in “interactive spaces” such as courtyards, atriums, etc;
2. By locating live-work projects in pedestrian-oriented neighborhoods, on lively mixed-use streets (sometimes above shops) where there are easy opportunities for one to step outside and encounter others in a congenial public realm.



10

The **Congress for the New Urbanism** was founded to “advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.”

Many New Urbanist projects include live-work spaces; as mentioned above, the fit is a natural. The apartment above the mom-and-pop store, or the country lawyer whose cottage is behind his office are time-honored built forms in the traditional American town. They are both forms of live-work. Live-work is arguably the most viable form of market rate development in many inner cities. It is the only building type that provides both employment and housing. A common term on the lips of planners today is “live-work-play environment.” Inherently mixed use, infill live-work projects or renovations of existing buildings often go a long way toward meeting many of the goals of The New Urbanism, and therefore could be seen as one of its best entrees into an inner city context.

CHAPTER 5.1

HOUSING AFFORDABILITY

Live-Work Units

Tyler Adams (author), Jonathan Rosenbloom & Christopher Duerksen (editors)

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.