



To: Planning Commission
From: Lauren Flemister, Senior Planner, Planning Services Division
Subject: **Public Hearing – Accessory Dwelling Unit (ADU) Regulations**
Meeting Date: October 3, 2018
Memo Date: September 26, 2018

Action Requested:

Conduct a public hearing to receive oral testimony on the draft “Accessory Dwelling Unit (ADU) Regulations”; continue to accept written comments through October 5, 2018; and conduct a debriefing immediately after the hearing to ask any clarifying questions and request further research on any additional issues, in preparation for receiving the Findings of Fact and Recommendations Report at the October 17th meeting.

Project Summary:

The draft “Accessory Dwelling Unit (ADU) Regulations” would amend the Tacoma Municipal Code, Sections 13.06.100, 13.06.150, and 13.05.115, to allow detached ADUs (or DADUs), in addition to the already allowed attached ADUs, as of right, in single-family zoning districts (R-1, R-2, R-2SRD and HMR-SRD Districts).

In response to the acute housing need and concerns of displacement in the City, as well as the level of community interest, the City Council passed Resolution No. 39886 in December 2017 requesting the Planning Commission to modify the Municipal Code to increase the number of DADUs. Subsequent conversations with the Infrastructure, Planning, and Sustainability Committee, as well the Planning Commission, have redirected efforts toward increasing capacity by allowing DADUs outright in single-family zoning districts. This will end DADUs as a part of the Residential Infill Pilot Program and move DADUs into a comprehensive ADU code that covers detached and attached types.

The complete text of the proposed amendment and all relevant background information are provided in the Public Hearing Review Packet (attached), which is also posted on the project website at www.cityoftacoma.org/DADU.

Environmental Evaluation:

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on September 12, 2018 (SEPA File Number LU18-0252), based upon a review of an environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by 5:00 PM on October 5, 2018 and unless modified, the preliminary determination will become final on October 12, 2018.

Notification

Notification for the public hearing has been conducted to reach a broad-based audience, through the following efforts:

1. **Public Notice** – The public hearing notice (attached in the Public Hearing Review Packet) has been distributed to over 1,000 individuals and entities on the Planning Commission’s mailing list that include the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, and other interested parties.
2. **Library** – A request was made to the Tacoma Public Library on September 18, 2018 to make the public hearing notice available for patrons’ review at all branches.
3. **News Media** – The City of Tacoma issued a News Release on September 24, 2018. An online advertisement was placed on The News Tribune, scheduled to run during the week of September 24, 2018. A legal notice was published on the Tacoma Daily Index on September 17, 2018.
4. **60-Day Notices** – A “Notice of Intent to Adopt Amendment 60 Days Prior to Adoption” was sent to the State Department of Commerce (per RCW 36.70A.106) on September 13, 2018. A similar notice was sent to Joint Base Lewis-McChord (per RCW 36.70A.530(4)) on September 26, 2018, asking for comments within 60 days of receipt of the notice.
5. **Tribal Consultation** – A letter was sent to the Chairman of the Puyallup Tribe of Indians on September 20, 2018 to formally invite the Tribe’s consultation on the proposed ADU Regulations.

Prior Actions:

- 9/5/2018 – Review of Draft Code and Direction
- 8/1/2018 – Issue Review and Direction
- 7/18/2018 – Review of Scope for DADU Codification
- 5/16/2018 – Review of the Scope of Residential Infill Pilot Program Phase II
- 3/1/2017 – Review of Round 1 Application of the Pilot Program and Lessons Learned
- 9/21/2016 – Review of the Handbook Design and Program Next Steps
- 2014-2015 – Review of the 2015 Annual Amendment Package

Staff Contact:

- Lauren Flemister, Senior Planner, lflemister@cityoftacoma.org, 253-591-5660

Attachment:

- Public Hearing Review Packet

c: Peter Huffman, Director



NOTICE OF PUBLIC HEARING

PLANNING COMMISSION PUBLIC HEARING

ACCESSORY DWELLING UNITS (ADU) – PERMANENT REGULATIONS

Wednesday, October 3, 2018, 5:30 p.m.

City Council Chambers
Tacoma Municipal Building
747 Market Street
Tacoma, WA 98402

How to provide comments?

1. Testify at the hearing on **October 3**; and/or
2. Provide written comments by 5:00 p.m., **Friday, October 5, 2018**, via:
 - E-mail: planning@cityoftacoma.org; or
 - Letter: Planning Commission
747 Market Street, Room 345
Tacoma, WA 98402

Subject of the Public Hearing

Proposed amendments to the Tacoma Municipal Code that would:

- Allows Detached Accessory Dwelling Units (DADUs) in single-family and mixed-residential zoning districts (R-1, R-2, R-2SRD and HMR-SRD Districts), where they were previously only allowed through the Residential Infill Pilot Program;
- Streamlines measurement of ADU size;
- Provides a Conditional Use Permit process for lots that do not meet minimum Standard Lot Size and Lot Width to still request an ADU;
- Clarifications on height limitation in VSD and design review in historic districts;
- Adds a requirement to ensure ADU projects do not eliminate required open space;
- Modifies the walkway requirement to provide additional flexibility;
- Eliminates the majority of the existing design standards for DADUs while maintaining a provision for administrative design review based on performance and quality;
- Update to intent language that better addresses housing choice and sustainability;
- Updates timeline and requirements for legalizing pre-existing, unpermitted ADUs (amnesty program);
- Allows larger accessory buildings on lots greater than 10,000 square feet (this allowance previously applied only to lots greater than ½-acre).



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 591-5056 (voice) or (253) 591-5820 (TTY).

747 Market Street, Room 345 ■ Tacoma, WA 98402 ■ (253) 591-5682 ■ FAX (253) 591-5433 ■ <http://www.cityoftacoma.org/planning>

Background

In response to the acute housing need and concerns of displacement in the City, as well as the level of community interest, City Council passed Resolution No. 39886 in December 2017 requesting the Planning Commission to modify Tacoma Municipal Code (TMC) 13.05.115 to increase the number of Detached Accessory Dwelling Units (DADUs).

Subsequent conversations with the Infrastructure, Planning, and Sustainability Committee, as well as the Planning Commission, have redirected efforts toward increasing capacity by allowing DADUs outright in single family zoning districts. This will end DADUs as a part of the pilot program and move DADUs into a comprehensive Accessory Dwelling Units (ADU) code that covers detached and attached types.

Next Steps

These draft permanent regulations are currently being considered by the Planning Commission. Following the public hearing, the Planning Commission will review all public input received and consider any potential modifications before making a recommendation to the City Council. The City Council is expected to consider this issue in November and December and make its final decision on the permanent regulations before the end of the year.

Environmental Review

A Preliminary Determination of Nonsignificance (DNS) for the proposed permanent regulations has been issued based on the completion of an environmental checklist. Comments on the DNS must be submitted by 5:00 p.m., Friday, October 5, 2018. Unless modified by the City, the DNS will become final on October 12, 2018. The DNS and the environmental checklist are available at the website below.

Attachments

1. Staff Report
2. Proposed Amendments to TMC – Accessory Dwelling Unit Regulations (“Changes Tracked” Version)
3. Proposed Amendments to TMC – Accessory Dwelling Unit Regulations (“Clean” Version)

Where to Get More Information

For more information about the proposal, please visit:

www.cityoftacoma.org/DADU

Staff Contact

Lauren Flemister
Senior Planner
(253) 591-5660

lflemister@cityoftacoma.org

Accessory Dwelling Unit (ADU) Regulations

Staff Analysis Report

In response to the acute housing need and concerns of displacement in the City, as well as the level of community interest, City Council passed Resolution No. 39886 in December 2017 requesting the Planning Commission to modify Tacoma Municipal Code (TMC) 13.05.115 to increase the number of Detached Accessory Dwelling Units (DADUs).

Subsequent conversations with the Infrastructure, Planning, and Sustainability Committee, as well the Planning Commission, have redirected efforts toward increasing capacity by allowing DADUs outright in single family zoning districts. DADUs will cease to be a part of the pilot program and all code concerning DADUs will move into a comprehensive Accessory Dwelling Units (ADU) code that covers detached and attached types.

Project Summary

Project Title:

Accessory Dwelling Unit (ADU) Regulations

Location:

Citywide.

Current Land Use and Zoning:

Changes applicable in R-1, R-2, R2-SRD, and HMR-SRD.

Staff Contact:

Lauren Flemister, lflemister@cityoftacoma.org, 253-591-5660

Summary of Changes:

- Allows Detached Accessory Dwelling Units (DADUs) in single-family and mixed-residential zoning districts (R-1, R-2, R-2SRD and HMR-SRD Districts), where they were previously only allowed through the Infill Pilot Program
- Streamlines measurement of ADU size
- Provides a Conditional Use Permit process for lots that do not meet minimum Standard Lot Size and Lot Width to still request an ADU
- Clarifications on height limitation in VSD and design review in historic districts
- Adds a requirement to ensure ADU projects do not eliminate open space
- Modifies the walkway requirement to provide additional flexibility
- Eliminates the majority of the existing design standards for DADUs while maintaining a provision for administrative design review based on performance and quality
- Update to intent language that better addresses housing choice and sustainability
- Updates timeline and requirements for legalizing pre-existing, unpermitted ADUs (amnesty program)
- Allows larger accessory buildings on lots greater than 10,000 square feet (this allowance previously applied only to lots greater than ½-acre)

Planning and Development Services

City of Tacoma, Washington

Peter Huffman, Director



Lauren Flemister

lflemister@cityoftacoma.org

<http://www.cityoftacoma.org/planning>

2. Background

In December 2015, the City Council adopted code enacting the Pilot Program, as part of a package of Affordable/Infill Housing code updates. The following infill housing types were reviewed under the Pilot Program:

- Detached Accessory Dwelling Units in single-family zoning districts
- Two-family development on corner lots in the R-2 Single-family District
- Small-scale multifamily development in the R-3 District
- Cottage Housing in most residential districts

The intent of the program was to promote innovative residential infill while ensuring that such infill demonstrates high quality building and site design that is responsive to and harmonious with neighborhood patterns and character.

The Pilot Program was designed for a maximum of three of each infill housing types to be developed (potentially up to 12 in total) through the Pilot Program. (See Exhibit "C")

Through the application process in early 2017, which has been called Round 1A, the City received 16 project applications, involving three housing types: Detached Accessory Dwelling Units, Cottage Housing, and Two-family Development on Corner Lots. The Project Review Committee comprised of staff and citizen volunteers met on April 27, 2017 to evaluate the applications and recommend up to three projects of each type to move forward to the permitting process. The public was invited to observe the deliberations and offered the opportunity to comment prior to the meeting. During the first part of the Round 1A Selection of Projects, the three available Detached Accessory Dwelling Units in single-family zoned districts were all selected. One space was filled in the Cottage Housing category.

After the initial interest produced by public outreach, a rolling deadline was established. In that time, a two-family housing project was approved. The review committee met on April 30, 2018. Currently, the program spaces are as follows:

Available

Two Two-family Developments on corner lots in the R-2 Single-family District are **open**.

All **three** Small-scale Multifamily developments are **open**.

Two Cottage housing developments (in most residential districts) are **open**.

Currently Closed

All **three** Detached Accessory Dwelling Units positions are **filled**.

As of April 2017, no DADU spaces have been open. Robust community interest in applying for DADUs has continued unabated during the time since the first review committee meeting. Based on the acute housing need in the City and the level of community interest, City Council passed Resolution No. 39886 in December of 2017 requesting the Planning Commission to modify TMC 13.05.115 to Accessory Dwelling Unit (ADU) Regulations

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increase the number of DADUs allowed and to review design standards and review processes for the entire Pilot Program.

Subsequent conversations with the Infrastructure, Planning, and Sustainability Committee, as well the Planning Commission have redirected efforts toward increasing capacity by allowing DADUs outright in single family zoning districts and addressing other areas of the Pilot Program as part of the implementation strategy for the Affordable Housing Action Strategy, as part of the 2018-2019 Planning Work Program.

Proposed Code Changes

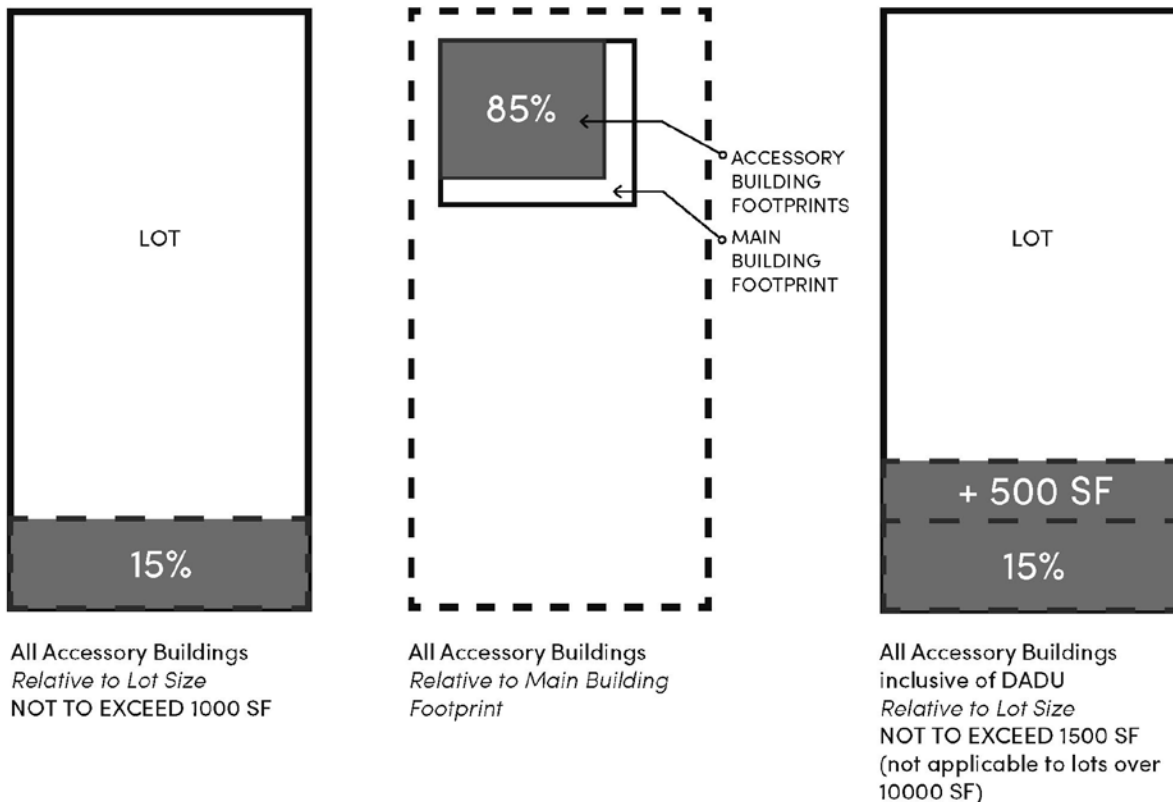
13.06.100.F Accessory Building Standards

Size of All Accessory Structures

Existing Code: Footprints of accessory buildings cannot exceed 85% of the footprint of the main building and cannot exceed 15% of the square footage of the lot. Allows for all accessory building footprints that include a DADU to total 1,500 square feet. For ½ acre or greater lots, allows accessory buildings to be 10 of lot square footage.

Proposed Code: Lowers large lot size from ½ acre to 10,000 square feet. An additional 500 square feet of total footprint square footage is permitted if a DADU is one of the accessory buildings.

Accessory Buildings
(For lots under 10,000 square feet)



Size of Accessory Dwelling Units

Relocates to Development Standards subsection in 13.06.150

Accessory Building Location

Streamlines language regarding allowance of accessory building in front yard (location of ADU addressed in 13.06.150)

13.06.150 Accessory Dwelling Units

Intent

Refines language to address with overarching goals of housing choice and sustainability and aligns with modified design standard approach.

Procedures

Accessory Dwelling Unit Agreement

Existing Code: Requires owner of property containing ADU to record its existence with the County, stating legal description, affirmation of residence in main building or ADU, and compliance with requirements and conditions

Proposed Code: Adds the word "notification" to match existing process and documentation

Restricted Districts

Existing Code: ADUs only permitted in single-family residential districts through Residential Infill Pilot Program

Proposed Code: Removes R-1, R-2, R2-SRD, and HMR-SRD and Residential Infill Pilot Program provision

Requirements

Occupancy

Existing Code: Maximum number of occupants – 4 people

Proposed Code: Limited by Minimum Building and Structures Code – Title 2

Ownership

Existing Code: Property owner must live in main building or ADU and ADU must share a parcel with the main building

Proposed Code: Removes redundancy with ADU Agreement section and strikes regulation of rent on occupied unit

Legalization of Nonconforming ADUs

Existing Code: Allows for “amnesty” period to bring nonconforming ADUs

Proposed Code: Updates time period for new “amnesty” period. Defines sections of Code that must be complied with to become legal.

Development Standards – Subsection created

Lot Size

Existing Code: Lot must meet Standard Lot Size and Standard Minimum Lot Width

Proposed Code: A DADU on a lot smaller than the Standard Minimum Lot Size or not meeting the Standard Minimum Lot Width may be authorized through a Conditional Use Permit (C.U.P.)

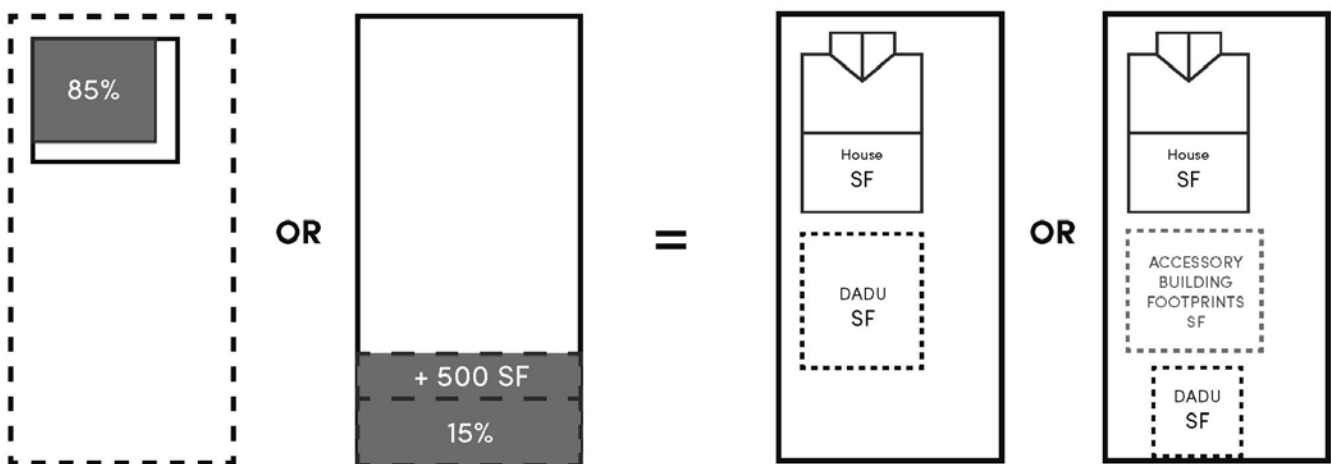
(Building) Size

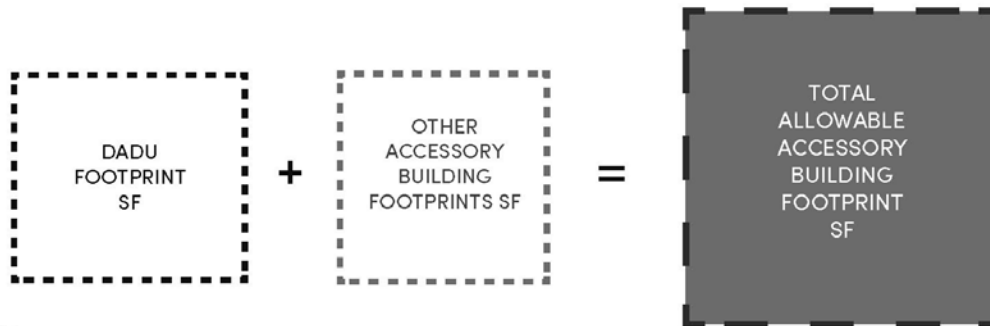
Existing Code: Size not to exceed 40 percent of the total square footage of main building and ADU combined

Proposed Code: Moved and used framework of size definition from 13.06.100.F. Standardized use of percentages and changes all measurements relative to lot size and building footprint. Building footprint of the ADU cannot exceed 85% of the main building footprint. A detached ADU can be 15% of the lot area plus 500 square feet, minus any square footage of other accessory buildings.

- Standard Lot – ADU not to exceed 1,200 square feet
- Smaller Lot – ADU not to exceed 800 square feet
- Larger Lot – ADU not to exceed 1,500 square feet

Size of Accessory Dwelling Unit





NOT TO EXCEED
 1200 SF - MINIMUM STANDARD LOT
 800 SF - LESS THAN MINIMUM STANDARD LOT
 1500 SF - LARGER THAN 10,000 SQUARE FEET

Height

Existing Code: 18 feet using Building Code Methodology. Cannot be taller than main house based on idea of subservience. Conversions may be taller than 18 feet with C.U.P. Explains series of conditions and requirements to be met if ADU is obstructs daylight at 45 degree daylight plane.

Proposed Code: Removes daylight obstruction regulations. Adds text about View Sensitive District.

Setbacks

Refines language addressing no setbacks on property lines abutting an alley.

Proposed Code: Explains compliance when a conversion does not meet setbacks

Open Space – Subsection created

Proposed Code: In order to avoid completely maxed out lots, each proposal must maintain or provide outdoor or yard space consistent with 13.06.100.D.7 Minimum Usable Yard Space

Walkways

Existing Code: Must be 4 feet and composed of “distinct” materials

Proposed Code: Removes width requirement for walkway to allow for flexibility.

Design Standards

Attached ADUs

Existing Code: Requires design of ADU to match main home and provides direction on entrance orientation and location

Proposed Code: Adds reference to historic district review for ADUs located in historic special review districts.

Detached ADUs

Existing Code: Required complementary architectural design based on colors, materials, windows, and roof design. Provides direction on entrance orientation and location.

Proposed Code: Strikes previous design guidance. Provides performance and quality standards. Adds reference to historic district review for ADUs located in historic special review districts.

13.05.115 Residential Infill Pilot Program

- Strikes any reference to DADUs
- Refines submittal language

3. Policy Framework

One Tacoma Comprehensive Plan – Urban Form Chapter

One Tacoma Comprehensive Plan – Policies H1.2, H1.4, H1.6

4. Objectives

- Create detached accessory dwelling unit (DADU) permanent regulations, which will amend existing ADU code, before the end of 2018.
- Create permanent regulations for DADUs that are responsive to the needs of various populations and implement the learnings from the Residential Infill Pilot Program (hereinafter referred to as the Pilot Program) and best practices in the region, while creating a high quality standard and an easily navigable process

5. Options Analysis

The Planning Commission could choose to create permanent regulations that strongly align with existing code sections. However, the desire to provide clear standards that result in quality with ease of entry and navigation through processes will likely require further analysis and significant modifications to the structure and content of the code.

All options will require the elimination of detached accessory dwelling units from the Pilot Program code section (TMC 13.05.115).

6. Impacts Assessment

Impacts associated with accessory dwelling units are likely to be similar or less than a comparable unit of another size. Site specific impacts, such as parking or environmental issues, are unknown, as project sites and uptake are to be determined.

7. Outreach Summary

A comprehensive outreach plan has been developed by PDS and MCO staff. The initial outreach effort will seek to spread awareness of DADUs being removed from the Pilot Program and being

Accessory Dwelling Unit (ADU) Regulations

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allowed outright before the end of the year. A second part of the outreach will seek to publicize the changes to the code and allowance of DADUs in single family zones.

August 2018 – November 2018 – Awareness and information sharing around legislative process

December 2018 – Quarter One of 2019 – Promotion of DADU Program

Key Stakeholders

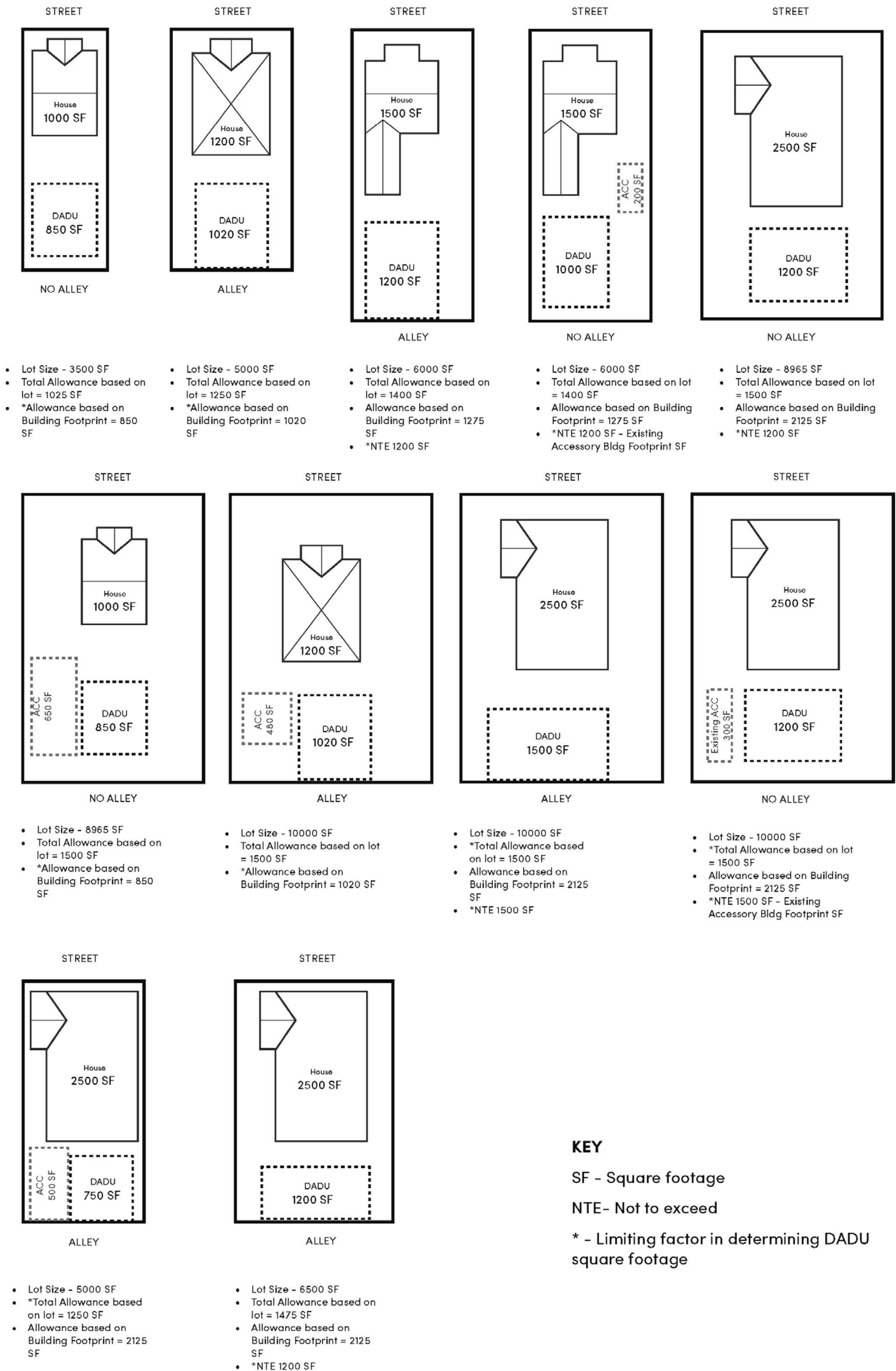
- Neighborhood Councils
- Community Organizations
- Homeowners
- PDS-held List of Interested Parties
- Master Builders' Association of Pierce County and American Association of Architects
- Planning Commission mailing list

Outreach Tools

- Ongoing
 - Social Media
 - Website Updates
 - Printed Collateral to hand out at meetings, front counter
- Before Code Amendment Process Completion
 - News Release for public hearing, comment, and general program information
 - Tacoma Report
 - City Line
 - Scala Page
 - Workshop with Community Members to discuss potential community utilization
 - Neighborhood Council meeting attendance
- After Code Amendment Process Completion
 - On-hold messaging
 - "How-to" Workshop/Panel with DADU Infill Pilot Program applicants

8. Supplemental Information

Detached Accessory Dwelling Unit – Calculating Size



KEY

SF - Square footage

NTE- Not to exceed

* - Limiting factor in determining DADU square footage



Accessory Dwelling Unit Regulations

DRAFT LAND USE REGULATORY CODE CHANGES

SEPTEMBER 14, 2018

Summary of Changes

- Allows Detached Accessory Dwelling Units (DADUs) in single-family and mixed-residential zoning districts (R-1, R-2, R-2SRD and HMR-SRD Districts), where they were previously only allowed through the Residential Infill Pilot Program
- Streamlines measurement of ADU size
- Provides a Conditional Use Permit process for lots that do not meet minimum Standard Lot Size and Lot Width to still request an ADU
- Clarifications on height limitation in VSD and design review in historic districts
- Adds a requirement to ensure ADU projects do not eliminate required open space
- Modifies the walkway requirement to provide additional flexibility
- Eliminates the majority of the existing design standards for DADUs while maintaining a provision for administrative design review based on performance and quality
- Update to intent language that better addresses housing choice and sustainability
- Updates timeline and requirements for legalizing pre-existing, unpermitted ADUs (amnesty program)
- Allows larger accessory buildings on lots greater than 10,000 square feet (this allowance previously applied only to lots greater than ½-acre)

These proposed amendments include modifications to the following sections of **Title 13, Land Use Regulatory Code**:

Chapter 13.06 – Zoning

13.06.100.C – Land use requirements (for Residential Districts)

13.06.100.F – Accessory building standards

13.06.150 – Accessory dwelling units

Chapter 13.05 – Land Use Permit Procedures

13.05.115 – Residential Infill Pilot Program

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as ~~strikethrough~~.

Chapter 13.06 – Zoning

13.06.100.C Land use requirements.

* * *

4. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

5. District use table.

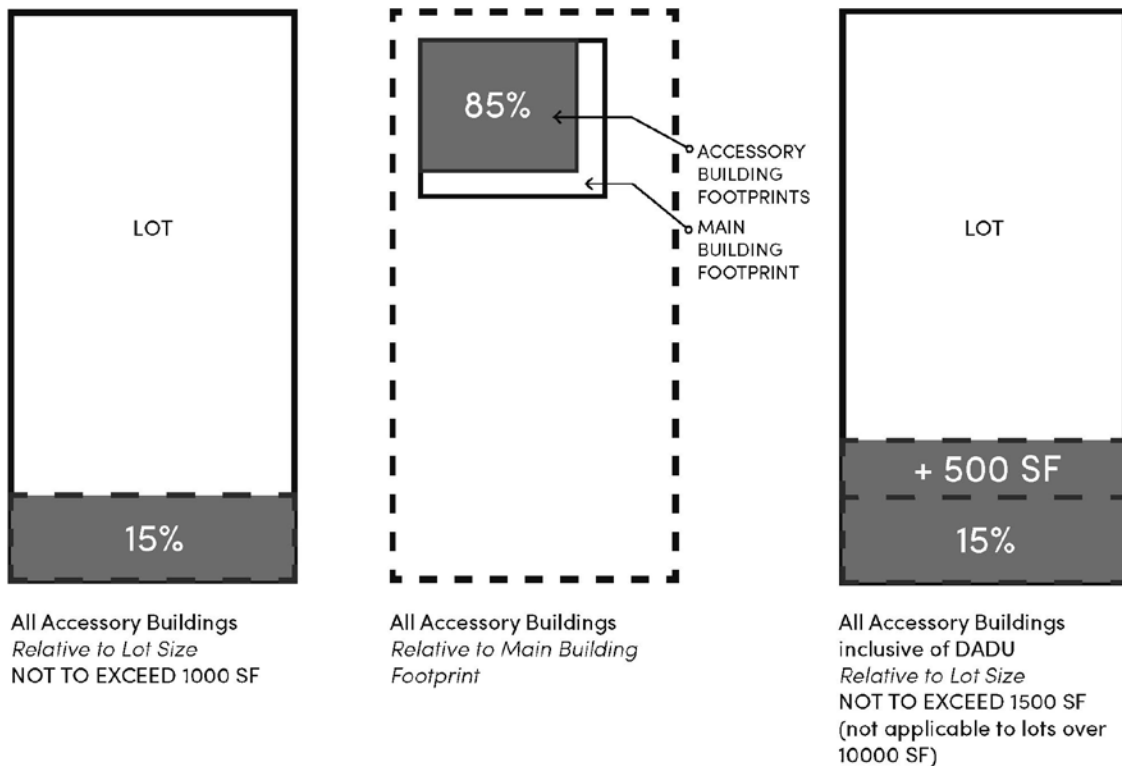
Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Dwelling, accessory (ADU)	P ²	P ²	P ²	P ²	P	P	P	P	Subject to additional requirements contained in Section 13.06.150. In all residential districts ADUs require the issuance of an ADU permit. In the R-1, R-2, R-2SRD and HMR-SRD districts, detached ADUs are subject to the provisions of the Residential Infill Pilot Program (Section 13.05.115).
* * *									
Footnotes: ¹ For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640 for additional details, limitations and requirements. ² Certain land uses, including two-family, townhouse, and cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.									

* * *

13.06.100.F. Accessory building standards. Accessory buildings permitted per Section 13.06.100.C.4, such as garages, sheds, detached accessory dwelling units (DADUs), common utility and laundry facilities, and business offices and recreational facilities for mobile home/trailer courts and multi-family uses, are subject to the following location and development standards:

1. The total square footage of all accessory building footprints shall be no more than 85% percent of the square footage of the main building footprint and no more than 15 percent of the square footage of the lot, not to exceed 1,000 square feet. For lots greater than 10,000 square feet, the total square footage of all accessory building footprints shall be no more than 10 percent of the square footage of the lot (the other limitations applicable to smaller properties outlined above shall not apply). If one of the accessory buildings is a Detached ADU, an additional 500 square feet may be added to the allowed total square footage of all accessory building footprints.~~In addition,~~

Accessory Buildings
(For lots under 10,000 square feet)



2. Size of Accessory Dwelling Units. See Section 13.06.150 for ADU standards.

~~the total building footprint square footage of structures accessory to a single family dwelling shall not exceed 1,000 square feet, except where properties contain a detached accessory dwelling unit, in which case, the total square footage of accessory building footprints (including the detached ADU)~~

~~shall be no more than 1,500 square feet. See Section 13.06.150 for ADU standards. For lots greater than 1/2 acre (21,780 square feet), the total square footage of all accessory buildings shall be no more than 10 percent of the square footage of the lot (the 85 percent main building and 1,000/1,500 square foot limitations for smaller properties shall not apply).~~

~~23.~~ A stable shall be located at least 25 feet from any street right-of-way line and at least seven and one-half feet from any side lot line. The capacity of a private stable shall not exceed one horse for each 20,000 square feet of lot area.

~~34.~~ Except for an approved Accessory Dwelling Unit (ADU – see Section 13.06.150), an accessory building shall contain no habitable space. Plumbing shall not be permitted in an accessory building without a finding by the Building Official that such plumbing is not to be utilized in conjunction with habitable space within the accessory building or will not permit the accessory building to be utilized as habitable space.

~~45.~~ Detached accessory buildings shall be located on the same lot or parcel on which the main building is situated. A detached accessory building may remain on a lot or parcel where no main building exists: (1) in the event the main structure on a lot is damaged or for other reason, is required to be removed; or (2) if the property is subdivided in such a manner that the detached accessory building would be located on a separate building site. In either case, a building permit for construction of a main structure shall be required to be obtained within one year of removal or division of property and substantial construction completed in accordance with the plans for which the permit was authorized.

~~56.~~ Detached accessory buildings shall be located behind the front wall line of the main building on a lot, and shall not be located in the required side yard setback area of the main building.

a. For through lots, if there is an established pattern of “functional front and rear yards,” detached accessory buildings shall be allowed in the “functional rear yard.” A “functional rear/front yard” shall be defined by the established pattern of the block, based on the orientation of existing dwellings and location of existing detached buildings. If there ~~is~~ is no defined pattern, a locational variance shall be required to allow the accessory structure in the front yard. The required front setback for such an accessory building shall be the same as for a primary building as set forth in TMC 13.06.100.D.6. either the standard front yard setback for the zoning classification or the average of the accessory and/or main building setbacks provided on the adjacent lots, whichever is smaller. However, if such accessory building includes vehicular doors facing and accessing the adjacent street, the building or portion of the building with such doors shall be setback at least 20 feet.

~~67.~~ For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the front property line or private road easement.

~~78.~~ Detached accessory buildings located on corner lots shall provide the main building side yard setback along the corner side property line.

~~89~~. Commercial shipping and/or storage containers shall not be a permitted type of accessory building in any residential zoning district. Such storage containers may only be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.

~~109~~. Parking quantity requirements and additional development standards are provided in Sections 13.06.602 and 13.06.510, including subsection 13.06.510.A.6.

* * *

13.06.150 Accessory dwelling units.

A. Intent. Accessory dwelling units (hereinafter referred to as "ADUs") are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add ~~affordable-small footprint, lower cost~~ units to the existing housing supply.
3. Make housing units within the City available to low and moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), environmental sustainability, and modern development technology.
5. ~~Contribute toProtect~~ neighborhood stability, and protect property values by creating avenues for additional income, aging-in-place, and the meeting of personal and property needs, and the single-family residential appearance by ensuring that ADUs are installed in a compatible manner under the conditions of this section.
6. Maintain residential appearance by ensuring that ADUs are of sound quality and generally consistent with neighborhood patterns.
- ~~67~~. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

B. Procedures. Any property owner seeking to establish an ADU in the City of Tacoma shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in subsection B.2 below.
2. Fees. Fees shall be required in accordance with Section 2.09.020. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with Section 2.09.020.

3. Accessory dwelling unit agreement. The owner of any property containing an ADU shall record with the Pierce County Auditor an accessory dwelling unit notification agreement for the ADU. Such agreement shall be in a form as specified by Planning and Development Services, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU, and agrees to all requirements provided in subsection C.; and (c) the conditions necessary to apply the restrictions and limitations contained in this section.

The property owner shall submit proof that the accessory dwelling unit notification agreement has been recorded prior to issuance of an ADU permit by Planning and Development Services. The accessory dwelling unit agreement shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for a termination of the accessory dwelling unit agreement. Such termination shall be granted upon proof that the ADU no longer exists on the property.

4. Permit. Upon receipt of a complete application, application fees, proof of recorded accessory dwelling unit agreement, and approval of any necessary building or other construction permits, an ADU permit shall be issued.

5. Inspection. The City shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met.

6. Violations. A violation of this section regarding provision of ownership shall be governed by subsection C.4, and a violation of provision of legalization of nonconforming ADUs shall be governed by subsection C.7. Violations of any other provisions shall be governed by Section 13.05.100.

7. ADUs shall be exempt from density calculations.

~~7. Detached ADUs in the R-1, R-2, R2-SRD and HMR-SRD Districts are reviewed under the provisions of the Residential Infill Pilot Program per TMC 13.05.115. Such applications shall provide for notification of property owners within 100 feet.~~

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single family detached dwelling in the City of Tacoma.

2. Occupancy. ~~The maximum number of occupants in an ADU shall be 4 persons.~~ Maximum occupancy ~~may be further~~ shall be limited by the Minimum Building and Structures Code in Title 2.

3. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

4. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. ~~Owners shall record a notice on title which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit.~~ Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

5. Parking. No off-street parking is required for the ADU. If additional ADU parking is provided, such parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed subject to the limitations in Section 13.06.510.A.6.

6. Home occupations. Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.

7. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.150 and 13.06.575.

8. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applied for an ADU permit prior to December 31, ~~1995~~2020, and brings the unit up to Minimum Housing Code standards in Section 2.01 of the Building Code. In addition, all nonconforming ADUs must meet all of the standards within Subsection C. Requirements, as well as Subsection D.4 Location. After January 1, ~~1996~~2021, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. The burden of proof falls on property owners in any dispute regarding the legality of the unit. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

D. ~~Bulk, Location and Design Requirements~~Development Standards. The creation of an ADU shall be subject to the following development standards~~requirements~~:

1. Minimum Lot Size.

a. For Attached ADUs on lots that do not meet the minimum standard lot size ((no less than 7,500 square feet in the R-1 District, or less than 5,000 square feet in all other residential districts) for the zoning district, the lot must meet the minimum Level 1 Small Lot size requirement for single-family detached dwellings in the applicable zoning district (for example, in the R-2 zoning district a single-family lot must be at least 4,500 with Small Lot Design Standards, to be eligible to have an ADU). Attached ADUs that do not increase the building envelope of the existing structure are exempt from this requirement.

b. For Detached ADUs, the lot must meet the minimum Standard Lot size (no less than 7,500 square feet in the R-1 District, or less than 5,000 square feet in all other residential districts), and Standard Minimum Lot ~~w~~Width (50 feet). A Detached ADU on a lot smaller than the minimum Standard Lot size and/or Standard Minimum Lot width may be authorized through the issuance of a Conditional Use Permit.

2. ADU Size.

The building footprint of the ADU cannot exceed 85% of the main building footprint. If a detached ADU is being built, the building footprint of the ADU can be 15% of the lot area plus 500 square feet, minus any square footage of other accessory buildings on the same lot.

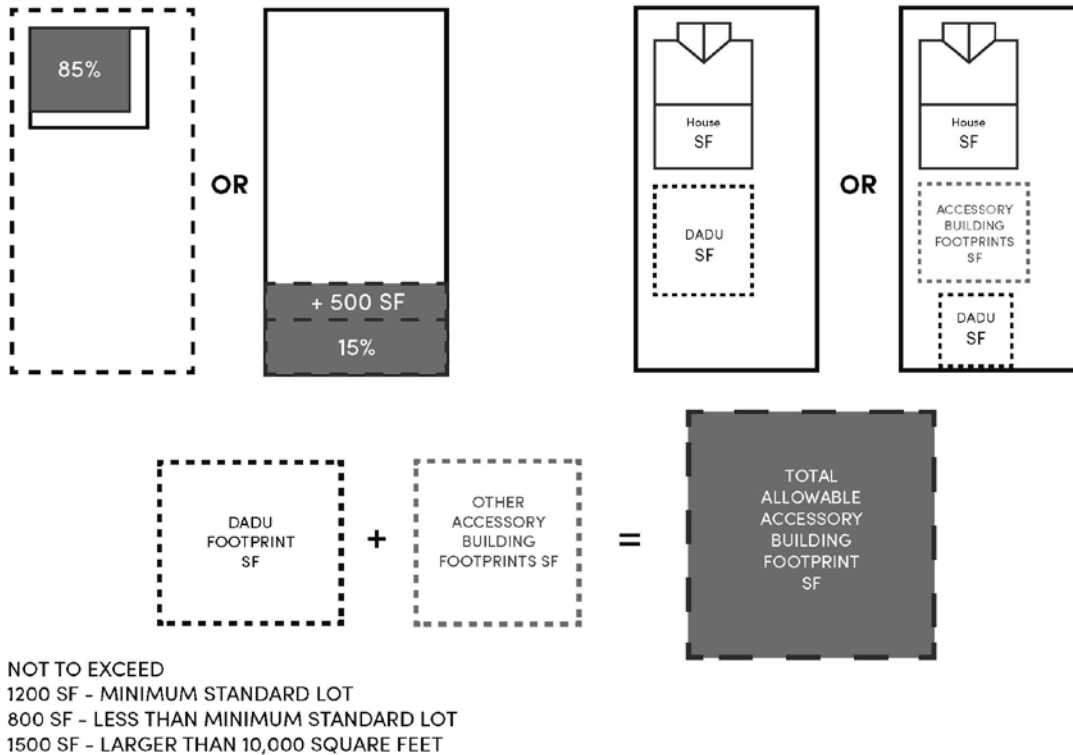
a. For minimum Standard lots, the ADU is not to exceed 1200 square feet. ~~The ADU shall not exceed 40 percent of the total square footage of the main building and the ADU combined, after modification or construction. An ADU shall not contain more than 1,000 square feet. In addition, detached ADUs shall meet the standards of 13.06.100.F. Accessory building standards.~~

b. For lots smaller than the minimum Standard Lot size (for example, 5,000 square feet in the R-2 Zoning District), the ADU is not to exceed 800 square feet.

c. For lots greater than 10,000 square feet, the ADU is not to exceed 1,500 square feet.

d. In addition, detached ADUs are considered accessory buildings and thus are also subject to the general size limitations set forth in TMC 13.06.100.F Accessory building standards.

Size of Accessory Dwelling Unit



3. Height. Attached ADUs are considered part of the primary structure and thus are subject to the same height limitations applicable to the primary structure. The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, except in View Sensitive Districts where the height limit shall be 15 feet. Detached ADUs shall be no taller than the main house. The conversion of an existing accessory structure taller than 18 feet may be authorized through issuance of a Conditional Use Permit. ~~In such cases, the structure shall not intercept a 45-degree daylight plane inclined into the ADU site from a height of 15 feet above existing grade, measured from the required 5 foot setback line; and, second-story windows facing abutting properties, and within 10 feet of the property line, shall be constructed in a manner to prevent direct views into the neighboring property, through such methods as clerestory windows, or semi-translucent glass.~~

4. Location. The ADU shall be permitted as a second dwelling unit added to or created within the main building or, when allowed, permitted as a detached structure located in the rear yard.

5. Setbacks. Attached ADUs are considered part of the primary structure and thus are subject to the same setback standards applicable to the primary structure. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, excepting that no setback from the alley shall be required. ~~Existing buildings being converted to Detached ADUs, which do not meet the required setbacks, shall comply with all applicable City of Tacoma Codes adopted at the time of permit application.~~

6. Open Space. While no additional yard space is required for sites with an ADU, the proposal must maintain or provide usable and functional outdoor or yard space consistent with TMC 13.06.100.D.7 Minimum Usable Yard Space.

7. Walkways. For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way. The walkway shall be composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials and is located along an exterior edge of a driving surface.

E. Design Standards. The creation of an ADU shall be subject to the following design requirements:

61. Design - Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing façade, roof pitch, siding, and windows. Only one entrance is permitted to be located in the front façade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy. Any attached ADU proposed within a historic district is subject to the requirements and standards set forth in TMC 13.07 Landmarks and Historic Special Review Districts.

72. Design - Detached ADUs. A detached ADU shall be designed to complement the architectural design, style, appearance, and character of the main building by utilizing complementary colors and finish materials, window styles, and roof design to the main building. The entrance door to a detached ADU shall not face the same property line as the entrance door to the main building except when the entrance door to the ADU is located behind the rear wall of the main building. The Detached ADU structure shall be the only accessory structure allowed on the parcel, though it can be integrated into a structure that includes a garage or other non-habitable space. A Detached ADU shall be designed so that the overall building design, material selection, and detailing ensure performance and are consistent with or exceed the quality of construction in the surrounding area. Any Detached ADU proposed within a historic district is subject to the requirements and standards set forth in TMC 13.07 Landmarks and Historic Special Review Districts.

8. Walkways. For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way. The walkway shall be at least 4 feet wide and composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials, is located along an exterior edge of a driving surface, and vehicles are not permitted to park on the walkway.

* * *

Chapter 13.05 – Land Use Permit Procedures

13.05.115 Residential Infill Pilot Program

A. Purpose. To promote innovative residential infill development types, while ensuring that such development demonstrates high quality building and site design that is responsive to and harmonious with neighborhood patterns and character. In addition, the Pilot Program is intended to develop a body of successful, well-regarded examples of innovative residential infill in order to inform a later Council decision whether to finalize development regulations and design standards for some or all of these infill housing types.

B. Term. The Pilot Program will commence when infill design guidelines illustrating in graphic format the intent and requirements of this section have been developed, with input from the Planning Commission, and authorized by the Director.

The Pilot Program will be reassessed as directed by the City Council or by the Director. Once three of any of the categories has been completed, no additional applications will be accepted for that category until further Council action has been taken.

C. Applicability. The provisions of this section apply to the following categories of residential infill:

- ~~1. Detached Accessory Dwelling Units within the R-1, R-2, R-2SRD and HMR-SRD Districts,~~
- ~~2~~1. Two-family or townhouse development within the R-2 District,
- ~~3~~3. Multifamily development within the R-3 District, and
- ~~4~~4. Cottage Housing development within any residential district except the HMR-SRD District.

D. The pertinent provisions of TMC 13.06 regarding residential districts, the development and permitting requirements described therein, as well as any other pertinent section of the TMC shall apply.

E. There shall be a minimum distance of 1,000 feet separating pilot program housing developments within the same category.

~~F. Only one Detached Accessory Dwelling Unit may be developed within designated Historic Districts under the Pilot Program.~~

~~G~~F. Submittals. Proponents of any of the above innovative residential infill development types shall submit the following:

- ~~A~~1. ~~S~~Site plan(s) showing proposed and existing conditions.
- 2. Building elevations from all four sides, showing proposed and existing conditions.

3. A massing study.
4. Photographs of any existing structures that will be altered or demolished in association with the proposal, as well as photographs of the structures on adjacent parcels.
5. A narrative and any supporting exhibits demonstrating how the project will be consistent with the Pilot Program intent and the provisions of this section.
6. Demonstration that the proposal would meet all pertinent TMC requirements, including those contained in TMC 13.06.100.
7. A complete application, along with applicable fees, for any required land use permits, including conditional use and Accessory Dwelling Unit permits. Such processes may require public notification or meetings.
8. The Director reserves the right to request additional information and documentation prior to beginning the City's review.

* * *

Accessory Dwelling Unit Regulations

DRAFT LAND USE REGULATORY CODE CHANGES

SEPTEMBER 14, 2018

Summary of Changes

- Allows Detached Accessory Dwelling Units (DADUs) in single-family and mixed-residential zoning districts (R-1, R-2, R-2SRD and HMR-SRD Districts), where they were previously only allowed through the Residential Infill Pilot Program
- Streamlines measurement of ADU size
- Provides a Conditional Use Permit process for lots that do not meet minimum Standard Lot Size and Lot Width to still request an ADU
- Clarifications on height limitation in VSD and design review in historic districts
- Adds a requirement to ensure ADU projects do not eliminate required open space
- Modifies the walkway requirement to provide additional flexibility
- Eliminates the majority of the existing design standards for DADUs while maintaining a provision for administrative design review based on performance and quality
- Update to intent language that better addresses housing choice and sustainability
- Updates timeline and requirements for legalizing pre-existing, unpermitted ADUs (amnesty program)
- Allows larger accessory buildings on lots greater than 10,000 square feet (this allowance previously applied only to lots greater than ½-acre)

These proposed amendments include modifications to the following sections of **Title 13, Land Use Regulatory Code**:

Chapter 13.06 – Zoning

13.06.100.C – Land use requirements (for Residential Districts)

13.06.100.F – Accessory building standards

13.06.150 – Accessory dwelling units

Chapter 13.05 – Land Use Permit Procedures

13.05.115 – Residential Infill Pilot Program

Note: These amendments show all of the changes to existing Land Use regulations. The sections included are only those portions of the code that are unchanged or associated with these amendments; existing, changed code is not visible, as this is a clean version of the document. Existing code can be found online, referencing the above sections.

Chapter 13.06 – Zoning

13.06.100.C Land use requirements.

* * *

4. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

5. District use table.

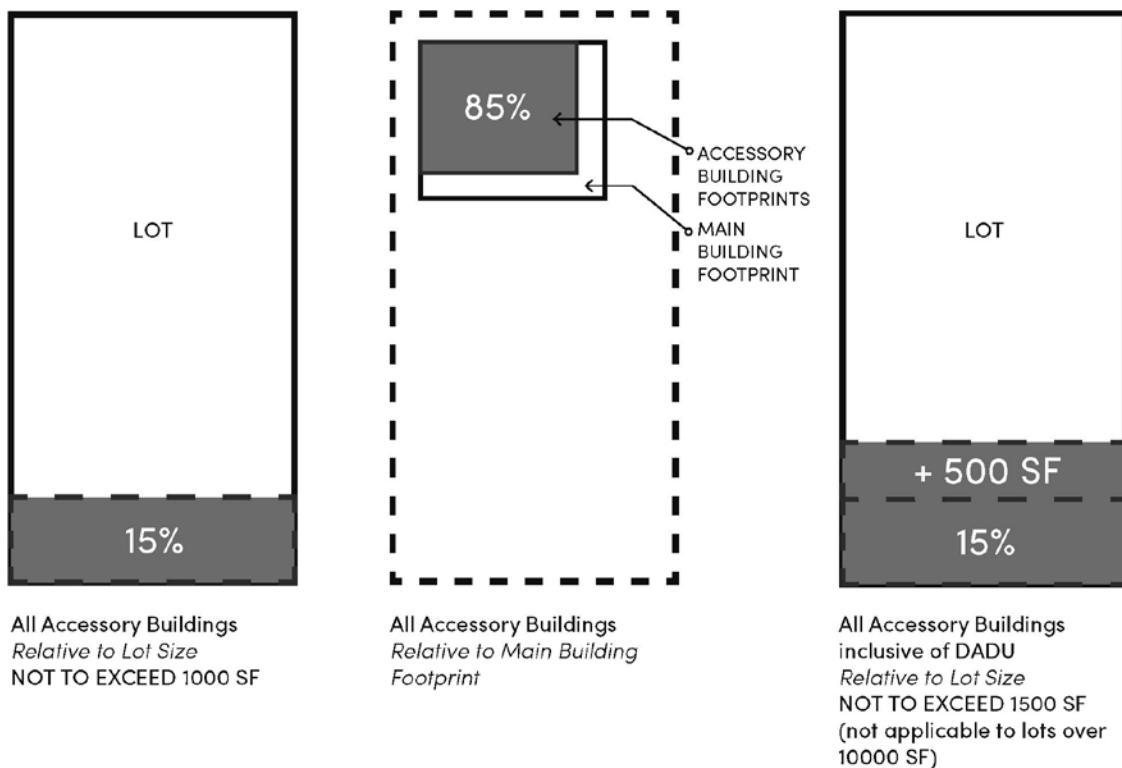
Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.150. In all residential districts ADUs require the issuance of an ADU permit.
* * *									
Footnotes:									
¹ For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640 for additional details, limitations and requirements.									
² Certain land uses, including two-family, townhouse, and cottage housing in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.									

* * *

13.06.100.F. Accessory building standards. Accessory buildings permitted per Section 13.06.100.C.4, such as garages, sheds, detached accessory dwelling units (DADUs), common utility and laundry facilities, and business offices and recreational facilities for mobile home/trailer courts and multi-family uses, are subject to the following location and development standards:

1. The total square footage of all accessory building footprints shall be no more than 85 percent of the square footage of the main building footprint and no more than 15 percent of the square footage of the lot, not to exceed 1,000 square feet. For lots greater than 10,000 square feet, the total square footage of all accessory building footprints shall be no more than 10 percent of the square footage of the lot (the other limitations applicable to smaller properties outlined above shall not apply). If one of the accessory buildings is a Detached ADU, an additional 500 square feet may be added to the allowed total square footage of all accessory building footprints.

Accessory Buildings
(For lots under 10,000 square feet)



2. Size of Accessory Dwelling Units. See Section 13.06.150 for ADU standards.

3. A stable shall be located at least 25 feet from any street right-of-way line and at least seven and one-half feet from any side lot line. The capacity of a private stable shall not exceed one horse for each 20,000 square feet of lot area.

4. Except for an approved Accessory Dwelling Unit (ADU – see Section 13.06.150), an accessory building shall contain no habitable space. Plumbing shall not be permitted in an accessory building without a finding by the Building Official that such plumbing is not to be utilized in conjunction with habitable space within the accessory building or will not permit the accessory building to be utilized as habitable space.

5. Detached accessory buildings shall be located on the same lot or parcel on which the main building is situated. A detached accessory building may remain on a lot or parcel where no main building exists: (1) in the event the main structure on a lot is damaged or for other reason, is required to be removed; or (2) if the property is subdivided in such a manner that the detached accessory building would be located on a separate building site. In either case, a building permit for construction of a main structure shall be required to be obtained within one year of removal or division of property and substantial construction completed in accordance with the plans for which the permit was authorized.

6. Detached accessory buildings shall be located behind the front wall line of the main building on a lot, and shall not be located in the required side yard setback area of the main building.

a. For through lots, if there is an established pattern of “functional front and rear yards,” detached accessory buildings shall be allowed in the “functional rear yard.” A “functional rear/front yard” shall be defined by the established pattern of the block, based on the orientation of existing dwellings and location of existing detached buildings. If there is no defined pattern, a locational variance shall be required to allow the accessory structure in the front yard. The required front setback for such an accessory building shall be the same as for a primary building as set forth in TMC 13.06.100.D.6.

7. For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the front property line or private road easement.

8. Detached accessory buildings located on corner lots shall provide the main building side yard setback along the corner side property line.

9. Commercial shipping and/or storage containers shall not be a permitted type of accessory building in any residential zoning district. Such storage containers may only be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.

10. Parking quantity requirements and additional development standards are provided in Sections 13.06.602 and 13.06.510, including subsection 13.06.510.A.6.

* * *

13.06.150 Accessory dwelling units.

A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add small footprint, lower cost units to the existing housing supply.
3. Make housing units within the City available to low and moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), environmental sustainability, and modern development technology.
5. Contribute to neighborhood stability and protect property values by creating avenues for additional income, aging-in-place, and the meeting of personal and property needs.
6. Maintain residential appearance by ensuring that ADUs are of sound quality and generally consistent with neighborhood patterns.
7. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

B. Procedures. Any property owner seeking to establish an ADU in the City of Tacoma shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in subsection B.2 below.
2. Fees. Fees shall be required in accordance with Section 2.09.020. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with Section 2.09.020.
3. Accessory dwelling unit agreement. The owner of any property containing an ADU shall record with the Pierce County Auditor an accessory dwelling unit notification agreement for the ADU. Such agreement shall be in a form as specified by Planning and Development Services, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU, and agrees to all requirements provided in subsection C.; and (c) the conditions necessary to apply the restrictions and limitations contained in this section.

The property owner shall submit proof that the accessory dwelling unit notification agreement has been recorded prior to issuance of an ADU permit by Planning and Development Services. The accessory dwelling unit agreement shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for a termination of the accessory dwelling unit agreement. Such termination shall be granted upon proof that the ADU no longer exists on the property.

4. Permit. Upon receipt of a complete application, application fees, proof of recorded accessory dwelling unit agreement, and approval of any necessary building or other construction permits, an ADU permit shall be issued.

5. Inspection. The City shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met.

6. Violations. A violation of this section regarding provision of ownership shall be governed by subsection C.4, and a violation of provision of legalization of nonconforming ADUs shall be governed by subsection C.7. Violations of any other provisions shall be governed by Section 13.05.100.

7. ADUs shall be exempt from density calculations.

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single family detached dwelling in the City of Tacoma.

2. Occupancy. Maximum occupancy shall be limited by the Minimum Building and Structures Code in Title 2.

3. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

4. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

5. Parking. No off-street parking is required for the ADU. If additional ADU parking is provided, such parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed subject to the limitations in Section 13.06.510.A.6.

6. Home occupations. Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.

7. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.150 and 13.06.575.

8. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applies for an ADU permit prior to

December 31, 2020, and brings the unit up to Minimum Housing Code standards in Section 2.01 of the Building Code. In addition, all nonconforming ADUs must meet all of the standards within Subsection C. Requirements, as well as Subsection D.4 Location. After January 1, 2021, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. The burden of proof falls on property owners in any dispute regarding the legality of the unit. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

D. Development Standards. The creation of an ADU shall be subject to the following development standards:

1. Minimum Lot Size.

a. For Attached ADUs on lots that do not meet the minimum standard lot size ((no less than 7,500 square feet in the R-1 District, or less than 5,000 square feet in all other residential districts) for the zoning district, the lot must meet the minimum Level 1 Small Lot size requirement for single-family detached dwellings in the applicable zoning district (for example, in the R-2 zoning district a single-family lot must be at least 4,500 with Small Lot Design Standards, to be eligible to have an ADU). Attached ADUs that do not increase the building envelope of the existing structure are exempt from this requirement.

b. For Detached ADUs, the lot must meet the minimum Standard Lot size, and Standard Minimum Lot width (50 feet). A Detached ADU on a lot smaller than the minimum Standard Lot size and/or Standard Minimum Lot width may be authorized through the issuance of a Conditional Use Permit.

2. ADU Size.

The building footprint of the ADU cannot exceed 85% of the main building footprint. If a detached ADU is being built, the building footprint of the ADU can be 15% of the lot area plus 500 square feet, minus any square footage of other accessory buildings on the same lot.

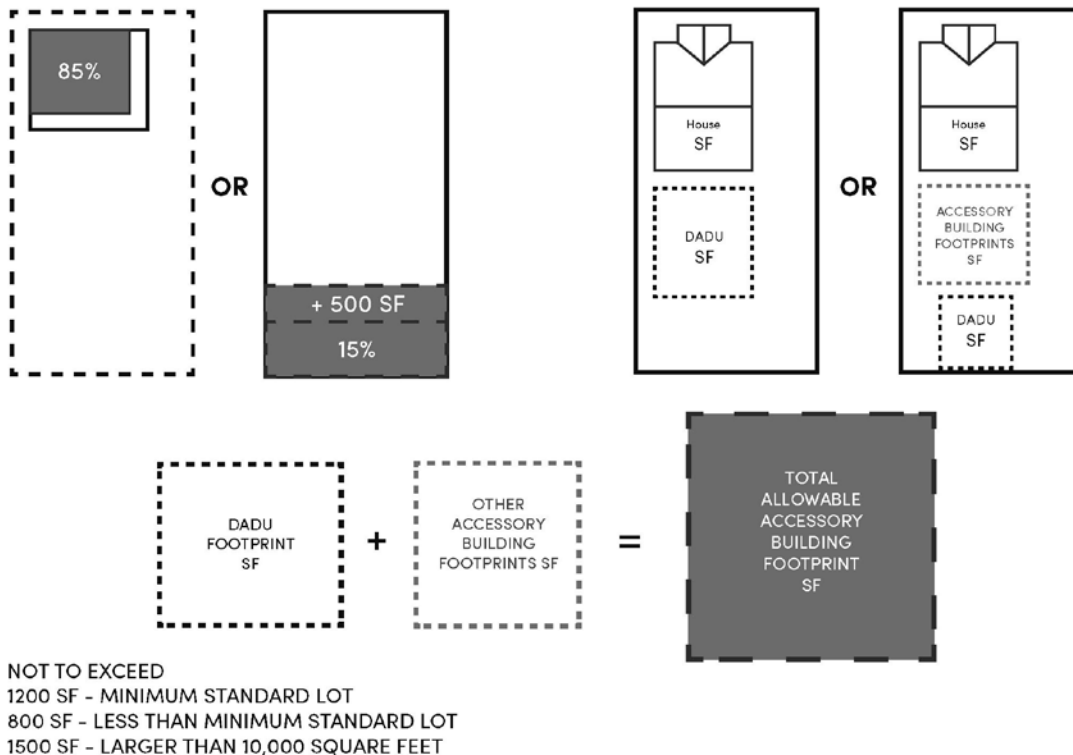
a. For minimum Standard lots, the ADU is not to exceed 1200 square feet.

b. For lots smaller than the minimum Standard Lot size (for example, 5,000 square feet in the R-2 Zoning District), the ADU is not to exceed 800 square feet.

c. For lots greater than 10,000 square feet, the ADU is not to exceed 1,500 square feet.

d. In addition, detached ADUs are considered accessory buildings and thus are also subject to the general size limitations set forth in TMC 13.06.100.F Accessory building standards.

Size of Accessory Dwelling Unit



3. Height. Attached ADUs are considered part of the primary structure and thus are subject to the same height limitations applicable to the primary structure. The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, except in View Sensitive Districts where the height limit shall be 15 feet. Detached ADUs shall be no taller than the main house. The conversion of an existing accessory structure taller than 18 feet may be authorized through issuance of a Conditional Use Permit.

4. Location. The ADU shall be permitted as a second dwelling unit added to or created within the main building or, when allowed, permitted as a detached structure located in the rear yard.

5. Setbacks. Attached ADUs are considered part of the primary structure and thus are subject to the same setback standards applicable to the primary structure. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, excepting that no setback from the alley shall be required. Existing buildings being converted to Detached ADUs, which do not meet the required setbacks, shall comply with all applicable City of Tacoma Codes adopted at the time of permit application.

6. Open Space. While no additional yard space is required for sites with an ADU, the proposal must maintain or provide usable and functional outdoor or yard space consistent with TMC 13.06.100.D.7 Minimum Usable Yard Space.

7. Walkways. For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way. The walkway shall be composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials and is located along an exterior edge of a driving surface.

E. Design Standards. The creation of an ADU shall be subject to the following design requirements:

1. Design - Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing façade, roof pitch, siding, and windows. Only one entrance is permitted to be located in the front façade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy. Any attached ADU proposed within a historic district is subject to the requirements and standards set forth in TMC 13.07 Landmarks and Historic Special Review Districts.

2. Design - Detached ADUs. A Detached ADU shall be designed so that the overall building design, material selection, and detailing ensure performance and are consistent with or exceed the quality of construction in the surrounding area. Any Detached ADU proposed within a historic district is subject to the requirements and standards set forth in TMC 13.07 Landmarks and Historic Special Review Districts.

* * *

Chapter 13.05 – Land Use Permit Procedures

13.05.115 Residential Infill Pilot Program

A. Purpose. To promote innovative residential infill development types, while ensuring that such development demonstrates high quality building and site design that is responsive to and harmonious with neighborhood patterns and character. In addition, the Pilot Program is intended to develop a body of successful, well-regarded examples of innovative residential infill in order to inform a later Council decision whether to finalize development regulations and design standards for some or all of these infill housing types.

B. Term. The Pilot Program will commence when infill design guidelines illustrating in graphic format the intent and requirements of this section have been developed, with input from the Planning Commission, and authorized by the Director.

The Pilot Program will be reassessed as directed by the City Council or by the Director. Once three of any of the categories has been completed, no additional applications will be accepted for that category until further Council action has been taken.

C. Applicability. The provisions of this section apply to the following categories of residential infill:

1. Two-family or townhouse development within the R-2 District,
2. Multifamily development within the R-3 District, and
3. Cottage Housing development within any residential district except the HMR-SRD District.

D. The pertinent provisions of TMC 13.06 regarding residential districts, the development and permitting requirements described therein, as well as any other pertinent section of the TMC shall apply.

E. There shall be a minimum distance of 1,000 feet separating pilot program housing developments within the same category.

F. Submittals. Proponents of any of the above innovative residential infill development types shall submit the following:

1. Site plan(s) showing proposed and existing conditions.
2. Building elevations from all four sides, showing proposed and existing conditions.
3. A massing study.
4. Photographs of any existing structures that will be altered or demolished in association with the proposal, as well as photographs of the structures on adjacent parcels.

5. A narrative and any supporting exhibits demonstrating how the project will be consistent with the Pilot Program intent and the provisions of this section.

6. Demonstration that the proposal would meet all pertinent TMC requirements, including those contained in TMC 13.06.100.

7. A complete application, along with applicable fees, for any required land use permits, including conditional use and Accessory Dwelling Unit permits. Such processes may require public notification or meetings.

8. The Director reserves the right to request additional information and documentation prior to beginning the City's review.

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