



City of Tacoma
Planning Commission

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October 17, 2018

Mayor and the City Council
City of Tacoma
747 Market Street, Suite 1200
Tacoma, WA 98402

RE: Accessory Dwelling Unit (ADU) Regulations

Mayor Woodards and Members of the City Council:

On behalf of the Planning Commission, I am pleased to forward our recommendations regarding the **Accessory Dwelling Unit (ADU) Regulations**, for your consideration for adoption. Enclosed is the *Planning Commission's Findings of Fact and Recommendations Report* that summarizes the proposal, the public review process, and the Commission's deliberations.

Since the City Council passed Resolution No. 39886 requesting the Planning Commission to study the impacts of increasing the number of Detached Accessory Dwelling Units (DADUs) in the Residential Infill Pilot Program, the Commission has heard extensively from the public and engaged in discussions on this topic that will impact neighborhoods throughout the City. The issue of housing, in its many forms, has been a significant topic of conversation and residents have been particularly interested in the many possibilities ADUs provide to all the sizes and shapes of households across Tacoma. The Comprehensive Plan clearly addresses the benefit of infill housing types, stating that the City should "*encourage new and innovative housing types that meet the evolving needs of Tacoma households and expand housing choices in all neighborhoods. These housing types include single family dwelling units; multi-dwelling units; small units; accessory dwelling units; pre-fabricated homes such as manufactured, modular; co-housing and clustered housing.*"

As Tacoma's housing market evolves, the City must embrace accommodating newcomers, while creating opportunities to achieve stability and prosperity for those already here. Accessory dwelling units can:

- Provide homeowners with a means of providing for companionship with autonomy, as well as physical and financial security.
- Add small footprint, lower cost units to the existing housing supply.
- Make housing units within the City available to low and moderate income people.
- Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), environmental sustainability, and modern technological advances in the building sciences.
- 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.
- Maintain residential appearance by ensuring that ADUs are of sound quality and generally consistent with neighborhood patterns.
- Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

We are encouraged by the tremendous interest in this topic and were heartened by the public comment we received, describing the myriad reasons ADUs could be vital to our community. Our role was to simplify the code and reduce barriers, while considering impacts to neighborhoods and municipal resources. The Commission's recommendations, if adopted, will require continued and robust engagement and a willingness to listen to our neighbors.

On October 17, the Planning Commission voted to recommend that the City Council adopt permanent regulations including the following key elements:

- 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;
- Clarifies 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 attached and detached ADUs while maintaining a provision for administrative design review based on performance and quality;
- Updates the intent language that better addresses housing choice and sustainability;
- Updates timeline and requirements for legalizing pre-existing, unpermitted ADUs ("amnesty program"); and
- Allows larger accessory buildings on lots greater than 10,000 square feet (this allowance previously applied only to lots greater than ½-acre).

Thank you for the opportunity to work on this important matter. Please contact me if the Planning Commission can be of any assistance as you deliberate permanent regulations.

Sincerely,



STEPHEN WAMBACK
Chair, Planning Commission

Enclosure



**Accessory Dwelling Unit (ADU)
Permanent Regulations**
(Revisions to TMC 13.05 and 13.06)

**Planning Commission
Findings of Fact and Recommendations Report**
October 17, 2018

A. Subject:

The proposal is to modify zoning regulations pertaining to accessory dwelling units (see **Exhibit 1**).

B. Summary of the Proposed Regulations:

The Proposed Accessory Dwelling Unit (ADU) Regulations, after Council and Planning Commission consideration, would amend the Tacoma Municipal Code, Chapters 13.05 and 13.06, as follows:

13.06.100.C Land Use Requirements

Modifies use table to show that Dwelling, accessory are permitted in R-1, R-2, R-2 SRD, and HMR-SRD and removes mention of Pilot Program in relation to single family zoning districts.

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.

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 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: Detached 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.

Density Calculations

Proposed Code: ADUs are exempted from density calculations.

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. Updates enforcement penalty language.

Legalization of Nonconforming ADUs

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

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

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 (CUP).

(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 changed 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 footprint 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

Height

Existing Code: DADUs cannot be taller than the main house and maximum height is 18 feet using Building Code Methodology. Conversions may be taller than 18 feet with CUP. Explains series of conditions and requirements to be met if ADU obstructs daylight at 45 degree daylight plane.

Proposed Code: Removes daylight obstruction regulations. DADUs in View Sensitive Districts limited to 15 feet, using Zoning Code methodology. Allows an additional 2 feet of height if DADU is located over a parking garage, for total of 20 feet, using Building Code methodology.

Setbacks

Proposed Code: Clarifies that Attached ADUs are considered part of the primary structure and subject to the same setbacks. Allows conversions of existing buildings which do not meet setbacks, provided that the structure meets Building Code requirements.

Open Space – Subsection created

Proposed Code: 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: Reduces specificity of design standards to indicate that ADUs must meet performance and quality standards, and adds reference to historic district review for ADUs located in historic special review districts.

Detached ADUs

Existing Code: Requires 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

The proposed amendments to the various sections of the Tacoma Municipal Code are shown in **Exhibit 1**.

C. Findings of Fact:

Part One – Legislative Intent:

1. Comprehensive Plan and Land Use Regulatory Code

The *One Tacoma* Comprehensive Plan, updated in 2015 by Ordinance No. 28335, is Tacoma's comprehensive plan as required by the State Growth Management Act (GMA) and consists of several plan and program elements. As the City's official statement concerning future growth and development, the Comprehensive Plan sets forth goals, policies and strategies for the health, welfare and quality of life of Tacoma's residents. The Land Use Regulatory Code, Title 13 of the Tacoma Municipal Code (TMC), is the key regulatory mechanism that supports the Comprehensive Plan. The following policies in the Housing Element clearly state the City's position regarding accessory dwelling units, a type of infill housing:

Policy H–1.3 Encourage new and innovative housing types that meet the evolving needs of Tacoma households and expand housing choices in all neighborhoods. These housing types include single family dwelling units; multi-dwelling units; small units; accessory dwelling units; pre-fabricated homes such as manufactured, modular; co-housing and clustered housing.

Policy H–1.4 Promote the maintenance and improvement of the existing housing stock and encourage the adaptation of the existing housing stock to accommodate the changing variety of household types.

Policy H–2.7 Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

2. Planning Mandates and Guidelines

GMA requires that any amendments to the Comprehensive Plan and/or development regulations conform to the requirements of the Act, and that all proposed amendments, with certain limited exceptions, shall be considered concurrently so that the cumulative effect of the various changes can be ascertained. Proposed amendments to the Comprehensive Plan and/or development regulations must also be consistent with the following State, regional and local planning mandates and guidelines:

- The State Growth Management Act (GMA);
- The State Environment Policy Act (SEPA);
- The State Shoreline Management Act (SMA);
- The Puget Sound Regional Council's *VISION 2040* Multicounty Planning Policies;
- The Puget Sound Regional Council's *Transportation 2040*, the action plan for transportation in the Central Puget Sound Region (adopted on May 20, 2010);
- The Puget Sound Regional Council's Subarea Planning requirements;
- The Countywide Planning Policies for Pierce County;
- TMC 13.02 concerning the procedures and criteria for amending the Comprehensive Plan and development regulations.

Part Two – Public Notification and Involvement

1. **Public Hearing** – A public hearing was held October 3rd at 5:30 p.m. in Council Chambers. Public comments were accepted through October 5th at 5 p.m.
2. **Public Notice** – The public hearing notice was 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.
3. **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.
4. **News Media** – The City of Tacoma issued a News Release on September 24, 2018. An online advertisement was placed in The News Tribune, scheduled to run during the week of September 24, 2018. A legal notice was published in the Tacoma Daily Index on September 17, 2018.
5. **Social Media** - Facebook Event Pages were created and disseminated for the public hearing.
6. **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.
7. **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.
8. **Website** – Project updates and public review documents were posted to the City of Tacoma’s website at www.cityoftacoma.org/DADU.
9. **Neighborhood Council Meetings** – Staff has held and will continue to hold presentations at neighborhood councils to inform them of milestones in the legislative process and promote ways to get involved.

Part Three – Public Comment, Additional Facts, Observations, and Concerns:

Planning Commission acknowledges receiving public testimony and written comment, as well as staff response to said testimony and comments. 17 people provided oral testimony at the public hearing and staff received 37 written comments.

Comments received were on a variety of topics and expressed a range of perspectives on ADUs. The Planning Commission considered these comments and formulated revisions to the proposal to address them. The comments and staff analysis are contained in the October 17, 2018 Planning Commission packet available on the project webpage. A summary of common themes and issues considered are listed below.

- Attached ADU design standards addressing Conforming Style
- Conversions
- Density in the North Slope
- Detached ADU Design Standards
 - Insufficient for DADUs
 - Architectural consistency
- Floor Area Ratio (FAR)

- Feasibility
 - Sustainable Limits
 - Infrastructure
 - Limit ADUs per Block
- Incentives
 - To Increase uptake in specific areas
 - Affordability
 - Scalable Fees
- Height Limits
 - 15 foot height limit for DADUs in View Sensitive District
 - 18 foot height limit for DADUs
- Historic District DADUs
 - Not allowed
 - CUP Requirement
- Mobile Tiny Homes
- Owner Living On Site Requirement
 - Leasing of both units in event of relocation
 - Displacement of Tenant
- Parking Requirements
- Public Engagement and Awareness
 - Public Information Campaign
 - Pace of Implementation
 - Notification
- Relationship to Affordable Housing
- Sites on septic system limited to one dwelling
- Site Design and Location
 - Casting of Shadows on Neighbors
 - Fire Exiting
- Size of DADUs relative to House and Lot
 - Oversized
 - Require Larger Lot Size
 - Control Size and Height on sub-6000 square foot lots
 - Proportional Size Reduction
 - DADUs not to exceed 800 SF
- Sustainability
- Variances

In addition to the City Council's legislative intent, the Planning Commission has also identified the following factual information, observations, and concerns associated with the proposed regulations:

- Staff continues to work with the Building Division, Site Development, and Fire to ensure that the code appropriately addresses life and fire safety concerns.
- Accessory dwelling units can be a very useful tool in addressing issues of neighborhood stability, changing family living situations, aging in place, among other issues.
- Staff will be investigating incentives, ranging from permit fee reductions and technical assistance, as part of the Affordable Housing Action Strategy implementation.

Part Four – SEPA Review

As part of an environmental review, the City of Tacoma completed a SEPA checklist and filed a Preliminary Determination of Environmental Nonsignificance on September 12, 2018. The SEPA Environmental Checklist found no significant impacts to the environment and found that infrastructure systems could support the addition of a projected small number of accessory dwelling units.

The comment deadline was October 5th, 2018. The Determination became final on October 12, 2018. The environmental review packet is on file with the Planning and Development Services Department (PDS) and is available online at <http://www.cityoftacoma.org/DADU>.

Part Five – Planning Commission’s Review Process:

1. The Planning Commission began the process of developing amended regulations on July 18, 2018 by discussing project scope. On August 1, Planning Commission discussed issues and areas of concern for staff to develop draft code.
2. On September 5, 2018, the Commission authorized the distribution of the proposed permanent regulations for public review and set October 3, 2018 as the date for a public hearing. A Public Review Packet was compiled by staff for the public hearing. The packet is on file with the Planning and Development Services Department (PDS) and is available online at <http://www.cityoftacoma.org/DADU>.
3. At the public hearing on October 3, 2018, the Commission received oral testimony from 17 citizens, and through closure of the public hearing record on October 5, 2018, the Commission received written comments submitted by 37 individuals or organizations. A compilation of the public comments is available on the project website.
4. At the next meeting on October 17, 2018, the Commission reviewed public comments received, reviewed staff’s observations and responses to public comments, reviewed additional information, and formulated its recommendations to the City Council.
5. The Commission hereby forwards its recommendations to the City Council with the intent to assist the Council in taking action. The Council’s review timeline could be as follows:
 - Council IPS Committee – December 12, 2018 and January 23, 2019
 - February 19 – Study Session
 - February 19 – Public hearing
 - March 5 – City Council 1st Reading of Ordinance
 - March 19 – City Council Final Reading of Ordinance
6. A record of updates and actions concerning ADUs can be found at <http://www.cityoftacoma.org/DADU> and at http://www.cityoftacoma.org/government/committees_boards_commissions/planning_commission/agendas_and_minutes/. Supplemental information about DADUs that were a part of the Residential Infill Pilot Program can be found at <http://www.cityoftacoma.org/infill>.

D. Conclusions and Recommendations:

The Planning Commission acknowledges and understands the City Council's intent and objectives in requesting a review of detached accessory dwelling unit regulations as a part of Resolution No. 39886, which passed in December of 2017. The Planning Commission has formulated its recommendations on accessory dwelling units for the City Council’s consideration for adoption.

The proposed regulations seek to achieve the following general objectives:

- Provide homeowners with a means of providing for companionship with autonomy, as well as physical and financial security.
- Add small footprint, lower cost units to the existing housing supply.
- Make housing units within the City available to low and moderate income people.
- Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), environmental sustainability, and modern technological advances in the building sciences.
- 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.
- Maintain residential appearance by ensuring that ADUs are of sound quality and generally consistent with neighborhood patterns.
- Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

The Planning Commission recommends that the City Council adopt the proposed amendments to the Tacoma Municipal Code, as set forth in **Exhibit 1**. In addition to the code amendments, Planning Commission intends to work with staff to develop an ADU handbook that will explain details of the code, such as calculating the ADU size, in common terms, as well as showcasing best practices.

E. Exhibit:

1. Proposed Amendments to the Tacoma Municipal Code

Exhibit 1

Accessory Dwelling Unit Regulations

PROPOSED LAND USE REGULATORY CODE CHANGES

OCTOBER 17, 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.

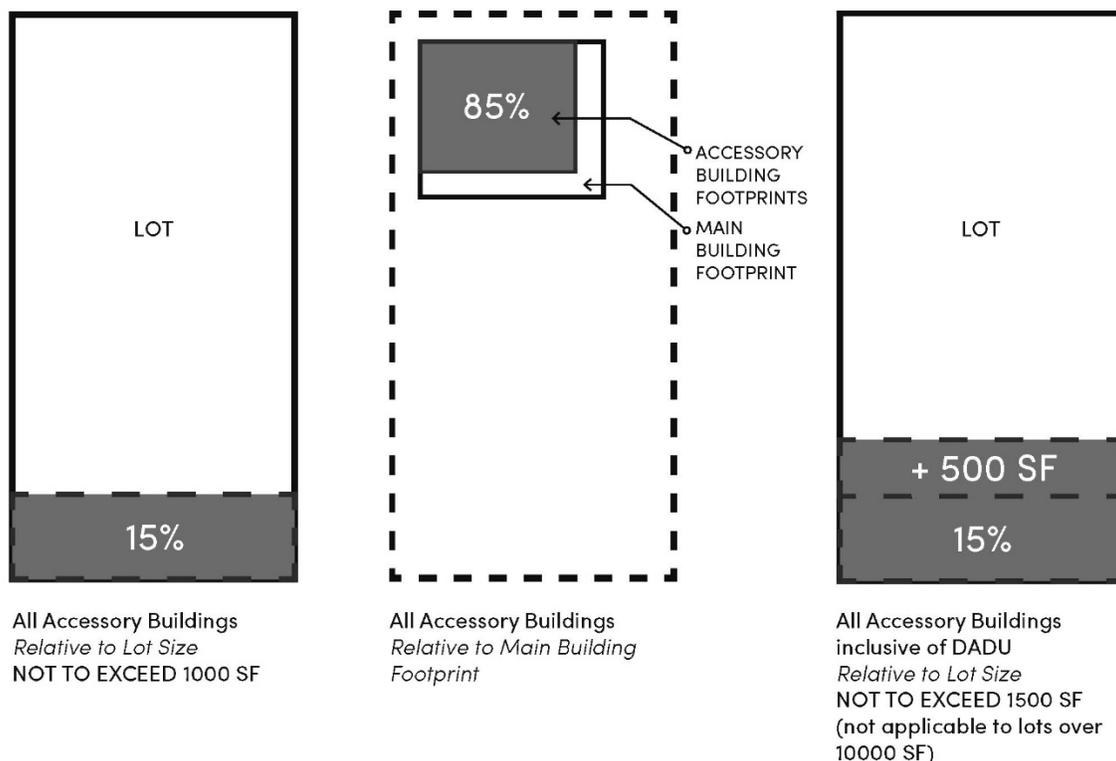
Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Dwelling, accessory (ADU)	P ²	P ²	P ²	P ²	P	P	P	P	Subject to additional requirements contained in Section 13.06.150. In all residential districts ADUs require the issuance of an ADU permit. In the R-1, R-2, R-2SRD and 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, <u>and</u> 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 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 to~~Protect~~ 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 notification 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 buildings subject to the enforcement provisions of TMC 13.05.100.~~

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. Addressing. All ADUs must have clear addressing visible from the street. If the ADU is not visible from the street, an address and some form of directional notation must be along a walkway, on a fence, on the main house, or some location that differentiates the main house address from the ADU address and is visible from the main access point to the property.

76. 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.

87. 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.

98. 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 subject to the enforcement provisions of TMC 13.05.100~~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, which shall be subject to variance requirements:

1. Minimum Lot Size.

a. For Attached ADUs in residential districts, the lot must meet the minimum Level 1 Small Lot size and width requirements~~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 and 35 feet wide~~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 in residential districts, 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).

c. For ADUs in all other zoning districts, the lot must meet the applicable lot size and width requirements.

d. ADUs on lots that do not meet the applicable lot size and/or width requirements may be authorized through the issuance of a Conditional Use Permit.

2. ADU Size.

a. The ~~building footprint of an ADU, excluding any garage area and other non-living areas, such as workshops or greenhouses,~~ shall not exceed the following: 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.

(1) Standard Lots (meeting the applicable standard lot size and width requirements): 1,200 square feet.

(2) Small Lots (smaller or narrower than the applicable lot size and width requirements): 800 square feet.

(3) Large lots (greater than 10,000 square feet and meeting applicable lot width requirements): 1,500 square feet.

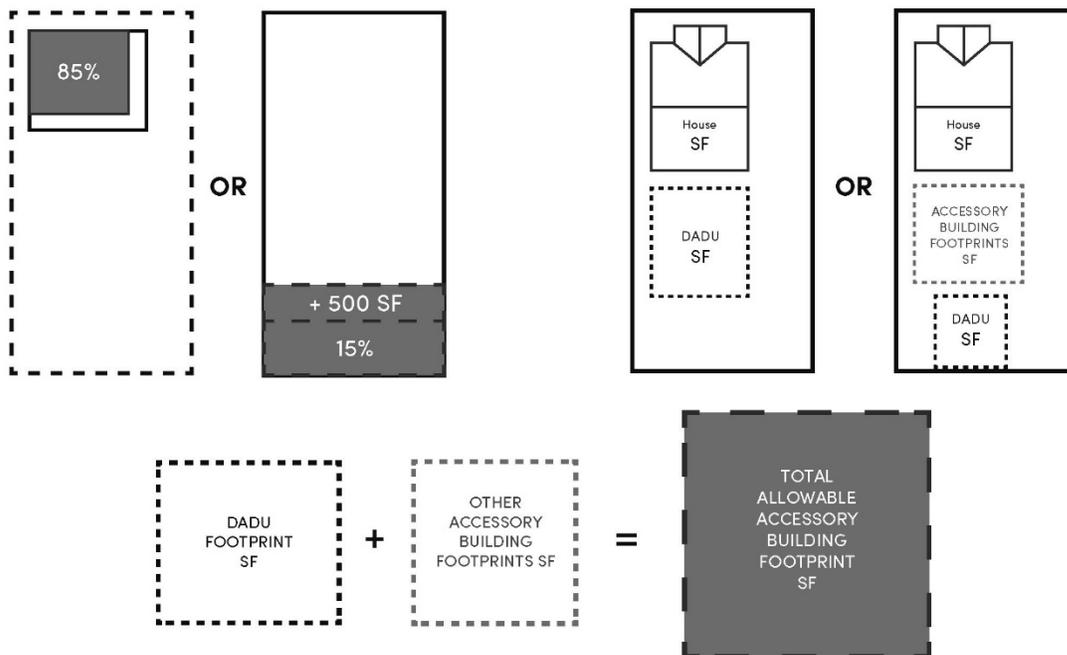
b. In addition, the building footprint of detached ADUs shall meet the standards of 13.06.100.F Accessory building standards be limited to the most restrictive of the following standards:

(1) No more than 15 percent of the lot area plus 500 square feet, minus any footprint square footage of other accessory buildings on the same lot.

(2) No more than 85 percent of the main building footprint.

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

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

3. Height.

a. Attached ADUs are subject to the height limitations applicable to the main house.

b. Detached ADUs shall be no taller than the main house. In addition, height shall be limited to the most restrictive of the following:

(1) The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, or up to 20 feet with incorporation of either parking on the main level of the structure, or of green features. Detached ADUs shall be no taller than the main house.

(2) 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.~~

(3) In View Sensitive Districts, the maximum height shall be 15 feet, measured per TMC 13.06.700.B, and allowance of additional height is subject to TMC 13.06.645 Variances.

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 are not required to meet setbacks, but shall comply with all applicable City of Tacoma Building 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:

~~6. 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.~~

~~7.1. 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 or Attached 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.~~

2. Any 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.~~

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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

~~3~~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:

Accessory Dwelling Unit Regulations

Planning Commission Recommendation - Code Changes (10-17-18)

1. ~~A~~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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