

# ACCESSORY DWELLING UNITS ZONING ORDINANCE

## Proposed Amendment #4 – Removing ADU Permit Requirement

*Primary Sponsor: Councilmember Beale*

### ***Summary***

Remove the current requirement to secure an ADU Land Use Permit.

### ***Proposed Amendment***

#### Additional Finding:

- Whereas, the removal of the ADU owner occupancy requirement effectively removes the administrative need for a separate ADU land use permit, which adds time and cost to ADU permitting and construction.

#### Proposed Code Modifications:

- Modify the Residential Districts code (TMC 13.06.100), the ADU code (TMC 13.06.150) and the Fee Code (TMC 2.09.170) to remove the requirement to secure an ADU Permit, relying on the current Building Permit process to administer ADU permit applications.

#### PROPOSED CODE CHANGES:

See below – proposed additional code changes are highlighted yellow.

## CHAPTER 2.09 FEE CODE

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### 2.09.170 Land use permit fees.

Fees for land use permits and land use services are in the PDS Fee Schedule. Land use permits include both discretionary and non-discretionary permits, including the following permit types:

1. Subdivision – BLA, Short Plat (2-4 lots), Subdivision (5 or more lots), Final Plat, Plat by binding site approval.
2. Reclassification – 1-2 family dwelling districts, and all other districts.
3. Site Approval.
4. Conditional Use Permit.
5. Shoreline Permit – Substantial development permit, Conditional use, Variance; Revision, Sign waiver, and Exemption approval.
6. Wetland Permit – Development permit, Minor Development permit, Verification, Mitigation Monitoring Review, Activities Allowed with Staff Review.
7. Variance – 1-2 family, Other than 1-2 family, and height of main building or accessory building.
8. Special Development Permit.
9. Environmental Permits: SEAPA, EIS, Supplemental/addendum EIS.
10. Open Space Use Classification.
- ~~11. Accessory Dwelling Unit (ADU) – New, Legalization of existing, Reauthorization.~~
- ~~12~~11. Temporary Homeless Encampment.

## Chapter 13.06 ZONING

### 13.06.100 Residential Districts.

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C. Land use requirements.

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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 <sup>1</sup>
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Dwelling, accessory (ADU)	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P	P	Subject to additional requirements contained in Section 13.06.150. <b>In all residential districts ADUs require the issuance of an ADU permit.</b> 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).
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Footnotes:									
<sup>1</sup> 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.									
<sup>2</sup> Certain land uses, including two-family, townhouse, <u>and cottage housing</u> , <del>and Detached Accessory Dwelling Units</del> in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.									

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### 13.06.150 Accessory dwelling units.

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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~~ a building permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and ~~applicable 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.~~

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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.~~

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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. ~~Both dwellings shall be in single ownership.~~

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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 ~~d~~ for ~~an ADU~~ a building permit prior to December 31, ~~1995~~2020, and brings the unit up to Minimum Housing Code standards ~~set forth 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.