



Accessory Dwelling Unit Regulations

PROPOSED LAND USE REGULATORY CODE CHANGES *IPS COMMITTEE RECOMMENDATIONS – JANUARY 23, 2019*

Proposed Accessory Dwelling Unit (ADU) code changes, as recommended by the Planning Commission on October 17, 2018 and further modified by the City Council Infrastructure, Planning and Sustainability (IPS) Committee on January 23, 2019.

This summary incorporates the IPS Committee's additional recommendations in ***bold and italics*** as a way to promote understanding of the recent changes.

Summary of Changes

ZONING DISTRICTS:

- 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

INTENT:

- Updates ADU code intent language to better address housing choice and sustainability

PROCEDURES:

- Clarifies that ADUs are exempt from density calculations

REQUIREMENTS:

- Accessory structures location: Clarifies language regarding accessory buildings and front yards
- Occupancy (number of occupants): Clarifies that Building Code controls occupancy
- Owner occupancy: ***Removes the requirement that the owner occupy either the main house or ADU and removes the requirement to record an ADU Agreement on the property title***
- Parking: ***Clarify parking/driveway location standards***
- Addressing: Requires ADUs to have an address posted and visible from the street
- Legalization: Updates timeline and requirements for legalizing pre-existing, unpermitted ADUs (amnesty program)

DEVELOPMENT STANDARDS:

- Lot size: ***Removes lot size and width restrictions for both Attached and Detached ADU's (ADU size limitations are proportional with the main house size and lot size)***
- ADU size:
 - Allows larger accessory buildings on lots greater than 10,000 square feet (this allowance previously applied only to lots greater than ½-acre)
 - ***Streamlines measurement of ADU size and increases maximum size relative to lot size***

- Height:
 - Allows conversion of existing structures taller than 18 feet with a Conditional Use Permit
 - Adds height bonus (in non-View Sensitive District (VSD) areas), when parking is on the main level or in exchange for ***Built Green 4 Star certification***
 - Clarifies height limits in View Sensitive Districts
- Setbacks:
 - Clarifies Attached ADU setbacks
 - Allows existing buildings being converted to ADUs not to meet setbacks, but must comply with Building Code requirements
- Open space: Adds a requirement to ensure ADU projects do not eliminate required open space
- Walkways: Modifies the walkway requirement to provide additional flexibility
- Design standards:
 - ***Clarifies standards requiring ADU design to complement the main house***
 - ***Adds standard requiring DADU main entrances to be setback 8 feet from the side property line if the entrance faces the neighboring property***
 - ***Adds standard requiring DADU second story windows within 10 feet of property line to be designed to reduce privacy impacts***
 - ***Adds standard requiring DADU roofs to be designed to reduce shading impacts when located close to neighboring properties***
 - References design review in historic districts
 - ***Adds reference to an illustrated ADU design guide to assist in implementing design standards***

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.

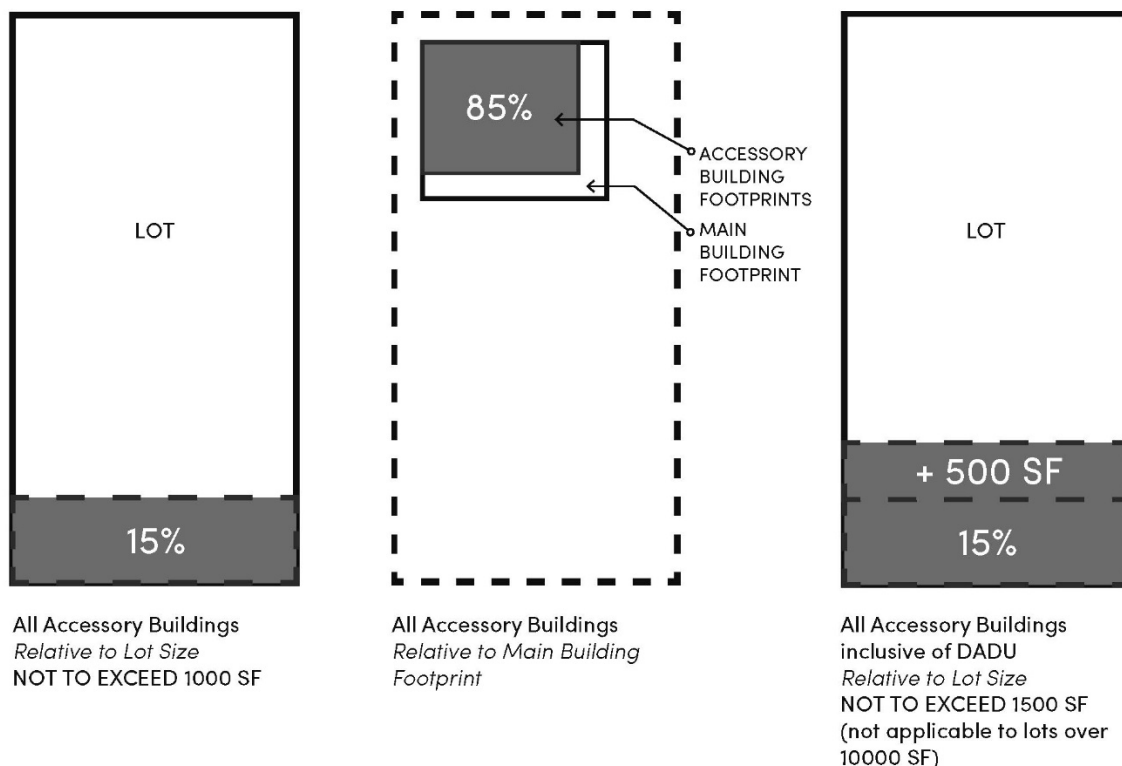
Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ¹
* * *									
Dwelling, accessory (ADU)	P ²	P ²	P ²	P ²	P	P	P	P	Subject to additional requirements contained in Section 13.06.150. In all residential districts ADUs require the issuance of an ADU permit. In the R-1, R-2, R-2SRD and 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.									

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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.

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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 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 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.~~

~~4.3.~~ 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.

~~5.4.~~ 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.

~~6.5.~~ 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.

~~6.~~ 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.~~

~~4.5.~~ 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.~~

~~5.~~ 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.

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, ~~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. Attached and Detached ADUs are permitted on any legally established lot, irrespective of lot size or width, provided that applicable size, location, setback, open space and other standards are met.

~~For Attached ADUs 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. 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 Width (50 feet).~~

2. ADU Size.

a. The habitable area of the 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 habitable area 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.

(2) No more than 85 percent of the living area of the main building or main dwelling.

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:

GRAPHIC UNDER DEVELOPMENT

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 with certification of the DADU under Built Green criteria with 4 stars, or equivalent environmental certification.

~~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. 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.~~

1. Detached and Attached ADUs shall be designed either to generally match the exterior architectural style, appearance and character of the main house through use of similar materials, window, façade and roof design, or to complement the main house through use of materials and design of equal or better quality.

2. Detached ADUs are also subject to the following standards:

a. The main entrance to a Detached ADU shall be at least 8 feet from side property lines shared with a neighboring residential property if that entrance faces the neighboring property.

b. Second story windows facing abutting residential properties and within 10 feet of the property line shall be constructed in a manner that reduces direct views into the neighboring property through such methods as clerestory windows or semi-translucent glass.

c. 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.

3. Any ADU proposed within an historic district is subject to the requirements and standards set forth in TMC 13.07 Landmarks and Historic Special Review Districts.

4. The Director shall provide an illustrated ADU design guide to assist in implementation and review of these standards.

Detached ADU door, window and roof design:

GRAPHICS UNDER DEVELOPMENT

~~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,~~

~~21. Two-family or townhouse development within the R-2 District,~~

~~23. Multifamily development within the R-3 District, and~~

34. 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.~~

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

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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