City of Tacoma
Planning and Development Services

Home In Tacoma Project: Near-term Code Changes

The following housing-related code changes implement prior Council direction, expand implementation tools, and implement state legislative requirements.

TOPICS:

Accessory Dwelling Unit (ADU) Code
These updates clarify and streamline the ADU code based upon the nearly 200 ADUs the City of Tacoma has permitted over about 18 months. The changes range from further clarity on window opacity for privacy purposes, to more clarity on bonus square footage for ADU conversions with a garage. The changes also clarify size limitations and remove the amnesty program which ended in December 2020.

Updates to implement State Law
In 2019 and 2020 the state legislature adopted laws related to housing that the City is required to implement. These include parking requirement maximums for senior affordable housing located near high capacity transit, and a mandate to offer religious institutions a density bonus for affordable housing. The code changes also extend this bonus to nonprofit affordable housing providers.

Adjustment to plat procedures
The updates simplify the platting process which current requires some platting actions go to the full city council, when state law does not mandate that. Instead, the changes would refer these platting actions to the Hearings Examiner, resulting in a streamlined review process and timeline.

Development Regulation Agreement
The recommendations update an existing, flexible permit process to support additional opportunities for affordable housing development outside of designated Centers. DRA's provide flexibility on specific code standards, instead requiring City Council approval based on consistency with the Comprehensive Plan. The recommendations also extend the option for the 12-year affordable housing multifamily tax exemption to eligible projects providing significant affordable housing. (NOTE: Enacting the MFTE requires separate action by City Council to expand Tacoma's Residential Target Areas).

Increase flexibility for nonconforming sites
Current zoning either prohibits or limits most non-residential land uses, such as offices, retail, churches and schools, that are located in residential zoning districts. Some flexibility is currently available through the City's nonconforming standards but with limited options and expansion potential. This proposal would establish a new Conditional Use Permit option that would allow more flexible use of non-residential buildings/sites, provided that their expansion will not be disruptive to the neighborhood.

Minor clarifications
Minor text clarifications to clarify the intent and application of existing code.

EXHIBIT "B"

CHAPTER 13.04
PLATTING AND SUBDIVISIONS

Sections:

13.04.010 Title.
13.04.020 Intent and authority.
13.04.030 Policy.
13.04.040 *Repealed*.
13.04.050 Jurisdiction.
13.04.055 Platting on shorelines.
13.04.060 Exclusions.
13.04.070 Alteration.
13.04.075 Vacation.
13.04.085 Boundary line adjustment.
13.04.088 Binding site plan approval.
13.04.090 Short plat/short subdivisions procedures.
13.04.095 Appeals.
13.04.100 Plat/subdivision procedures.
13.04.105 Replat or redivision of platted lots.
13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.
13.04.120 Conformity to the Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines.
13.04.130 Relation to adjoining street system.
13.04.140 Access.
13.04.150 Conformity to topography.
13.04.160 Public or private streets or ways, or permanent access easement widths.
13.04.165 Streetlights.
13.04.170 Roadways.
13.04.180 Public or private streets or ways, or permanent access easement design.
13.04.190 Dead-end/cul-de-sac public or private streets or ways, or permanent access easements.
13.04.200 Alleys.
13.04.210 Easements.
13.04.220 Blocks.
13.04.230 Lots.
13.04.240 Plats within Planned Residential Development Districts (PRD Districts).
13.04.250 Duplication of names.
13.04.260 Public open space.
13.04.270 Checking by the City Engineer – Charges.
13.04.280 Development of illegally divided land.
13.04.290 *Repealed*.
13.04.300 Model home.
13.04.305 Temporary rental or sales offices, contractors' offices, and signs.
13.04.310 Subdivisions and Critical Areas.
13.04.315 *Repealed*.

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13.04.100 Plat/subdivision procedures.

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E. Final Plat Approval.

The final plat for the subdivision shall be submitted to Planning and Development Services and shall be an accurate plat for official record, surveyed and prepared by, or under the supervision of, a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines, in section 13.04.120. When the final plat is submitted to Planning and Development Services for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on the plat, is in the name of the owner(s) signing the certificate of the plat. The final plat will be reviewed by the City Engineer and by representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

Planning and Development Services shall prepare a report summarizing the findings and recommendations of the reviewing departments and agencies and shall file said report and request with the Director. The Director or designee shall review the final plat. The Director's review shall be limited to ensuring that the final plat conforms to all requirements of this chapter and that all required improvements have been constructed or bonded. The Director shall issue a report approving or denying the final plat and shall transmit a copy of the report to the applicant and parties of record. The ~~Director's decision shall be forwarded, by resolution, to the City Council for approval~~ decision shall be final, unless ~~the decision is~~ appealed to the Hearing Examiner within 14 days of the date of the Director's decision.

An applicant may develop a plat in two or more phases. If phasing is to be used in the development, it is recommended that an applicant identify the proposed phasing plan at the time of preliminary plat approval so that appropriate conditions for each phase can be developed. When an applicant requests final plat approval for a specific phase of a plat subsequent to approval of the preliminary plat, the Director shall determine, after consultations with affected departments and agencies, the conditions of approval necessary to support that phase of the development. Each phase of a plat must receive final plat approval within the time period identified in Section 13.04.100.E.

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J. Approval of Final Plat.

Approval of the final plat shall be indicated by the signatures of the City Engineer, the Director, the City Treasurer, and the City Attorney~~, the Mayor, and the City Clerk~~ on the original reproducible final plat.

The approval of the final plat by the Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such final plat has been recorded by the Pierce County Auditor.

Approval of the final plat by the Director shall be null and void if the plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the Director for an extension of time is made and granted.

K. The development of any improvements associated with a plat will not be permitted until after the approval of a subdivision decision is final, the applicant has submitted the final plat for recording and the necessary construction and site development documents in compliance with the subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.

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CHAPTER 13.05
LAND USE PERMITS AND PROCEDURES

Sections:

13.05.010 Land use permits.
13.05.020 Application requirements for land use permits.
13.05.030 Zoning and land use regulatory code amendments.
13.05.040 Historic preservation land use decisions.
13.05.050 Development regulation agreements.
13.05.060 Residential infill pilot program.
13.05.070 Notice process.
13.05.080 Director decision making authority.
13.05.090 Decision of the director.
13.05.100 Appeals of administrative decisions.
13.05.105 *Repealed.*
13.05.110 Applications considered by the Hearing Examiner.
13.05.120 Expiration of permits.
13.05.130 Modification/revision to permits.
13.05.140 Director approval authority.
13.05.150 Enforcement.

13.05.010 Land Use Permits.

A. Conditional Use Permits.

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23. Affordable housing bonus.

The intent of this section is to provide an optional incentive to religious organizations and/or nonprofits seeking to develop and manage multifamily projects integrating significant affordable housing, while ensuring reasonable compatibility with neighborhood scale and character and limiting negative impacts to the neighborhood. Applications for conditional use permits for Bonus Density for Affordable Housing on land owned by religious organizations or by nonprofit affordable housing providers shall be processed in accordance with the standard procedures for conditional use permits, with the following additional requirements.

a. The application criteria and ~~,~~ review process ~~, requirements and conditions~~ shall be the same as the Infill Pilot Program ~~13.05.010.A.7.~~per TMC 13.05.060.

b. Religious organizations as defined by RCW 26.04.007, as amended, as well as nonprofit affordable housing providers, meeting the requirements of these provisions may utilize the land use and development standards applicable to the R4-L Residential District.

c. To qualify, applicants must provide a minimum of 20% of the total units affordable for a minimum of 15 years at the following affordability rates:

(1) Rental units must be affordable at the 80% of Area Median Income.

(2) Ownership units must be affordable at 115% of Area Median Income.

(3) The general provisions of TMC 1.39 Affordable Housing Incentives and Bonuses Administrative Code shall apply. The fee in lieu option is not available for this purpose.

d. Pre-application site inspection for conversion of an existing building.

Prior to submitting an application for a conditional use permit, for conversion of an existing building for use as affordable housing, to the City, the applicant shall allow for an inspection by the appropriate Building Inspector and appropriate Fire Marshall to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the applicable Code requirements or to force an applicant to bring a proposed

facility up to applicable standards prior to application for a conditional use permit, but instead, is intended to ensure that the applicant, the City, and the public are aware, prior to making application, of the building modifications, if any, that would be necessary to establish the use.

e. If the proposed development will include any special needs housing or on-site social service uses the conditional use permit will also follow and comply with the special needs housing conditional use permit process, criteria and conditions 13.05.010.A.5.

24. Pre-existing non-residential uses in residential districts

a. A conditional use permit may be granted for the replacement, reuse or expansion of existing structures in a residential zoning district for proposals meeting the General Criteria as well as following criteria. The intent of these provisions is to provide flexibility and development opportunities that promote additional housing opportunities and/or neighborhood-oriented and neighborhood-serving non-residential uses, while ensuring reasonable compatibility with neighborhood scale and character and limiting negative impacts to the neighborhood.

b. To be eligible, all of the following must be applicable to the site:

(1) The site is located in a residential zoning district.

(2) The site is less than 1 acre in size.

(3) The uses and/or structures are either legally nonconforming or legally permitted.

(4) The primary building(s) or site improvements constructed for a non-residential use are still in place, irrespective of whether they continue to be used for their original purpose.

c. The proposed use(s) shall be limited to the following:

Craft production	Assembly facilities	Continuing care retirement community
Cultural institutions, including art galleries	Extended care facility	Group housing
Intermediate care facility	Short-term rental	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, provided it is primarily neighborhood serving	Eating and Drinking
Live Work		

d. Provided that the intent of this section is met, the replacement, reuse or expansion of existing structures and improvements shall be permitted subject to the development standards of the Neighborhood Commercial (C-1) Zoning District, along with any specific standards applied through the conditional use permit to meet that intent.

e. In some circumstances, the Director or Hearing Examiner may find that proposed development does not meet the neighborhood compatibility intent of this section and should be denied. For example, structures that are substantially taller than the neighborhood average height that do not provide reasonable transitions to neighboring residential development would not meet the intent. In granting such a conditional use permit the Director or Hearing Examiner may attach thereto such conditions regarding the size, location, character, orientation, layout, access and other features of the proposed development as may be deemed necessary to ensure consistency with the intent of the TMC and Comprehensive Plan and ensure that use of the building and site will be compatible with the surrounding area.

f. For proposals consistent with the provisions of this section, this process provides a remedy to nonconforming status as defined in TMC 13.06.010.L. The requirements of this section and the specific conditions of an approved Conditional Use Permit supersede some or all of the nonconforming standards that might otherwise apply.

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13.05.050 Development Regulation Agreements.

A. Purpose.

Pursuant to RCW 36.70B.170-210, the purpose of this section is to create an optional application procedure that could authorize certain major projects in key locations to be reviewed, rated, approved, and conditioned according to the extent to which they advance the Comprehensive Plan's goals and policies. In addition to demonstrating precisely how it significantly advances the goals and policies of the Comprehensive Plan by achieving the threshold set forth in subsection 13.05.050.D ~~TMC~~, a threshold established based on the Comprehensive Plan goals and policies, a project located within the areas described in subsection 13.05.050.B~~B(1) or B(2)~~ must document specific compliance with the policies and standards set forth in the Downtown Element, Housing Element or Tacoma Mall Neighborhood Subarea Plan, as applicable, ~~of the Comprehensive Plan, the Tacoma Mall Neighborhood Subarea Plan, and~~ as well as with other pertinent Comprehensive Plan goals and policies.

It is anticipated that there will be a degree of flexibility in the application of the City's development regulations so that any conditions are tailored to the specifics of the proposed project and community vision in such a manner as to ensure that significant public benefits are secured. Project approval is embodied in a contract designed to assure that anticipated public benefits are realized according to agreed upon terms and conditions that may include, but are not limited to, project vesting, timing, and funding of on- and off-site improvements.

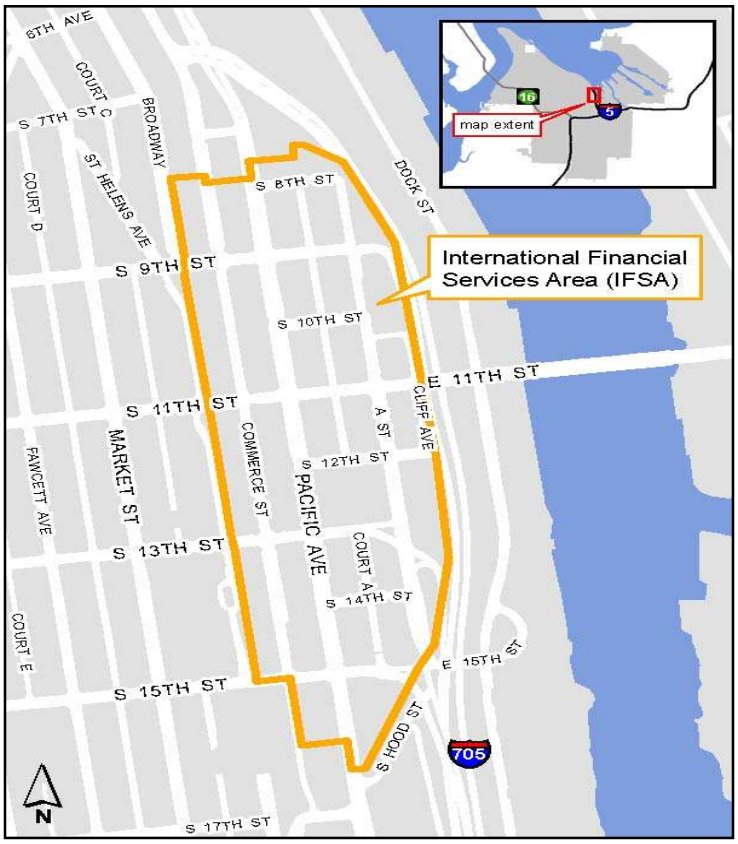
The City is authorized, but not required, to accept, review, and/or approve the proposed Development Regulation Agreements. This process is voluntary on the part of both the applicant and the City.

B. Applicability.

Development Regulation Agreements shall only be allowed for one of the following project types:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in the City's Amended Ordinance No. 27825 and illustrated in Figure 1, with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

Figure 1: International Financial Services Area (IFSA)



2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the Urban Form Chapter of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

3. Proposed projects located within the Downtown Regional Growth Center where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure;

4. Proposed projects located on a public facility site, as defined in subsection 13.01.060.P TMC, that are at least five acres in size and are not a public utility site.

5. Proposed projects located within the Tacoma Mall Neighborhood Regional Growth Center, that are located on a development site at least two acres in size and that include an overall project Floor Area Ratio of at least 1.00.

6. Proposed projects located outside of designated Centers, on sites at least one acre in size, in land use designations allowing residential development, within one-fourth mile walking distance to transit service, and including at least 50 housing units in total, of which a substantial percentage shall be affordable as described in subsection TMC 13.05.050.D.1.f., below.

C. Application process.

An application for a Development Regulation Agreement may only be made by a person or entity having ownership or control of real property within one of the qualifying areas identified in subsection B above. Applications for a Development Regulation Agreement shall be made with the Planning and Development Services Department, solely and exclusively on the current form approved by said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule, as adopted by resolution of the City Council. The City Council shall be notified once a complete application has been received. The City shall give notice under Sections 13.05.070 and 13.02.070.H TMC as if the application were for a land use designation change.

D. Review criteria.

The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1,050 points, according to the following scoring system (based ~~either~~ on the Downtown Element, ~~of the City Comprehensive Plan~~ the Housing Element, or on the Tacoma Mall Neighborhood Subarea Plan, as applicable):

a. Balanced healthy economy. In any project where more than 30 percent of the floorspace is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.

b. Achieving vitality downtown (applicable within the Downtown Regional Growth Center). Up to 40 points shall be awarded for each of the following categories: (i) CPTED design ("Crime Prevention Through Environmental Design"), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.

c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level, and (iv) Low Impact Development Best Management Practices and Principles.

d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walkability, (ii) public environment, (iii) neighborliness, and (iv) support for public art. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.

e. Achieving vitality in the Tacoma Mall Neighborhood (applicable within the Tacoma Mall Neighborhood Regional Growth Center). Up to 40 points shall be awarded for each of the following categories: (i) enhanced site connectivity above and beyond requirements; (ii) landscaping, pedestrian paving, site features and amenities that demonstrably exceed requirements; (iii) provision of public gathering spaces (e.g., for markets, events, festivals); (iv) provision of publicly accessible recreational amenities; (v) provision of neighborhood-serving amenities or services (such as a grocery store, medical clinic, or community center); (vi) distinctive modern, contemporary signage that contributes to the identity of the subarea; (vii) street edge activation and building ground orientation that demonstrably exceeds requirements; and (viii) green stormwater infrastructure and tree canopy coverage that demonstrably exceeds requirements.

f. Achieving housing goals (applicable to sites meeting the criteria of TMC 13.05.050.B.6, above).

(1) The following minimum affordability requirements shall be met (meeting this requirement shall earn 200 points):

a. 20% of total units must be affordable at 60% of Area Median Income (AMI) for rentals for at least 15 years, or

b. 20% of the total units must be affordable at 80% of AMI for ownership for at least 15 years.

(2) An additional 40 points shall be awarded for each of the following, up to a maximum of 320 additional points:

(a) An additional 5% of total units meeting the above affordability requirements;

(b) An additional 5% reduction in housing cost relative to AMI for all affordable units;

(c) An additional 5 year affordability duration for all affordable units.

(3) The general provisions of TMC 1.39 Affordable Housing Incentives and Bonuses Administrative Code shall apply; the fee in lieu option is not available for this purpose. The City Council may choose to require additional affordability conditions in order to achieve consistency with the Comprehensive Plan Housing Element.

(5) Projects meeting these affordability requirements are eligible for the multifamily property tax exemption 12-year affordability option, and the same units may be counted as affordable for both purposes.

2. Appropriate project or proposal elements, such as permitted uses, residential densities, nonresidential densities and intensities, or structure sizes, are adequately provided to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.

3. Appropriate provisions are made for the amount and payment of fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, and other financial contributions by the property owner, inspection fees, or dedications.

4. Adequate mitigation measures including development conditions under chapter 43.21C RCW are provided. The City shall be the lead agency in the SEPA process for all projects.

5. Adequate and appropriate development standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.

6. If applicable, targets and requirements regarding affordable housing are addressed.

7. Provisions are sufficient to assure requirements of parks and open space preservation.

8. Best available science and best management practices shall be used to address critical areas within the property covered by a Development Regulation Agreement adopted pursuant to this section. Review of a development activity's critical area impacts shall occur during the Development Regulation Agreement review process, and a separate critical areas permit is not required. Any Development Regulation Agreement approval(s) shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site.

9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a property or portion of a property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the Code requested for a final use of the property shall comply with criterion No. 10 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.

10. Where a phased Development Regulation Agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.

11. In the case of a Development Regulation Agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures from the standards of the Code, requested by the applicant, are in the judgment of the City, off-set by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure from the Code be granted if no benefit to the City is proposed in turn by the applicant.

12. Conditions are set forth providing for review procedures and standards for implementing decisions, together with conditions explicitly addressing enforceability of Development Regulation Agreement terms and conditions and applicable remedies.

13. Thresholds and procedures for modifications to the provisions of the Development Regulation Agreement are provided.

14. A build-out or vesting period for applicable standards is provided.

15. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.

16. If appropriate and if the applicant is to fund or provide public facilities, the Development Regulation Agreement shall contain appropriate provisions for reimbursement, over time, to the applicant.

17. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.

18. Penalties for noncompliance with the terms of the Development Regulation Agreement are provided.

19. The building(s) shall be L.E.E.D. certified to a gold level or certified under another well-recognized rating system to be comparable to a building that is L.E.E.D. certified to a gold level, with the exception of affordable housing projects per the provisions of TMC 13.050.B.6.

E. Other standards and requirements.

1. Compliance with the provisions of subsection D above will ensure that the terms of the Development Regulation Agreement are consistent with the development regulations of the City then in effect, except that in the case of Shoreline Management Districts (Title 19 TMC) and Landmarks and Historic Special Review Districts (Chapter 13.07 TMC), specific compliance with the regulations and procedures of these codes is required.

2. The Development Regulation Agreement shall specify any and all development standards to which its terms and provisions apply. All other applicable standards and requirements of the City or other agencies shall remain in effect for the project.

F. Public hearing and approval process.

1. If the City Manager deems that an acceptable Development Regulation Agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the Development Regulation Agreement. In addition, the City Council may continue the hearing for the purpose of clarifying issues or obtaining additional information, facts, or documentary evidence; advice may be sought from the Planning Commission.

2. Because a Development Regulation Agreement is not necessary to any given project or use of real property under the existing Comprehensive Plan and development regulations in effect at the time of making application, approval of a Development Regulation Agreement is wholly discretionary, and any action taken by the City Council is legislative only and not quasi-judicial.

3. The decision of the City Council shall be final immediately upon adoption of a resolution authorizing or rejecting the Development Regulation Agreement.

4. Following approval of a Development Regulation Agreement by the City Council, and execution of the same, the Development Regulation Agreement shall be recorded with the Pierce County Auditor.

G. Modifications.

Once a Development Regulation Agreement is approved, no variances or discretionary permits may be applied for. Changes to standards may only be secured by amendment to the Development Regulation Agreement pursuant to amendment thresholds and process set forth in the Development Regulation Agreement.

H. Enforcement.

Unless amended pursuant to this section and the terms of the agreement, or terminated, a Development Regulation Agreement is enforceable during its term by a party to the Development Regulation Agreement. A Development Regulation Agreement and the development standards in the Development Regulation Agreement govern during the term of the agreement or for all or that part of the specified build-out period. The Agreement will not be subject to a new or amended zoning ordinance or development standard adopted after the effective date of the Agreement, unless otherwise provided in the Agreement or unless amended pursuant to this section. Any permit or approval issued by the City after the execution of the Agreement must be consistent with the Development Regulation Agreement.

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CHAPTER 13.06
ZONING

Sections:

13.06.010 General Provisions.
13.06.020 Residential Districts.
13.06.030 Commercial Districts.
13.06.040 Mixed-Use Center Districts.
13.06.050 Downtown.
13.06.060 Industrial Districts.
13.06.070 Overlay Districts.
13.06.080 Special Use Standards.
13.06.090 Site Development Standards.
13.06.100 Building Design Standards.

13.06.010 General Provisions

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L. Nonconforming parcels/uses/structures.

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5. Nonconforming use.

a. Continuation of nonconforming use. Except as otherwise required by law, a legal nonconforming use, within a building or on unimproved land, may continue unchanged. In the event that a building, which contains a nonconforming use, is damaged by fire, earthquake, or other natural calamity, such use may be resumed at the time the building is restored; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Further, such restoration shall be undertaken only under a valid building permit for which a complete application was submitted within 18 months following said damage, which permit must be actively pursued to completion.

b. The use of unimproved land which does not conform to the provisions of this chapter shall be discontinued one year from the adoption date of the change to this chapter that creates the nonconformity; provided, however, exception may be made for the nonconforming use of unimproved land abutting a lot occupied by a building containing a nonconforming use and which nonconforming use is continuous and entire in the building and over said abutting land, all being in one ownership, and such use shall have been legally established prior to the adoption date of the change to the chapter that creates the nonconformity.

c. Allowed changes to and expansions of nonconforming use.

Changes to a nonconforming use shall be allowed only under the following circumstances:

(1) A nonconforming use, or a portion of a nonconforming use, may be changed to a use that is allowed in the zoning district in which it is located.

(2) A nonconforming use, or a portion of a nonconforming use, may be expanded or changed to another nonconforming use when nonconforming rights for the subject use have been verified by the City of Tacoma. The applicant must provide evidence to show that the subject use was lawfully permitted prior to May 18, 1953, or if such legal use became nonconforming by reason of subsequent changes in this Chapter, prior to the date of the code change that made the use nonconforming. An application for a review of nonconforming rights shall include the following:

(a) The name, address and phone number of the applicant(s) or applicant's representative.

(b) The name address and phone number of the property owner, if other than the applicant.

(c) Location of the property. This shall, at a minimum, include the property address and/or parcel number(s).

(d) A general description of any proposed change of use and/or proposed expansion.

(e) A general description of the property as it now exists including its physical characteristics and improvements and structures.

(f) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.

(g) Documenting evidence to prove that the nonconforming use was allowed when established and maintained over time, which may include: photographs, permit documentation, zoning codes or maps, tax/license/utility records, insurance maps, directories, inventories or data prepared by a government agency.

(3) If a determination of nonconforming rights concludes that a use is lawfully in existence, then it may be expanded or changed to another nonconforming use, subject to the limitations and standards provided herein.

(a) Changes in use shall be limited to those uses allowed in the lowest intensity zoning district where the existing nonconforming use is currently permitted outright.

(b) The proposed change or expansion will not increase the cumulative generation of vehicle trips by more than 10 percent, as estimated by the City Traffic Engineer; nor will the change or expansion result in an increase in the number of parking spaces that would be required by this chapter by more than 10 percent. In no event shall multiple changes or expansions be approved that would, in the aggregate, exceed the 10 percent requirement as calculated for the initial request for a change or expansion in use;

(c) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in TMC 8.122;

(d) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;

(e) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and

(f) The proposed change or expansion will not result in an increase in the hours of operation.

(4) Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.

(5) Changes in use that would exceed the standards herein may be approved through the issuance of a conditional use permit subject to the criteria in subsection 13.05.010.A, or, in specified circumstances, through a conditional use permit as set forth in TMC 13.05.010.A.24.

6. Abandonment or vacation of nonconforming use.

When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located. Nonconforming rights for the use of an existing structure may be re-established through a Conditional Use Permit per the requirements in TMC 13.05.010.A, provided (a) the use has not been abandoned for a period of more than five years and (b) the proposed re-use of the structure is no more intensive than the last permitted use at the site as described in subsection (c.) above.

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~~16. Accessory dwelling units.~~

~~a. 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 a building permit prior to December 31, 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, 2021, owners of illegal ADUs shall be subject to the enforcement provisions of TMC 13.05.150. 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.~~

167. Special needs housing.

a. Registration of existing special needs housing.

Facilities existing as of November 13, 2006, shall be required to register with Planning and Development Services by May 13, 2007. Such registration shall be in a form provided by Planning and Development Services and shall include the following information:

(1) The type of facility;

(2) The location of the facility;

(3) The size of the facility, including the number of clients served and number of staff; and

(4) Contact information for the facility and its operator.

b. Abandonment.

Any existing special needs housing facility that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for establishment of a new facility.

13.06.020 Residential Districts.

***

E. District use restrictions.

1. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.

2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.

3. 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 13.06.080.P.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
N = Prohibited use in this district.

4. District use table. (see next page for table)

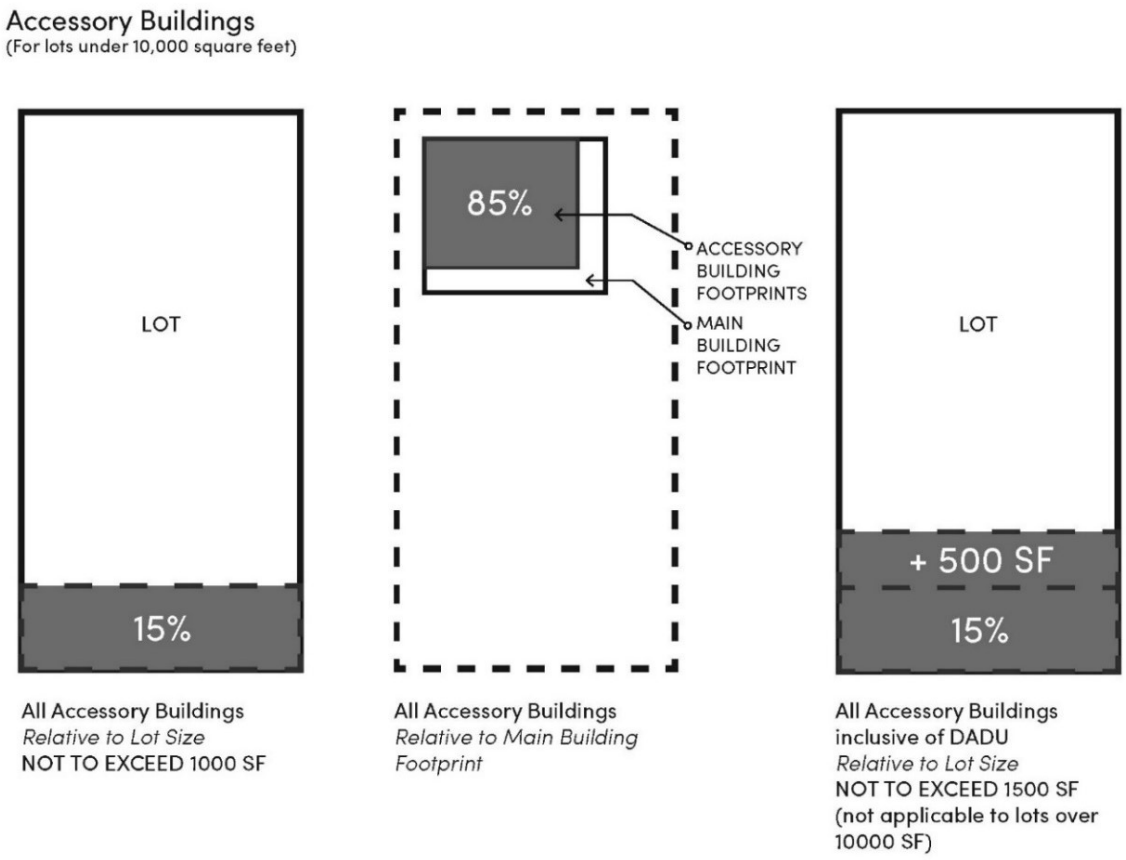
Uses [3]	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations[1, 3]
***									
Dwelling, townhouse	N	CU[2]	CU	CU	P	P	P	P	Subject to additional requirements contained in Section 13.06.020.G. In R-2, R-2SRD and HMR-SRD Districts townhouse development requires issuance of a conditional use permit. In R-2, townhouses also require review under the Residential Infill Pilot Program (see Section 13.05.060).
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	~~ADUs are only allowed in association with single-family development.~~ Subject to additional requirements contained in Section 13.06.080.A.
Dwelling, Cottage Housing	CU2	CU2	CU2	N	CU2	CU2	CU2	CU2	Cottage Housing developments require the issuance of a Conditional Use Permit and are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.060.

***

G. Accessory building standards.

Accessory buildings permitted per Section 13.06.020.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, the total allowed square footage of accessory structures is increased by 500 square feet, provided that the ~~an~~ additional 500 square feet is non-habitable and detached from all other structures ~~may be added to the allowed total square footage of all accessory building footprints~~.



2. Size of Accessory Dwelling Units. See Section 13.06.080.A for ADU standards.

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13.06.030 Commercial Districts.

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E. District use restrictions.

1. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in this section are prohibited, unless permitted via Section 13.05.080.

2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.

[See next page for table.]

3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
N	=	Prohibited use in this district.

4. District use table.

Uses [4]	**T**	**C-1**	**C-2[1]**	**PDB**	**Additional Regulations[2, 3, 4] (also see footnotes at bottom of table)**
***					
Dwelling, townhouse	P	P	P	P	Per Ordinance No. 28470, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.
Dwelling, accessory (ADU)	P	P	P	P	~~ADUs are only allowed in association with single-family development.~~ Subject to additional requirements contained in 13.06.080.A. Per Ordinance No. 28470, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.
Eating and drinking	N	P/CU	P	P*/CU*	In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Chapter 13.01 for the definitions of restaurants and drinking establishments. In the C-2 district, live entertainment is limited to that consistent with either a Class "B" or Class "C" Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class "C" cabaret license as designated in Section 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District, and PDB Districts

***

13.06.040 Mixed-Use Center Districts.

***

E. District use restrictions.

1. Use requirements.

The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.

2. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
TU = Temporary use consistent with Section 13.06.080.P.
N = Prohibited use in this district.

3. District use table.

Uses	NCX	CCX	UCX	RCX[1]	CIX	HMX	URX	NRX	Additional Regulations[3, 4, 5] (also see footnotes at bottom of table)
***									
Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets.[2] Prohibited in Commercial-only area of the UCX District.
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	~~ADUs are only allowed in association with single-family development.~~ Prohibited at street level along frontage of designated core pedestrian streets.[2] See Section 13.06.080.A for specific Accessory Dwelling Unit (ADU) Standards. Prohibited in Commercial-only area of the UCX District.
Eating and drinking	P	P	P	P	P	P*	N	N	Outdoor seating is permitted with a 12-seat maximum in RCX. In RCX live entertainment is limited to that consistent with a Class "C" Cabaret license, as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a either a Class "B" or Class "C" Cabaret license, as designated in Chapter 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HMX District.

***

13.06.080 Special Use Standards

A. Accessory dwelling units.

1. Applicability.

The following standards apply to accessory dwelling units within Residential Zoning Districts in 13.02.020.

2. Purpose.

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

a. Provide homeowners with a means of providing for companionship and security.

b. Add small footprint, lower cost units to the existing housing supply.

c. Make housing units within the City available to low and moderate income people.

d. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), environmental sustainability, and modern development technology.

e. 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.

f. Maintain residential appearance by ensuring that ADUs are of sound quality and generally consistent with neighborhood patterns.

g. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

3. Procedures.

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

a. Application.

Prior to installation of an ADU, the property owner shall apply for 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.

b. 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.

~~c. Violations.~~

~~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.~~

4. Use standards, not be subject to variance.

a. Number.

One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing residential development ~~single-family detached dwelling~~ in the City of Tacoma. ~~Both~~ All dwellings shall be in single ownership.

b. Occupancy.

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

c. Composition.

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

d. Parking.

No off-street parking is required for the ADU. However, it is not permitted to remove existing required off-street parking spaces unless the required parking is replaced elsewhere on the property per City standards. 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 there is a developable alley.

e. 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.

f. 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. Adult family homes and daycares are only permitted in one unit per site.

g. Short-term rental.

The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.080.A and 13.06.080.M. The property owner is required to occupy one of the dwellings for approval of a short-term rental of either the main dwelling or the ADU.

h. Density calculations.

ADUs shall be exempt from density calculations.

5. Use Standards, subject to variance:

a. 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.

b. ADU Size.

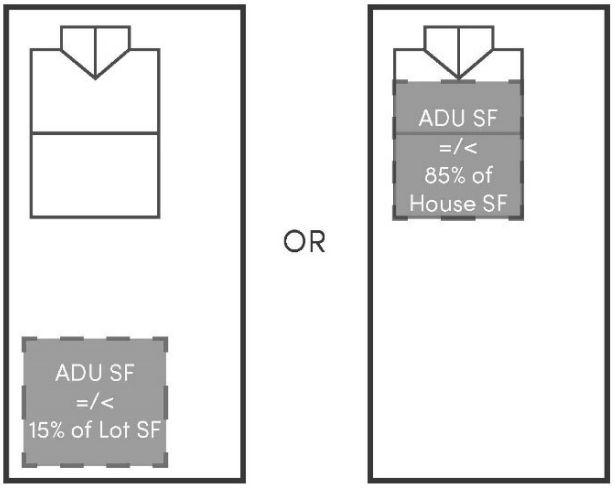
(1) The habitable area of ADUs, excluding any garage area and other non-living areas, shall be limited to the most restrictive of the following standards:

- ~~No more than 15 percent of the lot area.~~
- No more than 85 percent of the ~~living~~ habitable area of the main building or main dwelling.
- No more than 1,000 square feet for standard lots and no more than 750 square feet for small lots.

(2) If the ADU is completely located on a single floor of an existing building, the size of that ADU may be increased in order to efficiently use the entire floor area, so long as all other standards set forth in this section are met.

(3~~2~~) In addition, detached ADUs are considered accessory buildings and thus are also subject to the standards set forth in TMC 13.06.020.G~~F~~ Accessory building standards.

Size of Accessory Dwelling Unit:



c. Height.

(1) Attached ADUs are subject to the height limitations applicable to the main house.

(2) ~~Detached ADUs shall be no taller than the main house. In addition, h~~Height shall be limited to the most restrictive of the following:

- 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 below or above the DADU structure (not next to), or with certification of the DADU under Built Green criteria with 4 stars, or equivalent environmental certification.
- The conversion of an existing accessory structure taller than 18 feet may be authorized through issuance of a Conditional Use Permit.
- In View Sensitive Districts, the maximum height shall be 15 feet, measured per TMC 13.01.060, and allowance of additional height is subject to TMC 13.05.010.B Variances.

d. Location.

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

e. 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.

f. 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 13.06.020.D.7 Minimum Usable Yard Space.

g. 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.

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13.06.090 Site Development Standards.

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C. Off-street parking areas.

1. Applicability.

Buildings, structures, or uses hereafter established, built, enlarged, increased in capacity, or changed in principal use in all districts shall provide the following off-street parking areas.

2. Purpose.

To ensure the safe and adequate flow of traffic in public right-of-way, it is deemed in the interest of the public health, safety, and general welfare that off-street parking areas be required as a necessary part of the development and use of land, and to ensure that required parking areas are designed to perform in a safe and efficient manner. Additionally, to minimize impacts to adjacent uses from areas used for storage of vehicles and other materials, specific design and development standards for such areas are provided in Subsection D.

Minimum parking requirements are particularly important in order to ensure resident, visitor, customer, and employee parking within reasonable distance to the uses served, reduce congestion on adjacent streets; and to minimize, to the extent

possible, spillover parking into adjacent residential areas. The requirements herein set forth are also established to discourage under-used parking facilities and to minimize the amount of land dedicated to parking, consistent with the Comprehensive Plan, that encourages economic development, transit use, carpooling, energy conservation, and air quality improvement by providing for: only the minimum number of stalls necessary, compact stalls, shared parking between uses, transportation demand management, and incentives for reducing the size of parking areas.

3. Off-street parking spaces - quantity.

The quantity of off-street parking shall be provided in accordance with the standards of the tables below.

a. Fractions.

Fractions resulting from required parking calculations will be rounded up or down to the nearest whole number.

b. Multiple uses.

Where an establishment on a lot contains multiple types of uses, the required parking spaces shall be equal to the total spaces determined by computing each use type separately, except where specifically stated otherwise herein.

c. Use not listed.

In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the City Traffic Engineer. Such determination shall be based upon the requirements for the use specified in this section that is most nearly comparable to the unspecified use and traffic engineering principles and studies.

d. Historic buildings and sites.

Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

e. For buildings in existence prior to the adoption of the Tacoma Municipal Code on May 18, 1953, no additional parking shall be required for changes in use. Existing parking that is above and beyond the current requirements may be removed, provided that the quantity of parking is not reduced below the current requirements for the use on the site. New development, including additions, shall provide parking as required.

f. In Commercial Districts (T, C-1, C-2, HM, and PDB), no additional parking shall be required for a change of use in a structure that existed prior to September 25, 2012. Existing parking that is above and beyond the current requirements may be removed, provided that the quantity of parking is not reduced below the current requirements for the use on the site. New development, including additions, shall provide parking as required.

g. If a new use would have required more parking before October 8, 2012, the accessible parking requirements shall be based on the standards in place before October 8, 2012, except in cases where, after consulting with the City's ADA coordinator, the Building Official approves an alternative to providing on-site accessible parking upon a determination that the alternative is reasonable in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities.

h. The following parking quantity standards apply to the Zoning Districts established in 13.06.020 Residential Districts, 13.06.030 Commercial Districts, and 13.06.060 Industrial Districts.

TABLE 1 – Required Off-Street Parking Spaces[9, 14] (All footnotes are in Table 2, below.)

Use	**Unit**	**Required parking spaces**
		Min.
Residential		
Single-family detached dwelling, Adult family home, Staffed residential home [1, 2, 12]	Dwelling.	2.00
Two-family dwelling in all districts[1, 2, 12]	Dwelling.	2.00
Townhouse dwelling in all districts[1, 2, 12]	Dwelling.	1.00
Three-family dwelling in all districts [1, 2, 12]	Dwelling.	2.00
Two- or Three-family dwelling via Conditional Use Permit	Dwelling.	1.00
Group housing – up to 6 residents		2.00
Group housing – 7 or more residents[1, 16]	Room, suite or dwelling.	1.00

TABLE 1 – Required Off-Street Parking Spaces[9, 14] (All footnotes are in Table 2, below.)		
Small Lots, Cottage Housing and lots not conforming to area/width [3]	Dwelling.	1.00
Mobile home park[1, 2, 12]		
Senior housing	Guest room, suite or dwelling unit.	0.75
Multiple-family dwelling[1, 2, 12, 16]		
Located in R-3, R-4-L, T, HMR-SRD, and PRD Districts[12]	Dwelling.	1.50
Located in R-4, C-1, C-2, HM, and M-1 Districts[12]	Dwelling.	1.25
Located in R-5 District[12]	Dwelling.	1.00
Mixed-Use Center District	See TABLE 2 (next table).	
Retirement homes, apartment hotels, residential hotels, residential clubs, fraternities, sororities, and group living quarters of a university or private club[1]	Guest room, suite, or dwelling.	Same as for multiple-family.
Residential in DR, DCC, DMU, and WR Districts	See Section 13.06.050 Downtown.	

***

13.06.100 Building design standards.

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D. Downtown District Minimum Building Design Standards.

1. Applicability.

The basic design standards, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations. Additional standards are applicable to the DCC and DR Districts, see below. ~~The basic design standards and additional standards applicable to the DCC and DR districts, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations.~~

b. A variance to the required standards may be authorized, pursuant to Section 13.05.010.B.

c. If a building is being renovated in accordance with the Secretary of Interior's Standards for Treatment of Historic Properties, and a conflict between the basic design standards or additional standards and the Secretary's Standards occurs, then the Historic Preservation Criteria and Findings made by the Tacoma Landmarks Preservation Commission shall prevail.

2. Screening.

All rooftop mechanical for new construction shall be screened or located in a manner as to be minimally visible from public rights-of-way. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. If the project proponent demonstrates that the function and integrity of the HVAC equipment would be compromised by the screening requirement, it shall not apply. This standard shall not apply to existing buildings undergoing substantial alteration.

***

E. Single, Two and Three-Family Dwelling Minimum Design Standards.

1. Applicability.

The following requirements apply to all single, two, and three-family dwellings ~~in X Districts, and to all two and three family dwellings~~ in all districts.

2. Purpose.

The following standards are intended to promote pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize the impacts of vehicular access.

***

G. Accessory Dwelling Unit Minimum Design Standards.

1. Applicability.

The following standards apply to accessory dwelling units in all zoning districts ~~within Residential Zoning Districts in 13.02.020~~. When a Detached ADU is proposed on a site with housing other than single-family, the larger structure shall be considered the main dwelling for purposes of determining ADU design and other standards.

2. Purpose.

3. Design standards for attached ADUs.

a. 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.

4. Design standards for Detached ADUs.

a. Detached 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.

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

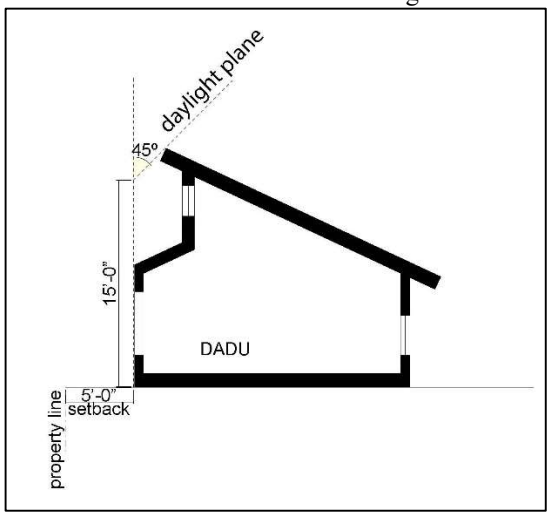
c. Second story windows facing abutting residential properties and within ten feet of the property line shall be constructed in a manner that reduces direct views into the neighboring property through such methods as clerestory windows or semi-opaque ~~semi-translucent~~ glass.

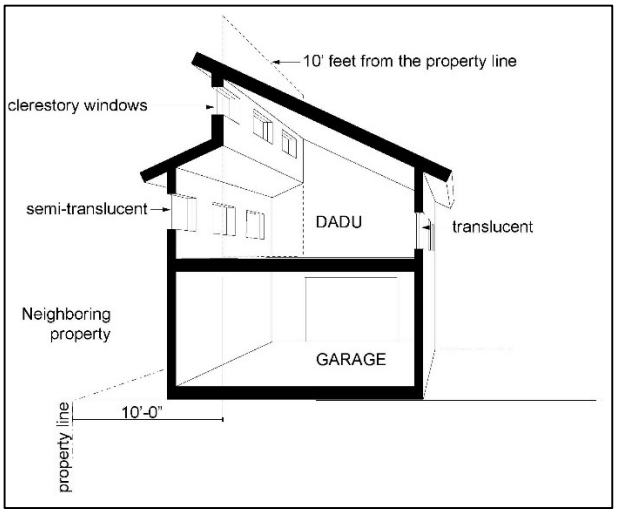
d. The structure shall not intercept a 45-degree daylight plane inclined into the ADU site from a height of 15 feet above existing grade, measured from the required five-foot setback line.

5. 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.

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

Detached ADU window and roof design:





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