

Draft Tukwila ADU Updates Reflecting PC Policy Direction

New Definition

18.06.016 Accessory Dwelling Unit

“Accessory dwelling unit” means a dwelling unit that is within or attached to a single-family dwelling or in a detached building on the same lot as the primary single-family dwelling. An ADU is distinguishable from a duplex by being clearly subordinate to the primary dwelling unit, both in use and appearance.

Commented [NG1]: This new definition emphasizes that the unit is accessory to a main house.

Amended Section

18.50.050 Single-Family Dwelling Design Standards

All new single-family dwellings, including as well as accessory dwelling units and other accessory structures that require a building permit, must:

Commented [NG2]: This applies the same design standards to ADUs as currently apply to single family houses.

1. Be set upon a permanent concrete perimeter foundation, with the space from the bottom of the home to the ground enclosed by concrete or an approved concrete product that can be either load bearing or decorative.
2. If a manufactured home, be comprised of at least two fully-enclosed parallel sections, each of not less than 12 feet wide by 36 feet long.
3. Be thermally equivalent to the current edition of the Washington State's eEnergy eCode with amendments.
4. Have exterior siding that is residential in appearance including, but not limited to, wood clapboards, shingles or shakes, brick, conventional vinyl siding, fiber-cement siding, wood-composite panels, aluminum siding or similar materials. Materials such as smooth, ribbed or corrugated metal or plastic panels are not acceptable.
5. Have the front door facing the front or second front yard, if the lot is at least 40 feet wide. This requirement does not apply to ADUs or accessory structures.
6. Have a roofing material that is residential in appearance including, but not limited to, wood shakes or shingles, standing seam metal, asphalt composition shingles or tile, with a minimum roof pitch of 5:12

Commented [NG3]: This results in an 864 square foot house, so a manufactured home could be used as a detached ADU if it meets all other requirements.

New Section

18.50.220 Accessory Dwelling Unit (ADU) Standards

A. General Standards

1. ADUs may only be built on lots that meet the minimum lot size required in the Zoning District they are located within.
2. Only one ADU, either attached or detached, is permitted per parcel containing a single-family house.
3. Attached units may occupy a maximum of 40% of the square footage of the primary residence (including an attached garage) or up to 1,000 square feet, whichever is less.

Commented [NG4]: This would reduce the lot size required for an ADU from 7,200 to 6,500, the minimum in the LDR Zone.

Commented [NG5]: The PC recommended increasing from the current standard of 33%.

4. Attached units created through additions to the primary residence shall be consistent with the roof pitch, materials and window type of the existing structure.
5. Detached units may be a maximum of 1,000 square feet. If built over a detached garage the garage area would not count toward this size limit.
6. Detached units may be up to 20 feet in height, except that an apartment built over a detached garage may be up to 25 feet in height.
7. Detached units must be set back at least as far from the street as the main house. This does not apply to the second front of a through or corner lot or where the unit is incorporated into an existing structure.
8. The ADU may not be sold as a condominium or otherwise segregated in ownership from the primary residence.
9. ADUs may not be rented for periods of less than 30 days.

B. Parking

1. One off-street parking space must be provided for ADUs less than 600 square feet in area, and two spaces for units over 600 square feet.
2. The second ADU parking space is not required if the parcel containing the ADU can be accessed from a street that has legal on-street parking.
3. These ADU spaces are in addition to any parking spaces required for the primary residence.
4. Tandem spaces are permitted.

C. Owner Occupancy Requirement

1. A person who owns at least 50% of the property must physically reside in either the ADU or the primary residence. The owner's unit may not be rented to another party for any period of time.
2. The owner must provide documentation of their occupancy such as a vehicle or voting registration. Falsely certifying owner occupancy or failure to comply with the residency requirement shall result in the loss of ADU registration and penalties per TMC 5.06.
3. The owner or owners must sign and record an affidavit on forms provided by the City acknowledging that this requirement shall run with the land.
4. If the owner occupancy requirement is violated an owner shall either:
 - a. Re-occupy one of the units, or
 - b. Remove the elements of the accessory dwelling unit that make it a complete, separate unit.

D. Failure to comply with any of the requirements of this section shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation and Order in accordance with TMC 8.45.070.

New Section

18.50.230 Accessory Dwelling Unit (ADU) Registration Procedures

- A. To gain approval to establish an ADU, a property owner shall submit a registration form, sign and record an affidavit of owner occupancy and obtain a building permit for any necessary remodeling or construction.

Commented [NG6]: The PC recommended allowing detached ADUs subject to the following standards.

Commented [NG7]: The overall height limit in LDR is 30 feet.

Commented [NG8]: This is consistent with the current standard for multi-family units. Other types of short term rentals (spare bedrooms, boarding houses) will be addressed in a separate set of code amendments.

Commented [NG9]: This is our current standard. Some jurisdictions only require 1 space per ADU. Another option would be to require 1 space per bedroom.

Commented [NG10]: The PC added this flexibility.

Commented [NG11]: This is the current standard.

- B. All ADUs existing prior to the enactment of these requirements shall apply for registration within one year after the effective date of this code. Within the one-year amnesty period existing ADUs may be registered without meeting one or more of the following standards:
 - a. Exceeding the permitted height for a detached ADU
 - b. Exceeding the permitted area for an attached or detached ADU
 - c. Not providing a second parking space for an ADU over 600 sf in area, if required
 - d. Having a roof pitch of less than 5:12
 - e. Location of the ADU on the lot.
- C. Illegally created ADUs must be brought into compliance with the life safety requirements of the Tukwila Municipal Code, International Residential Code and International Property Maintenance Code or they must be removed.
- D. If either the primary residence or the ADU will be rented, a Residential Rental Business License per TMC 5.06 must be obtained prior to occupancy of the unit by a tenant.

Commented [NG12]: This is a new registration requirement combined with an amnesty period. The goal is to address life safety issues in illegal existing ADUs.

Amended Table

Table 18-6: Land Uses Allowed by District

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director)

Use	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/L	LI	HI	MIC/L	MIC/H	TVS	TSO
Dwelling – Detached Single family (Includes site built, modular home or new manufactured home). One detached single family dwelling per existing lot permitted in MUO, O, RCC, NCC, TVS	P	P	P	P	P	P	P								P	P
Dwelling unit – Accessory ¹⁷	A	A	A	A	A	A	A								A	A

Commented [NG13]: This change would limit ADUs to single and multi-family zones.

Note 17. See 18.50.220 for ~~A~~ accessory dwelling unit, ~~standards provided:~~

- ~~a. minimum lot of 7,200 square feet;~~
- ~~b. accessory dwelling unit is no more than 33% of the square footage of the primary residence and a maximum of 1,000 square feet, whichever is less;~~
- ~~c. one of the residences is the primary residence of a person who owns at least 50% of the property;~~
- ~~d. dwelling unit is incorporated into the primary detached single family residence, not a separate unit, so that both units appear to be of the same design as if constructed at the same time;~~
- ~~e. minimum of three parking spaces on the property with units less than 600 square feet, and a minimum of four spaces for units over 600 square feet; and~~
- ~~f. the units are not sold as condominiums.~~

Commented [NG14]: This ordinance would codify the criteria for ADUs instead of just listing them in a footnote in the Use Table.