

ACCESSORY DWELLING UNIT GENERAL INFORMATION

Who can develop an Accessory Dwelling Unit (ADU)?

An ADU is defined as “a separate dwelling unit that is substantially contained within the structure of a single-family residence or an outbuilding that is accessory to such residence” (Port Townsend Municipal Code PTMC 17.08.020). ADUs are a permitted use in Residential zoning districts R-I, R-II, and R-III (PTMC 17.16.020 Table). ADUs must meet the regulations outlined in PTMC Section 17.16.020.C as amended by Ordinance 3241, which removed the owner occupancy requirement effective December 16, 2019.

What requirements must be met to develop an ADU?

Per PTMC 17.16.020.C.4, an ADU established in an outbuilding shall not exceed 800 square feet in floor area, and under no circumstances shall the total lot coverage of the primary resident along with the ADU exceed the standard allowed in the underlying zoning district. See Director’s Interpretation dated April 7, 2009 for the definition of floor area and stairways (on the back of this page).

In order to preserve the outward appearance of single-family neighborhoods, the front of the house shall have only one exterior entrance (PTMC 17.16.020.C.5).

The accessory dwelling unit shall NOT be used as a short-term rental. A short-term rental is defined as “a building, or any part thereof, used for lodging for periods of no more than 29 consecutive calendar days” (PTMC 17.08.060).

An ADU may be established in a residence or outbuilding that is legal, nonconforming with respect to required setbacks if entrances are no closer than five feet to neighboring property lines, and if each side window that is closer than five feet to a side property and that is also closer than 20 feet to either the front or rear property line is permanently glazed with translucent material; provided, that the director may permit an entrance as close as three feet to a neighboring property line upon finding that no feasible alternative exists (PTMC 17.16.020.C.6).

Per PTMC 17.72, Off Street Parking and Loading, two on-site parking spaces, each a minimum of 9 feet wide by 19 feet long, are required for each single-family residence, and one additional 9-feet wide by 19-feet long on-site parking space is required to establish an ADU, provided the off-street parking requirements for the other uses on the site are continuously met. If the property owner can demonstrate that there is no way to provide parking on-site, an on-street parking space may be proposed, subject to approval by the Public Works Director (PTMC 17.72.080, Footnote 1).

How does a pre-existing “ADU” that did not go through the permitting process become legal?

The property owner must contact the Development Services Department to obtain information towards compliance from the City’s Building staff. The property owner is encouraged to submit a Customer Assistance Meeting form to meet with staff to discuss.

ACCESSORY DWELLING UNIT CODE REQUIREMENTS

1. What are the utility requirements for establishing an Accessory Dwelling Unit (ADU)?

- The ADU and the home may share a common side sewer line to the sewer main.
- A minimum of one water meter will be required for the property; it may serve both the ADU and the home.

2. What Building Code requirements must be satisfied when converting an existing structure to include an ADU?

- Utilities: The entire structure may be served by one shared underground service lateral from the utility’s main to the structure for water and sewer, respectively. The water shut-off must be accessible to the occupants of both units. If liquid petroleum gas (LPG) or fuel oil is supplied to the ADU, again, a shut-off must be accessible to the occupants of both units.
- Electrical: A single, shared electrical service, a single meter, and a single main service panel would be allowed to serve the ADU and primary residence, provided that **a)** the occupants of both dwelling units have equal and unrestricted access to the main electrical shut off device, and **b)** the capacity of the service panel shall be sufficient to safely handle the electrical loads attributed to two dwelling units, as determined by the electrical code in effect at the time application is made for permits associated with the conversion.
- Plumbing: Both dwelling units may share common supply and waste plumbing systems and a common water heater appliance, so long as the occupants of both dwelling units have equal and unrestricted access to the water heater appliance.
- Heating: Both dwelling units may provide their space heat by a shared, common forced air system if listed fire/smoke dampers are properly installed at all duct penetrations through all structural elements (walls, floor, ceiling, etc.) which separate the two dwelling units.
- Smoke Detectors: Smoke detectors shall be installed throughout both dwelling units in compliance with International Residential Code requirements for new construction in effect at the time application is made for permits associated with the conversion.

- **Exiting:** All components of the required exit systems in the ADU and the home shall comply with code requirements in effect at the time application is made for permits associated with the conversion, especially with regard to escape windows in all rooms used for sleeping.
- **Fire Separation:** The International Residential Code (IRC) requires a one-hour fire separation between dwelling units. This includes horizontal and vertical assemblies as well as one hour rated door assemblies in tenant separation.
- **Ceiling Height:** The minimum ceiling height for ADU's located within existing structures is seven feet.

3. What Building Code requirements have to be satisfied when developing an ADU in a new structure or with an addition?

- **Electrical:** (See "2. Electrical" above)
- **Plumbing:** The entire structure, including both dwelling units, may share a common water supply and waste plumbing systems. Each dwelling unit must, however, be provided its own separate hot water appliance, and occupants of each dwelling unit must have equal and unrestricted access to the main water shut-off valve.
- **Garbage:** Separate garbage/recycle collection fees are not required.

4. What is the permit process to obtain ADU designation?

- If the ADU is a new structure or an addition, the ADU requirements will be included with the building permit issued for the new structure or addition. If the ADU is being established in an existing structure, you will need to apply for a building permit to obtain a building inspection. If a permit is required for improvements, once they are complete and final inspection is passed, a Certificate of Occupancy (C of O) will be issued pursuant to the International Residential Code (IRC).
- Staff will prepare a Restrictive Covenant regarding the Accessory Dwelling Unit that states that the ADU may NOT be used as short-term rental (i.e. rental of no more than 29 consecutive calendar days) for the property owner(s) to sign in front of a notary, and record at their own expense with the Jefferson County Auditor. There is a staff fee for the preparation of this document.

5. Will the ADU have a separate address?

- Yes. Staff will assign a separate address as part of the building permit process.

Accessory Dwelling Unit Checklist

Name: _____ Permit # _____

Address: _____ Phone: _____

Please review the following requirements for establishing an ADU on your property. If after completing this checklist, you find construction or improvements are necessary to meet the ADU requirements, submittal of plans is required for review and approval. A building permit will be issued, and then a subsequent Certificate of Occupancy (C of O) is issued once the project is finalized.

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. If the ADU is in an outbuilding, does the gross floor area (measured from the exterior walls) of the ADU exceed 800 square feet? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Will the ADU and main home share a common sewer service line? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Will the ADU and main home share water service? |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. If the answer to question #2 above is yes, is water shut-off accessible to occupants of both units? |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. If LPG or fuel oil heating appliances supply heat to the ADU and the main house, are shut-offs accessible to occupants of both units? |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Will the ADU and the primary residence share electrical service? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. If the answer to question #6 is yes, is the capacity of the electrical service panel sufficient to handle the electrical loads of two dwelling units?
<i>(Please provide documentation from Labor & Industries.)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. If the answer to question #6 is yes, is equal and unrestricted access to the main electrical shut-off device available to occupants of both units? |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Will occupants of both dwelling units share a common water heater appliance? |

Yes No

- 10. If the answer to #9 is yes, is equal and unrestricted access to the appliance available to occupants of the both units?
- 11. Will both dwelling units share a common forced air heating system?
- 12. If the answer to question #11 is yes, are UL listed fire/smoke dampers properly installed at all duct penetrations into walls, and floor/ceiling assemblies which separate the two dwelling units?
- 13. Is adequate one-hour fire separation provided between dwelling units?
(Attach to your application a detail of how fire separation is achieved for walls, floor/ceiling assemblies and doors.)
- 14. Does the sleeping room area of the ADU contain an emergency escape window (5.7 sq. ft. net openable area, minimum clear opening of 20" wide and 24" tall with the sill being no higher than 44" above the finished floor) or a door that opens directly to the outside?
- 15. Are smoke detectors installed in compliance with International Residential Code requirements for new construction? One smoke detector for each sleeping room and in the area/hallway leading to the sleeping room with a minimum of one smoke detector on each floor. Smoke detectors are to be interconnected.
- 16. Is the minimum ceiling height 7 feet?
- 17. Do ADU stairs including landings, handrails, guardrails, thresholds, etc.) meet code requirements?
- 18. Does the ADU kitchen have a sink, refrigerator, and oven range or cooking device? NOTE: the cooking device cannot be just a microwave. The cooking device must be built-in to the kitchen area.
- 19. Does the ADU bathroom have a lavatory, water closet and tub or shower?
- 20. Does the ADU have at least one closet?
- 21. Does the ADU have an address assigned by the City? If not, one will be assigned. The address must be posted on the ADU with 5-inch tall house numbers in contrasting color to the building background posted on the street at the most direct path to the ADU. This address will be used for 911 emergency service response.



Development Services Director's Interpretation

Subject: Accessory Dwelling Units in Outbuilding
Date: April 7, 2009
PTMC: 17.16.020 – Permitted, conditional and prohibited uses /
Accessory dwelling units

Issue Description: The Development Services Department received an inquiry regarding calculations of the floor area for an Accessory Dwelling Unit and garage below. As the floor area of an ADU is not to exceed 800 square feet, and an interior stairway accesses the (ADU), are the stairs calculated as part of the total floor area of garage or the ADU?

Port Townsend Municipal Code (PTMC) Code, Title 17.16.020:

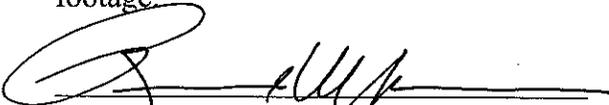
Accessory Dwelling Units established in an outbuilding shall not exceed 800 square feet in floor area, and under no circumstances shall the total lot coverage of the primary residence along with the ADU exceed the standard allowed in the underlying zoning district.

Floor Area as defined in the Port Townsend Municipal Code, Section 17.08.030.

“Floor area, gross” means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.

Directors Interpretation: The floor opening for the stairway shall be calculated 50% up and 50% down.

Example: Floor opening for stairway is 3' x 12' = 36 square feet, one-half of 36 = 18.
Therefore, 18 square feet of the stairway will be calculated as part of the ADU total square footage


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Planning/DSD Director

4/20/09
Date