

## ACCESSORY DWELLING UNIT GENERAL INFORMATION

### What are the recent zoning code changes for ADUs?

On March 27<sup>th</sup>, 2023 City Council passed Ordinance 3306 to reform zoning rules and remove barriers to creating housing, including ADUs.

What's Changed	How it Supports Affordable Housing
2 ADUs per residence (previously only 1 ADU was permitted)	Less expensive to build, and for homeowners to rent out ADUs. Also helps meet demand
Residences outside residential zones can build ADUs	Creates more housing units
No parking requirements for ADUs	Easier and cheaper to build ADUs without parking
Reduced setbacks	Makes it easier to place ADUs
Increased lot coverage	Makes it easier to place ADUs
Exterior ADU entrances can be located on the front of the building	Makes it easier to place ADUs
Tiny House on Wheels (THOW) can be established as ADUs	Creates diverse and affordable housing units

Additionally, Ordinance 3241, effective December 16<sup>th</sup>, 2019, removed the owner occupancy requirement for ADUs.

### What is an Accessory Dwelling Unit (ADU) and where are they permitted?

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.

### What buildings or structures can be permitted as an ADU?

- **Traditional “stick built” ADU:** Constructed entirely on site on a permanent foundation, typically a wood framed building. Requires a building permit.
- **Manufactured home as an ADU:** Constructed entirely in a factory, then transported to the site where the building is installed on a permanent foundation. Requires a manufactured home building permit.
- **Modular built ADU:** Constructed in a factory, but the building is shipped to the site in pieces where it is then assembled on a permanent foundation. Requires a manufactured home building permit.
- **Tiny Home on Wheels:** Also known as a “Park Model”, THOWs are constructed in a factory and moved to the site where they remain on wheels (cannot be on a permanent foundation). Unlike the 3 building types listed above, THOWs are considered a structure (not a building), and therefore must meet different permit, sizing, and site requirements. THOWs in Port Townsend also need to meet additional energy and design standards above park model standards. Please refer to the Tiny Houses on Wheels fact sheet for detailed requirements.

**How many ADUs are allowed on a lot?**

Each primary residence is limited to two ADUs. They must be established as an incidental use to a detached single-family residence. The two allowed ADUs may be configured as a duplex structure when detached from the primary residence (PTMC 17.16.020.C.6) so long as their sizing ensures they are incidental and subordinate in size to the primary dwelling unit.

**What is the difference between an attached and detached ADU?**

An attached ADU is a separate dwelling unit established within or attached to a single-family residence. A detached ADU is a separate dwelling unit established in an outbuilding that is not attached to a single-family residence.

**What is a “guest house/detached bedroom” and does it count towards the maximum of 2 ADUs?**

A detached guest bedroom is a detached building used as sleeping quarters with a bathroom but without a kitchen, located on the same lot with a primary residence. A detached guest bedroom is not an ADU and does not count towards the maximum number of 2 ADUs.

**What are the possible combinations of attached ADUs, detached ADUs, THOWs, and detached guest bedrooms?**

The following options show the maximum permitted when establishing ADUs and/or detached guest bedrooms on a lot with a detached single-family residence. Only two “detached accessory living units” (either detached ADUs and/or detached guest bedrooms) can be placed on one lot.

	ADUs (maximum of 2 allowed)	Is a detached guest bedroom permitted?
Option A	1 attached ADU -and- 1 detached ADU <ul style="list-style-type: none"> <li>The detached ADU can be a THOW</li> </ul>	1 detached guest bedroom is permitted as there is only 1 detached ADU.
Option B	2 attached ADUs	Up to 2 detached guest bedrooms are permitted as there are zero detached ADUs.
Option C	2 detached ADUs <ul style="list-style-type: none"> <li>One or both of the detached ADU(s) can be a THOW</li> <li>2 Detached ADUs can be established as a duplex</li> </ul>	Detached guest bedrooms are <b>not</b> permitted as there are 2 detached ADUs.

**Where can I find information specific to establishing a THOW as an ADU?**

There are specific rules and requirements for THOWs which are different than other types of ADUs. Please refer to the Tiny Houses on Wheels fact sheet for requirements on how to establish a THOW as an ADU. THOWs are factory-built structures, they are not considered a building, and are therefore not subject to building codes.

## **My home is non-conforming because it was built in a commercial zone—can I add an ADU on my lot?**

ADUs may be established as an accessory use to an existing single-family, detached residence that is a legal non-conforming use.

## **What requirements must be met to develop an ADU?**

Per PTMC 17.16.020.C.3, an ADU established in an outbuilding shall not exceed 800 square feet in floor area, and an ADU established within or attached to the primary residence shall not exceed 1,000 square feet. THOWs established as an ADU shall not exceed 400 square feet. Under no circumstances shall the total lot coverage of the primary residence along with the ADU(s) 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 (at the end of this document).

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.5).

No parking is required for an ADU. If you choose to provide on-site parking, the space must be constructed with a durable dustless surface. Gravel parking surfaces shall be considered impervious for stormwater management. Engineered permeable surface treatments are encouraged where appropriate to infiltrate stormwater. If you choose to develop on-street parking, the design, placement, and proposed construction standards shall be reviewed and approved by the public works director and meet city street standards. On-street parking is open to the public and does not grant exclusive use to the abutting property owner.

## **Can a pre-existing ADU that did not go through the permitting process become legal?**

Typically, yes. The property owner must contact the Planning & Community Development Department to obtain information on how to apply for an after-the-fact ADU permit. The property owner is encouraged to submit a Customer Assistance Meeting form to meet with staff to discuss permitting the ADU.

## **ACCESSORY DWELLING UNIT CODE REQUIREMENTS**

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

- The ADUs and the home may share a common side sewer line to the sewer main. If the property is served by a septic system, please contact Jefferson County Environmental Public Health Department for septic system requirements for ADUs.

- A minimum of one water meter will be required for the property; it may serve both the ADU(s) and the home.

**2. What Building Code requirements must be satisfied when converting an existing structure to include an ADU? (Does not apply to Tiny Houses on Wheels used as 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. An exception to this rule is when an ADU is *constructed within an existing dwelling unit*. A fire separation is not required in this case if all required smoke alarms in the ADU and the primary dwelling unit are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory unit.
- **Ceiling Height:** The minimum ceiling height for ADU's located within existing structures is seven feet.

**3. What Building Code requirements must 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).
- Please refer to the Tiny Houses on Wheels fact sheet to learn how to apply to place a THOW as an ADU on a lot.

**5. Will the ADU have a separate address?**

- Yes. Staff will assign a separate address as part of the permit process. THOWs established as an ADU will also receive a separate address.



PLANNING & COMMUNITY  
DEVELOPMENT

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.

**Do not use this checklist for a Tiny House on Wheels.** Please refer to the THOW handout for THOW specific checklist and requirements.

- | 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 measure less than or equal to 800 square feet?  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. If the ADU is within or attached to the single-family residence by solid wall construction, does the gross floor area (measured from the exterior walls) of the ADU measure less than or equal to 1,000 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?  |
| <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?   |

- 10. If the answer to #9 is yes, is equal and unrestricted access to the appliance available to occupants of 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 permanently mounted cooking device? NOTE: the cooking device cannot be a microwave or other countertop appliance. 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

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**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:**

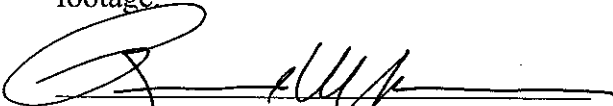
Accessory Dwelling Units established in an outbuilding shall not exceed 800 square feet in floor area, and under no circumstances shall the total lot coverage of the primary residence along with the ADU exceed the standard allowed in the underlying zoning district.

**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

  
Richard M. Sepler, AICP  
Planning/DSD Director

4/20/09  
Date