

**Ordinance 3172**

**AN ORDINANCE OF THE CITY OF PORT TOWNSEND, WASHINGTON, RELATED TO SHORT TERM RENTAL OF PROPERTY; ESTABLISHING LAND USE DEVELOPMENT REGULATIONS; ESTABLISHING OR AMENDING BUSINESS TAX AND LICENSE REGULATIONS; ESTABLISHING INITIAL AND ONGOING APPLICATION PROCESSES; AMENDING LODGING TAX REQUIREMENTS; AMENDING TITLES 3, 5 AND 17 OF THE PORT TOWNSEND MUNICIPAL CODE, AND LIFTING A MORATORIUM**

**RECITALS:**

- A. The City Council has taken up the issue of regulating short term rentals at various times in 2006-2007, 2010, and most recently in 2012; and,
- B. On March 17, 2015, the City Council referred the matter of developing short-term rental regulations to the Community Development and Land Use Committee; and,
- C. On October 19, 2015, the City Council adopted Resolution No. 15-035 requesting the City Manager to prepare code changes related to short term rentals that would consolidate the existing city regulations related to rentals of less than 30 days, as well as incorporating the guidance provided by the Community Development and Land Use Committee; and,
- D. On May 2, 2016, the City Council approved a motion referring the matter of short term rentals to the Planning Commission for its review and recommendations; and,
- E. The Planning Commission held a public hearing on September 8, 2016, to receive public testimony on the proposed code changes and passed a motion to forward their recommendation to the City Council; and,
- F. On March 20, 2017, the City Council adopted Ordinance 3168 imposing a temporary moratorium on the receipt and processing of applications for tourist homes; and,
- G. On April 17, 2017, the City Council adopted Ordinance 3170 which amended Ordinance 3168 to include bed and breakfast inns to the temporary moratorium on the receipt and processing of land use applications; and,
- H. Review and approval of all land use code text amendments are considered Type V applications under Port Townsend Municipal Code (PTMC) Chapter 20.01.040; and,
- I. On September 1, 2016, the Washington Department of Ecology granted expedited review for the proposed code amendments; and,

- J. The 2014 SEPA rulemaking process revised WAC 197-11-800 to make text amendments not involving environmental regulations exempt from SEPA review. The proposed text amendments qualify for this exemption.
- K. On March 20, 2017, the City Council adopted Ordinance 3168, imposing a temporary moratorium on applications related to tourist homes. On April 17, the City Council adopted Ordinance 3170, expanding the prior moratorium to include bed and breakfast inns. The moratorium expires 6 months from its adoption or, when the City Council adopts regulations related to short-term rentals.

**NOW, THEREFORE,** the City Council of the City of Port Townsend do ordain as follows:

Section 1. Findings and Conclusions. Pursuant to PTMC 20.04.090(D) and based on the recommendations forwarded from the Planning Commission and the record from the public hearing, the City Council makes the following findings of fact and conclusions:

1. These amendments will not adversely affect the public health, safety, and welfare in any significant way.
2. These amendments reflect current widely held community values or resolves inconsistencies in the City's Comprehensive Plan. Testimony gathered throughout the public process, in addition to the specific recommendations from the Planning Commission support the proposed changes to PTMC Titles 3, 5 and 17.
3. These amendments would maintain the appropriate balance of land uses within the City. The Comprehensive Plan supports regulations that are intended to maintain compatibility of development within established neighborhoods. The Housing Element of the Comprehensive Plan supports policies and regulations to encourage and maintain the inventory and viability of long term rentals within the community.
4. Since the adoption of the Comprehensive Plan, there has been a change in local circumstances in the form of a steady increase of short term rentals, both legal and illegal, within the City. This change in circumstance warrants the adoption of changes in PTMC Titles 3, 5 and 17.
5. Council finds that the amendments to Title 17 are consistent with the City's Comprehensive Plan.

Section 2. Section 3.02.010 of the Port Townsend Municipal Code is amended to read as shown in Exhibit A.

Section 3. The definition of a "Sale at Retail-Retail sale" contained in Subsection 5.04A.030 is amended to read as shown in Exhibit B.

Section 4. Title 5 of the Port Townsend Municipal Code is amended by adding a new Chapter 5.45, “Operation of Bed and Breakfast Inns and Tourist Homes” as shown in Exhibit C.

Section 5. Chapter 17.08 of the Port Townsend Municipal Code is amended as shown in Exhibit D.

Section 6. Title 17 of the Port Townsend Municipal Code is amended by adding new Chapter 17.57, “Bed and Breakfast Inns and Tourist Homes,” as shown in Exhibit E.

Section 7. Section 17.16.020 of the Port Townsend Municipal Code is amended as shown in Exhibit F.

Section 8. Waiver of Enhanced Penalties. The City will waive imposition of enhanced penalties allowed by PTMC 1.20.075D, E, and F for any property owner who applies for a conditional use permit and business license to operate a Bed and Breakfast Inn or Tourist Home within 120 days of the effective date of this Ordinance.

Section 9. The moratorium imposed by Ordinance 3168 as modified by Ordinance 3170, is lifted as of the effective date of this Ordinance.

Section 10. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 11. Effective Date. This Ordinance shall take effect and be in force five days after the date of its publication in the manner provided by law.

**ADOPTED** by the City Council of the City of Port Townsend, Washington, at a regular meeting thereof, held this 15<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
Deborah S. Stinson  
Mayor

*Attest:*

*Approved as to Form:*

\_\_\_\_\_  
Joanna Sanders, CMC  
City Clerk

\_\_\_\_\_  
Steven L. Gross  
City Attorney



## EXHIBIT A

### Chapter 3.20 Lodging Tax

#### **3.20.010 Tax levied.**

There is hereby levied a special excise tax of four percent on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW, said tax including the “basic” two percent lodging tax as authorized by RCW 67.28.180 and the “special” two percent lodging tax as authorized by RCW 67.28.181, as now adopted and hereafter amended. The tax imposed under Chapter 82.08 RCW applies to the sale of or charge made for the furnishing of short term rental lodging ~~by a hotel, rooming house, tourist court, motel, or trailer camp, and lodging~~ and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. (Ord. 2663 § 2, 1998; Ord. 2612 § 2, 1997).



## EXHIBIT B

### Chapter 5.04A Business and Occupation Tax

#### 5.04A.030 Definitions

C. "Sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

1. The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

2. The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

3. The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

4. The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

5. The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under Chapter 82.16 RCW;

6. The sale of and charge made for the furnishing of lodging and all other services, except telephone business and cable service, by a ~~hotel, rooming house, tourist court, motel, trailer camp, and~~ short term rental or the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy

the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

7. The installing, repairing, altering, or improving of digital goods for consumers;

8. The sale of or charge made for tangible personal property, labor and services to persons taxable under subsections (C)(1), (2), (3), (4), (5), (6) and (7) of this definition when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a “sale at retail” or “retail sale” even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection A of this section and nothing contained in subsection A of this section shall be construed to modify this subsection.



## EXHIBIT C

### Title 5

#### BUSINESS LICENSES AND REGULATIONS\*

**Chapters:**

- 5.04 *Repealed*
- 5.04A **Business and Occupation Tax**
- 5.04B **Administrative Provisions for Business and Occupation Taxes**
- 5.08 **Business Licenses**
- 5.12 *Repealed*
- 5.14 **Port Townsend Master Cable Television Ordinance**
- 5.15 **Cable Television Service Regulation**
- 5.16 *Repealed*
- 5.20 **Garbage Collection**
- 5.24 **Laundries**
- 5.28 **Secondhand Dealers, Junk Dealers and Pawnbrokers**
- 5.32 **Sales and Performances on Streets and Sidewalks**
- 5.36 *Repealed*
- 5.40 **For Hire Vehicle Business**
- 5.42 **Horse Taxis**
- 5.44 *Repealed*
- 5.45 **Operation of Bed and Breakfast Inns and Tourist Homes**
- 5.46 *Repealed*
- 5.52 **Entertainment in Liquor-Licensed Premises**
- 5.56 **Dances and Dance Halls**
- 5.64 *Repealed*
- 5.72 *Repealed*
- 5.76 **Amusement and Vending Machines**
- 5.80 *Repealed*
- 5.84 **Utility Business Tax**
- 5.88 *Repealed*
- 5.90 **Ambulances**
- 5.92 **Licensing and Operation of Adult Entertainment Facilities**
- 5.94 **Solicitors**

\* Code reviser's note: Ord. 2892 changed the following references in this title: (1) building and community development department (BCD) to development services department (DSD); (2) director of building and community development department (BCD) to director of development services department (DSD). These changes will be incorporated in the printed volume of the code as those pages are reprinted in future supplements. Users accessing the Internet version of the code will note that all of these references have already been changed.

**Chapter 5.45 New**  
**Operation of Bed and Breakfast Inns and Tourist Homes**

Sections:

- 5.45.010 Purpose.
- 5.45.020 Application Process.
- 5.45.030 Conditions of Operation.
- 5.45.040 Term of License.
- 5.45.050 Revocation and Suspension.

**5.45.010 Purpose.**

The purpose of this Chapter is to regulate the business of operating two types of short term rentals: bed and breakfast inns and tourist homes.

**5.45.020 Application Process.**

A. Except as specified in this Chapter, the application process in Chapter 5.08 applies.

B. The application fee shall be \$25.00 per year.

C. The applicant must certify that the property is not in a building or subdivision subject to Covenants, Conditions, or Restrictions or must provide written proof that the property owner's association has received notification of the application for this license.

D. The applicant must certify that an application for a land use permit to use the property as a short term rental has been submitted to the city.

**5.45.030 Conditions of Operation**

A. Trash and Recycling. Businesses must provide trash and recycling containers and curbside recycling containers on-site in a convenient and discrete location.

B. Fire Extinguishers. A fire extinguisher that is in good working order shall be maintained at all times on the premises.

C. Required Notices. The following notices shall be posted in a conspicuous location inside the rental unit:

1. A copy of the business license;
2. The name, address, and telephone number(s) of the owner or property manager;
3. The location of the fire extinguisher; and
4. Information on the trash and curbside recycling programs including:
  - a. Pickup schedules; and
  - b. A notice that trash and recycling containers must not be stored outside or placed at the curb (or in the alley), except within 24 hours of the day of scheduled trash or recycling pickup.

D. The business license number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements and listings.

E. The owner of a tourist home shall be on-site during the time rental activity is taking place.

**5.45.040 Term of License.**

The term of License shall be one year.

**5.45.050 Revocation and Suspension.**

A. Except as provided in this section, the revocation and suspension provisions of Chapter 5.08 shall apply.

B. A license may be suspended during any period of code enforcement based on a violation of any other provision of the city code. The appeal procedure for the underlying code enforcement action shall control over the appeal provisions in Chapter 5.08.

C. A license may be revoked for any reason in Chapter 5.08, or for continued violations of any other provision of city code. The appeal procedure for the underlying code enforcement action shall control over the appeal provisions in Chapter 5.08.



## EXHIBIT D

### Chapter 17.08 Definitions

#### 17.08.020 A through D.

“Bed and breakfast inn” means a ~~building short term rental~~ with a central kitchen which provides the primary residence for the owner or operator and which offers guest rooms for travelers and transient guests for compensation. Food service may be offered exclusively to people registered to use the inn for lodging or special events. ~~Accessory buildings which were lawfully established prior to June 1, 1989, may be considered part of a bed and breakfast inn.~~

“Dwelling unit” means any building or portion thereof that contains separate living facilities for not more than one family. Separate living facilities shall constitute provisions for sleeping, eating, ~~cooking kitchen facilities (including at least an oven range or cooking device and a permanently installed sink)~~, and bathroom facilities. “Dwelling unit” does not include motel, ~~tourist court, or~~ boardinghouses, or tourist home units.

#### 17.08.030 E through H.

“Hotel” means any building or portion thereof containing five or more rooms which share a common entry to the building that are rented or hired out to be occupied for sleeping purposes for compensation. A central kitchen and dining room and accessory shops and services catering to the general public may be provided. All rooms located within a hotel shall be under common ownership. Hotel rooms cannot be owned individually. Not included are institutions housing persons under legal restraint or requiring medical attention or care. A hotel is a ~~transient accommodations~~ short term rental.”

#### 17.08.040 I through M.

“Lodging house” means a building with a single kitchen that provides the primary residence for the owner or operator and in which seven or more roomers, lodgers and/or boarders are housed or fed. A lodging house is ~~to be distinguished from both a boardinghouse and a hotel not a short term rental.~~ See also “Dwelling, multifamily.” ~~and shall conform to the definition thereof.~~

“Motel” means a building or buildings, detached or in connected units or designed as a single structure, the units of which ~~include facilities for sleeping are used as individual sleeping or dwelling units,~~ having their own private toilet facilities, and are designed primarily for the accommodations of transient automobile travelers. Accommodations for trailers are not included. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names. ~~A motel is a “transient accommodation” and shall conform to the definition thereof. A motel is a short term rental.~~

~~“Motor hotel” means a specialized hotel designed and operated to provide hotel services and accommodations to the motoring public and where the sleeping accommodations normally do not exceed one week’s duration. A motor hotel is a “transient accommodation” and shall conform to the definition thereof.~~

### **17.08.060 R through V**

~~“Resort” means a hotel that serves as a destination point for visitors. A resort generally provides recreational facilities for paying guests on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.~~

~~“Transient accommodationShort term rental” means a building, structure or facility, or any part thereof, such as a bed and breakfast inn, hotel, motel, motor hotel, tourist home, or similar facility, primarily designed used for and offering one or more lodging units to travelers and transient guests for periods of no more than 29 consecutive calendar days for temporary lodging and sleeping purposes. A consecutive period of occupancy is not terminated if the same person is ; provided, that an absent ee for a period of less than 30 consecutive days followed by reoccupancy shall be considered part of the same consecutive periodat the same property. Portions of calendar days shall be counted as full days<sup>1</sup>.~~

~~transient accommodation does not include an accommodation which a person occupies or has a right to occupy as his or her domicile or permanent residence. It shall be presumed that occupancy of real property for a period of 30 consecutive days or more constitutes a rental or lease of real property for residential rather than transient accommodation purposes, which presumption may however be rebutted upon submission of satisfactory proof by a preponderance of the evidence.~~

~~“Vacation Rental” means a building or portion thereof used for temporary lodging for not more than 29 consecutive days that does not meet the definition of any other type of transient accommodation.~~

~~“Tourist home” means a building which provides the primary residence for the owners and which offers not more than two guestrooms, which share a common entry to the building, for hire to transient guests, for sleeping purposes only. A tourist home or a portion thereof lawfully established prior to June 1, 1989, may be located in an accessory building. A tourist home is a transient accommodation short term rental, and shall conform to the definition thereof.~~

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<sup>1</sup> Code Reviser’s Note: “Short term rentals” include but are not limited to hotels, motels, bed and breakfast inns, and tourist homes. Specific regulations related to hotels and motels are found in the use tables in Chapters 17.16 and 17.20. Specific Regulations related to bed and breakfast inns and tourist homes are also found in the use tables, as well as in Chapter 17.57.

## EXHIBIT E

### Title 17 ZONING\*

#### Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Establishment of Zoning Districts
- 17.16 Residential Zoning Districts
- 17.18 Mixed Use Zoning Districts
- 17.20 Commercial Zoning Districts
- 17.22 Marine-Related and Manufacturing Zoning Districts
- 17.24 Public, Park and Open Space Zoning Districts
- 17.26 Overlay Districts
- 17.27 Boat Haven Height Overlay District
- 17.28 Special Height Overlay District
- 17.29 Repealed
- 17.30 Historic Preservation Code
- 17.32 Planned Unit Developments
- 17.34 Cottage Housing Development Design Standards
- 17.36 Multifamily Residential Development Standards
- 17.40 Mixed Use Developments
- 17.44 Commercial and Mixed Use Architectural and Site Design Standards
- 17.46 Commercial, Multifamily, Cottage Housing Developments, and Mixed Use Architectural and Site Design Review Processes
- 17.50 Essential Public Facilities
- 17.52 Child Care Facilities
- 17.54 Formula Retail and Restaurant Establishments
- 17.56 Home Occupations
- 17.57 Bed and Breakfast Inns and Tourist Homes
- 17.60 Temporary Uses
- 17.68 Fences, Walls, Arbors and Hedges
- 17.72 Off-Street Parking and Loading
- 17.76 Signs
- 17.78 Personal Wireless Service Facilities
- 17.80 Repealed
- 17.84 Conditional Uses
- 17.86 Variances
- 17.88 Nonconforming Lots, Structures and Uses
- 17.90 Rules of Construction and Interpretation of Code
- 17.94 Administration and Enforcement

\* Code reviser's note: Ord. 2892 changed the following references in this title: (1) building and community development department (BCD) to development services department (DSD); (2) director of building and community development department (BCD) to director of development services department (DSD). These changes will be incorporated in the printed volume of the code as those pages are reprinted in future supplements. Users accessing the Internet version of the code will note that all of these references have already been changed.

**Chapter 17.57**  
**Bed and Breakfast Inns and Tourist Homes**

Sections:

- 17.57.010 Purpose and Intent.
- 17.57.020 Allowed Uses and Conditions.
- 17.57.030 Relationship to Other Ordinances.

**17.57.010 Purpose and Intent.**

A. The purpose of this chapter is to provide land use regulations related to bed and breakfast inns and tourist homes. It does not apply to hotels and motels.

B. The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of the city's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of short term rentals on adjacent residences, and to minimize the impact of the commercial character of short term rentals.

**17.57.020 Allowed Uses and Conditions.**

A. Bed and Breakfast Inns.

1. Bed and breakfast inns are allowed as conditional uses in all residential zones, and as a permitted use in the C-III zone.
2. Accessory buildings that were lawfully established prior to June 1, 1989 may be considered part of a bed and breakfast inn.

B. Tourist Homes.

1. Tourist homes are allowed as conditional uses in all residential zones and as a permitted use in the C-III zone.
2. A Tourist home may be allowed within a single-family residence on the same property as an accessory dwelling unit. No short term rental shall be allowed in an accessory dwelling unit.
3. Buildings that are not the primary residence of the owner may not be used as a tourist home. Provided, that a tourist home or a portion thereof lawfully established prior to June 1, 1989 may be located in an accessory building.
4. Tourist homes are only permitted in detached single-family residences. They are not allowed in duplex, triplex, or fourplex single-family residences.
5. Primary residency is established by providing identification including but not limited to a state driver's license or identification card, voter's registration, or any other document issued by a state or federal agency showing that the property is the primary residence.
6. The owner of a tourist home shall be on-site during the time rental activity is taking place.



7. Kitchens, as defined in PTMC 17.08.040 are not allowed in rental units. A microwave and mini-refrigerator are allowed, and for the purpose of a tourist home these appliances are not considered to constitute a kitchen.

8. Occupancy. The maximum number of occupants allowed in a tourist Home shall not exceed two adults per bedroom.

9. Appearance and Visibility. The use shall not change the residential character of the outside of a building, either by the use of colors, materials, signage, lighting; or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence.

10. Parking. All off-street parking associated with a tourist home shall be entirely on the same lot as the tourist home. Parking requirements shall be as set forth in PTMC 17.72, Off-Street Parking and Zoning.

11. Exits. All bedrooms must have an egress window or door.

12. Outdoor Storage. Storage of recreational vehicles, and other similar vehicles, machines, or recreational devices, is allowed on off-street paved parking surfaces on the same lot as the tourist home, in the same manner as allowed for other dwelling units in the same zone. These items may not be stored within the public right-of-way. If there is not enough legal on-site parking for the storage or parking of recreational vehicles/devices, the property owner must provide alternative arrangements for their storage. The determination of what constitutes a vehicle or device, as described above, shall be determined by the city.

14. Transferability. The conditional use permit for a tourist home runs with the land and may be transferred to any other person or legal entity as provided for in PTMC 17.84, Conditional Use. As provided for in PTMC 5.08.140, the associated business license may not be transferred or assigned.

**17.57.030 Relationship to Other Ordinances.**

- a. Each short term rental, including those in existence on the effective date of this chapter, is subject to the city's business license requirements, and all stipulations of this subsection regarding location.
- b. Short term rentals must meet the standards of the city's adopted residential building codes.



## EXHIBIT F

### 17.16.020 Permitted, conditional and prohibited uses – Accessory dwelling units.

A. Table 17.16.020 identifies land uses in the residential zoning districts that are permitted outright (P), subject to a conditional use permit (C), prohibited (X), or not applicable (N/A). However, notwithstanding the fact that a use may be permitted outright, additional permits may be required for certain projects. For example, multifamily residential development project applicants must procure a Type I permit in accordance with Chapter 17.36 PTMC, Multifamily Residential Development Standards. Uses not specifically identified within Table 17.16.020 are deemed to be contrary to the interests of the public health, safety and welfare of the citizens of Port Townsend and shall be prohibited.

B. Requirements for the uses identified in Table 17.16.020 which are contained within other provisions of this title are referenced under the heading “applicable regulations/notes,” although this should not be construed as a comprehensive listing of all provisions of this title which may apply to any given use. Specifically, the provisions of Chapter 17.72 PTMC, Off-Street Parking and Loading, and Chapter 17.76 PTMC, Signs, shall apply to all uses, even if not noted in Table 17.16.020.

C. Accessory Dwelling Units – Limitations on Use. One accessory dwelling unit (ADU) may be established only as an accessory use to a single-family, detached residence (and specifically, not including a duplex, triplex or fourplex), provided the following conditions are continuously met:

1. A certificate of occupancy pursuant to the currently adopted city construction codes shall be obtained from the building official and posted within the ADU. The code inspection and compliance required to obtain a certificate of occupancy in an existing building shall be restricted to the portion of the building to be occupied by an ADU and shall apply only to new construction rather than existing components, except that any high hazards (i.e., smoke detectors, fire exits, stairways, LP gas appliances and fire separation) shall be corrected. Where additional fire separation is unduly burdensome, the building official may authorize a fire alarm system in lieu of required fire separation.

2. The owner of the subject property shall reside on the premises, whether in the main or accessory dwelling; provided, that in the event of illness, death or other unforeseeable event which prevents the owner’s continued occupancy of the premises, the director may, upon a finding that discontinuance of the ADU would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The director may grant an extension of such suspension for one additional year, upon a finding of continued hardship. In the case of an ADU established prior to March 6, 1995, but after August 17, 1971, if the property on which the ADU is located complies with all of the requirements of this section except owner-occupancy, the ADU property may continue without occupancy by the owner until sold, exchanged or otherwise transferred to a different owner.

3. Neither the main nor accessory dwelling unit shall be used as a ~~transient accommodation~~ short term rental, except as provided for in PTMC 17.57.020B(2).

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

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

6. 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 line 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 a finding that no feasible alternative exists.

7. *Repealed by Ord. 2939.*

D. Accessory Dwelling Units – Exception for Legal, Nonconforming Accessory Dwelling Units. Notwithstanding the provisions of subsection C of this section, in the case of an ADU established prior to August 17, 1971, and continuously occupied thereafter, the ADU may continue without compliance with PTMC [17.16.020\(C\)\(1\)](#) and (C)(2), provided a certificate of occupancy is obtained pursuant to PTMC [17.16.020\(C\)\(1\)](#).

[Note: The fee for inspection and issuance of a certificate of occupancy for an accessory dwelling unit shall be the same as that established in the currently adopted International Building Code for a special inspection. For the purposes of determining system development charges or utility or infrastructure requirements, a single-family residence with an accessory dwelling unit which does not separately connect to city water or sewer service shall have the same charges and the same requirements as a single-family residence without an accessory dwelling unit].

E. Incidental uses which are identified in this title as prohibited or conditional uses within the applicable zoning district shall be considered conditional and processed in accordance with Chapter 20.01 PTMC subject to the approval criteria codified in Chapter 17.84 PTMC.