

Title 17 Port Townsend Municipal Code (PTMC)

Chapter 17. PTMC

Conversion or Addition of Dwelling Units in Existing Buildings

A. Purpose. The purpose of the conversion provisions is to facilitate the conversion of existing buildings to residential uses, for the purpose of creating new housing units in existing buildings. These provisions support serving the City's housing needs and compliance with state requirements. The intent of these provisions is to fully comply with state requirements (RCW 35A.21.440, 43.21C.450, and 19.27A.270) related to conversions of existing buildings to residential uses.

B. Except as provided in subsection C of this section, this section applies to all development applications that both add dwelling units within an existing building and meet all of the following criteria:

1. The existing building received a final certificate of occupancy at least three years before the submission of the development application.
2. The existing building is located in a residential or nonresidential land use district where multifamily dwellings are either a permitted use, an administrative conditional use, or a conditional use. For the purposes of this section, a "nonresidential land use district" means any land use district except for the following: R-I, R-II, R-III, R-IV, C-I/MU, and C-II/MU.
3. The development application does not expand the existing building horizontally, except for the addition of the incidental features listed below that may be necessary to accommodate residential use. However, in no case shall the horizontal expansion for incidental features increase the floor area of the structure by more than five percent.
  - a. Ramps for ADA access;
  - b. Replacement windows or sheathing;
  - c. The addition of material enabling increased insulation;
  - d. Structural features to improve safety;
  - e. Additions required to comply with construction, energy codes, or building performance standards for residential conversion;

- f. Circulation features for fire and life safety;
- g. Mechanical equipment;
- h. Plumbing and ductwork; or
- i. Awnings and bays.

C. For development applications meeting all of the requirements of subsection A of this section, the normal requirements of this Code shall apply during the land use or building permit review required for the application except as such requirements are modified below by this subsection:

1. Density Requirements. Dwelling units may be added within existing buildings up to a density of 50 percent more than the maximum density allowed in the underlying zone.
2. No exterior design or architectural requirements apply to eligible residential development; unless the building is subject to historic preservation code as described in Chapter 17.30 PTMC.
3. Dimensional Requirements. Eligible residential development is exempt from all applicable dimensional requirements, except height restrictions for vertical expansions.
4. Recycling and Solid Waste Collection Areas.
  - a. There shall be at least one solid waste collection area provided;
  - b. There shall be at least one recycling collection area provided;
  - c. The Director shall establish the square footage and screening requirements for recycling and solid waste collection areas; and
  - d. The Director shall determine the appropriate screening requirements for recycling and solid waste collection areas, in accordance with Chapter 6.04 PTMC
5. Energy Code. Changed portions of new dwelling units must meet the requirements of the current energy code. Unchanged portions of an existing building are not required to comply with the current energy code solely because of the addition of dwelling units. Energy code compliance is not required if:
  - a. The square footage of new dwelling units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;

b. The building owner demonstrates that the projected energy use intensity of the building's residential units is less than or equal to the clean buildings performance standard in RCW 19.27A.210;

c. An additional housing unit is created within an existing home located in a residential zone; or

d. The existing building is a designated landmark or is located within a historic district established by ordinance.

6. Nonconforming Uses, Structures and Sites. Any nonconforming use, nonconforming structure, or nonconforming site may continue when all of the requirements of subsection C.5.a of this section are met. However, once a final certificate of occupancy is issued, such nonconformities may continue only to the extent allowed by Chapter 17.88 PTMC, whichever is applicable given the location of the development.

a. The nonconforming use, nonconforming structure, or nonconforming site must:

i. Be associated with the development application meeting the eligibility criteria provided in subsection A of this section; and

ii. Have existed prior to submittal of the development application meeting the eligibility criteria provided in subsection A of this section.

7. Prior Participation in an Amenity Incentive System. If the existing building was originally constructed using a bonus obtained through voluntary participation in an amenity incentive system contained in the land use code, then the benefit or amenity provided in exchange for receipt of that bonus must remain and be maintained following the addition of dwelling units under this section. The benefit or amenity must remain and be maintained subject to the original requirements, except that the location of the benefit or amenity may be moved elsewhere on the site or within the existing building subject to the approval of the Director.

#### D. Exceptions.

1. The redevelopment for multifamily residential use of any existing building located fully or partially within a critical area, critical area structure setback, or critical area buffer designated or established under Chapter 19.05 PTMC is subject to the requirements of Chapter 19.05 PTMC. To the extent that any provision of this section conflicts with any requirement contained in Chapter 19.05 PTMC and Chapter 19.05 PTMC shall control.