



AN AMENDMENT TO TITLES 8 & 9 TO ADD DEFINITIONS

In 8-2-2, 8-4-2, 9-2-2

Building Official: Tom Davis

Prepared April 29, 2011 for the Board of County Commissioners

Public Meeting of May 14, 2011

APPLICANT: Teton County Planning & Building Departments

APPLICABLE CODES: Titles 8 & 9 Teton County Ordinance

REQUEST: Amend Titles 8 & 9 to include definitions of a DWELLING UNIT, KITCHEN FACILITIES, and SANITATION FACILITIES. The current definition of a DWELLING in 8-2-1 and 9-2-2 would be expanded and re-named DWELLING UNIT.

DESCRIPTION: The following definitions are recommended:

DWELLING UNIT: A structure for human habitation which shall not include a mobile living unit such as a motor home or trailer coach, or a hotel, dormitory, hospital, rooming house or tent. A single unit providing complete independent living facilities for one or more persons, including permanent kitchen and sanitation facilities, and provisions for living, sleeping, and eating (see KITCHEN FACILITIES and SANITATION FACILITIES).

KITCHEN FACILITIES: A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes.

SANITATION FACILITIES: A toilet, or other permanent conveyance for sewage as approved by the District 7 Health Department. A detached privy, incinerating toilet, or other alternative approved system shall be considered part of the dwelling unit served.

BACKGROUND: Presently, there is not a definition of a *dwelling unit* in Titles 8 or 9 that clearly distinguishes them from something that *is not* subject to an impact fee, such as a *sleeping unit*, an office, or a shop. The second sentence of the above definition of a *dwelling unit* is taken from the 2009 International Residential Code (IRC) and is already enforceable, as is every other part of the IRC. The 2009 International Building Code (IBC) defines a SLEEPING UNIT as: *A room or space in which people sleep, which can also include provisions for living, eating, and either sanitation or kitchen facilities but not both.* This, also, is already enforceable. We have

included definitions of *kitchen facilities* and *sanitation facilities* in order to avoid ambiguity. If a unit has both, and the other provisions in the definition (living, sleeping, eating), it is subject to an impact fee, along with all the other requirements of the IRC or IBC.

PUBLIC COMMENT

None comments have been received based on the legal advertising placed in the newspaper. .

PLANNING COMMISSION ACTIONS:

The Planning & Zoning Commission recommended the amendment for approval.

Staff suggests the following motion:

Having found that the proposed definitions of a dwelling unit, kitchen facilities, and sanitation facilities is consistent with the International Residential and Building Code definitions and that these definitions provide clearer guidelines to implement the County Zoning and Subdivision Ordinance, I recommend that the Board of County Commissioners approve the proposed definitions as presented in this report.