



**City of Ketchum
Planning & Building**

**STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
MEETING OF MAY 9, 2023
WORKSHOP: COMMUNITY CORE DIMENSIONAL STANDARDS FOR ROOFTOP FEATURES**

Introduction

During their March 8 and April 11, 2023 meetings, the Planning and Zoning Commission reviewed and approved the list of zoning code technical corrections, text clarifications, and amendments that will be addressed in the short term through the codification of Interim Ordinance 1234 through the adoption of Permanent Ordinance No. 1249. The list of code amendment additions (see Attachment A) includes clarifying the dimensional standards for rooftop features in the Community Core (“CC Zone”).

Code Clarifications

The comments listed below summarize staff’s interpretation and application of certain CC Zone rooftop dimensional standards. Staff requests the Commission consider the following interpretations for CC Zone rooftop features and provide their input on whether they agree or disagree with the application of these dimensional standards:

- Because the height standard for non-habitable structure specified in Ketchum Municipal Code §17.12.040 states, “located on building rooftops,” the height of elevator shafts and stairwells may be measured from the top of the parapet as opposed to the roof surface.
- All permanently affixed deck amenities like screening walls and trellises must comply with the 10-foot minimum setback required from building facades. Nonpermanent, unattached deck amenities like tables and chairs, fire pits, hot tubs, umbrellas, and barbecues are not subject to the 10-foot minimum setback and may be placed anywhere on the roof surface.
- Perimeter walls enclosing rooftop decks are not subject to the 10-foot setback from building façades provided the walls are 75% transparent and no more than 4 feet in height above the roof surface. Screening walls are not subject to these height and transparency standards provided the walls comply with the minimum 10-foot setback required from building facades. Parapets walls contained within the 42-foot building height limit are not subject to the 4-foot height limitation, 75% transparency standard, or 10-foot required setback from building facades.

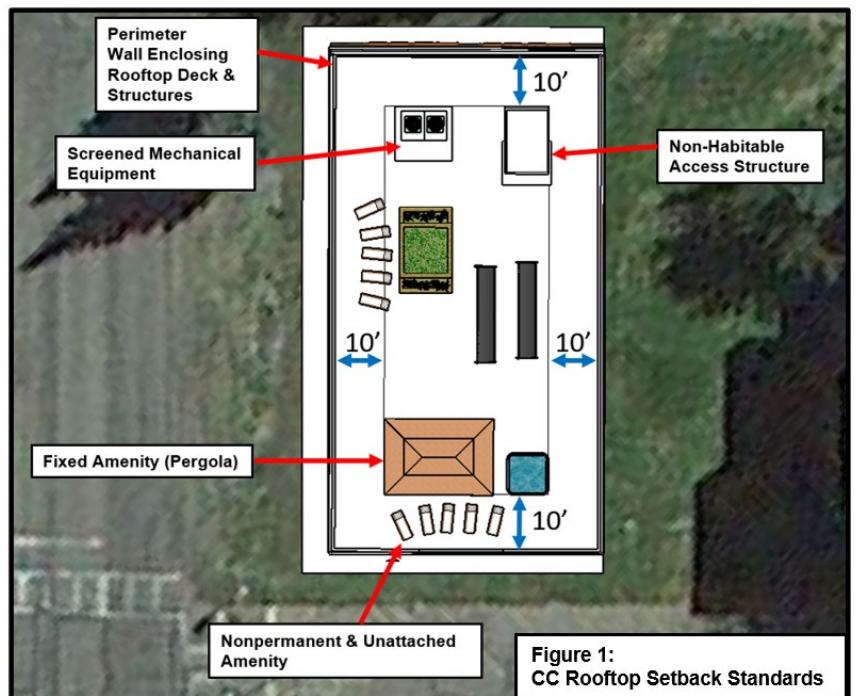
The staff report provides further analysis of the interpretation and application of CC rooftop dimensional standards listed above as well as a brief overview of Ketchum’s zoning code history for rooftop dimensional standards. The Commission’s feedback will inform the text clarifications that will be included as a code amendment addition to the permanent ordinance.

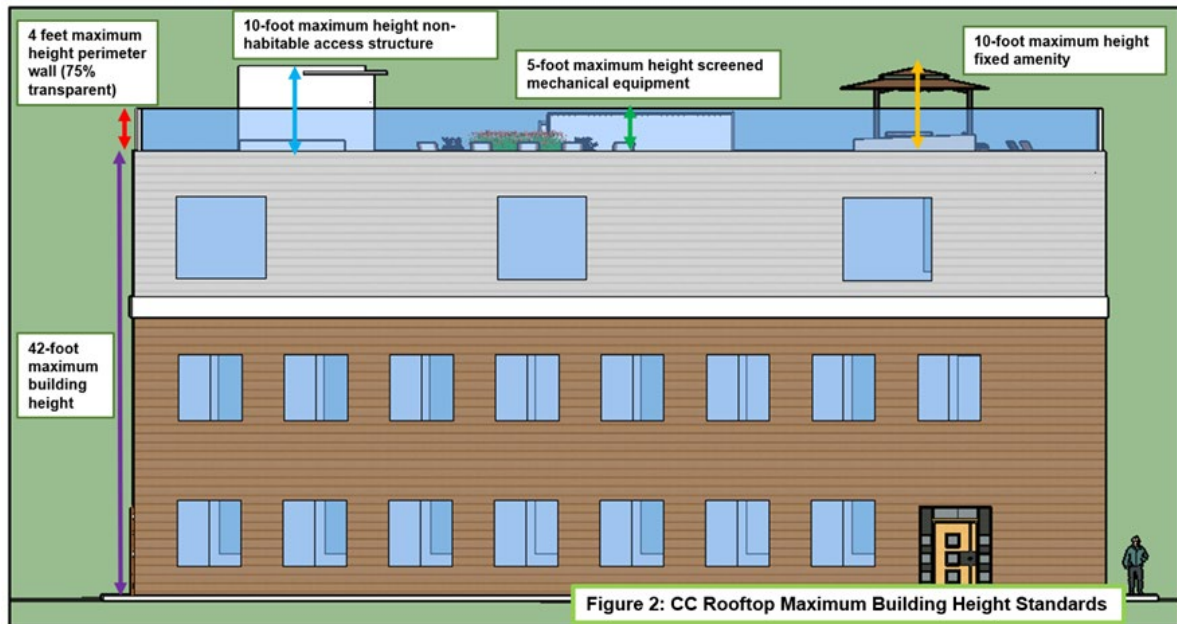
Community Core Dimensional Standards for Rooftop Features

Dimensional standards for rooftop features in the CC Zone are provided in Ketchum Municipal Code §17.12.040. As listed in Table 1 and shown in Figures 1 and 2, these standards provide maximum height and setback standards for rooftop appurtenances, including stairwell enclosures, elevator shafts, and mechanical equipment, as well as rooftop amenities like hot tubs, trellises, umbrellas, fire pits, and landscape planters.

Table 1: Community Core Rooftop Dimensional Standards (Ketchum Municipal Code §17.12.040)	
<i>Dimensional Standards: Maximum Building Heights</i>	
Non-Habitable Structures Located on Building Rooftops	10 feet
Perimeter Walls Enclosing Rooftop Deck and Structures	4 feet above roof surface height. Perimeter roof top walls are required to be at least 75% transparent.
Roof Top Solar and Mechanical Equipment above Roof Surface	5 feet
<i>Dimensional Standards: Minimum Building Setbacks</i>	
Non-Habitable Structures, Fixed Amenities, Solar and Mechanical Equipment Affixed to a Roof from all Building Facades for all Projects Except for Projects Where 100% of the Residential Units are Community or Workforce Housing	10 feet

Pursuant to Ketchum Municipal Code §17.12.040, permitted rooftop features include non-habitable structures, decks with associated perimeter walls, fixed amenities, and mechanical and solar equipment. The maximum building height allowed for non-habitable structures located on building rooftops is 10 feet. Solar and mechanical equipment may extend a maximum of 5 feet above the roof surface. Rooftop non-habitable structures, fixed amenities, and mechanical equipment must be setback a minimum of 10 feet from all building facades.





Non-Habitable Structures

Ketchum Municipal Code does not provide specifications for the types of non-habitable structures or fixed amenities permitted on rooftops. Ketchum Municipal Code §17.08.020 defines *Habitable Floor* as, “Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or combination thereof. A floor used only for garage, storage or access purposes is not a ‘habitable floor.’” This definition provides some guidance on floor areas that may qualified as non-habitable. Stairwell enclosures and elevator shafts for rooftop access have been qualified as non-habitable structures and are permitted to extend 10 feet above the roof provided the minimum required 10-foot setback from all building facades is met.

The maximum height standards for rooftop features utilize different wording—the dimensional standard for non-habitable structure states, “located on building rooftops,” whereas the maximum height for solar and mechanical equipment states, “above roof surface.” Because the height standard for non-habitable structure states, “located on building rooftops,” Staff has measured the height of elevator shafts and stairwells from the top of the parapet when applicable as opposed to the roof surface.

Deck Amenities

Permitted deck amenities may include hot tubs, fire pits, and unenclosed fixed structures like trellises. Staff requires all permanently affixed deck amenities like screening walls and trellises to comply with the 10-foot minimum required setback from building facades. Staff does not apply the setback requirement to nonpermanent, unattached deck amenities like tables and chairs, fire pits, hot tubs, and barbeques.

Perimeter Walls, Mechanical Equipment Screening, and Parapets

Perimeter walls enclosing rooftop decks are not subject to the 10-foot setback from building façades provided the wall is 75% transparent and no more than 4 feet in height above the roof surface. Staff has not applied these height and transparency standards to walls screening mechanical equipment. Screening walls should be the minimum height required to fully screen the rooftop mechanical equipment from public view and must be setback a minimum of 10 feet from all building facades.

Parapets walls contained within the 42-foot building height limit are not subject to the 4-foot height limitation, 75% transparency standard, or 10-foot minimum required setback from building facades. If a parapet extends above the 42-foot building height limit, then the wall must either be (a) sited at the roof edge provided that the parapet is no more than 4 feet in height above the roof surface and at least 75% transparent or (b) setback 10 feet from the building facades in which case the parapets are not subject to the 4-foot maximum height or 75% transparency standard.

Zoning Code History

Building height exceptions were first introduced into Ketchum’s zoning code through the city’s adoption of Ordinance No. 396 in 1985. During this time, the maximum building height in the Community Core was 35 feet. Parapets less than 3 feet in height were not considered part of the building height. Ordinance No. 396 provided an exemption to the maximum building height limit, which stated that, “Solar panels, clerestory windows and elevators may exceed these limits by up to 6 feet provided they are set back 10 feet from any roof edge.” Ordinance No. 652 adopted in 1994 modified this exception to state, “Solar panels, clerestory windows and elevators may exceed height limits as follows: (a) 4 foot height increase = minimum 10 foot setback from roof edge (b) 6 foot height clearance = minimum 15 foot setback from roof edge.”

In 2006, the city adopted Ordinance No. 994 which established a new form-based code for the Community Core. The intent of the new form-based code was to implement the vision, goals, and policies outlined in the 2001 Comprehensive Plan and the 2006 Downtown Master Plan, both of which emphasized the importance of designing high-quality buildings and public spaces. The form-based code established four new subdistricts in the Community Core and introduced six different building types that represented the existing and desired character of each subdistrict’s built environment. The maximum height standards for the *Traditional Mixed-Use*, *Mixed-Use with Cellar*, and *Neighborhood Mixed-Use* building types was 40 feet for two- and three-story buildings. The form based code provided the opportunity for 2-foot height bonus stating, “An additional 2 feet may be permitted if the additional height will contribute meaningfully to the building character or function.” All three building types allowed a stairway/elevator shaft to exceed the maximum height requirements by up to 10 feet provided these features were setback a minimum of 20 feet from front and rear property lines. The *Multifamily Home* and *Urban Residential* building types provided the same height exceptions with increased setback requirements stating, “A stairway/elevator shaft providing access to a roof garden may exceed the maximum height by up to 10 feet provided it is stepped back at least 30 feet from the front and rear property lines.” The required setbacks from front and rear property lines for stairways/elevator shafts located on rooftops for the *Hotel* building type was 20 feet.

The form-based code building types and Community Core design guidelines were removed from the zoning code through the city’s adoption of Ordinance No. 1135 in 2015. This ordinance consolidated the zoning code and introduced the matrix of Community Core dimensional standards. Rooftop dimensional standards included in this matrix are shown in Table 2.

Table 2: Ordinance No. 1135—CC District Rooftop Dimensional Standards				
Dimensional Standard	Subdistrict A: Retail Core	Subdistrict B: Arts District	Subdistrict C: Urban Residential	Subdistrict D: Traditional Neighborhood
<i>Minimum Building Setbacks</i>				

Setback for Mixed-Use and Commercial Buildings, Elevator/Stair Shaft Above Roof Line for Front & Rear	20 feet	20 feet	20 feet	N/A
Setback for Multiple-Family Building Elevator/Stair Shaft Above the Roof Line for Front & Rear	N/A	N/A	30 feet	30 feet
<i>Maximum Building Heights</i>				
Height Above Roof Line Elevators/Stairs Shaft Providing Access to Roof Garden	10 feet	10 feet	10 feet	10 feet

As shown in Figures 3 and 4, the CC rooftop dimensional standards were further modified through the adoption of Ordinance No. 1162 in 2016 and Ordinance No. 1187 in 2018.

Table 3: Ordinance No. 1162—CC District Rooftop Dimensional Standards

Dimensional Standard	Subdistrict A: Retail Core	Subdistrict B: Arts District	Subdistrict C: Urban Residential	Subdistrict D: Traditional Neighborhood
<i>Minimum Building Setbacks</i>				
Setback for Non-Habitable Structures and Greenhouses	3 feet			
Setback for Mechanical Equipment, Elevator Shafts, Roof Access Stairwells	10 feet			
Setback for Solar Panels	0 feet			
<i>Maximum Building Heights</i>				
Perimeter Walls Enclosing Rooftop Deck and Structures	4 feet above roof surface height. Perimeter roof top walls are required to be at least 75% transparent.			
Non-Habitable structures, greenhouses, elevator shafts, roof access stairwells, mechanical equipment and solar panels located on building roof tops.	10 feet			

Table 4: Ordinance 1187—CC District Rooftop Dimensional Standards

Dimensional Standard	Subdistrict 1: Retail Core	Subdistrict 2: Mixed-Use Subdistrict
<i>Minimum Building Setbacks</i>		
Non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof from all building facades.	10 feet	
<i>Maximum Building Heights</i>		
Non-Habitable Structures Located on Building Roof Tops	10 feet	
Perimeter Walls Enclosing Roof Top Deck and Structures	4 feet above roof surface height. Perimeter roof top walls are required to be at least 75% transparent.	
Rooftop Solar and Mechanical Equipment Above Roof Surface	5 feet	

While the CC rooftop dimensional standards were modified multiple times throughout Ketchum’s zoning code history, all iterations included regulations to limit the height of rooftop features and established minimum setbacks from the building façade or roof edge. These standards help mitigate the visual impact of rooftop features by reducing their height and size. Staff believes further clarification of the rooftop dimensional standards may further reduce the visual appearance of building bulk and mass.

Attachment

- A. Permanent Ordinance No. 1249: List of Code Amendment Additions

Attachment A

Permanent Ordinance No. 1249: List of Code Amendment Additions

Permanent Ordinance 1249: Code Amendment Additions List

The following zoning code technical corrections, text clarifications, and amendments will be addressed in the short-term through the codification of Interim Ordinance 1234 through the adoption of Permanent A. Permanent Ordinance No. 1249: List of Code Amendment Additions Ordinance No. 1249.

Process Improvements

- Clarify Pre-Application versus Design Review intent and application materials
- Clarify timeframes for when applications can be resubmitted following a denial
- Add clause for outlining the process of to address land use applications that have had no activity for a long period of time following submittal (dormant applications)
- Clarify the additions and improvements that are subject Administrative Design Review versus the exterior alterations that are qualified as minor modifications and exempt from Design Review
- Clarify terms of approval for building permits, including expiration timeframes and process for extensions

General Code Clarifications

- Clarify setback requirements for rooftop solar
- Clarify the side façade setback requirement included in the *Height of Building/CC District* definition specified in KMC §17.08.020 to clearly state that the side façade setback is measured from the front and rear property lines and not the front and rear building facades
- Amend the requirement that all off-street parking areas shall be unobstructed specified in KMC §17.125.030.C to clarify that tandem parking configurations are permitted
- Add definition for *Open Space* to clarify minimum 35% open space required in the General Residential High Density and Tourist zoning district specified in KMC §17.12.030
- Add a definition for Net-Livable Floor Area to clarify maximum unit size standard specified in KMC §17.124.070.B and resolve discrepancy for the definition of *Floor Area, Net* specified in KMC §17.08.020
- Clarify common and public areas that are exempt from the gross floor area calculation for the purpose of calculating commercial parking demand specified in Footnote 1 of KMC §17.125.040.B
- Add a definition for non-habitable structure and clarify maximum size and height standards for rooftop features in the Community Core
- Resolve discrepancies for the required width of private driveways—KMC 12.04.030.L9b states that, “private driveways shall not be less than 12 feet nor wider than 30 feet,” KMC §17.125.030.H requires that a maximum of 35% of a street frontage may be devoted to access, and the fire code requires that private driveways have a minimum unobstructed width of 20 feet

Removing Regulatory Barriers to ADU Construction

- Clarify that the 5% building coverage bonus for the construction of an ADU specified in KMC §17.124.070C applies to properties developed with existing residences and not vacant land
- Establish standards to clarify requirement specified in KMC §17.125.070.E, which states, “Designated storage shall be provided for all accessory dwelling units.”
- Clarify that ADUs are exempt from parking requirements
- Resolve discrepancy between KMC §17.124.070 that references procedure for ADU Design Review approval and KMC §17.96.010 that exempts ADUs from Design Review to clarify that ADUs are exempt from Design Review as this discretionary review increases the complexity and length of time for the permitting processes, which discourages homeowners from constructing ADUs

Codification of Commission & Administrator Interpretations

- Clarify subterranean structures that are considered below-encroachments and subject to the standards specified in KMC §17.128.020.K to reflect Zoning Code Interpretation 21-004, which states that, “The Commission finds that below-grade footings and foundations may encroach into required setbacks so long as these structural elements are entirely underground.”
- Clarify the total number of detached, accessory structures permitted per lot in residential zoning districts
- Clarify setbacks for detached, accessory structures to expand Interpretation 21-003, which states that, “Outdoor amenities, like hot tubs or barbecues, that are not: (1) permanently affixed to the land or (2) enclosed may be sited within the setback areas required for the principle building on a development,” to include accessory structures less than 200 square feet in size like sheds and playground equipment
- Define improvements that qualify as a structure and/or building and clarify the improvements that are permitted to be sited within setbacks and/or outside building envelopes
- Clarify that retaining walls are permitted to be sited within required setback areas provided that the walls comply with the development standards specified in KMC §17.124.030.