



**City of Ketchum
Planning & Building**

MEMORANDUM

TO: Ketchum Planning and Zoning Commission

FROM: Abby Rivin, Senior Planner

MEETING DATE: December 14, 2021

RE: Zoning Code Interpretation 21-003: Outdoor Amenities within Setback Areas

SUMMARY:

On September 21st, 2021, the Planning and Zoning Commission reviewed an amendment to Design Review Permit P20-031 for the Waddell-Roush Duplex project that proposed adding hot tubs within the east and west side yard setback areas required for the townhome development. In addition to considering the proposed amendment, the Planning and Zoning Commission provided direction to Staff on how setbacks should be applied to accessory outdoor features like hot tubs. Staff has incorporated the Commission's feedback into the draft zoning code interpretation attached as Exhibit A.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission consider the attached interpretation, direct Staff to incorporate any revisions, and move to approve the zoning code interpretation for outdoor amenities within setback areas.

Recommended Motion: "I move to approve the zoning code interpretation allowing for certain outdoor amenities within setback areas."

EXHIBIT:

A. Draft Zoning Code Interpretation Outdoor Amenities within Setback Areas



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**KETCHUM PLANNING AND ZONING COMMISSION
ZONING CODE INTERPRETATION 21-003
OUTDOOR AMENITIES WITHIN SETBACK AREAS**

INTERPRETATION QUESTION

The zoning code is unclear as to whether accessory structures, such as hot tubs, may be sited within the setback areas required for the principal building on the development site. The zoning code is also unclear as to whether setbacks should be applied individually per detached structure based on each structure's maximum height or if the maximum height of the principal building on the site should set the setbacks for all accessory structures on the site.

PERTINENT ZONING REGULATIONS

Ketchum Municipal Code §17.08.020: Definitions

BUILDING:

- A. Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:
 - 1. Is permanently affixed to the land; and
 - 2. Has one or more floors and a roof.
- B. Any appendages to said structure, such as decks, roof overhangs and porte-cocheres, are part of said building for purposes of determining building coverage, setbacks or other regulations unless otherwise specified.

SETBACK: The minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure; below grade structures may encroach into required setbacks subject to subsection 17.128.020.K of this title.

STRUCTURE: Anything permanently constructed in or on the ground, or over the water, including gas or liquid storage tank that is principally above ground and manufactured homes; excluding fences less than six feet in height, decks less than 30 inches above grade, paved areas, and structural or nonstructural fill.

ENCLOSED: An area surrounded on at least three sides by walls and on top by a roof or similar covering.

Ketchum Municipal Code §17.12.030: Dimensional Standards

The required setback from side property lines is a function of maximum building height. Ketchum Municipal Code §17.12.030 also establishes minimum side setback dimensions. For example, the required side setback in the GR-L Zone is 1 foot for every 3 feet in building height or a minimum of 5 feet. In the LR Zone, the required side setback is 1 foot for every 2 feet in building height or a minimum of 10 feet.

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Ketchum Municipal Code §17.128.020: Supplementary Yard Regulations

Ketchum Municipal Code §17.128.020 provides allowances for certain features to extend into required setback areas. For example, cornices, canopies, eaves, chimney chases, or similar architectural features may extend into a required yard not more than 3 feet and decks less than 30 inches in height from existing grade may be constructed to the property line.

PLANNING AND ZONING COMMISSION INTERPRETATION:

All structures and buildings are subject to setbacks from front, side, and rear property lines as specified in Ketchum Municipal Code §17.12.030. Buildings as defined by Ketchum Municipal Code §17.08.020 include any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which: (1) are permanently affixed to the land and (2) have one or more floors and a roof. Structures include anything permanently constructed in or on the ground (KMC §17.08.020).

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 site.

Zoning Code Interpretation adopted this 14th day of December 2021.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission