

## ZONING ADMINISTRATOR INTERPRETATION

**DATE:** March 13, 2007

**CODE SECTION:** Section 17.50.250 – Residential Use – Accessory Uses and Structures

**QUESTION NEEDING INTERPRETATION:** An applicant wants to construct a permanent outdoor barbeque grill with a countertop and sink. Permanent, freestanding and outdoor fireplaces, barbeque grills, brick ovens, fire pits, related patio covers, countertops and sinks are not defined in the Zoning Code. Are such structures considered accessory structures?

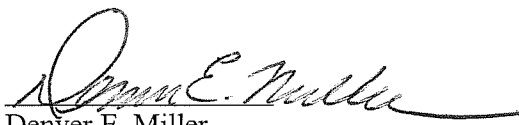
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### INTERPRETATION:

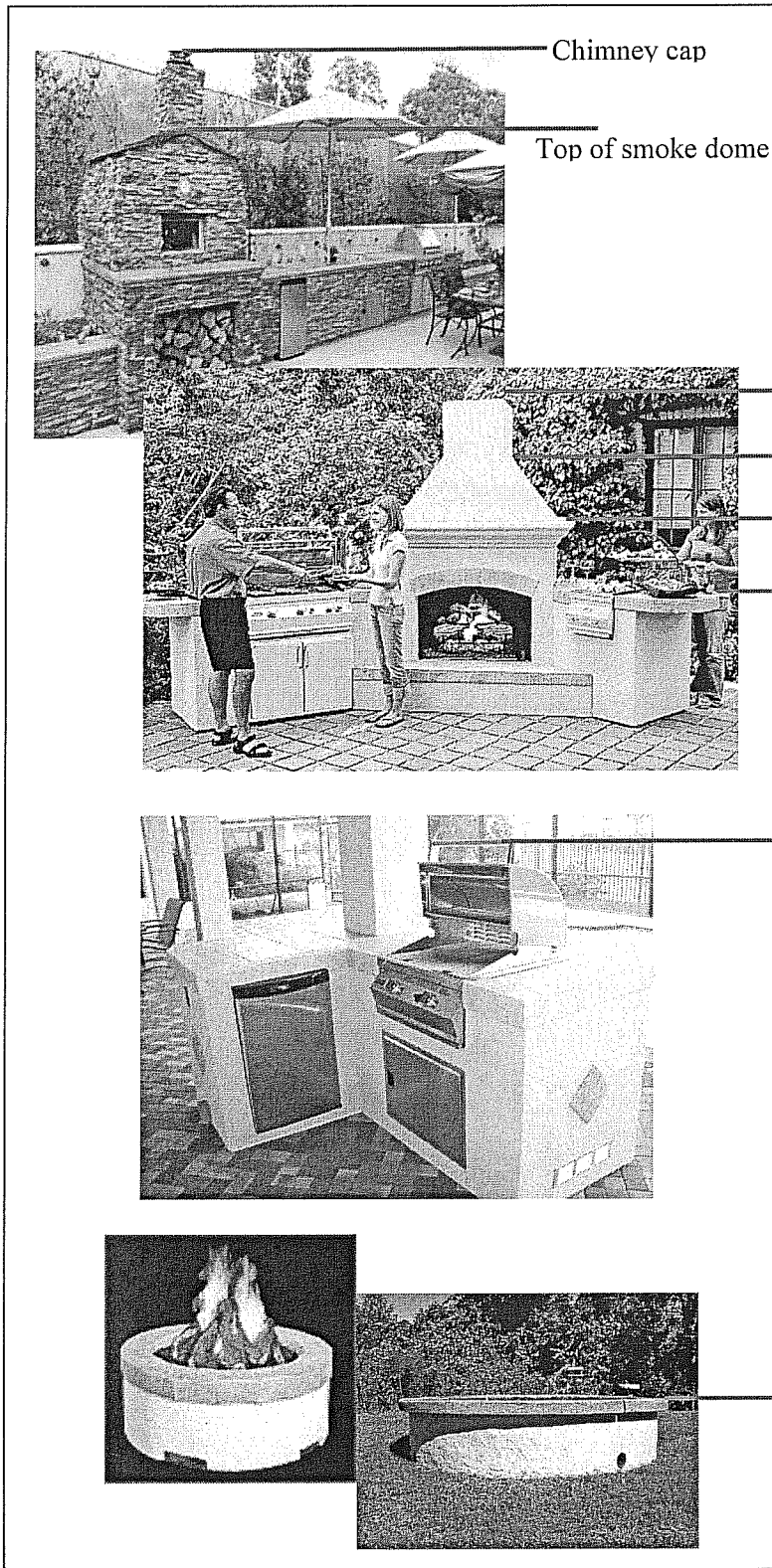
The Zoning Code defines accessory structures as uses which are accessory to the main use, including but not limited to, cabanas, garages or carports, gazebos, greenhouses, pergolas, pools or hot tubs and related equipment, or workshops. In addition, accessory structures shall not be used for sleeping quarter.

The administrative practice has been to consider uses such as permanent, freestanding and outdoor fireplaces, barbeque grills, brick ovens, fire pits, related patio covers, countertops and sinks as accessory uses and structures (hereinafter referred to as “fireplaces/barbeque grills”). This practice is rational since their use would be accessory to the main use, which is a single-family dwelling. In addition, their use has a recreational component and is often used in conjunction with a cabana, gazebo or pool. Therefore, the accessory use and structure standards would apply including, but not limited to, setbacks from property lines, separation from other structures, top plate and maximum height and encroachment plane. Please see below for additional information (also see Attachment ‘A’):

- Setbacks to property lines shall be two feet for the first twenty-two feet and five feet after that length. Building separation shall be six feet free and clear, unless otherwise noted. All setbacks and separations shall be measured from the outermost portion of the “fireplace/barbeque grill”.
- There shall be no setback requirements between fireplaces, barbeque grills, brick ovens, fire pits, related patio covers, countertops and/or sinks.
- The top plate for “fireplaces/barbeque grills” shall be the uppermost point of the hood (metal cover or canopy), smoke dome (area that collects the smoke) or mantel piece (decorative framing around the fire opening), whichever is higher. The maximum height for the top plate shall be nine feet.
- The maximum height for the uppermost point of “fireplaces/barbeque grills” (usually the top of the flute or the chimney cap), shall be fifteen feet.
- The use of “fireplaces/barbeque grills” shall not constitute a second kitchen, provided the area is not enclosed and any food preparation is done using fire or charcoal. In addition, no covenant shall be required.
- No permits shall be required for uses that are not mounted to the ground such as chimineas (movable fire pit) or wheeled barbeque grills.

  
Denver E. Miller  
Zoning Administrator

**ATTACHMENT A**



**Outdoor fireplace and/or brick oven with chimney**

- Top of flute
- Top of smoke dome
- Top of mantel piece
- Outer edge of countertop

**Outdoor barbeque with attached cover**

- Top of hood

**Fire pit**

- Outer edge of fire pit