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ACCESSORY STRUCTURES (RESIDENTIAL)

WHAT IS AN ACCESSORY STRUCTURE?

An accessory structure is any detached structure that is subordinate to the main building and is consistent with the buildings and uses allowed in the zone in which it is located. Examples include (but are not limited to) detached garages, carports and workshops; detached guesthouses and secondary dwelling units; play structures, play houses, trellis structures, gazebos, outdoor fireplaces, above-ground pools and spas, heat pumps, AC units and pool equipment. To be considered "detached" a horizontal separation of three feet or more between structures is required. For details, see LOC 50.10.003.2 "Detached."

WHAT PERMITS ARE REQUIRED FOR AN ACCESSORY STRUCTURE?

A building permit is not required for certain accessory structures that are less than 200 square feet in size; not on a concrete slab AND less than 10 feet in height (for building permit purposes, height is measured from finished floor to average roof height); however, such structures do need to meet all applicable setbacks, and may require electrical, plumbing or mechanical permits depending on their amenities [Please check with the Building Division regarding permits].

DO ACCESSORY STRUCTURES COUNT TOWARD LOT COVERAGE?

Yes, all structures greater than 30" above grade, whether enclosed or not, count toward lot coverage, unless the code specifically exempts all or a portion of the structure from lot coverage calculations (e.g., boathouses, portions of side- or rear-loading garages, and certain trellises). Patio or deck cover structures are also counted in lot coverage, even if the roof is louvered or retractable. In low density residential zoning districts, maximum lot coverage ranges from 25% to 35% of the lot, but some higher density districts allow more lot coverage. Please contact the Planning Division for help in determining applicable lot coverage standards.

DO ACCESSORY STRUCTURES COUNT TOWARD MAXIMUM FLOOR AREA?

Yes, with some exceptions. In the R-0, R-2, and R-3 zones, detached garages and carports are exempt from the floor area calculation. Additionally, habitable areas of detached accessory structures in all residential zones are exempt from the floor area calculations as follows:

- 200 square foot exemption for lot sizes up to 10,000 square feet
- 400 square foot exemption for lot sizes greater than 10,000 square feet.

WHAT ARE THE SETBACKS FOR ACCESSORY STRUCTURES (NOT NOISE-PRODUCING)?

Setbacks typically depend on (1) the zone, and (2) the height of the accessory structure (for setback purposes, height is measured from grade to peak of roof). **In general**, setbacks are as follows:

ZONE	FRONT	SIDE (INTERIOR)	SIDE (STREET)	REAR
R-DD (Old Town)	10'	10'	10'	10'
R-0	10'	10'	10'	10'
R-2	10'	10'	10'	10'
R-3	10'	10'	10'	10'
R-5	10'	10'	10'	10'
R-6, < 600 sf with walls ≤ 10 feet below eaves	20'	5'	7.5'/20' (1)	5'
R-6, additions to accessory structures ≤ 18 feet in height and built before July 1, 2010	20'	5'	7.5'/20' (1)	5' or 10' (2)
R-6, additions to accessory structures > 18 feet in height and built before July 1, 2010	20'	5' minimum, total combined 15' (3)	7.5'/20' (1)	5' or 10' (2)
R-6, other	20'	7.5	7.5'/20' (1)	15'
R-7.5, ≤ 18' in height	25'	5'	15/20 (1)	10'
R-7.5, > 18' in height	25'	5'	15/20 (1)	15'
R-10	25'	10'	15/20 (1)	15'
R-15	25'	10'	15/20 (1)	15'
PDs approved before Aug 2003	Same as primary structure setbacks.			
PDs approved after Aug 2003	Same as above setbacks			

- (1) The smaller street side setback applies adjacent to a local street; the larger setback applies adjacent to an arterial or collector.
- (2) 5 foot rear setback if accessory structure is less than 600 square feet in size and walls are < 10 feet below eaves; otherwise, 10 feet.
- (3) A multi-story structure may have a smaller side yard setback than required where the ground floor is set back a minimum of 5 feet and the remainder of the structure is stepped back from the building line by at least 4 feet on each side.

WHAT ARE THE SETBACKS FOR NOISE-PRODUCING ACCESSORY STRUCTURES?

(RESIDENTIAL HEAT PUMPS, AIR CONDITIONERS, POOL MOTORS* OR SIMILAR)

FRONT	SIDE (INTERIOR)	SIDE, STREET (LOCAL)	SIDE, STREET (ALL OTHER)	REAR
SETBACK REQUIRED BY THE ZONE OR PD	5'	10'	15'	10'

*Pool equipment must be located within an enclosed structure.

EXCEPTIONS TO THE REQUIRED SETBACK (LOC 50.03.004.2.b)

The side setback may be reduced to 5 feet and the rear setback may be reduced to 3 feet (6 feet for flag lots) for accessory structures in all residential zones **except R-6**, including PDs, provided the following conditions are met:

1. The accessory structure is located more than 40 feet from any street (for the purposes of this exception, an alley is not considered a street). The side and rear setbacks for a detached garage obtaining access from an alley may be reduced to three feet or to the degree the garage maintains access that provides an outside front wheel turning radius of at least 25 feet, whichever is greater.
2. For an accessory structure greater than four feet in height, the accessory structure is detached from other buildings by three feet or more;
3. The accessory structure does not exceed a height of 10 feet nor an area of 600 square feet.
4. The accessory structure is **not noise producing** (i.e., AC unit, heat pump, generator, pool equipment, etc.).

WHAT ARE THE DESIGN STANDARDS FOR ACCESSORY STRUCTURES?

In all residential zones listed above except for R-DD (Old Town), the Street Front Setback Plane and the Side Yard Setback Plane standards apply to all accessory structures (see LOC 50.06.001.2).

In the Evergreen Overlay District, the roof pitch on new accessory structures exceeding 100 square feet in size must match the roof pitch of the primary structure (see LOC 50.05.002).

WHAT ARE THE SIZE LIMITATIONS FOR ACCESSORY STRUCTURES?

HEIGHT: In the R-0, R-2, R-3, R-5, R-6, R-7.5, R-10 and R-15 zones, accessory structure height is limited to the lesser of 24 feet or the height of the primary structure. In the R-DD zone, maximum height is 28 feet.

FLOOR AREA: In the R-6, R-7.5, R-10 and R-15 zones, accessory structures that are \leq 18 feet in height have a maximum floor area of 800 square feet, while accessory structures $>$ 18 feet in height are limited to 600 square feet in floor area; however, the floor area of the accessory structure cannot exceed that of the primary structure.

This publication summarizes portions of the Lake Oswego Community Development Code and is intended to be used solely as an informal discussion document. As such, it should not be relied on as a guarantee that a particular development request could be approved or denied. Please contact the Community Development Department of the City of Lake Oswego for more information.