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SUPPLEMENTAL SETBACK INFORMATION

The Community Development Code (LOC Chapter 50) allows certain projections into the setbacks established by the zone standards, and establishes setback patterns for unique or oddly-shaped lots. This handout summarizes many of these exceptions as well as situations that require additional setbacks, and identifies the applicable code citation(s).

1. **FRONT PORCH:** A front porch may project up to five feet into the required front yard setback provided the front porch is no more than 10 feet in width and, if covered, the roof peak is no more than 16 feet in height. **Does not apply in the R-6 zone.** [LOC 50.04.003.3.b].
2. **FRONT PORCH (R-6 ZONE):** A projecting covered front porch may extend into the front yard setback up to six feet [LOC 50.04.001.2.e.ii(2)].
3. **PROJECTIONS 1:** Cornices, eaves, gutters, bay windows located on the ground floor (no more than six ft. wide, with a maximum of two bay windows per building elevation), decorative metal balconies (not more than six ft. in length), flower boxes, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into a required yard or open space as established by coverage standards [LOC 50.04.003.8.a].
4. **PROJECTIONS 2:** Canopies, sunshades, chimneys and flues may project not more than two feet into a required yard or open space as established by coverage standards, but in no event may the projection be within five feet of a side lot line [LOC 50.04.003.8.a].
5. **PROJECTIONS 3, CORNER LOTS:** On the Side Yard that abuts a street, a second floor balcony or deck may encroach four feet into the required setback as an alternative to other Side Yard Appearance and Screening options [LOC 50.06.001.2.g(2)].
6. **PATIOS AND DECKS:** Decks and impervious patios that are not more than 30 inches above grade, may project into a required yard, but may not be closer than three feet to any property line. Patios and decks 30 inches or more above grade must meet zone setbacks [LOC 50.04.003.8.b and LOC 50.10.003.2, Patio Definition].

7. **FRONT YARD AVERAGING:** If there are lawful nonconforming dwellings or detached garages on both abutting lots on the same block face with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings and/or detached garages.

If there is a lawful nonconforming dwelling or detached garage on one abutting lot on the same block face with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth. The front yard setback for a single family dwelling in R-5, R-7.5, R-10 or R-15 zones shall not be reduced to less than 15 feet [LOC 50.04.003.3.a]. A survey is required.

8. **ACCESSORY STRUCTURES SUBJECT TO ZONE STANDARDS AND PLANNED DEVELOPMENT (PD)**
STANDARDS: In PDs approved before August 2003 in any base zone, accessory structures (not including noise-producing accessory structures; see Note 10) have the same setbacks as primary structures. In PDs approved after August 2003 in any base zone, accessory structure setbacks apply if the base zone includes them. See Note 9 for setback exceptions and refer to the Accessory Structure handout for more information.
9. **ACCESSORY STRUCTURES (DOES NOT APPLY TO FLAG LOTS OR OSWEGO LAKE SETBACK BUT DOES APPLY TO ALL PDS):** A side setback may be reduced to five feet and a rear yard setback may be reduced to three feet in a residential zone if the structure complies with the following five criteria [LOC 50.03.004.2.b.i]:
- a. The accessory structure is erected more than 40 feet from any street (an alley is not considered a street for purposes of this section).
 - b. The accessory structure is detached from other buildings by five feet or more.
 - c. The accessory structure does not exceed a height of 10 feet or an area of 600 square feet.
 - d. The accessory structure is not noise-producing (i.e., AC unit, heat pump, pool equipment, generator, etc.).
 - e. The parcel is zoned other than R-6.
10. **NOISE-PRODUCING ACCESSORY STRUCTURE SETBACKS:** Residential heat pumps, air conditioners or similar noise-producing mechanical equipment shall meet the required front setbacks of the zone. All other setbacks, regardless of the zone and including PDs, are as follows:
- Interior Side Yard: 5 feet
Street Side Yard, Local Street: 10 feet
Street Side Yard, All Other Street Types: 15 feet
Rear: 10 feet
11. **DETACHED GARAGES ACCESSING FROM ALLEY:** 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, provided [50.03.004.2.b.i(1)]:

- a. The garage is erected more than 40 feet from any street (an alley is not considered a street for purposes of this section).
 - b. The garage is detached from other buildings by five feet or more.
 - c. The garage does not exceed a height of 10 feet or an area of 600 square feet.
 - d. The parcel is zoned other than R-6.
12. **ACCESSORY STRUCTURES (FLAG LOTS):** A side or rear yard accessory structure setback may be reduced to six feet on a flag lot when the criteria identified in Note 9 are met [LOC 50.03.004.2.b.ii].
 13. **LOTS WITH THREE OR MORE FRONTAGES:** For lots with three or more street frontages, the City Manager shall determine the setbacks as follows: (a) at least one front yard must be provided that has full depth required in the zone; (b) the street side setback applies to all other front yards; (c) one frontage shall be required to meet the front yard setback plane standards, and the other frontages must meet the street side setback plane standard [LOC 50.04.003.6.a].
 14. **THROUGH LOTS:** Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all street frontages. Where one of the front yards is not in keeping with the prevailing yard pattern, the City Manager may waive the front yard requirements and substitute a special yard requirement which shall not exceed the average of the yards provided on the adjacent lots [LOC 50.04.003.6.b].
 15. **FLAG LOTS:** For land divisions creating a flag lot(s), setback adjustments of up to two feet may be allowed if necessary to site a dwelling in compliance with LOC 50.07.007.2, or which will result in additional separation from existing dwellings on surrounding lots [LOC 50.07.007.2.b].
 16. **REAR LOT LINE, TRIANGULAR LOT:** A triangular lot does not have a rear lot line or setback – it has a front and two sides [LOC 50.10.003].
 17. **REAR LOT LINE, THROUGH LOT:** A through lot does not have a rear lot line or setback – the frontage on each street is a front lot line [LOC 50.10.003].
 18. **REAR LOT LINE, IRREGULARLY SHAPED LOT:** All lot lines that are most nearly opposite the front lot line are rear lot lines [LOC 50.10.003].
 19. **ACCESS WALKWAYS AND PATHWAYS:** Walkways and pathways that provide principal access from the adjacent public right-of-way to a dwelling or to a public entrance to a commercial, industrial, or public facility building are permitted in the required yard, so long as the elevation of the walkway or pathway is at or below the elevation of the driveway or parking area for the dwelling or building. If the walkway is elevated, it shall be the most direct route practicable [LOC 50.04.003.8.c].

20. **SPECIAL STREET SETBACKS:** Special Street Setbacks are provided along certain street segments in order to preserve an obstruction-free area along public rights-of-way in anticipation of future street improvements (see list below). The Special Street Setback is generally measured from the center of the right-of-way, and then required yards are measured from the special street setback reference line, which may result in a larger overall setback than required by the zone. The Special Street Setback cannot be reduced through variances or through other exceptions provided in the Development Code. For the following streets, see LOC 50.04.002.5 for Special Street Setback reference lines, width of Special Street Setback, and the portion of each street where the setback applies:

Bangy Road	Knaus Road	Reese Road
Bergis Road	Lake Grove Avenue	Rosewood Street
Bonita Road	Lake View Blvd.	South Shore Blvd.
Boones Ferry Road	Lamont Way	Stafford Road
Bryant Road	Lanewood Street	State Street
Burma Road	Laurel Street	Summit Drive
C Avenue	Lower Drive	Sunset Drive
Carman Drive	McVey Avenue	Tualatin Street
Cornell Street	Madrona Street	Twin Fir Road
Egan Way	North Shore Road	Upper Drive
Fielding Road	Oakridge Road	Waluga Drive
Firwood Road	Overlook Drive	West Sunset Drive
Gassner Lane	Pilkington Road	
Inverurie Road	Quarry Road	

21. **NON-COMPLYING SETBACKS WITH PROPOSED PARTITION OR SUBDIVISION:** If a proposed partition or subdivision would result in any existing structure becoming non-complying regarding setbacks, it may be approved if the setback standard is not adjusted by more than 15%. See LOC 50.04.003.2.a for approval criteria.
22. **BOAT HOUSES, DOCKS:** Boat houses and docks along Oswego Lake and its canals may be placed on a property line, except as provided in LOC 50.05.010, Sensitive Lands. Boat houses on abutting lots may be built with common party walls [LOC 50.03.004.2.a.iii, 50.04.001.1.e.vi].
23. **OSWEGO LAKE SETBACK:** A structure shall be set back a minimum of 25 feet from the property line of the parcels that constitute Oswego Lake, its bays and canals in all zones except the R-W zone; however, the following structures or features are permitted with the Oswego Lake Setback:
- A boathouse;
 - Fences, retaining walls and seawalls permitted pursuant to LOC 50.06.004.2;
 - Lake-related infrastructure;
 - Barbecues and fireplaces no more than six feet tall;
 - Outdoor showers no more than eight feet tall;
 - Lights, steps, docks, decks, pools and spas no more than 30 inches above grade; and
 - Any structure located below finished grade.

Boathouses may be located on a side property line (see Note 22). The items listed in (d), (e) and (f), above, must maintain the required accessory structure side yard setback for the zone; the exception under LOC 50.03.004.2.b does not apply within the Oswego Lake Setback [LOC 50.04.003.7].

24. **PARKING WITHIN SETBACK:** Parking may not be located in a required setback or special street setback [LOC 50.06.002.2.a.iii(1)].
25. **RETAINING WALLS IN RESIDENTIAL ZONES:** Retaining walls less than four feet high, measured from the top of the footing to the top of the wall, may be located within a setback. Multiple retaining walls within a setback must be at least five feet apart [LOC 50.06.004.2.b.vii].

This publication summarizes only 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 Planning and Building Services Department of the City of Lake Oswego for more information.