

## **CHAPTER 3.4**

### **MEDIUM DENSITY (RS-9) ZONE**

#### **Section 3.4.10 - PURPOSE**

This zone is the primary zone that implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where single detached, single attached, duplex, triplex, and fourplex units, and townhouses may be constructed under various ownership patterns. The zone provides a higher density and more intensive use of land than the Low Density Residential zones. The RS-9 Zone is intended to achieve efficiencies in provision of streets and utilities, and to encourage provision of usable Green Area.

#### **Section 3.4.20 - PERMITTED USES**

##### **3.4.20.01 - Ministerial Development**

##### **a. Primary Uses Permitted Outright**

1. Residential Use Types -
  - a) Family
  - b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.4.60 below
  - c) Group Residential - 12 or fewer persons
  - d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below
  - e) Group Residential/Group Care - 12 or fewer persons
  - f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below
  - g) Residential Care Facilities - 12 or fewer persons
2. Residential Building Types -
  - a) Single Detached

- b) Single Detached - Zero Lot Line
- c) Single Attached - Zero Lot Line, two units
- d) Attached - Townhouse, three to five units
- e) Duplex
- f) Manufactured Dwelling Park in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards
- g) Multi-dwelling - Triplex and Fourplex only
- h) North Campus Area only: Multi-dwellings (more than four units) existing prior to December 31, 2006 in accordance with Section 3.4.60 below

3. Civic Use Types -

- a) Community Recreation
- b) Postal Services - Customer
- c) Public Safety Services

4. Commercial Use Types -

Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.4.20.02 below

**b. Accessory Uses Permitted Outright**

- 1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services

4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model Dwelling Units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use

#### **3.4.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Construction/Roofing Storage and Sales existing prior to December 31, 2006
- d. Conversion of structure to Professional and Administrative Services Use Type in accordance with Section 3.4.50
- e. Cultural Exhibits and Library Services
- f. Fraternities and Sororities
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

- h. Funeral and Interment Services - Interring and Cemeteries
- i. Group Residential - more than 12 persons
- j. Group Residential/Group Care - more than 12 persons
- k. Lodges, Fraternal and Civic Assembly
- l. Major Services and Utilities
- m. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- n. Expansion of offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006
- o. Participant Sports and Recreation - Indoor and Outdoor
- p. Religious Assembly
- q. Residential Care Facilities - more than 12 persons
- r. Schools

### **3.4.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

**Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS**

**Table 3.4-1**

		<b>Standard</b>
<b>a.</b>	Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
<b>b.</b>	Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
<b>c.</b>	Minimum Lot Area	
	1. Single Detached	3,500 sq. ft.
	2. Single Attached	2,500 sq. ft.
	3. Duplex (or other configuration of building types resulting in two units)	5,000 sq. ft.
	4. Triplex (or other configuration of building types resulting in three units)	7,500 sq. ft.
	5. Fourplex (or other configuration of building types resulting in four units)	10,000 sq. ft.
<b>d.</b>	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex (or other configuration of building types resulting in two units)	50 ft.
	5. Triplex (or other configuration of building types resulting in three units)	75 ft.
	6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

		<b>Standard</b>
<b>e.</b>	<p>Setbacks</p> <p>1. Front yard</p> <p>2. Rear yard and Side yards</p> <p>Interior attached townhouses exempt from interior side yard setbacks.</p> <p>a) Single Detached</p> <p>b) Single Attached and Zero Lot Line Detached</p> <p>c) Duplex, Triplex and Fourplex</p> <p>d) Abutting a more restrictive zone</p> <p>3. Corner Lot</p> <p>See also "k," and "l," below.</p>	<p>10 ft. minimum; 25 ft. maximum</p> <p>Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.</p> <p>5 ft. minimum and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.</p> <p>5 ft. minimum each side yard</p> <p>0 ft. one side; 8 ft. minimum on opposite side<sup>1</sup></p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum on side abutting the street. Vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p>
<b>f.</b>	<p>Minimum Garage/Carport Setbacks</p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p> <p>See also "k," and "l," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

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1 For Detached Zero Lot Line dwelling units, prior to Building Permit approval the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	<b>Standard</b>
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also “k,” and “l,” below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<p><b>h.</b> Maximum Structure Height</p>	<p>30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.</p>
<p><b>i.</b> Maximum Lot Coverage</p>	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green Area is calculated per lot.</p>
<p><b>j.</b> Off-street Parking</p>	<p>See Chapter 4.1 - Parking, Loading , and Access Requirements.</p>
<p><b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures</p>	<p>Shall not be placed within any required setback area.</p> <p>When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening.</p>
<p><b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures</p>	<p>Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.</p>
<p><b>m.</b> Minimum Assured Development Area (MADA)</p>	<p>See Chapter 4.11 - Minimum Assured Development Area (MADA).</p>
<p><b>n.</b> Natural Hazards and Hillside</p>	<p>See Chapter 4.5 - Natural Hazard and Hillside Development Provisions.</p>

	<b>Standard</b>
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.4.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.4.40, below.

**Section 3.4.40 - GREEN AREA REQUIREMENTS**

- a.** A minimum of 30 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.4.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
  
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
  
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

## **Section 3.4.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominate purpose of the RS-9 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

### **3.4.50.01 - Size Limitation**

Structures must be 4,000 sq. ft. or more and built before December 31, 2006.

### **3.4.50.02 - Burden of Proof**

The developer shall prove that:

- a.** The structure cannot feasibly be used for the uses permitted in Section 3.4.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  1. Providing factual data and information on the potential costs of using the structure for residential use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for residential use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and
  2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b.** It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting both of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

#### **3.4.50.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans, in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling with respect to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.4.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.4.50 generally applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

### **Section 3.4.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS IN NORTH CAMPUS AREA**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006 are Permitted Uses and may be

redeveloped. This redevelopment may occupy the same building envelope as previously existed; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements shall be met even if these requirements interfere with reestablishment of the original structure.

**Section 3.4.70 - REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, even if the parking requirements interfere with the redevelopment.

**Section 3.4.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-9 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

**Section 3.4.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS**

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-9 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

### **Section 3.4.100 - VARIATIONS**

Except as limited by provisions within the chapters listed in Section 3.4.30 “m” through “q”, variations from development and design standards such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.