

**CHAPTER 143C**  
**FAIRVIEW MIXED-USE ZONE**

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- 143C.010. Intent and Purpose.** The intent and purpose of the Fairview Mixed-Use (FMU) Zone are to:
- (a) Implement the Salem Area Comprehensive Plan “Mixed-Use” land use designation;
  - (b) Encourage innovative planning that results in more mixed-use development, improved protection of open spaces and the natural features, and greater housing and transportation options;
  - (c) Encourage the innovative integration of park and school uses;
  - (d) Encourage developments that recognize the relationship between buildings, their use, open space, and infrastructure, providing varied opportunities for innovative and diversified living environments in line with the principles of sustainable development and sustainable business practices;
  - (e) Support affordable housing options and mixed-income neighborhoods;
  - (f) Facilitate the resourceful use of land through the arrangement of land uses, buildings, circulation systems, open space and infrastructure;
  - (g) Encourage economic opportunity;
  - (h) Preserve, to the greatest extent possible, the existing natural areas and open space, that may not otherwise be protected through conventional development;
  - (i) Recognize and preserve the historical and archeological significance of buildings, structures and sites, and seek the historic resource designation of those structures and sites that merit official recognition; and
  - (j) Encourage energy conservation and improved air and water quality. (Ord No. 1-2002; Repealed and Reenacted by Ord No. 53-2003)

**143C.020. Definitions.** Unless the context specifically indicates otherwise, as used in this chapter, the following mean:

- (a) **Building Footprint** means the outline of the total area covered by a building’s exterior walls at ground level, exclusive of courtyards.

**(b) Floor-Area-Ratio (FAR)** means the ratio of gross floor area of all structures on a lot to total lot area.

**(c) Master Plan** means a comprehensive long-range plan intended to guide growth and development of a region and one that includes analysis, recommendations and proposals for the region's population, economy, housing, transportation, community facilities, natural resources, and land use.

**(d) Mixed-Use Building** means a single building containing more than one type of land use such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

**(e) Overlay Plan, FMU**, means a plan that shows the development intensity levels for the FMU zone.

**(f) Fairview Plan** means a master plan specific to all the land within the FMU zone.

**(g) Refinement Plan** means a detailed regulatory plan that implements the Fairview Plan. (Ord No. 1-2002; Repealed and Reenacted by Ord No. 53-2003)

**143C.030. Establishment of Fairview Mixed Use Zone.** The FMU zone is hereby established, the boundary of which is shown on Figure 143C-1. (Ord No. 1-2002; Repealed and Reenacted by Ord No. 53-2003)

**143C.040. Overlay Areas and Residential Development Standards.** Within the FMU zone, development shall be controlled by the "Overlay Areas" designated on the Fairview Mixed-Use Overlay Plan, as shown on Figure 143C-2. Each Overlay Area is generally described as follows:

**(a) Low-Intensity Residential (LI):** Low-Intensity Areas comprise residential uses with detached housing types typically sited on separate parcels with private yards and street and/or alley access. Accessory dwelling units are permitted, but any non-residential uses are prohibited.

**(b) Mixed-Intensity (MI):** Mixed-Intensity Areas comprise primarily residential uses, along with a mix of small-scale, neighborhood commercial, employment, and civic uses. Buildings will be a mix of one to three story detached, attached, or stacked housing types that may be sited on smaller individually-owned parcels with private yards and street access, or larger parcels under multiple or separate ownership with shared street and alley access. Narrow rowhouse development is appropriate at the higher density range. Accessory dwelling units are permitted.

**(c) Adaptive Use (AU):** Adaptive Use Areas comprise the highest concentration of existing buildings and historic development patterns. Residential and non-residential development within these areas may occur within existing structures that have been rehabilitated or within new structures.

**(d) Village Center (VC):** Village Center Areas comprise the most intense and pedestrian-oriented residential, commercial, employment and civic uses. Residential uses will have densities of no less than sixteen (16) dwelling units per net acre. Non-residential uses include a mix of large and small scale commercial enterprises, which will be limited to approximately 30,000 to 80,000 square feet of pedestrian-oriented retail. Office uses are encouraged. (Ord No.1-2002; Repealed and Reenacted by Ord No. 53-2003)

**143C.050. Land Use Regulations.**

**(a)** All development in the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, or the development standards set forth in this Chapter. The option to pursue development pursuant to a Refinement Plan shall act as the selection of the standards and criteria that will control the development within the area covered by the Refinement Plan.

**(b)** The FMU zone, Fairview Plan, or a Refinement Plan may have land use regulations different from the zoning regulations applicable to other zoning districts. Where a provision in the FMU zone, Fairview Plan, or any Refinement Plan, varies from other provisions of the

zoning code, the provisions in the FMU zone, the Fairview Plan, or any Refinement Plan shall govern. (Ord No. 1-2002; Ord No. 15-2002; Repealed and Reenacted by Ord No. 53-2003)

**143C.060. Permitted Uses.** Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with the letter “P”. Certain uses are permitted only as a special use and have special conditions attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 117. Uses requiring an Administrative Conditional Use are designated with an “A” and are pursuant to SRC 116.100 through 116.130. (Ord No. 1-2002; Repealed and Reenacted by Ord No. 53-2003)

<b>Table 143C-1</b>				
P = permitted use; S = special use; C = conditional use; A = administrative conditional use				
	<b>LI</b>	<b>MI*</b>	<b>AU</b>	<b>VC</b>
<b>RESIDENTIAL</b>				
One single family dwelling, townhouse, or duplex per lot	P	P	P	P
Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons		P	P	P
One manufactured home on a single lot [SRC 119.710]	S	S	S	S
<b>AGRICULTURE and FORESTRY</b>				
Agricultural production - crops (01)	P	P	P	P
Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated		P	P	
Veterinary services (0742)		P	P	P
Farm labor and management services (076)			P	
Farm labor and management services (076), offices only		P	P	P
Landscape and horticultural services (078)			P	
Landscape and horticultural services (078), offices only		P	P	P
Timber tracts (081)		P	P	
Forestry services (085), offices only			P	
<b>CONSTRUCTION</b>				
Building construction - general contractors and operative builders (15), offices only		P	P	P
Heavy Construction other than building construction – contractors (16), offices only		P	P	P
Construction - special trade contractors (17), offices only		P	P	P
<b>MANUFACTURING</b>				
Dairy products (202)		C	P	
Canned, frozen and preserved fruits, vegetables and food specialties (203)			P	
Grain mill products (204)		C	P	
Bakery products (205)		C	P	
Candy and other confectionery products (2064 and 2068)		C	P	
Chocolate and cocoa products (2066)		C	P	
Beverages (208)		C	P	

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	<b>LI</b>	<b>MI*</b>	<b>AU</b>	<b>VC</b>
Miscellaneous food preparations and kindred products (209)		C	P	
Textile mill products (22)		C	P	
Apparel and other finished products made from fabrics and similar materials (23)		C	P	
Wood kitchen cabinets (2434)		C	P	
Paperboard containers and boxes (265)		C	P	
Printing, publishing, and allied industries (27)		C	P	
Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)		C	P	
Metal cans and shipping containers (341)		C	P	
Cutlery, hand tools and general hardware (342)		C	P	
Heating equipment, except electric and warm air; and plumbing fixtures (343)			P	
Metal forgings and stampings (346)			P	
Computer and office equipment (357)		C	P	
Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)		C	P	
Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)		C	P	
Signs and advertising specialties (3993)		C	P	
<b>TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES</b>				
Local and suburban transit and interurban highway passenger transportation (41)			P	P
Motor freight transportation and warehousing (42)			P	P
U.S. Postal Service (43)		P	P	P
Transportation services (47)		P	P	P
Communication (48)		P	P	P
Wireless Communication Facilities [SRC 119.460]	A	A	A	A
Antennas attached to existing or approved structures [SRC 119.460]	S	S	S	S
<b>WHOLESALE TRADE</b>				
Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)			P	
Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516)			P	
<b>RETAIL TRADE</b>				
Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271)			P	P
General merchandise stores (53)		P	P	P
Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542)		P	P	P
Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554)		C	C	C
Auto and home supply stores (553)		P	P	P
Gasoline service stations (554) [SRC 119.150]			S	S
Apparel and accessories stores (56)		P	P	P
Furniture, home furnishings, and equipment stores (57)		P	P	P
Eating and drinking places (58) EXCEPT Drive-troughs		P	P	P

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	<b>LI</b>	<b>MI*</b>	<b>AU</b>	<b>VC</b>
Miscellaneous retail (59) including, in addition to uses specifically listed in SIC group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop		P	P	P
<b>FINANCE, INSURANCE, and REAL ESTATE</b>				
Depository Institutions (60)		P	P	P
Non-depository Credit Institutions (61)		P	P	P
Security and commodity brokers, dealers, exchanges and services (62)		P	P	P
Insurance carriers (63)		P	P	P
Insurance agents, brokers, and service (64)		P	P	P
Real estate (65)		P	P	P
Holding, and other investment offices (67)		P	P	P
<b>SERVICES</b>				
Hotels and motels (701) BUT EXCLUDING casino hotels			P	P
Bed and breakfast establishments		P	P	P
Personal services (72)		P	P	P
Business services (73)		P	P	P
Automotive repair services, and parking (75)			P	P
Miscellaneous repair services (76)			P	P
Motion pictures (78)		P	P	P
Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)		P	P	P
Health services (80) BUT EXCLUDING hospitals (806)		P	P	P
Legal services (81)		P	P	P
Educational services (82)		P	P	P
Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons			P	P
Child day care home		P	P	P
Adult day care home		P	P	P
Membership organizations (86), BUT EXCLUDING religious organizations (8661)		P	P	P
Religious organizations (8661)	P	P	P	P
Engineering, Accounting, Research, Management, and Related Services (87)		P	P	P
Accounting, auditing, and bookkeeping (893)		P	P	P
Services, not elsewhere classified (899)		P	P	P
<b>PUBLIC ADMINISTRATION</b>				
Executive offices (911)		P	P	P
Executive and legislative combined (913)		P	P	P
General government, not elsewhere classified (919)		P	P	P
Fire protection (9224)		P	P	P
Public order and safety, not elsewhere classified (9229)		P	P	P
Finance, taxation, and monetary policy (93)		P	P	P
Administration of human resources programs (94)		P	P	P
Administration of environmental quality and housing programs (95)		P	P	P
Administration of economic programs (96)		P	P	P
National security and international affairs (97)		P	P	P
<b>OTHER USES</b>				
Community or neighborhood clubs		P	P	P
Swimming pools, whether or not open to the public for a fee		P	P	P

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	<b>LI</b>	<b>MI*</b>	<b>AU</b>	<b>VC</b>
Playgrounds, parks	P	P	P	P
Public buildings and structures, such as libraries, fire stations		P	P	P
Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines	P	P	P	P
Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations	P	P	P	P
Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded		P	P	P
Recycling depots		P	P	P
Transit stop shelters	P	P	P	P
Ambulance Station [SRC 119.030]			S	S
Ambulance Service Facility [SRC 119.040]			S	S
<b>ACCESSORY USES and STRUCTURES</b>				
Customary residential accessory buildings and structures for private use of the property and its occupants	P	P	P	P
A garage or parking area serving the main building or use	P	P	P	P
Sleeping quarters for domestic employees of the resident of the main building	P	P	P	P
Home occupations	P	P	P	P
The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit	P	P	P	P
*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.				

**143C.070. General Development Standards.** The following general development standards shall apply to all development in the FMU zone:

- (a) The maximum number of dwelling units which shall be permitted in the FMU zone is 2000;
- (b) A minimum of 20 acres shall be reserved as natural open space;
- (c) The perpetual maintenance of any open space shall be required and described in any Refinement Plans;
- (d) All buildings or structures within the FMU zone shall be set back a minimum of twenty (20) feet from the FMU zone boundary; and
- (e) Except as may be otherwise permitted in the Chapter, a Refinement Plan covering the area of proposed development must be submitted and approved pursuant to the provisions of this Chapter prior to the occurrence of any new development. (Ord No. 53-2003)

**143C.080. Fairview Plan.** The Fairview Plan is intended to identify goals and policies that guide future development within the FMU zone.

**(a) Adoption of Fairview Plan.**

**(1) Application.** Application for the Fairview Plan shall follow the procedures set forth in SRC 110.200 through 110.250, except that the information required under SRC 110.210(5-6) shall be replaced by the Fairview Plan requirements set forth under subsection (b) of this section and address the criteria for approval set forth under subsection (c) of this section.

**(2) Criteria for Approval.** A quasi judicial public hearing shall be conducted by the planning commission pursuant to SRC Chapter 114, and shall apply the criteria set forth in this section.

**(b) Fairview Plan Requirements.** The Fairview Plan shall include the following elements in the form of map(s), text, or both, as applicable:

- (1) A description of the purpose, scope, main concepts, goals, policies, and general development guidelines for the FMU zone in light of the intent and purpose provisions of the Chapter.
- (2) An overall open space plan for the FMU zone, identifying an integrated network of open spaces for the purpose of preserving and enhancing identified natural drainage patterns, significant trees and vegetation, and wetlands on the site, accommodating significant topographical features, and providing opportunities for active and passive recreation.
- (3) An overall transportation and mobility plan for the FMU zone addressing the integration of pedestrian, transit, and vehicular use on the site for the purpose of providing for safe and efficient pedestrian, bicycle, and other non-single occupancy vehicle (SOV) mobility, promoting transit, and reducing SOV trips.
- (4) A site analysis, which shall include the following:
  - (A) Significant natural and built constraints of the site and surroundings;
  - (B) A transportation impact analysis (TIA) of the major transportation and circulation elements intended to serve the FMU zone;
  - (C) Existing and potential transit connections;
  - (D) Adjacent parcels and structures within one hundred (150) feet of the FMU zone boundary;
  - (E) On-site open space, recreational facilities, parks, and trails;
  - (F) Inventory and delineation of existing natural resources, including, but not limited to wetlands, as identified on the Local Wetlands Inventory, perennial and intermittent streams, and significant tree stands or groves, including any provisions for the preservation or conservation of these resources with attention given to the Natural Resource Guidelines in 143C.160;
  - (G) Inventory of existing structures, roads, and other development;
  - (H) Location and extent of existing provisions for sewage disposal, storm water drainage, and utilities;
  - (I) Inventory of existing infrastructure and public services;
  - (J) Area hydrology and water resources;
  - (K) Topography and slope;
  - (L) General geologic character of the site;
  - (M) Identification of general soil types on the site;
  - (N) Area viewsheds and visual analysis; and
  - (O) An inventory of known archeological sites and buildings, structures, or sites which possess the criteria for historic resource designation under SRC Chapter 120A.040. The inventory shall include a designation of those buildings, structures or sites for which official historic resource designation will be sought. The inventory may, but is not required to, include a list of buildings, structures and sites designated by the applicant as “historically significant,” and for which official historic resource designation will not be sought, but which may be subject to adaptive reuse or renovation.

**(c) Criteria for Approval.** Approval of the Fairview Plan shall be based on the following criteria:

- (1) Conformance with the Salem Area Comprehensive Plan;
- (2) The compatibility of the Fairview Plan with adjoining land uses;
- (3) The physical feasibility of the Fairview Plan with existing or proposed infrastructure and services; and

- (4) Conformance with the following goals:
  - (A) To encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
  - (B) To encourage the innovative integration of park and school uses;
  - (C) To encourage the principles of sustainable development and sustainable business practices;
  - (D) To support affordable housing options and mixed-income neighborhoods;
  - (E) To facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
  - (F) To encourage economic opportunities that comply with and support business practices;
  - (G) To recognize the historic significance of buildings, structures and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
  - (H) To encourage energy conservation and improved air and water quality.
- (d) Upon approval, the Fairview Plan shall be the guiding document for development occurring within the FMU zone, and, except as otherwise provided in this section, control development proposed to be undertaken within the FMU zone.
- (e) **Expiration.** The Fairview Plan shall expire, unless the applicant has commenced exercise of the rights contained therein, as defined in SRC Chapter 300, within a period of two years from the date of the final decision approving the Fairview Plan. (Ord No. 53-2003; Ord No. 1-10)

**143C.090. Fairview Plan Amendment Procedures.**

- (a) Amendments to the Fairview Plan shall be made as follows:
  - (1) Major Amendment. Major amendments to the Fairview Plan are those changes that result in a substantial change to the Fairview Plan. A substantial change is one that:
    - (A) Changes the uses permitted in the FMU zone or within any Overlay Area in the FMU zone;
    - (B) Varies or changes a Fairview Plan policy;
    - (C) Increases or decreases the number of proposed residential units per acre by more than twenty (20) percent or exceeds the maximum number of dwelling units permitted within the FMU zone;
    - (D) Changes designated buffers, perimeter landscaping, or significant natural resource areas, as delineated in the Fairview Plan, that were established to adapt the FMU zone to specific site characteristics or mitigate development impacts on the site and surrounding area;
    - (E) Varies the building height, FARs, lot coverage, or building setbacks by more than twenty (20) percent of that delineated in the adopted Fairview Plan;
    - (F) As a consequence of more than one (1) non-substantial change submitted concurrently, cumulatively results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the Fairview Plan; or
    - (G) Results in a significant change in pedestrian or traffic circulation within the FMU zone or in the surrounding area.
  - (2) Minor Amendment. Any amendment not identified in paragraph (1) of this subsection shall be considered a minor amendment.
- (b) Application for Amendments to the Fairview Plan.
  - (1) The property owner, the owner's agent, the Planning Commission, or the City Council may initiate an amendment to the Fairview Plan.
  - (2) A statement documenting the need for the amendment shall accompany the application.



- (3) The Planning Administrator shall review the application to determine if the request constitutes a substantial change to the adopted Fairview Plan, applying the criteria set forth under 143C.090(a)(1).
- (4) If the Planning Administrator determines the request is for a Major Amendment, the Planning Administrator shall refer the request to the Planning Commission for public hearing pursuant to SRC 143C.080(a)(2).
- (5) If the Planning Administrator determines the request is for a Minor Amendment, the Planning Administrator shall process the request for administrative approval pursuant to SRC Chapter 116.
- (6) When requested in writing by the applicant, the Planning Administrator may authorize a delay in the amendment process. (Ord No. 53-2003)

**143C.100. Refinement Plans.**

- (a) The approval of a Refinement Plan constitutes an amendment to the Fairview Plan. Such amendments are either “Major” or “Minor” as defined in 143C.090.
- (b) Review and approval of a Refinement Plan may occur concurrently with the review and adoption of the Fairview Plan.
- (c) The area subject to a Refinement Plan shall contain no less than forty (40) acres.
- (d) Standards or processes stipulated in an approved Refinement Plan shall supercede the standards or processes of the zoning code and shall be used as review criteria for any specific development proposal within the area covered by the Refinement Plan. If residential development standards are provided for in the Refinement Plan, then approval of such standards shall be reviewed and approved as “alternative approval criteria” under ORS 197.307. All such standards shall apply in lieu of the clear and objective standards set forth under SRC 143.110 and shall govern all residential development identified within the area subject to the Refinement Plan. The use of such alternative standards shall be documented pursuant to SRC 143C.190.
- (e) Refinement Plan requirements. The Refinement Plan shall include the following elements in the form of map(s), text, or both, as applicable:
  - (1) Illustrative site plan;
  - (2) The general allocation and identification of major proposed land uses, including residential (by density range), nonresidential, open space, and recreational land uses;
  - (3) Name, location, and extent of existing or proposed major streets located within the Refinement Plan area or needed for servicing the Refinement Plan area;
  - (4) Typical street cross-sections;
  - (5) A detailed listing of the permitted land uses in the Refinement Plan area;
  - (6) Detailed standards or regulations governing permitted uses, such as performance standards and standards for development, regulations for development densities, heights, floor area and FAR, open space, lot area and coverage, parking, landscaping, and other site improvements;
  - (7) Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;
  - (8) An inventory and identification of all wetland and riparian resources, all intermittent and perennial waterways, and all trees regulated under SRC Chapter 68;
  - (9) Where applicable, the methods of protection or conservation for natural features, historic structures, and viewsheds;
  - (10) Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is to be public or private;
  - (11) Standards for phasing and construction of streets proposed for the Refinement Plan area or needed for servicing the project as identified in the required study(ies) submitted with the Refinement Plan proposal;

- (12) Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities as identified in the required studies submitted with the Refinement Plan proposal;
  - (13) A phasing schedule for the following, as applicable:
    - (A) The preservation of site features established by the Fairview Plan;
    - (B) The development of the Refinement Plan area; and
    - (C) The construction, dedication, and provision of public services;
  - (14) A draft form of financial assurances to be recorded prior to Refinement Plan approval;
  - (15) Specifications as to how and to what extent the Refinement Plan is to supplement or supersede adopted City regulations;
  - (16) Standards for the interpretation of the Refinement Plan regulations and requirements;
  - (17) Development design guidelines and applicable approval process;
  - (18) General landscape plan;
  - (19) General Drainage plan;
  - (20) A traffic impact analysis (TIA) update or refinement from the Fairview Plan TIA that includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development;
  - (21) Impacts on existing structures and other development;
  - (22) Impacts on existing infrastructure and public services;
  - (23) Location and extent of proposed provision for sewage disposal, effluent use, storm water drainage, and utilities;
  - (24) Location of any buildings, structures or sites which are identified in the Fairview Plan inventory of known archeological sites and buildings, structures or sites which possess the criteria for historic resource designation under SRC Chapter 120A.040, or which have been designated as “historically significant” in the Fairview Plan inventory pursuant to SRC 143C.080(b)(4)(O); and
  - (25) Other information, as may be determined necessary by the Planning Administrator.
- (f) Approval of Refinement Plans. Review and approval of Refinement Plans shall be considered major amendments to the Fairview Plan and shall follow the provisions of 143C.090. Approval of a Refinement Plan shall be based on the following:
- (1) The Refinement Plan shall be consistent with the Fairview Plan; and
  - (2) The Refinement Plan shall be in conformance with all applicable portions of the Salem Revised Code unless alternative standards are proposed and approved.
- (g) Amendment of Refinement Plans. Amendment of Refinement Plans shall be considered amendments to the Fairview Plan, and shall be made pursuant to SRC 143C.090, except that the planning administrator shall act on an application for minor amendment to a Refinement Plan within thirty-five (35) days following the receipt of a complete application. (Ord No. 53-2003)

**143C.105 Public School Siting.** The siting and development of any public school within the FMU zone, shall be determined pursuant to the following criteria:

- (a) It is the goal of this section to insure that the coordination, of planning, siting, and development of schools is consistent with the plans of the Salem Keizer School District, the needs of the residents in the community, and the Salem Area Comprehensive Plan.
- (b) Planning for school location and siting should be done in close coordination with the Salem Keizer School District's ongoing comprehensive planning, taking into consideration the following factors:

- (1) The neighborhoods the schools are to serve; and
- (2) Any site limitations; and
- (3) The impact upon the transportation system; and
- (4) Pedestrian access, and
- (5) Projected residential growth patterns in and near the FMU zone; and
- (6) Schools should be located to avoid serious distractions to study or classroom activity; and
- (7) Acquisition of school sites should be coordinated with the city to further the joint acquisition and development of park and school sites and to permit the joint use of school and park facilities; and
- (8) Each school should be located to provide the best possible access to the student population served; and
- (9) Elementary schools should be located:
  - (A) In the center of existing or future residential neighborhoods in the school's potential attendance area within safe and reasonable walking distance of as many students as possible; and
  - (B) Should be located in such a way that their attendance areas will be bounded, rather than intersected, by barriers presenting obstacles or dangers to children walking to and from school. Such barriers include major streets and highways, railroads, waterways and heavy industrial areas; and
  - (C) Should, whenever possible, be on residential streets which provide sufficient access for buses and other necessary traffic but have a minimum of non-school related vehicle activity.
- (10) Secondary schools should be located:
  - (A) Should have adequate, safe and direct access from the community's principal street network; and
  - (B) Should be in locations which are geographically central to the population served; and
  - (C) Should be designed, sited and constructed to encourage the use of walkways, bikeways and public transit.
- (c) Elementary and Secondary Schools shall be allowed in all overlay zones.
- (d) Future public school siting is taken into account in all Refinement Plans so that an appropriate site for a public school will be available to serve the future school attendance area when needed. In no event shall any standards or processes stipulated in a Refinement Plan modify, change or otherwise affect the standards and criteria for the siting of a public school (8211) contained in this Chapter. In addition to the criteria set forth in subsection (a) of this section, potential public school site or sites shall consider the impact and affect on the existing public secondary school sites directly adjacent to the FMU zone, to ensure that future development within the FMU zone takes into account the existing adjacent public secondary school site which will serve the school attendance area of which the FMU zone is a part.
- (e) Notwithstanding SRC 143C.120, a public school located in the MI area may have a building footprint greater than 6000 square feet.
- (f) The school district shall be notified in advance of any Refinement Plan, or amendment thereto that may be filed, and be given an opportunity to comment thereon, and if such comment is made, shall have standing to appeal the Refinement Plan. (Ord No. 8-06)

**143C.110. Residential Development Standards.**

- (a) Any residential development shall conform to standards set forth in a Refinement Plan or the standards set forth in this section. If a Refinement Plan has been adopted for the area of proposed development, then the applicant shall proceed according to the standards set forth in the Refinement Plan. Subsequent to the approval of a Refinement Plan, if the applicant

wishes to pursue development under the standards and criteria set forth in this section, the applicant shall apply for a minor amendment to the Refinement Plan.

**(b)** Except as otherwise provided in the Fairview Plan or a Refinement Plan, the following residential development standards shall apply to all residential development in the FMU zone.

**(1)** Minimum Lot Size. Except as may be required to meet minimum setbacks and any requirements providing for a minimum square footage of a building or structure, there are no minimum lot size requirements, provided, however, that the Overlay Area densities set forth in Table 143C-2 shall apply:

<b>Table 143C-2</b>	
<b>Overlay Area</b>	<b>Dwelling units per gross acre</b>
LI	5 – 8
MI	7 – 35
AU	6 – 30
VC	16 – 35

**(2)** Building Setbacks.

**(A)** A minimum five-foot (5') setback is required from all alley rights-of-way.

**(B)** A minimum ten-foot (10') setback is required from all street rights-of-way. Open covered and uncovered porches may extend within the street setback to within five (5) feet of the property line. Except as may otherwise be required by Uniform Building Code Standards, no other minimum building setbacks apply.

**(C)** A maximum twenty-foot (20') setback from all street rights-of-way in all Overlay Areas, except the LI Area, is required for all primary structures.

**(3)** Frontage Requirements. Residential lots shall have the following street frontage:

**(A)** For single-family residential development, a maximum of one hundred (100) feet and a minimum of eighteen (18) feet per residential unit; and

**(B)** For multi-family residential development, a maximum of thirty (30) feet per residential unit and a minimum of six (6) feet per residential unit, with a non-variable minimum frontage requirement of twenty-four (24) feet.

**(4)** Lot Coverage. In the LI Area, the maximum lot coverage for residential development shall not exceed fifty-five (55) percent of the lot.

**(5)** Building Height. No building shall exceed forty-five (45) feet in height, except in the LI Area, where the maximum building height shall be thirty-five (35) feet.

**(6)** Building Orientation.

**(A)** All single-family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/courtyard entrances (i.e. to a cluster of residential units); or

**(B)** All single-family attached homes and multi-family residential complexes may have its primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than twenty (20) feet from the curb line of the street.

**(7)** Design Guidelines and Standards. If multi-family residential design guidelines, standards, or a review process are not identified in the Fairview Plan or Refinement Plan, all multi-family residential development shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the City of Salem Development Design Handbook. Development design guidelines and

standards shall be in addition to development standards set forth in this Chapter.

**(8) Parking.** The provisions of SRC Chapter 133 regarding Off-street Parking, Loading, and Driveway standards shall apply to all residential development in the FMU zone, except that:

**(A)** The minimum parking space requirement for a single-family residential dwelling unit shall be one (1) space per dwelling unit; and

**(B)** On-street parking may be used to fulfill a portion of the parking requirement for multi-family residential dwelling units.

**(9) Landscaping.** All applications for single- and multi-family residential development shall provide landscaping in compliance with SRC Chapter 132.

**(10) Natural Resource Protection and Hazard Mitigation.** All applications for single- and multi-family residential development shall preserve existing natural resources and prevent hazards by compliance with all of the following:

**(A)** SRC Chapter 68, Preservation of Trees and Vegetation;

**(B)** SRC Chapter 69, Landslide Hazards; and

**(C)** SRC Chapter 126, Wetlands. (Ord No. 53-2003; Ord No. 15-06; Ord 19-08)

**143C.120. Non-residential Development Standards in the MI Area.** Within the MI Area, no building used exclusively for a non-residential use shall have a building footprint greater than 6,000 square feet. (Ord No. 53-2003)

**143C.130. Use of Existing Structures.** The continued use of a structure existing within the FMU zone on January 1, 2003 is permitted prior to the adoption of the Fairview Plan, provided that the use is permitted under in SRC 143C.060 and any alteration of the structure is in conformance with SRC 143C.150. (Ord No. 53-2003)

**143C.140. Development Prior to the Adoption of the Fairview Plan.** Prior to the adoption of the Fairview Plan, the following development may occur within the FMU zone:

**(a)** Up to twenty (20) acres of land within the FMU zone may be developed for residential use pursuant to SRC Chapter 121, Planned Unit Development or Chapter 63, Subdivisions. The location and extent of such development is restricted to those areas with water service levels identified as "G-O" in the City of Salem Water System Master Plan;

**(b)** A maximum of two (2) partitions are permitted within the boundaries of the FMU zone; and

**(c)** Property line adjustments shall be permitted. (Ord No. 53-2003)

**143C.150. Historic Preservation.**

**(a)** Development within the FMU zone shall include the adaptive reuse or renovation of historically significant buildings or structures designated as such in the Fairview Plan or any refinement plan, or the adaptive reuse or rehabilitation of any building or structure officially designated as a historic resource under SRC Chapter 120A.

**(b)** Any structure existing on December 24, 2003 and identified for demolition shall be documented according to the survey and inventory practices set forth by the Oregon State Historical Preservation Office.

**(c)** Prior to the approval of the Fairview Plan, the Historic Landmarks Commission shall, pursuant to SRC 120A.050-120A.120, review the demolition, exterior alteration, or replacement of frames, sashes, sills, heads, muntins or mullions that alters window design or materials of any building or structure, or addition to a building or structure, which was completed on or before December 31, 1953.

**(d)** Development Activity Subsequent to the Approval of the Fairview Plan.

**(1)** Subsequent to the approval of the Fairview Plan, the owner shall obtain historic

design review prior to the alteration of a building, structure or site for which historic resource designation will be sought or has been obtained by either:

- (A) The Historic Landmarks Commission, pursuant to SRC Chapter 120A and the Development Design Handbook; or
  - (B) The State Historic Preservation Office for buildings under special assessment or utilizing federal investment tax credits.
- (2) A Type I administrative historic review is required for the following projects altering a building or structure for which historic resource designation will be sought or has been obtained:
- (A) Installation of replacement windows that contain the same frame, sash muntin and mullion dimensions and configuration as the existing historic windows;
  - (B) Installation of mechanical equipment not visible from a public right-of-way;
  - (C) Installation of sky windows on a roof surface not adjacent to a public right-of-way;
  - (D) Installation of an unenclosed fire exit stairway on a building face not adjacent to a public right-of-way;
  - (E) A minor addition consisting of less than a ten (10) percent increase in gross floor area on a building face not adjacent a public right-of-way; or
  - (F) Installation of signs.
- (3) No historic review is required for the following projects involving a building or structure for which historic resource designation will be sought or has been obtained:
- (A) Ordinary maintenance and repair;
  - (B) Paint color selection;
  - (C) Interior alterations; or
  - (D) Replacement in kind. (Ord No. 53-2003; Ord No. 15-06; Ord 19-08)

**143C.160. Natural Resource Guidelines.**

- (a) The presence of natural resources within the FMU zone helps to define the special character of the land within it. In order to maintain this character, the Fairview Plan, any subsequent Refinement Plan or any development within the FMU zone, shall identify how existing natural resources will be protected and how natural hazards will be mitigated through compliance with all of the following:
- (1) SRC Chapter 68, Preservation of Trees and Vegetation;
  - (2) SRC Chapter 69, Landslide Hazards; and
  - (3) SRC Chapter 126, Wetlands.
- (b) The Fairview Plan or any subsequent Refinement Plan shall consider all of the following:
- (1) The preservation of the natural drainage patterns of the site;
  - (2) The existence and use of native plant species, where appropriate;
  - (3) The integrity of mature stands of trees that are in good health;
  - (4) The significant wildlife habitat; and
  - (5) The minimization of the amount of impervious surfaces near all waterways. (Ord No. 53-2003)

**143C.165. Transportation Planning.**

- (a) For the purposes of this section, "transportation facility" means any physical facility that moves or assists in the movement of people or goods including, but not limited to: arterial and collector and local streets and other important non-collector street connections; public transit routes, terminals, major transfer stations, major transit stops, and park-and-ride stations; bicycle and pedestrian routes, but excluding electrical, sewer, water and other utilities systems.
- (b) The Fairview Plan, and any subsequent Refinement Plan, or any site plan or other development proposal within the FMU zone shall identify whether the plan or development

significantly affects a transportation facility by:

- (1) Changing the level of service of an existing or planned transportation facility;
  - (2) Changing standards implementing the street classification system;
  - (3) Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the level of service of a transportation facility; or
  - (4) Reducing the level of service of the facility below the minimum acceptable level identified in the City of Salem Transportation System Plan.
- (c) Any component of the Fairview Plan, any subsequent Refinement Plan, or any development, which significantly affects a transportation facility shall assure that the proposed uses or development are consistent with the identified function, capacity, and performance standards of the transportation facility by either:
- (1) Limiting allowed uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
  - (2) Altering densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
  - (3) Providing transportation facilities adequate to support the proposed uses. (Ord No. 53-2003)

**143C.170. FMU Zone Implementation and Assurances.**

(a) FMU Zone Implementation. The implementation of the FMU zone shall be in accordance with the procedures of the Salem Revised Code. The Fairview Plan or a Refinement Plan may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described in the plans.

(b) Assurances. The Department of Public Works may require financial or other assurances for any development in the FMU zone to ensure proper installation of required street, sewer, electric and water utilities, drainage, flood control, and other improvements. (Ord No. 53-2003)

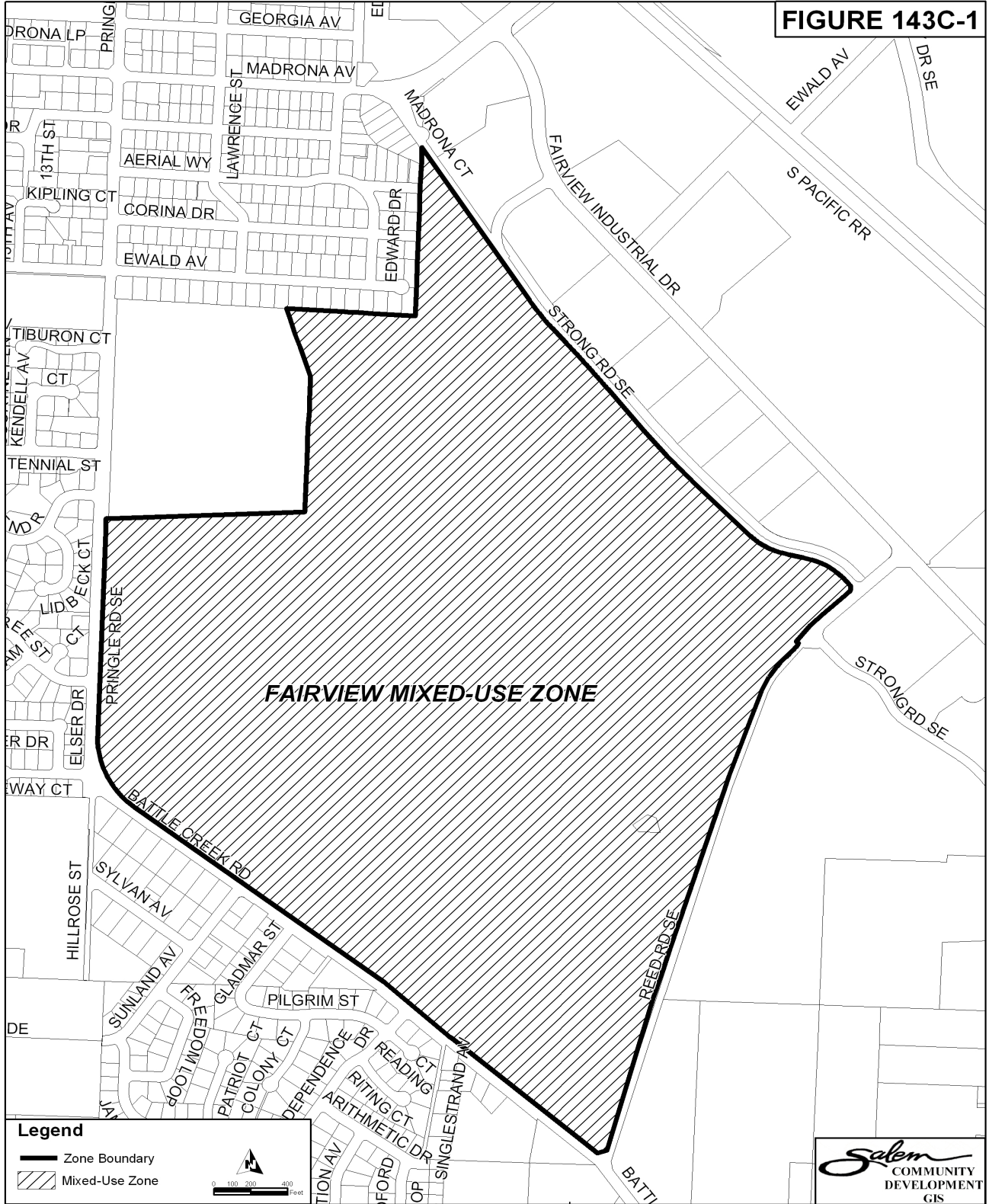
**143C.180. Subdivision Approval.**

(a) Review and approval of a subdivision may occur concurrently with the review and approval of a Refinement Plan.

(b) Except as otherwise specifically provided in this Chapter, the Fairview Plan or a Refinement Plan, the procedure for subdivision approval shall be as provided under SRC Chapter 63. (Ord No. 53-2003)

**143C.190. Issuance of Building Permits.** If alternative standards have been approved in the Refinement Plan and are utilized in a specific development proposal, a statement of compliance shall be submitted at the time of application to demonstrate how the proposed development complies with the Uniform Building Code and any alternative standards adopted as part of a Refinement Plan. (Ord No. 53-2003)

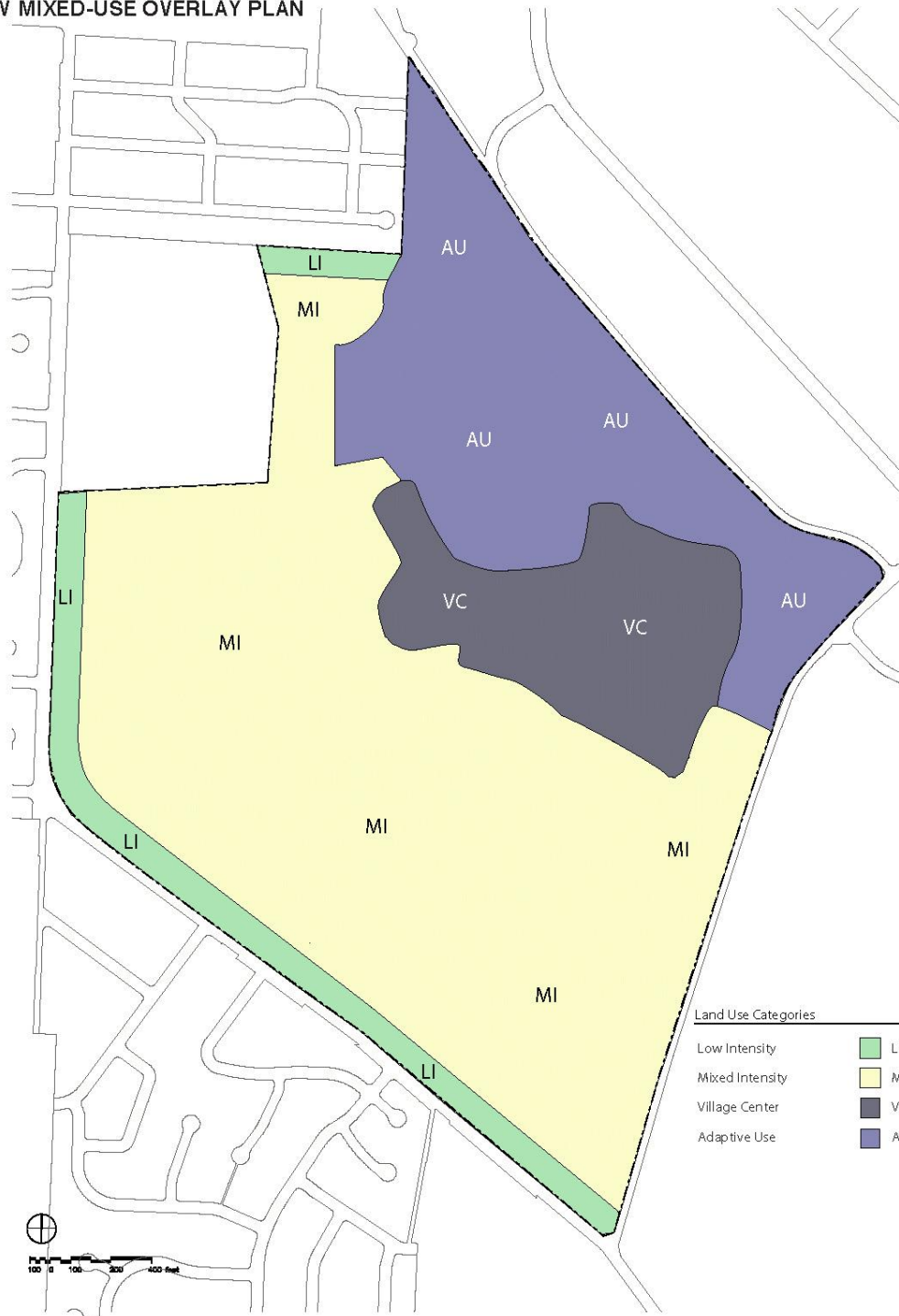
Figure 143C-1





# Figure 143C-2

## FAIRVIEW MIXED-USE OVERLAY PLAN



(Ord No. 53-2003)

