

ARTICLE V. EXCEPTIONS

Section 5.010. Projections from Buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, steps, lintels, ornamental features, and other similar architectural features shall not project more than two (2) feet into a required setback area.

Section 5.020. General Exception to Yard Requirements.

Roadside stands, fences, hedges, and signs may be located within a required setback area; but shall not obstruct vision clearance on a corner lot or parcel.

Section 5.030. General Exception to Lot Size Requirements.

If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or the aggregated holdings may be occupied by a use permitted in the zone provided that an urban land use is not allowed within a "rural" or "resource" zone without a Goal 2 exception to Goal 14.

Section 5.040. Waiver of Minimum Lot Size.

The minimum lot size of any zone except forest and agricultural zones may be waived in granting a conditional use permit for a utility facility when in the opinion of the Director such a waiver meets the following standards:

1. The proposed parcel is not larger than the minimum size necessary for the proposed utility facility.
2. The proposed parcel is consistent with the purpose of the zone and the intent of this ordinance.

Section 5.050. General Exception to Building Height Limitations.

The following types of structures or structural parts are not subject to the building height limitations of this ordinance; chimney, tank, church spire, belfry, dome, monument, fire and hose towers, observation tower, residential TV antenna, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, and other similar projections. Special height restrictions are applicable as defined in Section 3.271 (Airport Related Height Restrictions) of this ordinance.

Section 5.060. Continuation and Alteration of Nonconforming Use or Structure.

1. Subject to the provisions of Sections 5.061 and 5.063 a nonconforming structure or use may be continued and maintained in reasonable repair; however the alteration of a nonconforming use shall be an administrative decision of the

Director who may impose such conditions as are necessary to carry out the intent of the particular zone and this ordinance.

2. Applications for the alteration of a nonconforming use shall be made in the same manner as for a conditional use set forth in Sections 7.010 through 7.050.
3. Alteration of a nonconforming use may be permitted in the following situations:
 - a) the alteration is necessary to reasonably continue the use; or
 - b) the alteration is necessary to comply with any requirement to lawfully continue the use.
4. A change in ownership of the nonconforming use shall not require approval of the county.

Section 5.061. Nonconforming Structure.

Except for signs, a structure conforming as to use, but nonconforming as to height, setback, or coverage may be altered providing alteration complies with the standards of this ordinance. A nonconforming sign shall not be altered or extended except to make it comply with the requirements of this ordinance.

Section 5.062. Standards for the Alteration of a Nonconforming Use or Structure.

1. The proposed alteration in the use will be of no greater adverse impact to the neighborhood or area in which it is located.
2. The proposed change in the structure or physical improvements will be of no greater adverse impact to the neighborhood or area in which it is located.

Section 5.063. Discontinuance of a Nonconforming Use.

If a nonconforming use is discontinued from use for a period of one year, further use of the property shall be limited to a conforming use.

Section 5.064. Authorization to Grant or Deny Reinstatement of a Discontinued Nonconforming Use.

Subject to the following limitations the Director may authorize the reinstatement or resumption of a discontinued nonconforming use is allowed under Oregon Statute.

1. If a nonconforming use is discontinued for a period greater than one year it shall not be reinstated or resumed.
2. The nonconforming use may be reinstated if restoration or replacement has commenced within one year. Commencement is defined as applying for development permits to replace the nonconforming use.

3. If a nonconforming use is discontinued for a period of more than one year it shall be changed only to a use conforming with the zoning regulations and once changed it shall not be changed back again to the original nonconforming use.
4. If a nonconforming structure or a structure containing a nonconforming use is destroyed or damaged by any cause to an extent requiring the discontinuance of the use due to fire or other casualty or natural disaster, the replacement of the structure or use on the lot shall commence within one year and conform to the provisions of this ordinance unless reinstatement or resumption of the original use or reconstruction of the original structure is specifically approved by the Director.

Section 5.070. Completion of Structure.

Nothing contained in this ordinance shall require any change in the plans, construction alteration, or designated use of a building for which physical construction with work with a valid building permit has commenced prior to the adoption of this ordinance.

Section 5.080. Unoccupied Buildings.

If a building is unoccupied on the effective date of this ordinance then the last use of evidence shall be considered to be its use of record and the one-year period of discontinuance allowed by Section 5.063 shall commence on the effective date of this ordinance.