

Exceptions:

1. A cottage food production operation, which includes the preparation of baked goods, canned jam or jelly, dried herb or herb mix, or candy at the person's home, is considered a permitted home occupation.
2. The retail sale of cottage foods produced at the home and sold only directly to consumers at the home where they were produced is considered a permitted home occupation.

ARTICLE XIX. NON-CONFORMITIES

Section 1.0 Purpose

1.1 Non-conformities are existing uses, lots, buildings and structures that were previously lawful, but that would be prohibited or subject to more stringent regulation under the zoning districts and related requirements established by this Zoning Ordinance or subsequent amendments.

- 1) Legally established buildings, structures and uses in existence at the time of adoption of this Zoning Ordinance shall be permitted to continue as non-conforming uses subject to the provisions of this Article.
- 2) Uses that were illegally established prior to the adoption of this Zoning Ordinance shall remain illegal and be subject to all penalties and remedies that may be pursued.

1.2 It is the intent of this Zoning Ordinance that legal non-conformities be allowed to continue, in accordance with the requirements of this Article, but not be enlarged or used as the grounds for additional non-conformities. This article provides for the regulation of legally non-conforming lots, uses, buildings and structures; specifies the conditions under which a legal non-conformity can be continued, expanded or modified; and specifies the circumstances under which a legal non-conformity shall be terminated

Section 2.0 Non-Conforming Vacant Lots of Record

2.1 *Non-conforming Vacant Lot of Record:* When a lot exists that does not consist of sufficient land to comply with the lot, yard and setback requirements at the time of adoption of this Zoning Ordinance or any subsequent amendment, it shall be considered a non-conforming vacant lot of record.

2.2 *Effect of Single Owner:* If two or more contiguous vacant lots of record are in single ownership at the time of adoption of this Zoning Ordinance, or any subsequent amendment, that makes one or more of the lots a non-conforming lot of record, then the land involved shall be considered an undivided tract of land. No portion of the tract of land shall be divided, sold or developed in a manner that diminishes the ability of all lots to comply with the requirements of this Zoning Ordinance or any subsequent amendment.

2.3 *Appeal to Build on Non-Conforming Vacant Lot of Record* A non-conforming vacant lot may be used as a building site for any use permitted in the zoning use district in which the lot is located provided:

- 1) Other requirements of this ordinance are complied with; or
- 2) Application is made to the Zoning Board of Adjustment for a variance from applicable dimensional requirements that cannot be met.