

## CHAPTER 809

### ZONING ORDINANCE: PRESERVATION OF AGRICULTURAL USES

#### 809-1.

##### Change in Type of Operation

- (A) No agricultural use permitted in an agriculture zone under this ordinance shall be deemed to be in violation of this ordinance by reason of the expansion, enlargement, or increase in intensity of the operations of such agricultural use unless such expansion, enlargement or increase in intensity constitutes a significant change in the type of agricultural operation.
- (B) A significant change in type of agricultural operation means establishing an agricultural use of a different type, or a substantial increase in the size and scope of the operation from the established agricultural use. In determining whether change in operation is substantial, the Planning Commission shall take into account:
- (1) Any adverse impact the operation may have on adjacent development which is starting to assume urban characteristics, including but not limited to housing density, traffic conditions, the necessity of controlling pollution from chemicals, the necessity of preserving clean air, the necessity of preserving the quiet nature of the area, the presence or absence of roads and other governmental infrastructure;
  - (2) whether the change consists of the use of equipment, buildings or facilities which are necessary for the continued economical operation of the original agricultural use, including, but not limited to the implementation of technological advancements; and whether the change will have an adverse impact on surrounding property; or
  - (3) whether the newly established agricultural use is permitted as a special exception, and a special exception permit has been granted by the Board of Zoning Appeals for such use.
- (C) In determining whether a change in the type of agricultural operation is significant, changes in use or the zoning or rezoning of land adjacent to or in the vicinity of the agricultural use shall not be taken into account.

#### 809-2.

##### Change in Hours of Operation

- (A) No agricultural use permitted in an agriculture zone under this ordinance shall be deemed in violation of this ordinance by reason of a change in hours of the agricultural operation, unless such change in hours constitutes a significant change in hours of operation as defined herein.
- (B) A significant change in hours of operation means a discernable increase in the number of hours during which observable agricultural related activity is conducted on the premises or the conducting of operations at unusual hours beyond that which is customary for the type of agricultural operation formerly conducted on the premises; provided that it shall not be deemed to be a significant change in the hours of operation if:
- (1) such change is attributable to season, weather, or other environmental

factors which necessitate increased hours of operation or unusual hours of operation; or

- (2) such change is attributable to the implementation of a technological advancement, and the change resulting from adopting the new technology has no substantial impact on adjacent property owners.
- (C) In determining whether a change of hours of agricultural operation is significant, changes in use or the zoning or rezoning of land adjacent to or in the vicinity of the agricultural use shall be taken into account.

**[end of chapter]**