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BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 31A-41

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING CHAPTER 20, BY ADDING A NEW ARTICLE, ARTICLE IX, PLANNED UNIT DEVELOPMENT DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, of the Code of the County of James City be and the same is, hereby, amended by adding a new Article, Article IX, Planned Unit Development Districts, to read as follows:

CHAPTER 20

ZONING

Article IX. Planned Unit Development Districts.

Section 20-139. Statement of Intent.

The purpose of the Planned Unit Development District is to promote efficient use of land, allow flexible application of development controls, allow various densities and land-uses, protect surrounding property, and protect the natural features and scenic beauty of the land. This shall be accomplished by permitting a wider range of densities and uses to be developed in accordance with a master plan which allows for clustering of uses or densities in various areas of the site.

Section 20-140. Designation of zoning district.

Planned Unit Development Districts shall be categorized as either Residential (PUD-R), Commercial (PUD-C), or Light Industrial Park (PUD-I), and upon approval of the master plan by the Board of Supervisors, this designation shall be the zoning district of the parcel.

Section 20-141. Documents required for submission.

The applicant shall submit the following documents to the Zoning Administrator for submission to the Planning Commission:

- (i) Application for rezoning
- (ii) Master Plan (in 10 copies)
- (iii) Community Impact Statement (in 10 copies)

(1) Format of Master Plan.

The Master Plan shall be prepared by a licensed surveyor,

engineer, architect, or planner. A convenient scale may be used so that the entire parcel can be shown on one piece of paper no larger than thirty inches by forty inches. It shall include:

- (a) An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions, or major landmarks.
- (b) A north arrow.
- (c) The approximate location of property lines, watercourses or lakes, wooded areas, and existing roads which are within or adjoin the property.
- (d) The approximate boundaries of each section, land-use, or density, proposed streets, recreation areas, or public use areas within the project.
- (e) Each section or area of the master plan shall be designated as follows:
  - "A" areas of detached single-family dwellings
  - "B" areas of townhouses
  - "C" areas of multi-family residential structures of three stories or less
  - "D" areas of multi-family residential structures of more than three stories
  - "E" areas of retail commercial uses
  - "F" areas of wholesale and warehouse commercial uses
  - "G" areas of office uses
  - "H" areas of light industrial uses
  - "I" areas of general industrial uses
- (f) As marginal data it shall contain a table which shows, for each section or area of different uses or densities indicated in (e) above, the use, approximate phasing, approximate number of dwelling units for residential areas or square feet of floor space for commercial or industrial areas, and their acreage.

(2) Format of Community Impact Statement.

The Community Impact Statement is a written document which describes the probable effects of the proposed development upon the community. As a minimum it should briefly address the following topics as they would relate to the project.

- (a) Adequacy of existing public facilities and services. Detailed analysis shall be made of sewer, water, schools, fire stations and other major locally financed facilities.

- (b) Additional on-site and off-site public facilities or services which would be required as a result of the development.
- (c) Traffic to be generated by the project, the capacity of surrounding roads, specific road improvements necessary.
- (d) Fiscal impact of the proposed project; such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the County or the State.
- (e) Impact of construction and permanent changes in land-use upon surrounding property; such as aesthetics, vegetation, storm water drainage, noise, and air or water pollution.
- (f) Employment opportunities to be generated by the project.

Section 20-142. Procedures.

(1) Report of the Zoning Administrator.

The Zoning Administrator may refer copies of the Master Plan and Community Impact Statement to other local public officials for their comments. Within fifteen days of the receipt of the application and accompanying documents, the Zoning Administrator shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. The application, master plan, community impact statement and report of the Zoning Administrator shall be placed on the agenda of the Planning Commission at its next regularly scheduled meeting.

The report of the Zoning Administrator shall include, but not necessarily be limited to the following:

- (a) Evaluation of the proposed density and uses at the site in relation to the County's Comprehensive Plan.
- (b) Evaluation and recommended changes in the design of land-use, circulation and densities shown on the Master Plan of the property.
- (c) Impact of the proposal on surrounding property and the environment.
- (d) Evaluation of the fiscal impacts of the proposal and the proposed financing of required improvements.
- (e) Recommendations regarding the dedication of property or facilities for public use.
- (f) Final recommendations regarding approval of the applications or changes which are necessary.

(2) Consideration by the Commission.

The Commission shall, within sixty days of its receipt of the application, master plan, community impact statement and report of the Zoning Administrator, conduct the requisite public hearing and forward its recommendations to the Board of Supervisors at its next regularly scheduled meeting. At the written request of the applicant, the Commission may allow delays in its initial consideration of the application, scheduling of a public hearing, or final consideration of the application to permit the applicant to make revisions. Such applicant initiated delays shall not be considered part of the maximum time allowed for processing the application.

(3) Consideration of the Board of Supervisors.

The Board of Supervisors shall, within sixty days of its receipt of the recommendations, conduct the requisite public hearing and approve or disapprove the master plan. The Board of Supervisors, if it approves the master plan, may impose conditions to such approval. Failure of the Board of Supervisors to approve or disapprove the master plan within sixty days shall be deemed approval of such. Upon approval by the Board of Supervisors, the Planned Unit Development District is deemed established. All development within the district shall be in accord with the master plan and the master plan may not be altered until such changes are reviewed by the Commission and approved by the Board of Supervisors. The master plan shall guide the general location of all features shown therein including land-uses, densities, roads, utilities, public uses and other features. At the written request of the applicant, the Board of Supervisors may allow delays in its initial consideration of the application, to permit the applicant to make revisions. Such applicant initiated delays shall not be considered part of the maximum time allowed for processing the application.

(4) Final plans.

The applicant may, at the time of submission of the master plan or any time thereafter, submit to the Planning Commission final plans for the development of the district, or any part or parts thereof. Where land is to be subdivided within the district, it shall comply with the County's Subdivision Ordinance. Where land is not to be subdivided within the district, final plans shall be prepared in accordance with the site plan review section of this chapter. Final approval shall not be given for any final site plans or final plats until the master plan has been approved by the Board of Supervisors and the district has been established.

Section 20-143. Minimum area of districts.

Planned Unit Development Districts shall be located on a single parcel of land, or separate but contiguous parcels, which are under one ownership or control and which shall total not less than the following area:

- (1) Planned Unit Development-Residential (PUD-R) shall not be less than five acres in size
- (2) Planned Unit Development-Commercial (PUD-C) shall not be less than five acres in size
- (3) Planned Unit Development-Light Industrial Park (PUD-I) shall not be less than fifty acres in size.

Section 20-144. Adequacy of public facilities and roads.

Planned Unit Development Districts shall be so located and developed that they will not exceed the capacity of the adjacent roads which will serve the property or the capacity of public sewer and water systems in the event connections to them are proposed, unless the applicant shall dedicate right-of-way, contribute to the construction of new facilities, or create such facilities to the extent of his fair share of the same as the percentage of his land developed and so served. The rate of development shall not exceed the rate of construction and increasing capacity of the limiting facility.

Section 20-145. Open space.

Thirty-five percent of the gross area of any Planned Unit Development District shall be retained in open space. This may include perimeter buffers, buffers between various uses or densities, public open space, recreation areas, easements, areas of excessive slopes, low lying areas, marsh, or historic sites, or in other ways which will enhance the value of the site, reduce adverse impacts, and otherwise be an asset to the community.

Section 20-146. Public uses.

Subsequent to the establishment of the master plan, the applicant shall, from time to time, upon request of the Board of Supervisors, furnish a deed or deeds, without consideration, to such amount or amounts of land as may be determined by the Board of Supervisors to be reasonably required as sites for additional or expanded public services occasioned by the development of the Planned Unit Development. The land may be selected by the applicant, but must be suitable from the standpoint of size location and topography to the public purposes for which required. The amount of land required to satisfy the requirements of this section shall be not more than one acre per one hundred dwelling units proposed or one acre per thirty acres of industrial or commercial uses proposed. The obligation imposed upon applicant by

this section may be satisfied in whole or in part by written agreement between applicant and the Board of Supervisors. Failure of the applicant to comply with these requirements shall be grounds for withholding approval of any pending or future final plan.

Section 20-147. Addition of land to an existing planned unit development.

Additional land area may be added to an existing planned unit development if it is adjacent to (except for public roads), forms a logical addition to, and if it is under the same ownership or control as the original parcel. The procedure for an addition shall be the same as if an original application were filed, and the requirements of this article shall apply except the minimum acreage requirement.

Section 20-148. Height and spacing of buildings.

Buildings may be erected up to sixty feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, but excluding those items listed in (b) below.

(a) A building in excess of sixty feet in height but not in excess of one hundred feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, but excluding those items listed in (b) below, may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation waiver upon finding that:

(1) Such building will not impair property values in the surrounding area; and,

(2) Such building is in accordance with the uses, densities, design, and traffic analysis shown on the original master plan; and,

(3) Such building is adequately designed and served from the standpoint of safety, and that the County Fire Marshal certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

(b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, home television antennae and home radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the wall rests.

Section 20-149. Requirements for improvements and design.

(1) Water and Sewer. All structures and uses within a Planned Unit Development District shall be served by central water and central sewerage systems. Septic tanks shall not be permitted.

(2) Recreation Areas. For each area on the master plan designated

as "A" (detached single-family), "B" (townhouses), "C" (multi-family residential structures of three stories or less), or "D" (multi-family residential structures of more than three stories), a recreation area or areas shall be provided. The developer shall provide and install playground equipment prior to the issuance of certificates of occupancy. Such facilities shall be owned and maintained by the developer or a resident's association.

(3) Parking: Off-street parking facilities shall be provided in accordance with the off-street parking requirements of this chapter.

(4) Streets: All streets shall meet the requirements of the Virginia Department of Highways and Transportation or the requirements of the County Subdivision Regulations, whichever is greater. Private streets may be permitted upon the approval of the Commission.

(5) Fire Hydrants: Fire hydrants shall be at locations and of types approved by the County Engineer and County Fire Marshal. No structure within the district shall generally be further than four hundred (400) feet from a hydrant.

(6) Streets Lights: Streets lights shall generally be provided at each intersection and adequately spaced in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within or near the development. No lighting fixture shall exceed a height of fifteen feet within residential areas of a Planned Unit Development District, nor thirty feet in commercial or industrial areas.

(7) Drainage and Storm Sewer Requirements: Storm sewers shall be required for all Planned Unit Development Districts.

(8) Natural Features and Amenities: Existing features which would add value to the residential development or to the County as a whole, such as trees, watercourses, historic spots and similar irreplaceable assets shall be preserved in design wherever possible.

(9) All signs within a Planned Unit Development District shall comply with Section VIII of this chapter.

#### Section 20-150. Setback, side and rear yard requirements.

Except for setbacks as required on the perimeter of the district, there shall be no minimum lot size, nor minimum front, side or rear yard requirements for any lot within a Planned Unit Development District except as specified in final plans.

#### Section 20-151. Planned Unit Development - Residential (PUD-R)

All Planned Unit Development Districts categorized as Residential

(PUD-R) shall comply with the requirements of this section.

(1) Permitted Uses

In the Planned Unit Development District - Residential (PUD-R), all structures to be erected or land to be used shall be for one or more of the following uses held for rent, for sale, for sale by individual unit, or for sale in condominium.

(a) Residential Uses

Single-family attached and detached dwellings  
Two-family dwellings  
Townhouses and Garden Apartments  
Apartments with three or more stories  
Accessory structures for maintenance  
Parks, playgrounds, swimming pools, recreation buildings, and clubhouses  
Churches  
Golf courses  
Schools, both private and public  
Marina, boat docks and waterfront activities  
Coin laundries which are accessory to other residential uses and for the primary use of its residents  
Restaurants which are accessory to permitted private clubs and marinas  
Fire stations  
Off-street parking as required by this chapter  
Signs as permitted by this chapter

(b) Commercial Uses

Retail food stores, bakeries, fish markets  
Dry cleaners and laundries  
Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores  
Drug stores and barber or beauty shops  
Restaurants, tea rooms and taverns  
Banks and other financial institutions  
Plants and garden supply, hardware and paint, and home appliance sales and service (with storage under cover)  
Automotive service stations (with major repair under cover) or retail sale of automotive accessory items  
Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops

Corporate, business, and professional offices  
Doctors, dentists and other medical clinics or offices  
In-door theaters, museums and public meeting halls  
Public billiard parlors, bowling alleys, dance halls,  
private clubs, lodges and other forms of amusement  
with a conditional use permit  
Schools, fire stations, post offices, public utilities,  
churches, libraries  
Funeral homes  
Radio and television stations, with a conditional use  
permit required if any antenna or tower is to  
exceed sixty feet in height

(2) Requirements for Commercial Uses

If commercial uses specified in (1) (b) above are included within the district, they shall be separated from residential uses, located in well planned commercial areas, and so designated on the master plan. In a PUD-R, the commercial area or areas, with accompanying parking shall not exceed a total of thirty percent of the gross area of the district. The commercial areas shall be located adjacent to a collector street or major thoroughfare so that through traffic is not routed through residential areas of the PUD.

(3) Setback requirements

A landscaped setback of at least seventy-five feet shall be maintained between residential structures and the right-of-way of public roads which abut the site. This may be reduced to fifty feet in the case of commercial structures. No minimum setbacks shall be required from private roads which are internal to the site.

A minimum landscaped setback of at least thirty-five feet shall be maintained from all property lines. Where multi-family, townhouse or commercial structures in a PUD-R adjoin an existing R-1, R-2, R-3, or R-6 District, the minimum setback shall be seventy-five feet.

"Landscaped area", "landscaped setback", "landscaped strip", or "perimeter open space area" as herein used are defined as areas containing shrubs, trees, flowers, grass, mulch, etc. Such areas shall be shown on the site plan or a separate landscaping plan for the site which shows the size and type of existing trees, trees to be cleared or removed, and new trees or vegetation to be planted. Such plan is subject to approval of the Site Plan Review Committee. In general, where trees are required, they shall be of a minimum height of seven feet, with one tree per thirty linear feet of landscaped area, and more or less evenly distributed. Where approved, hedges, shrubs, ground cover, or flower beds may substitute in part for the planting of trees. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. Setbacks may not be used for parking.

(4) Density

The number of dwelling units which may be constructed shall be determined by the number of net developable acres at the site and the use proposed. Net developable acres equal the total gross acres of the site minus stream beds, areas subject to flooding, marsh, and areas with slopes exceeding a twenty-five percent gradient. The number of units which may be constructed are:

<u>Use</u>	<u>Dwelling Units Per Acre</u>
Single-family Detached	5.5
Single-family Attached or Two-family Dwellings	7.5
Townhouses	13.0
Garden Apartments	16.0
Apartments of Three Stories or More	18.0

Section 20-152. Planned Unit Development - Commercial (PUD-C)

All Planned Unit Development Districts categorized as Commercial (PUD-C) shall comply with the requirements of this section.

(1) Permitted Uses

In the Planned Unit Development District-Commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(a) Commercial Uses

(Same as Section 151 (1) (b))

(b) Light Industrial Uses

Research, design and development and laboratories  
Wholesale and warehousing (with storage under cover)  
Printing and publishing  
Processing, assembly and manufacture of light  
industrial products or components; with all  
storage, processing, assembly, and manufacture  
conducted indoors and under cover; with no  
dust, noise, odor or other objectionable effect;  
with a conditional use permit

(c) Thematic parks, gardens or amusement parks, with a  
conditional use permit

(2) Requirements for Light Industrial Uses

If light industrial uses specified in (1) (b) above are included within the district, they shall be separated from commercial uses, located in well planned light industrial areas, and so designated on the master plan. In a PUD-C, the light industrial area or areas, with accompanying parking shall not exceed a total of fifty percent of the gross area of the district. All light industrial activities shall be of a nature and so conducted that the effects of noise, dust, light, or odor shall not extend beyond the limits of the light industrial area of the district. Where outside storage is proposed on any lot within the district, such areas shall be screened from adjoining lots within or without the district, by natural vegetation, fencing, or a landscaped and planted visual screen.

### (3) Setback Requirements

A landscaped setback of at least fifty feet shall be maintained between any commercial structure in a PUD-C, or one hundred feet in the case of industrial structures, and the right-of-way of any street which borders or adjoins the district. No minimum setback shall be required from streets which are internal to the site.

A minimum landscaped setback of at least fifty feet shall be maintained from all property lines. Where commercial structures adjoin an existing R-1, R-2, R-3, or R-6 District, the minimum setback shall be increased to seventy-five feet. Where industrial structures adjoin an existing PUD-R, R-1, R-2, R-3, R-4, R-5 or R-6 District, the minimum setback shall be increased to one hundred and twenty-five feet.

"Landscaped area", "landscaped setback", "landscaped strip", or "perimeter open space area" as herein used are defined as areas containing shrubs, trees, flowers, grass, mulch, etc. Such areas shall be shown on the site plan or a separate landscaping plan for the site which shows the size and type of existing trees, trees to be cleared or removed, and new trees or vegetation to be planted. Such plan is subject to approval of the Site Plan Review Committee. In general, where trees are required, they shall be of a minimum height of seven feet, with one tree per thirty linear feet of landscaped area, and more or less evenly distributed. Where approved, hedges, shrubs, ground cover, or flower beds may substitute in part for the planting of trees. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. Setbacks may not be used for parking, except in the case of a setback for an industrial structure, where the first fifty feet closest to the structure in a setback of more than one hundred feet may be used for parking.

### (4) Access Points

All commercial and light industrial areas within the district shall have safe and convenient access onto a collector street or major thoroughfare. Turning lanes of sufficient length may be required, to be built and dedicated by the developer.

Section 20-153. Planned Unit Development - Light Industrial Park  
(PUD-I)

All Planned Unit Development Districts categorized as Light Industrial Park (PUD-I) shall comply with the requirements of this section.

(1) Permitted Uses

In the Planned Unit Development District - Light Industrial Park (PUD-I), all structures to be erected or land to be used shall be for one or more of the following uses:

- Uses specified in Section 20-152 (1) (b), except that conditional use permits shall not be necessary
- Assembly of electrical appliances
- Manufacture and fabrication of business equipment
- Manufacturing, processing, fabrication, assembly and distribution of products such as: Photographic equipment, drugs, fire extinguishers, sporting and athletic goods, lithographic and printing processes, aircraft, aircraft parts, boats and marine equipment
- Manufacturing or assembly of cabinets or furniture, cans or containers, boxes and paper products, canning, bottling, packaging of food, cloth and cloth products and manufacturing from finished leather
- Assembly of communications equipment, electric or gas household appliances, office equipment, light or portable household appliances, hand tools, electric motors, musical instruments, optical instruments, recording instruments and machinery.
- Manufacturing of coils, condensers, transformers, capacitors
- Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products, with conditional use permit
- Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, paint and rubber, with conditional use permit
- Manufacture of pottery and figurines or other similar ceramic products, using kilns fired only by electricity or gas
- Veterinary or dog or cat hospital or kennels
- Machinery sales and service
- Lumber and building supply with outdoor storage screened
- Plumbing and electrical supply with outdoor storage screened
- Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities, pumping stations; electrical power transmission lines and towers, oil and

gas transmission pipe lines and pumping stations, unmanned telephone exchange centers, microwave and radio wave transmission relay towers and substations

### (3) Setback Requirements

A landscaped setback of at least one hundred feet shall be maintained between any industrial structure and the right-of-way of any street which borders or adjoins the District. A minimum setback of fifty feet shall be required from streets which are internal to the site.

A minimum landscaped setback of at least one hundred feet shall be maintained from all property lines. Where industrial structures adjoin an existing PUD-I, M-1 or M-2 District, the setback may be reduced to fifty feet. Where industrial structures adjoin an existing PUD-R, R-1, R-2, R-3, R-5 or R-6 District, the minimum setback shall be increased to one hundred and fifty feet.

"Landscaped area", "landscaped setback", "landscaped strip", or "perimeter open space area" as herein used are defined as areas containing shrubs, trees, flowers, grass, mulch, etc. Such areas shall be shown on the site plan or a separate landscaping plan for the site which shows the size and type of existing trees, trees to be cleared or removed, and new trees or vegetation to be planted. Such plan is subject to approval of the Site Plan Review Committee. In general, where trees are required, they shall be of a minimum height of seven feet, with one tree per thirty linear feet of landscaped area, and more or less evenly distributed. Where approved, hedges, shrubs, ground cover, or flower beds may substitute in part for the planting of trees. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. The first fifty feet of setback closest to an industrial structure, in a setback of more than one hundred feet may be used for parking.

### (4) External Effects

All light industrial uses shall be of a nature and so conducted that the effect of noise, vibration, dust, smoke, odor, light, glare, heat, or electrical interference shall not extend beyond the limits of the district. Where outside storage is proposed on any lot within the district, such areas shall be screened from adjoining lots within or without the district by natural vegetation, fencing, or a landscaped and planted visual screen.

### (5) Industrial Performance Standards

- (a) Purpose. Each light industrial use which proposes to operate within the district shall submit, at the time of submission of its site plan, a detailed statement of the performance standards that it will meet at the location. This statement shall include but not be

limited to, a clear and concise explanation and comparison of the proposed standards with industry-wide standards, other operations of the company, any applicable Virginia or Federal standards or suggested standards, any other relevant information which would help to clarify, explain or justify the proposed standards. The statement shall include the types of equipment and processes used which may create dust, smoke, odor, noise , or light.

- (b) Subjects Considered. Following the review of these standards, the Zoning Administrator and applicant shall modify or establish these standards, to apply at the property line of the district for:
  - (i) Maximum permissible noise levels
  - (ii) Maximum permissible vibration levels
  - (iii) Maximum permissible smoke discharge
  - (iv) Maximum permissible discharge of other air pollutants such as fly ash, dust, dirt, fumes, vapors, gases or offensive odor
  - (v) Maximum permissible levels of radioactivity
  - (vi) Maximum permissible levels of electrical interference or disturbance
  - (vii) Maximum permissible levels of glare and heat
  
- (c) Establishment of Standards. The Zoning Administrator shall, in consultation with the applicant, submit a final set of performance standards to the Commission. The Commission shall approve or modify these standards prior to approval of the site plan. The standards for performance and operation, as approved, shall become a part of the controlling zoning requirements for the particular site on which the industrial activity has been approved. No operation of any industry may take place until approval of performance standards. All standards shall be for a specific location and for a specific industrial activity. Any significant change in the industrial activity or any change in location of the industrial activity shall require submission of another statement of proposed performance standards.
  
- (d) Compliance Test. Any operator of an industrial use within this district shall submit a report to the Planning Commission on the degree of compliance with the performance standards set by the Commission on the thirtieth day of full operation. Such report shall be submitted to the Planning Commission no later than the sixtieth day of operation; and thereafter a brief update report shall be submitted every two years on the continued compliance with the performance standards, due on the anniversary of the original report. The report shall contain detailed information gathered and

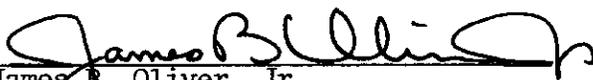
analyzed by experts on the state of compliance of the operation with each element of the approved performance standards. If any segment of the operation is not in full compliance with the approved standards a plan for obtaining full compliance shall be submitted with the report. A report on progress toward reaching full compliance with the performance standards shall be submitted to the Planning Commission thirty days from the last such report until full compliance is reached. All expenses for the preparation of the Compliance Report(s) shall be borne by the applicant.

- (e) Changes or Performance Standards.
  - (i) Any industry or company may petition for a change in the approved standards by submitting a statement of proposed performance standards and a statement of detailed reasons for the change to the Planning Commission.
  - (ii) The Commission may review and change performance standards at their own initiative.
- (f) Penalties. Failure to meet the approved performance standards shall be deemed to be a violation of the Zoning Ordinance in accordance with Section 20-15 of this chapter. Each standard not complied with and each day of non-compliance shall be deemed a separate violation.

This ordinance shall be in full force and effect from the date of its adoption.

  
John E. Donaldson, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board