



Department of Planning and  
Community Development  
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Virginia Beach, Va 23452  
(757) 385-4621  
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## REASONABLE USE EXCEPTION FOR PROPOSED RESIDENTIAL USES IN SUB-AREA 1 OR 2 OF THE 65 -70 DB DNL AICUZ

### PURPOSE & INFORMATION

The information required by this form **must** be submitted with an application for any of the following types of City Council action, when **the use the applicant is applying for is listed as Not Compatible within Sub-Area 1 or 2 of the 65 to 70 dB DNL AICUZ under the United States Navy's OPNAVINST 11011.36C:**

1. Change of Zoning District, including Conditional Change of Zoning;
2. Conditional Use Permit (that consists of a use or structure different than what currently exists, or an alteration or enlargement of an existing conditional use that results in an increase in the occupancy load);
3. Change or enlargement of a nonconforming use or structure, except in situations where the proposed construction of a new building or structure or the expansion of an existing use or structure does not increase the total occupancy load; and
4. Street Closure that would result in the construction of a new building or structure or the expansion of a use or structure increasing the total occupancy load of the use or structure.

If you are not sure whether your proposal falls within one of the types listed above, please contact the Planning Department as noted at the top of this form.

### **REASONABLE USE CRITERIA PER SECTION 1804 OF THE CITY ZONING ORDINANCE**

- (c) *Special regulations in the 65 to 70 dB DNL AICUZ.* The following regulations shall apply to discretionary development applications for residential uses on property within the 65 to 70 dB DNL AICUZ. Residential uses shall include all of the uses listed under the heading of "Residential and Related" in [the list on pages 3 and 4 of this document].
- (1) **For property within Sub-area 1 of the 65 to 70 dB DNL Noise Zone**, discretionary development applications for residential uses may be granted only if the city council finds that the proposed development:
    - (i) Conforms to the applicable provisions of the City Zoning Ordinance, including all requirements of the zoning district; and
    - (ii) Conforms to the applicable provisions of the Comprehensive Plan, including, without limitation, the Resort Area Strategic Action Plan, Old Beach Design Guidelines or Special Area Design Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive Plan.



DEPARTMENT OF PLANNING  
RM. 115, BLDG. 2  
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- (2) **For property within Sub-area 2 of the 65 to 70 dB DNL Noise Zone**, discretionary development applications for residential uses may be approved only if the City Council finds that the proposed development:
- (i) Is at a density similar to or lower than that of surrounding properties having a similar use and no greater than recommended by the Comprehensive Plan; and
  - (ii) Conforms to the applicable provisions of the Comprehensive Plan, including, without limitation, the Princess Anne Corridor Study, Princess Anne Commons Design Guidelines, or Mixed Use Development Guidelines.
- (d) *Redevelopment*. The provisions of this section shall not apply to discretionary development applications for the redevelopment of property where the proposed dwelling unit density is the same as or lower than the actual dwelling unit density existing at the time the application is submitted.

## APPLICATION REQUIREMENTS

To satisfactorily demonstrate that the Reasonable Use Exception criteria [Items (i) and (ii) under (1) and (2) above] have been examined and considered, the applicant **must** provide all the information and materials contained in the application checklist, below. **This information must be provided to the Planning Department in order for the types of applications listed on Page 1 to be considered complete.** Please include with the application for the types of action listed above a letter addressed to the following:

Joint City-Navy Staff [MOU] Group  
Department of Planning / Current Planning  
Rm. 115, Bldg. 2  
2405 Courthouse Dr  
Virginia Beach, VA 23456

The letter should provide the following information as well as any supporting documentation (such as site plans).

### APPLICATION CHECKLIST

1. A description of all properties to be incorporated in the project (all addresses and/or GPINs).
2. A list of those uses designated as Compatible under the United States Navy's OPNAVINST 11011.36C for the 65 to 70 dB DNL (see list below) that have been considered for the property and a detailed explanation why development of those uses would:



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- not be physically possible given the property's topography, location or geographic or environmental characteristics;
  - not be economically feasible; or
  - not be a reasonable use of the property for other reasons
3. A list of those uses designated as incompatible under the United States Navy's OPNAVINST 11011.36C for the 65-70 dB DNL AICUZ (see list below), but that would result in use at a lower density and/or intensity, considered for the property and a detailed explanation why development of those uses would:
- not be physically possible given the property's topography, location or geographic or environmental characteristics;
  - not be economically feasible; or
  - not be a reasonable use of the property for other reasons
4. An explanation why the proposal is not capable of development at a lower density and/or intensity of use.

### USES IN THE OPNAVINST 11011.36C FOR THE 65-70 dB DNL AICUZ

Land Use		
SLUCM No.	Name	65 to 70 DNL
10	Residential	
11	Household units	N
11.11	Single units; detached	N
11.12	Single units; semidetached	N
11.13	Single units; attached row	N
11.21	Two units; side-by-side	N
11.22	Two units; one above the other	N
11.31	Apartments; walk up	N
11.32	Apartments; elevator	N
12	Group quarters	N
13	Residential hotels	N
14	Mobile home parks or courts	N
15	Transient lodgings	N
16	Other residential	N
20	Manufacturing <sup>3</sup>	
21	Food and kindred products; manufacturing	Y
22	Textile mill products; manufacturing	Y
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	Y

Land Use		
SLUCM No.	Name	65 to 70 DNL
24	Lumber and wood products (except furniture); manufacturing	Y
25	Furniture and fixtures; manufacturing	Y
26	Paper and allied products; manufacturing	Y
27	Printing, publishing, and allied industries	Y
28	Chemicals and allied products; manufacturing	Y
29	Petroleum refining and related industries	Y
30	Manufacturing (cont'd) <sup>3</sup>	
31	Rubber and misc. plastic products; manufacturing	Y
32	Stone, clay, and glass products; manufacturing	Y
33	Primary metal products; manufacturing	Y
34	Fabricated metal products; manufacturing	Y
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; manufacturing	Y
39	Miscellaneous manufacturing	Y
40	Transportation, communication and utilities <sup>3,6</sup>	
41	Railroad, rapid rail transit, and street railway transportation	Y
42	Motor vehicle transportation	Y



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Land Use		
SLUCM No.	Name	65 to 70 DNL
43	Aircraft transportation	Y
44	Marine craft transportation	Y
45	Highway and street right-of-way	Y
46	Automobile parking	Y
47	Communication	Y
48	Utilities	Y
485	Solid waste disposal (landfills, incineration, etc.)	NA
49	Other transportation, communication, and utilities	Y
50	Trade	
51	Wholesale trade	Y
52	Retail trade - building materials, hardware, and farm equipment	Y
53	Retail trade - shopping centers	Y
54	Retail trade - food	Y
55	Retail trade - automotive, marine craft, aircraft, and accessories	Y
56	Retail trade - apparel and accessories	Y
57	Retail trade - furniture, home furnishings, and equipment	Y
58	Retail trade - eating and drinking establishments	Y

Land Use		
SLUCM No.	Name	65 to 70 DNL
59	Other retail trade	Y
60	Services <sup>12</sup>	
61	Finance, insurance, and real estate services	Y
62	Personal services	Y
62.4	Cemeteries	Y
63	Business services	Y
63.7	Warehousing and storage	Y
64	Repair services	Y
65	Professional services	Y
65.1	Hospitals, other medical facilities	Y
65.16	Nursing homes	N
66	Contract construction services	Y
67	Governmental services	Y
68	Educational services	Y
69	Miscellaneous services	Y
70	Cultural, entertainment and recreational	
71	Cultural activities (including churches)	Y
71.2	Nature exhibits	Y

Land Use		
SLUCM No.	Name	65 to 70 DNL
72	Public assembly	Y
72.1	Auditoriums, concert halls	Y
72.11	Outdoor music shells, amphitheaters	N
72.2	Outdoor sports arenas, spectator sports	Y
73	Amusements (including fairgrounds, miniature golf, driving ranges, amusement parks)	Y
74	Recreational activities (including golf courses, riding stables, water recreation)	Y
75	Resorts and group camps	Y
76	Parks	Y
79	Other cultural, entertainment and recreation	Y
80	Resource production and extraction	
81	Agriculture (except livestock)	Y
81.5, 81.7	Livestock farming and animal breeding	Y
82	Agricultural related activities	Y
83	Forestry activities and related services	Y
84	Fishing activities and related services	Y
85	Mining activities and related services	Y
89	Other resource production and extraction	Y